



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, November 9, 2022

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MAYOR AFTAB

Animal Task Force

1. [202202078](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Jim Tomaszewski to the Animal Task Force for a term of two years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Male/White)

Recommendation HOLD ONE WEEK PURSUANT TO THE RULES OF COUNCIL

Sponsors: Mayor

MAYOR AFTAB

MS. KEARNEY

MS. OWENS

MR. JEFFREYS

MR. JOHNSON

MS. PARKS

MS. LANDSMAN

MR. HARRIS

MS. KEATING

MR. CRAMERDING

2. [202202077](#) **MOTION**, submitted by Mayor Aftab Pureval, Vice Mayor Kearney, Councilmembers Owens, Jeffreys, Johnson, Parks, Landsman, Harris, Keating and Cramerding, **WE MOVE** that the City of Cincinnati cancel the Council

Session scheduled for November 23, 2022.

Recommendation ADOPT

Sponsors: Mayor, Kearney, Owens, Jeffreys, Johnson, Parks, Landsman, Harris, Keating and Cramerding

MR. CRAMERDING

3. [202202061](#) **MOTION**, submitted by Councilmember Cramerding, **WE MOVE** that the Cincinnati Recreation Commission work with Cincinnati Public Schools to identify and provide a report of mutually beneficial recreation projects that would benefit students and all residents. This includes creating better access to existing facilities, fixing failing infrastructure, opening and restoring facilities that are currently closed, and exploring opportunities for new projects. This collaborative approach should focus on underserved neighborhoods where children, seniors, and all residents do not have equitable access to exercise and recreation opportunities. (STATEMENT ATTACHED)

Recommendation HEALTHY NEIGHBORHOODS COMMITTEE

Sponsors: Cramerding

MS. KEARNEY

4. [202202062](#) **MOTION**, submitted by Vice Mayor Kearney, **WE MOVE** that City administration provide a REPORT on the feasibility of building a pedestrian bridge to provide a safe, non-vehicular route across Elberon Avenue to Mt. Echo Park, and whether there are available funding sources such as the U.S. Department of Transportation's Reconnecting Communities Pilot Program. (STATEMENT ATTACHED)

Recommendation CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE

Sponsors: Kearney

5. [202202069](#) **MOTION**, submitted by Vice Mayor Kearney, **WE MOVE** for the City Administration and the Department of Transportation & Engineering to conduct a parking study of the Over-the-Rhine North area to evaluate and report to Council the parking needs and a parking plan for this section of the OTR neighborhood. (STATEMENT ATTACHED)

Recommendation HEALTHY NEIGHBORHOODS COMMITTEE

Sponsors: Kearney

CITY MANAGER

6. [202202033](#) **REPORT**, dated 11/9/2022, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Woodburn Winterfest.

Recommendation FILE

Sponsors: City Manager

7. [202202037](#) **REPORT**, dated 11/9/2022 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Paradise Food Court LP, DBA Brick Oven Pizza, 1220 Harrison Avenue. (#6694296, D2, New) [Objections: None]

Recommendation FILE**Sponsors:** City Manager

8. [202202038](#) **REPORT**, dated 11/9/2022 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for West End Sports Bar & Grill LLC, DBA West End Sports Bar & Grill, 1726 Linn Street. (#9524521, D2, New) [Objections: Yes]

Recommendation FILE**Sponsors:** City Manager

9. [202202039](#) **REPORT**, dated 11/9/2022 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Palomar Events LLC, DBA The Palomar Cincinnati, 2622 Gilbert Avenue. (#6664957, D3 D6, New) [Objections: None]

Recommendation FILE**Sponsors:** City Manager

10. [202202040](#) **REPORT**, dated 11/9/2022 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Somerhaus LLC, 1415 Republic Street. (#8361415, D5J D6, Transfer) [Objections: Yes]

Recommendation FILE**Sponsors:** City Manager

11. [202202041](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/9/2022, **AUTHORIZING** the City Manager to accept and appropriate a donation totaling \$500,000 from the Cincinnati Park Board Commissioners' Fund for the purpose of providing resources for horticultural supplies, maintenance contracts, salary reimbursements, Krohn Conservatory's gift shop inventory, and other vital costs associated with running the City's parks; and **AUTHORIZING** the Finance Director to deposit the funds into Parks Private Endowment and Donations Fund 430.

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

12. [202202042](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/9/2022, **AUTHORIZING** the City Manager to execute a Grant of Easement in favor of Duke Energy Ohio, Inc., granting a utility easement across a portion of City-owned property generally located at 1600 Gest Street in the Lower Price Hill neighborhood of Cincinnati.

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

13. [202202044](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/9/2022, **AUTHORIZING** the City Manager to accept in-kind donations from the Cincinnati Parks Foundation of park supplies, professional services, and contracted services, valued at approximately \$57,031.66, to benefit and improve various City parks.

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

14. [202202045](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/9/2022, **AUTHORIZING** the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 37) for the purpose of ensuring the timely completion of various road and bridge construction projects throughout the City.

Recommendation

BUDGET AND FINANCE COMMITTEE

Sponsors:

City Manager

15. [202202046](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/9/2022, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$25,000 from the Greater Cincinnati Foundation to the Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7400 for the purpose of providing resources to support the City's Urban Agriculture Program; and **AUTHORIZING** the Finance Director to deposit the grant resources into General Fund revenue account no. 050x8571.

Recommendation

BUDGET AND FINANCE COMMITTEE

Sponsors:

City Manager

16. [202202047](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/9/2022, **AUTHORIZING** the City Manager to accept and appropriate a donation in the amount of \$500 from the Clifton Area Neighborhood Council for the purpose of hosting a community Halloween event; and **AUTHORIZING** the Finance Director to deposit the donated funds into Fund 319, "Contributions for Recreation Purposes," revenue account no. 319x8571.

Recommendation

BUDGET AND FINANCE COMMITTEE

Sponsors:

City Manager

17. [202202048](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/9/2022, **AUTHORIZING** the City Manager to apply for grant resources in an amount up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services for the purpose of supporting up to thirteen of the Cincinnati Recreation Commission's licensed neighborhood childcare programs.

Recommendation

BUDGET AND FINANCE COMMITTEE

Sponsors:

City Manager

18. [202202049](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/9/2022, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$8,200 from the Cincinnati Police Department Community Preventive Education Grant Program for the purpose of providing resources for the Cincinnati Recreation Commission's annual Track and Field program; and **AUTHORIZING** the Finance Director to deposit the grant funds into Fund 319, "Contributions for Recreation Purposes," revenue account no. 319x8571.

Recommendation

BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

19. [202202050](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/9/2022, **AUTHORIZING** the City Manager to accept an in-kind donation of six cans of infant formula valued at approximately \$107.94 from Dr. Sarah Tarai of the Cincinnati Primary Care Center for the purpose of providing care to patients at the Cincinnati Health Department.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

20. [202202052](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/9/2022, **AUTHORIZING** the City Manager to execute a *Grant of Easement* in favor of LPH Thrives, LLC, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of West Eighth Street in Lower Price Hill.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

21. [202202054](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/9/2022, **AUTHORIZING** the City Manager to execute a plat entitled *Easement Vacation Plat E-1047Q2/WSL-3611* to release and quitclaim a portion of a public utility easement held by the City of Cincinnati for the use and benefit of Greater Cincinnati Water Works for a water main and associated appurtenances located in and upon certain real property located in the J. Eggleston Military Survey No. 609, Anderson Township, Hamilton County, Ohio being part of Parcel 4 of the Original Plat of Anderson Towne Center as shown on a plat recorded in Plat Book 373, Page 56-57, Hamilton County, Ohio Recorder's Office.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

BUDGET AND FINANCE COMMITTEE

22. [202202019](#) **REPORT**, dated 11/2/2022, submitted by Sheryl M. M. Long, City Manager, regarding the Department of Finance Reports for the Month Ended July 31, 2022.

Recommendation APPROVE & FILE

Sponsors: City Manager

23. [202202032](#) **REPORT**, dated 11/2/2022, submitted by Sheryl M. M. Long, City Manager, regarding the Department of Finance Reports for the Month Ended August 31, 2022.

Recommendation APPROVE & FILE

Sponsors: City Manager

24. [202202030](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/2/2022, **AUTHORIZING** the City Manager to execute and implement the successor labor-management agreement between the City of Cincinnati and Teamsters Local 100, the updated terms of which are reflected in the summary

attached hereto.

Recommendation

PASS EMERGENCY

Sponsors:

City Manager

SUPPLEMENTAL ITEMS

EQUITABLE GROWTH & HOUSINGS COMMITTEE

25. [202201998](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/26/2022, **EXTENDING** Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" as an overlay district for a period of NINE months, pursuant to Chapter 1431, "Interim Development Control Overlay District Regulations," of the Cincinnati Municipal Code.

Recommendation PASS EMERGENCY

Sponsors:

City Manager

26. [202201876](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Harris, from Emily Smart Woerner, City Solicitor, **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." (Subject to the [Temporary Prohibition List](https://www.cincinnati-oh.gov/law/ethics/city-business) [<https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

Recommendation PASS EMERGENCY

Sponsors:

Harris

ANNOUNCEMENTS

Adjournment



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

Nov 2022

REAPPOINTMENT

I hereby reappoint Jim Tomaszewski to the Animal Task Force for a term of two years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.

Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

Nov 2022

MOTION

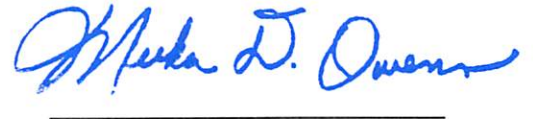
We MOVE that the City of Cincinnati cancel the Council Session scheduled for November 23, 2022.



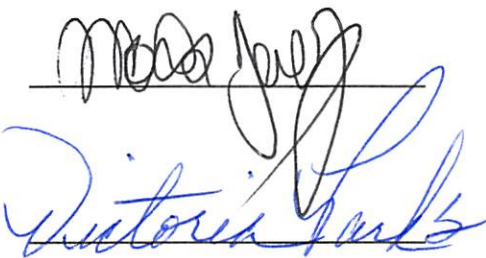
Mayor Aftab Pureval



Jan-Michele Lenoir-Carney



Mark T. Owens



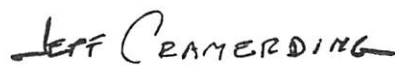
Victoria Parks



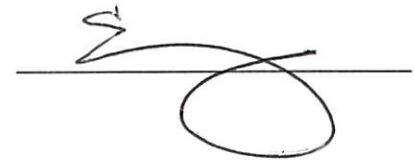
Scott Fisher



Reginald H. Jones



Jeff Cramerding



[Unreadable]



Jeff Cramerding
Councilmember

November 4, 2022

MOTION

WE MOVE that the Cincinnati Recreation Commission work with Cincinnati Public Schools to identify and provide a report of mutually beneficial recreation projects that would benefit students and all residents. This includes creating better access to existing facilities, fixing failing infrastructure, opening and restoring facilities that are currently closed, and exploring opportunities for new projects. This collaborative approach should focus on underserved neighborhoods where children, seniors, and all residents do not have equitable access to exercise and recreation opportunities.

STATEMENT

As we tackle the problem of equitable access to recreation facilities and exercise for people in our city, we believe there are several opportunities for the Cincinnati Recreation Commission and Cincinnati Public Schools to collaborate. It is our intention that these two organizations will be able to identify the greatest need for their constituents by working together.

Jeff Cramerding

100-200-1-1

10



Jan-Michele Lemon Kearney
Councilmember

November 8, 2022

MOTION

WE MOVE that City administration provide a REPORT on the feasibility of building a pedestrian bridge to provide a safe, non-vehicular route across Elberon Avenue to Mt. Echo Park, and whether there are available funding sources such as the U.S. Department of Transportation's Reconnecting Communities Pilot Program.


Jan-Michele Lemon Kearney

STATEMENT

Even crosswalks and lights cannot make crossing Elberon Avenue safe due to the curves of the street and the high rate of speed of the vehicles. Similar to the pedestrian bridge that spans across Vine Street to connect the Cincinnati Zoo's parking lot to the Zoo, such a structure would allow children and adults to travel to Mt. Echo Park without having to drive a car to get there. In addition, the pedestrian bridge would connect the Price Hill community on either side of this busy thruway, thereby increasing community connectivity and public engagement.


CAL → Healthy Neighborhoods



Jan-Michele Lemon Kearney
Vice Mayor

November 8, 2022

We MOVE for the City Administration and the Department of Transportation & Engineering to conduct a parking study of the Over-the-Rhine North area to evaluate and report to Council the parking needs and a parking plan for this section of the OTR neighborhood.


Jan-Michele Lemon Kearney

STATEMENT

This parking study is a direct community request stemming from multiple engagement sessions led by both the City Manager's Office and the Vice Mayor's Office and will provide additional data and direction regarding future parking needs for OTR North.

On October 5th, the City Manager's Office held a community engagement session designed as a follow up to the previous Healthy Neighborhoods Committee meeting on September 13th, and a problem definition community engagement session on September 21st. The goal of this session was for the community, City Administration, and elected leadership to collaborate by creating a suite of solutions to tackle important challenges the OTR community is facing. Approximately 15 participants were led through an exercise to begin to propose solutions in the four keys areas identified in previous sessions: Violence Reduction, Parking, Pedestrian Safety/Movability, and Affordable Housing.

Residents were encouraged to have conversations with each other about their proposed solutions, as well as City staff. These conversations brought forward additional challenges that residents face, including substantial concerns regarding available parking in OTR North. Included below is a community capture of information from the City Manager's Office regarding parking concerns:

Focus Area A - Parking

Top Themes	Potential Solutions	Priority
Create a Residential Parking Plan	Create residential parking permits north of Liberty Street Stop demolition and destruction of parks for surface and parking and garages Create dedicated parking for residents <ul style="list-style-type: none">• Free parking• Dedicated spaces in garages• Build more parking Fund a Parking Study in the Community Budget Request process	1
Enforce Existing Rules & Laws	Hire more parking enforcement officers Enact 24/7 parking enforcement rule Ensure CPD has access to the residential parking permit database to support parking enforcement	2
Balance Density with Parking	Decide how large in population we want OTR to be Evaluate new density proposals regarding parking availability <ul style="list-style-type: none">• Ensure developments that don't provide parking address residents' mobility needs (I.e., free Metro passes or a car-free building policy)• If there aren't enough on-street parking spots in proximity, limit density Consider repealing or suspending the Urban Overlay District	3
Create More Parking Structures	Incentivize parking structures on large parcels Don't sell parking to 3CDC More parking enforcement (staff and hours)	4

Parking has consistently been identified by community members in OTR North as a concern. Our office requests that the City Administration and DOTE conduct a parking study in this area to further evaluate concerns raised during these community engagement sessions and provide possible solutions to City Council to address these issues.

H.N. B

Date: 11/9/2022

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Woodburn Winterfest)**

In accordance with Cincinnati Municipal Code, Chapter 765; (East Walnut Hills Assembly) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Woodburn Winterfest
EVENT SPONSOR/PRODUCER: East Walnut Hills Assembly
CONTACT PERSON: Deborah Dereshkevich
LOCATION: 2800 Woodburn Av.
DATE(S) AND TIME(S): 12/10/2022 2:00pm to 7:00pm
EVENT DESCRIPTION: Winter festival to include beer/alcohol sales, vendors, winter activities (Santa booth, cookie exchange, etc.)
ANTICIPATED ATTENDANCE: 1,000
ALCOHOL SALES: ☒ YES. ☐ NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)



cc: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

Date: November 9, 2022

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202202037

Subject: Liquor License – New

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 6694296
PERMIT TYPE: NEW
CLASS: D2
NAME: PARADISE FOOD COURT LP
DBA: BRICK OVEN PIZZA
1220 HARRISON AV 1A
EXCL BSMT
CINCINNATI, OH 45214

On September 27, 2022, West End Community Council was notified of this application and do not object.



Police Department Approval

David M. Laing, Assistant City Prosecutor
Law Department - Recommendation
Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 18, 2022

Date: 10/27/2022

To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

From: Police Officer Porter Eubanks III, District One Neighborhood Liaison Unit

Copies to: Sergeant George Jason, District One Neighborhood Liaison Unit

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-466

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District One

PERMIT #: 6694296

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

Name:	Paradise Food Court LP, DBA Brick Oven Pizza
Address:	1220 Harrison Av Unit 1A, Cincinnati, OH 45214

APPLICANTS NAME(S): Elwood Yan Jee

INSPECTION / INVESTIGATION INFORMATION:

Officer:	P.O. Porter Eubanks III
Date:	10/27/2022
Findings:	The investigation of this application produced nothing notable.

COMMUNITY COUNCIL NOTIFIED:

Name 1: Jack L. Neu Jr	Date: 10/27/2022	Notified by: email
Phone: 5138425403	E-mail: JNeu@k4architecture.com	
Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ **NO OBJECTIONS**
 ☐ **OBJECTION:** Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒ NO OBJECTIONS ☐ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

PE *535*
P.E. *MEH c 7*
10/29/22

No Objection
-ms/LTC4
10/31/22

City of Cincinnati

Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

September 22, 2022

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.: 6694296
Permit Type: NEW D2
Name: PARADISE FOOD COURT LP
DBA BRICK OVEN PIZZA
EXCL BSMT
1220 HARRISON AV UNIT 1A
CINCINNATI OH 45214

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
8808 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43088-9005
(614)644-2380 FAX(614)644-3168

TO

6694296		N		PARADISE FOOD COURT LP	
PERMIT NUMBER		TYPE		DBA BRICK OVEN PIZZA	
09 15 2022				EXCL BSMT	
ISSUE DATE				1220 HARRISON AV UNIT 1A	
FILING DATE				CINCINNATI OH 45214	
D2					
PERMIT CLASSES					
31	066	A		D55193	
TAX DISTRICT				RECEIPT NO.	

FROM 09/19/2022

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT			RECEIPT NO.



MAILED 09/19/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN 10/20/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **A N 6694296**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

22SEP22 12:27

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

CLERK OF COUNCIL
DLC 4052

City of Cincinnati

Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 6694296
Permit Type: NEW D2
Name: PARADISE FOOD COURT LP
DBA BRICK OVEN PIZZA
EXCL BSMT
1220 HARRISON AV UNIT 1A
CINCINNATI OH 45214

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

09/22/22

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/20/2022

Date: November 9, 2022

To: Mayor and Members of City Council

202202038

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – New**

FINAL RECOMMENDATION REPORT

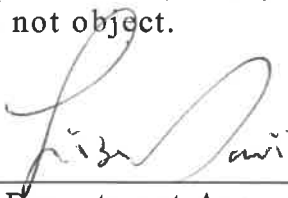
OBJECTIONS: Cincinnati Police Department

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 9524521
PERMIT TYPE: NEW
CLASS: D2
NAME: WEST END SPORTS BAR & GRILL LLC
DBA: WEST END SPORTS BAR & GRILL
1726 LINN ST
CINCINNATI, OH 45214

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On September 15, 2022, West End Community Council was notified of this application and do not object.



Police Department Approval

David M. Laing, Assistant City Prosecutor
Law Department - Recommendation
Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 9, 2022

Date: 10/28/2022

To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

From: Police Officer Porter Eubanks III, District One Neighborhood Liaison Unit

Copies to: Sergeant George Jason, District One Neighborhood Liaison Unit

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-463

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District One

PERMIT #: 9524521

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

Name:	West End Sports Bar & Grill LLC
Address:	1726 Linn Street Cincinnati, OH 45214

APPLICANTS NAME(S): Nickie Johnson (Nick)

INSPECTION / INVESTIGATION INFORMATION:

Officer:	P.O. Porter Eubanks III
Date:	10/28/2022
Findings:	The investigation of this application has noted no interior or exterior construction has been done to the property.

COMMUNITY COUNCIL NOTIFIED:

Name 1: Chris Griffin	Date: 4/27/2022	Notified by: email
Phone:	E-mail: cgriffin.nati@yahoo.com	
Name 2: Keith Blake	Date: 4/27/2022	Notified by: email
Phone:	E-mail: Kablake@live.com	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ NO OBJECTIONS
 ☐ OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☐ NO OBJECTIONS

☒ OBJECTION:

MAC 207
If objection checked, a narrative is required below

REASON FOR OBJECTION:

Mr. Johnson has not began any interior or exterior contruction to the business. There is nothing functional within the establishment to inspected for a liquor permit.

PE
PE

MAC 535

MAC 67
10/31/22

for objection
- mac/LTC4
11/1/22

City of Cincinnati

Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone—(513) 352-3246
Fax (513) 352-2578

September 13, 2022

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.: 9524521
Permit Type: NEW D2
Name: WEST END SPORTS BAR & GRILL LLC
DBA WEST END SPORTS BAR AND GRILL
1726 LINN ST
CINCINNATI OH 45214

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6608 TUBBS ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-8005
(614)644-2360 FAX(614)644-3166

9524521		NEW		TO	
PERMIT NUMBER		TYPE		WEST END SPORTS BAR & GRILL LLC	
ISSUE DATE				DBA WEST END SPORTS BAR & GRILL	
08 02 2022				1726 LINN ST	
FILING DATE				CINCINNATI OH 45214	
D2					
PERMIT CLASSES					
31	066	A		D50096	
TAX DISTRICT				RECEIPT NO.	
FROM 09/07/2022					

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT			RECEIPT NO.



MAILED 09/07/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/11/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 9524521

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

18SEP22AM10:55

CLERK OF COUNCIL

**CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202**

City of Cincinnati

Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 9524521
Permit Type: NEW D2
Name: WEST END SPORTS BAR & GRILL LLC
DBA WEST END SPORTS BAR AND GRILL
1726 LINN ST
CINCINNATI OH 45214

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

09/13/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/11/2022

Date: November 9, 2022

To: Mayor and Members of City Council

202202039

From: Sheryl M. M. Long, City Manager

Subject: Liquor License – New

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 6664957
PERMIT TYPE: NEW
CLASS: D3 D6
NAME: PALOMAR EVENTS LLC
DBA: THE PALOMAR CINCINNATI
2622 GILBERT AVE
CINCINNATI, OH 45206

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On September 15, 2022, Walnut Hills Area Council was notified of this application and do not object.



Police Department Approval

David M. Laing, Assistant City Prosecutor
Law Department - Recommendation
Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 1, 2022

Date: October 19, 2022
To: Lieutenant Colonel Teresa A. Theetge, Intern Police Chief
From: Police Officer Derrick Johnson, District Four, Neighborhood Liaison Unit
Copies to:
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-463
DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Four
PERMIT #: 6664957
TYPE OF PERMIT APPLIED FOR: New
PERMIT NAME & ADDRESS:

Name:	Palomar Events LLC
Address:	2622 Gilbert Av, Cincinnati, OH 45206

APPLICANTS NAME(S): Samir Kulkarni

INSPECTION / INVESTIGATION INFORMATION:

Officer:	Police Officer Derrick Johnson
Date:	10/19/2022
Findings:	Under Construction

COMMUNITY COUNCIL NOTIFIED:

Name 1: Katherine Gardette	Date: 10/19/2022	Notified by: email
Phone: 513-641-1600	E-mail: kathryne@kathrynegardette.com	
Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ **NO OBJECTIONS**
 ☐ **OBJECTION:** Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒ NO OBJECTIONS ☐ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

DISTRICT FOUR COULD NOT COMPLETE THE LIQUOR INSPECTION DUE TO THE FACILITY IS CURRENTLY UNDER CONSTRUCTION. AS OF 10/19/2022, DISTRICT FOUR DID NOT RECEIVE A RESPONSE FROM WALNUT HILLS COMMUNITY COUNCIL ON THIS ISSUE.

DJ

NO OBJECTIONS NOTED
J. MERRILL STB3

10/19/22

NO OBJECTION ✓

Capt M. J. / CMO

D-4

No Objection - M. J. / CMO

10/24/22

City of Cincinnati

Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

September 13, 2022

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:


Application No.: 6664957
Permit Type: NEW D3 D6
Name: PALOMAR EVENTS LLC
DBA THE PALOMAR CINCINNATI
2622 GILBERT AVE
CINCINNATI OH 45206 --

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,


Melissa Autry, CMC
Clerk of Council

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
8808 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)844-2380 FAX(614)844-3165

TO

6664957		NEW	PALOMAR EVENTS LLC DBA THE PALOMAR CINCINNATI 2622 GILBERT AVE CINCINNATI OH 45206
PERMIT NUMBER		TYPE	
08 30 2022		ISSUE DATE	
D3		PERMIT CLASSES	
31	066	A	
TAX DISTRICT		D53521	
RECEIPT NO.		FROM 09/08/2022	

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	



MAILED 09/08/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN 10/11/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **A NEW 6664957**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE

(Signature)

(Title) ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF COUNCIL
18SEP22AM10:27

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

City of Cincinnati

Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 6664957
Permit Type: NEW D3 D6
Name: PALOMAR EVENTS LLC
DBA THE PALOMAR CINCINNATI
2622 GILBERT AVE
CINCINNATI OH 45206

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

09/13/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/11/2022

Date: November 9, 2022

To: Mayor and Members of City Council

202202040

From: Sheryl M. M. Long, City Manager

Subject: Liquor License – Transfer of Ownership

FINAL RECOMMENDATION REPORT

OBJECTIONS: Department of Buildings & Inspections

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 8361415
PERMIT TYPE: TRFO
CLASS: D5J D6
NAME: SOMERHAUS LLC
DBA: NONE LISTED
1415 REPUBLIC ST
CINCINNATI, OH 45202

On September 27, 2022, Over-the-Rhine Community Council was notified of this application and do not object.



Police Department Approval

David M. Laing, Assistant City Prosecutor
Law Department - Recommendation
Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 22, 2022

Date: October 27, 2022

To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

From: P.O. Carroll A Todd, Neighborhood Liaison Unit

Copies to:

Subject: RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES

PATROL BUREAU MEMO #: 22-466

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District One

PERMIT #: 8361415

TYPE OF PERMIT APPLIED FOR: Transfer of Ownership

PERMIT NAME & ADDRESS:

Name:	somerhaus LLC
Address:	1415 Republic Street

APPLICANTS NAME(S): Jeremiah Moore

INSPECTION / INVESTIGATION INFORMATION:

Officer:	P.O. Carroll A Todd
Date:	10/27/2022
Findings:	Premises Passed Inspection

COMMUNITY COUNCIL NOTIFIED:

Name 1: Maurice Waggoner	Date: 10/14/2022	Notified by: email
Phone:	E-mail: presidentotrcc@gmail.com	
Name 2: Kelly Adamson	Date: 10/14/2022	Notified by: email
Phone:	E-mail: Kelly@otrchamber.com	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ NO OBJECTIONS
 ☐ OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒ NO OBJECTIONS ☐ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

CAT *11/16/21* S35

*Met c7
10/28/22*

*U. objection
-mg/ETC4
10/31/22*

City of Cincinnati



October 17, 2022

To: Teresa Theetge, Interim Police Chief
From: Eugene Lackey, Division Manager, Permits & Inspections
Submit: 1415 Republic St - Liquor License Application

Investigations discloses that the Liquor License be **DISAPPROVED**

Needs approved plans and permits for change of use. Zoning has denied change of use per permit number 2022P05716

The above location meets building and zoning requirements, and the application is approved from those standpoints.

Application No: 8361415

Permit Type: TRFO D5J D6

Name: SOMERHAUS LLC
1415 REPUBLIC ST
CINCINNATI OH 45202

A handwritten signature in blue ink that reads "Eugene Lackey".

Eugene Lackey
Division Manager
Department of Buildings & Inspections

EL/tjl



October 17, 2022

SOMERHAUS LLC
1415 REPUBLIC ST
CINCINNATI OH 45202

Dear Applicant:

This Department was recently required to recommend approval or disapproval of your **LIQUOR LICENSE** application at **1415 Republic St**

Investigation discloses that the application is **DISAPPROVED**

Needs approved plans and permits for change of use.

Zoning has denied change of use per permit number 2022P05716

A copy of this correspondence is being sent this date to the Police Department apprising them of these requirements.

If you need additional information regarding this matter, please contact
Dean Miller Building Inspector, at **513-806-7957** , Monday thru Friday.

Sincerely

A handwritten signature in blue ink that reads "Eugene Lackey". The signature is written over a horizontal line.

Eugene Lackey
Division Manager
Department of Buildings and Inspections

EL/tjl

Address: 1415 REPUBLIC ST
No: 2204
Date: 9/27/22
Due Date: 10/11/22
Inspector: **Dean Miller**
License Type: LIQUOR

Zoning		ZONING		
CC-P				
Permitted	Limited	Limitations	Legal Non-Conforming	Additional Notes
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	min size of restaurant is 15,000 SF	Yes <input type="checkbox"/> No <input type="checkbox"/>	
INSPECTIONS				
PMCE Orders	Order #	Type of Construction	Accessed Property?	Called owner for entry?
Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Area Dimensions Length: _____ Width: _____ Area: _____ sq. ft.				
Last Approved or Permitted Use		Other Uses in the Building:		Prior Use of Area:
Story of Proposed Use:				
Building Conditions				
Type of Construction		Number of Exits _____ Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/>		
Electric	Hardware	Sanitary Facilities	HVAC	Exit Signs
Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/> N/A <input type="checkbox"/>	Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/> N/A <input type="checkbox"/>	Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/> N/A <input type="checkbox"/>	Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/> N/A <input type="checkbox"/>	Emergency Lighting Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/> N/A <input type="checkbox"/>
Sprinklers	Fire Alarms		Plans Required	Orders being Written?
Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Parking # of parking spaces _____		Cabaret Area devoted to (exclude service, mechanical and bath areas)		
Theater # of seats _____		Dancing (a)	Entertainment (b)	Patron Seating (c)
Describe all unacceptable conditions identified:				
NEEDS APPROVED PLANS & PERMIT TO CHANGE USE				
Zoning has denied change of use 22-5716				

wes munzel

Zoning Reviewed by

inspected By

Inspecting Supervisor

Date

Date

Date

☐ APPROVED

☒ DISAPPROVED

City of Cincinnati

Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

September 26, 2022

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.: 8361415
Permit Type: TRFO D5J D6
Name: SOMERHAUS LLC
1415 REPUBLIC ST
CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

**NOTICE TO LEGISLATIVE
AUTHORITY**

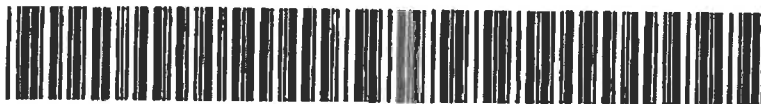
OHIO DIVISION OF LIQUOR CONTROL
6806 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3168

TO

8361415		TRFO		SOMERHAUS LLC	
06 01 2022		PERMIT NUMBER		1415 REPUBLIC ST	
09 19 2022		ISSUE DATE		CINCINNATI OH 45202	
D5J D6		FILING DATE			
31 066		PERMIT CLASSES			
TAX DISTRICT		A		F28445	
		RECEIPT NO.			

FROM 09/21/2022

0143560				ALOHA FOODS LLC	
06 01 2022		PERMIT NUMBER		1509 RACE UNIT 104 & PATIO	
09 19 2022		ISSUE DATE		CINCINNATI OH 45202	
D5J D6		FILING DATE			
31 066		PERMIT CLASSES			
TAX DISTRICT				RECEIPT NO.	



MAILED 09/21/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/24/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 8361415**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

City of Cincinnati

Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 8361415
Permit Type: TRFO D5J D6
Name: SOMERHAUS LLC
1415 REPUBLIC ST
CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

9/26/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/24/2022

November 9, 2022

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202202041

Subject: Ordinance – Parks: Park Board Commissioners’ Fund Monetary Donation

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a donation totaling \$500,000 from the Cincinnati Park Board Commissioners’ Fund for the purpose of providing resources for horticultural supplies, maintenance contracts, salary reimbursements, Krohn Conservatory’s gift shop inventory, and other vital costs associated with running the City’s parks; and **AUTHORIZING** the Finance Director to deposit the funds into Parks Private Endowment and Donations Fund 430.

Approval of this Ordinance will authorize the City Manager to accept and appropriate a donation totaling \$500,000 from the Cincinnati Park Board Commissioners’ Fund for the purpose of providing resources for horticultural supplies, maintenance contracts, salary reimbursements, Krohn Conservatory’s gift shop inventory, and other vital costs associated with running the City’s parks. This Ordinance would also authorize the Finance Director to deposit the funds into Parks Private Endowment and Donations Fund 430.

The Cincinnati Park Board Commissioners’ Fund consists of funds received from endowments and donations from various entities to support the Cincinnati Park Board.

The donation requires no matching funds. There are no new FTEs associated with the donation.

Acceptance of this donation is in accordance with the “Sustain” goal to “[p]reserve our natural and built environment,” and strategy to “[p]rotect our natural resources,” as well as the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities,” as described on pages 193-196 and 207-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



AUTHORIZING the City Manager to accept and appropriate a donation totaling \$500,000 from the Cincinnati Park Board Commissioners' Fund for the purpose of providing resources for horticultural supplies, maintenance contracts, salary reimbursements, Krohn Conservatory's gift shop inventory, and other vital costs associated with running the City's parks; and **AUTHORIZING** the Finance Director to deposit the funds into Parks Private Endowment and Donations Fund 430.

WHEREAS, the Park Board Commissioners' Fund consists of funds received from endowments and donations from various entities to support the Cincinnati Park Board; and

WHEREAS, acceptance of a donation totaling \$500,000 from the Park Board Commissioners' Fund will enable the Cincinnati Parks Department to purchase horticultural supplies, execute maintenance contracts, provide salary reimbursements, acquire Krohn Conservatory's gift shop inventory, and provide resources for other vital costs associated with running the City's parks; and

WHEREAS, the Cincinnati Board of Park Commissioners approved the use of \$500,000 and requested the distribution of the resources from the Park Board Commissioners' Fund; and

WHEREAS, there are no matching fund requirements or additional FTEs associated with the acceptance of this donation; and

WHEREAS, the acceptance of the donation is in accordance with the "Sustain" goal to "[p]reserve our natural and built environment" and strategy to "[p]rotect our natural resources," as well as the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" and strategy to "[u]nite our communities," as described on pages 193-196 and 207-212 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to accept and appropriate a donation totaling \$500,000 from the Cincinnati Park Board Commissioners' Fund for the purpose of providing resources for horticultural supplies, maintenance contracts, salary reimbursements, Krohn Conservatory's gift shop inventory, and other vital costs associated with running the City's parks.

Section 2. That the Finance Director is hereby authorized to deposit the donated funds into Parks Private Endowment and Donations Fund 430.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

November 9, 2022

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202202042

Subject: Ordinance – MSD: Grant of Easement in favor of Duke Energy Ohio, Inc.

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Duke Energy Ohio, Inc., granting a utility easement across a portion of City-owned property generally located at 1600 Gest Street in the Lower Price Hill neighborhood of Cincinnati.

The Administration recommends passage of this Ordinance.

cc: Diana Christy, MSD Director

Attachment

CHM EESW

City of Cincinnati

An Ordinance No. _____ - 2022

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Duke Energy Ohio, Inc., granting a utility easement across a portion of City-owned property generally located at 1600 Gest Street in the Lower Price Hill neighborhood of Cincinnati.

WHEREAS, the City of Cincinnati owns certain real property located at 1600 Gest Street in Lower Price Hill, containing the Mill Creek Wastewater Treatment Plant (the "Property"); and

WHEREAS, Duke Energy Ohio, Inc., an Ohio corporation ("Grantee"), has requested an easement across the Property for underground electrical lines and associated structures, equipment, and appurtenances to serve the Mill Creek Wastewater Treatment Plant, as more particularly depicted and described in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference ("Easement"); and

WHEREAS, the City Manager, in consultation with the Metropolitan Sewer District of Greater Cincinnati ("MSD"), has determined that granting the Easement to Grantee is not adverse to the City's retained interest in the Property; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the encumbrance of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the fair market value of the Easement, as determined by appraisal by the City's Real Estate Services Division, is \$38,000, however, the City is agreeable to granting the Easement to Grantee for less than fair market value, namely, \$1.00, because granting the Easement is for the benefit of the City to increase electrical capacity at the Mill Creek Wastewater Treatment Plant, which will provide the City with equivalent economic and noneconomic benefits to the fair market value of the Easement; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easement at its meeting on October 7, 2022; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to execute a *Grant of Easement*, in substantially the form attached to this ordinance as Attachment A and incorporated herein by

reference, in favor of Duke Energy Ohio, Inc., an Ohio corporation (“Grantee”), pursuant to which the City will grant to Grantee a utility easement for underground electrical lines and associated structures, equipment, and appurtenances (the “Easement”) to serve the Mill Creek Wastewater Treatment Plant located at 1600 Gest Street in Lower Price Hill (the “Property”), as more particularly described and depicted on Attachment A.

Section 2. That granting the Easement to Grantee is not adverse to the City’s retained interest in the Property.

Section 3. That it is in the best interest of the City to grant the Easement without competitive bidding because granting the Easement is in the best interest of the City because it is necessary to increase electrical capacity at the Mill Creek Wastewater Treatment Plant, and, as a practical matter, no one other than Grantee would have any use for the Easement.

Section 4. That the fair market value of the Easement, as determined by appraisal by the City’s Real Estate Services Division, is \$38,000, however, the City is agreeable to grant the Easement to Grantee for less than fair market value, namely, \$1.00, to increase electrical capacity at the Mill Creek Wastewater Treatment Plant in promotion of the public health, safety, and general welfare, which will provide the City with an equivalent economic and noneconomic benefit to the fair market value of the Easement.

Section 5. That the proceeds from the *Grant of Easement* shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the Easement, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Grant of Easement* including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

----- space above for County Recorder -----

GRANT OF EASEMENT

Pt. Parcel #148-0010-0001-90

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the **CITY OF CINCINNATI**, an Ohio municipal corporation, having an address of 801 Plum Street, Cincinnati, OH 45202 ("**Grantor**"), hereby grants unto **DUKE ENERGY OHIO, INC.**, an Ohio corporation, having an address of 139 East Fourth Street, Cincinnati, OH 45202 ("**Grantee**"), a perpetual, non-exclusive easement to construct, reconstruct, operate, maintain, repair, replace, add to, modify and remove electric lines and all necessary and convenient supporting structures (such as poles), wires, cables, guy wires with anchors, grounding systems, counterpoises, surface equipment (including but not limited to transformers and switchgears), and all other appurtenances, fixtures and equipment (hereinafter referred to as the "**Facilities**"), for the transmission and distribution of electrical energy, and for technological purposes (including but not limited to telecommunications), across a portion of the following described real estate (the land and any and all improvements now or hereafter located thereon being referred to herein as the "**Property**":

Situate in Section 30, Town 4, Fractional Range 1, City of Cincinnati, Storre Township, Hamilton County, State of Ohio; being a parcel of land of 9.19 acres, as conveyed to the **CITY OF CINCINNATI** from The Cincinnati Union Terminal Company by Warranty Deed dated December 15, 1941, and as recorded in **Deed Book 1945, Page 130**, in the Office of the Recorder of Hamilton County, Ohio.

The portion of the Property encumbered by the easement and within which the Facilities are or may hereafter be located being that area indicated, relative to landmarks and property lines, on the drawing attached hereto as "Exhibit A" (hereinafter referred to as the "**Easement Area**").

The respective rights and duties of Grantor and Grantee hereunder are as follows:

1. Access. Grantee shall have the right of ingress and egress over the Easement Area and Property using existing lanes, driveways and adjoining public roads where practical as determined by Grantee.
2. Clearing of Vegetation. Grantee shall have the right to cut down, clear, trim, remove, and otherwise control any trees, shrubs, overhanging branches and other vegetation (collectively,

“Vegetation”) within the Easement Area. Grantee shall also have the right to cut down, clear, trim, remove and otherwise control any Vegetation that is adjacent to the Easement Area but only to the extent such Vegetation may endanger the safe or reliable operation of the Facilities as reasonably determined by Grantee. Following Grantee’s removal of Vegetation, Grantee shall restore the surface of the Easement Area and Property, as the case may be, to a safe and sightly condition. By way of example and not limitation, if Grantee cuts down trees, Grantee shall either completely remove the tree stumps or cut them off level to the ground, and if Grantee damages grassy areas, Grantee shall either re-sod or re-seed the damaged area.

3. Environmental Condition. To the best of Grantor’s actual knowledge without having performed any independent inquiry, investigation or environmental assessment, the Easement Area does not contain any hazardous or toxic materials or other environmental contamination.

4. No Obstructions or Excavation. Grantor shall not, without Grantee’s prior written consent, (a) place, or permit the placement of, any structures or other permanent obstructions within or adjacent to the Easement Area that may interfere with Grantee’s exercise of its rights hereunder; (b) excavate or place, or permit the excavation or placement of, any dirt or other similar material within the Easement Area; or (c) install, or permit the installation of, a pond, lake or similar containment vehicle within or adjacent to the Easement Area that would result in the retention of water within the Easement Area. Grantee shall have the right to remove any and all such unauthorized obstructions and, notwithstanding the provisions of paragraph 6 (Repair of Damage) below, Grantee shall not be required to repair any damage to the surface of the Easement Area or Property resulting therefrom.

5. Storing of Dirt. Grantee shall have the right to temporarily pile dirt and other material and to operate equipment upon the surface of the Easement Area, and also on the land immediately adjacent to the Easement Area not to exceed fifteen (15) feet in width on either side of the Easement Area, but only during those times when Grantee is constructing, reconstructing, maintaining, repairing, replacing, adding to, modifying, or removing the Facilities.

6. Repair of Damage. Grantee, at its expense, shall promptly repair any and all physical damage to the surface area of the Easement Area and any and all damage to the Property resulting from Grantee’s exercise of its rights hereunder, including without limitation damage caused by Grantee’s employees, agents, contractors and subcontractors. In making such repairs, Grantee shall restore the affected area to a safe and sightly condition and otherwise to a condition that is reasonably close to the condition that the affected area was in immediately prior to the damage. If Grantee does not, in the opinion of Grantor, satisfactorily repair any such damage, Grantor may, within ninety (90) days of discovering such damage, file a claim for such damage with Grantee (a) at 139 East Fourth Street, Cincinnati, OH 45202, Attn: Right of Way Services EY100, or (b) by contacting an authorized Right of Way Services representative of Grantee. Grantee shall not be expected to respond to claims filed thereafter.

7. Grantor’s Reserved Rights. Grantor shall have the right to use the Easement Area in any manner that is not inconsistent with the rights granted herein to Grantee. Grantor’s and Grantee’s use of the Easement Area shall comply with all applicable laws and codes.

8. Authority to Grant Easement. Grantor represents that it has the necessary authority and title to the Property to grant this easement to Grantee.

9. Easement to Run with the Land. The provisions hereof shall be deemed to “run with the

land” and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. Upon any transfer of the fee simple interest in the Property, the transferor of such interest shall be relieved of all liability and obligations hereunder thereafter accruing, and the transferee shall be deemed to have assumed all such liability and obligations.

The rights herein granted to Grantee are subject to any and all existing easements, restrictions and other matters of record affecting the Property.

Executed by the CITY of CINCINNATI by the City Manager on this _____ day of _____, 2022, as duly authorized by Ordinance _____-2022 passed on _____, 2022.

CITY OF CINCINNATI

By: _____
City Manager

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by _____, City Manager of the City of Cincinnati, an Ohio municipal corporation, on behalf of the corporation.

Notary Public
My commission expires: _____

Approved as to Form:

Assistant City Solicitor

ACKNOWLEDGED AND ACCEPTED BY:
DUKE ENERGY OHIO, INC.

By: _____

Its: _____

Date: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022,
by _____, of Duke Energy Ohio, Inc., an Ohio corporation, on behalf of the
corporation.

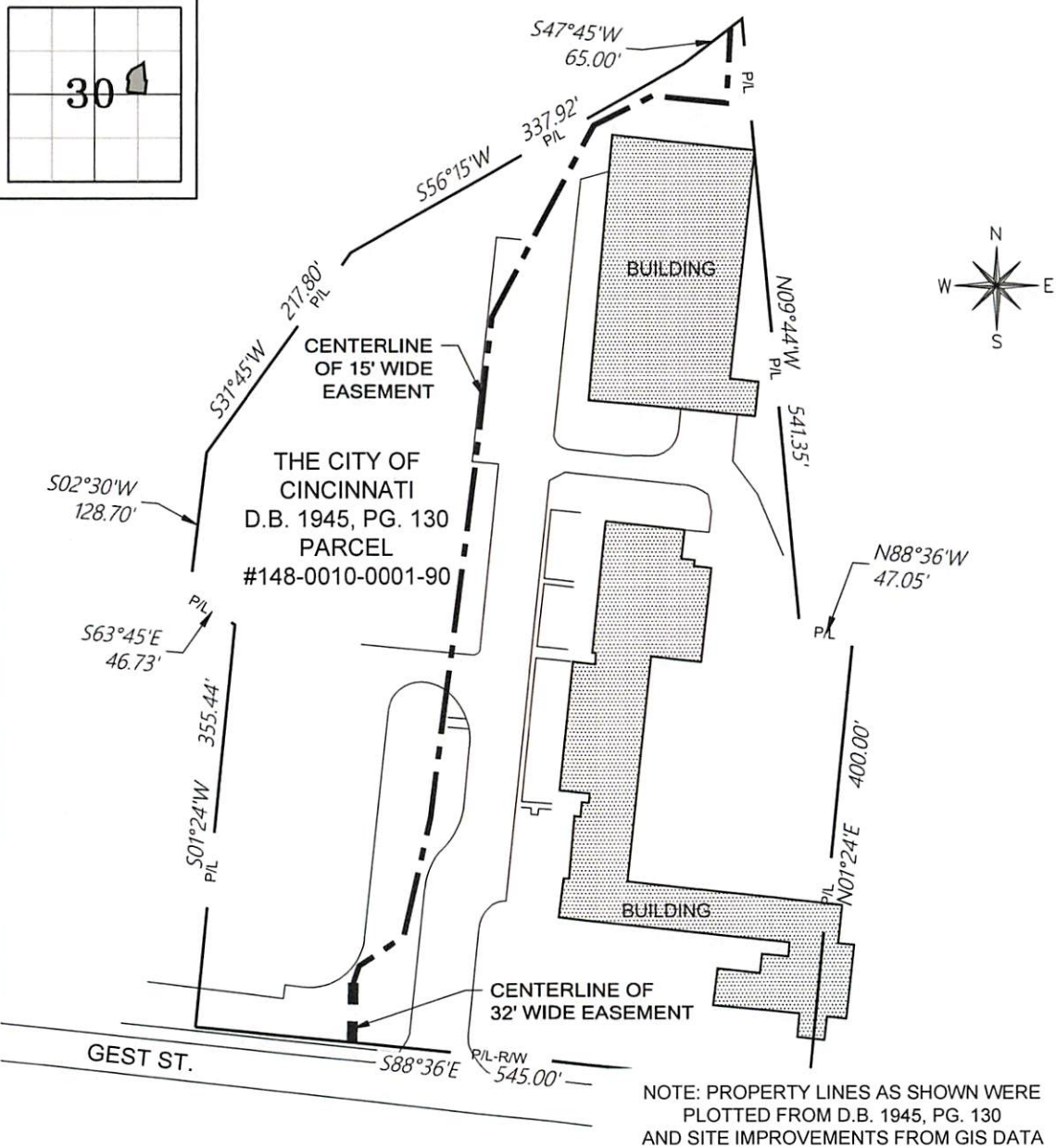
Notary Public

My commission expires: _____

This Instrument Prepared by Janice L. Walker, Attorney-at-Law, 139 E. Fourth St., Cincinnati, OH 45202.

For Grantee's Internal Use:
Emax No: 42085766
Prepared by: NRH
Prepared date: May 26, 2022
Pad No. HMO-30955

THIS IS NOT A SURVEY. LOCATIONS SHOWN ARE APPROXIMATE. THE ACTUAL CENTERLINE LOCATION OF THE UTILITY LINE IS THE CENTERLINE OF THE EASEMENT.



HAMILTON COUNTY, OHIO

SITE NAME: STORRE TOWNSHIP SECTION 30 T-4, F.R.-1



DR.	AM	EXHIBIT MAP OF:	EASEMENT
CK.	MT	EXHIBIT MAP FOR:	THE CITY OF CINCINNATI
DATE	10/01/2021	LOCATION	1600 GIST ST, CINCINNATI, OH
EXHIBIT 'A'			EMAX #42085766

----- space above for County Recorder -----

GRANT OF EASEMENT

Pt. Parcel #148-0010-0001-90

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the **CITY OF CINCINNATI**, an Ohio municipal corporation, having an address of 801 Plum Street, Cincinnati, OH 45202 ("**Grantor**"), hereby grants unto **DUKE ENERGY OHIO, INC.**, an Ohio corporation, having an address of 139 East Fourth Street, Cincinnati, OH 45202 ("**Grantee**"), a perpetual, non-exclusive easement to construct, reconstruct, operate, maintain, repair, replace, add to, modify and remove electric lines and all necessary and convenient supporting structures (such as poles), wires, cables, guy wires with anchors, grounding systems, counterpoises, surface equipment (including but not limited to transformers and switchgears), and all other appurtenances, fixtures and equipment (hereinafter referred to as the "**Facilities**"), for the transmission and distribution of electrical energy, and for technological purposes (including but not limited to telecommunications), across a portion of the following described real estate (the land and any and all improvements now or hereafter located thereon being referred to herein as the "**Property**":

Situate in Section 30, Town 4, Fractional Range 1, City of Cincinnati, Storre Township, Hamilton County, State of Ohio; being a parcel of land of 9.19 acres, as conveyed to the **CITY OF CINCINNATI** from The Cincinnati Union Terminal Company by Warranty Deed dated December 15, 1941, and as recorded in **Deed Book 1945, Page 130**, in the Office of the Recorder of Hamilton County, Ohio.

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The respective rights and duties of Grantor and Grantee hereunder are as follows:

1. Access. Grantee shall have the right of ingress and egress over the Easement Area and Property using existing lanes, driveways and adjoining public roads where practical as determined by Grantee.
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“Vegetation”) within the Easement Area. Grantee shall also have the right to cut down, clear, trim, remove and otherwise control any Vegetation that is adjacent to the Easement Area but only to the extent such Vegetation may endanger the safe or reliable operation of the Facilities as reasonably determined by Grantee. Following Grantee’s removal of Vegetation, Grantee shall restore the surface of the Easement Area and Property, as the case may be, to a safe and sightly condition. By way of example and not limitation, if Grantee cuts down trees, Grantee shall either completely remove the tree stumps or cut them off level to the ground, and if Grantee damages grassy areas, Grantee shall either re-sod or re-seed the damaged area.

3. Environmental Condition. To the best of Grantor’s actual knowledge without having performed any independent inquiry, investigation or environmental assessment, the Easement Area does not contain any hazardous or toxic materials or other environmental contamination.

4. No Obstructions or Excavation. Grantor shall not, without Grantee’s prior written consent, (a) place, or permit the placement of, any structures or other permanent obstructions within or adjacent to the Easement Area that may interfere with Grantee’s exercise of its rights hereunder; (b) excavate or place, or permit the excavation or placement of, any dirt or other similar material within the Easement Area; or (c) install, or permit the installation of, a pond, lake or similar containment vehicle within or adjacent to the Easement Area that would result in the retention of water within the Easement Area. Grantee shall have the right to remove any and all such unauthorized obstructions and, notwithstanding the provisions of paragraph 6 (Repair of Damage) below, Grantee shall not be required to repair any damage to the surface of the Easement Area or Property resulting therefrom.

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6. Repair of Damage. Grantee, at its expense, shall promptly repair any and all physical damage to the surface area of the Easement Area and any and all damage to the Property resulting from Grantee’s exercise of its rights hereunder, including without limitation damage caused by Grantee’s employees, agents, contractors and subcontractors. In making such repairs, Grantee shall restore the affected area to a safe and sightly condition and otherwise to a condition that is reasonably close to the condition that the affected area was in immediately prior to the damage. If Grantee does not, in the opinion of Grantor, satisfactorily repair any such damage, Grantor may, within ninety (90) days of discovering such damage, file a claim for such damage with Grantee (a) at 139 East Fourth Street, Cincinnati, OH 45202, Attn: Right of Way Services EY100, or (b) by contacting an authorized Right of Way Services representative of Grantee. Grantee shall not be expected to respond to claims filed thereafter.

7. Grantor’s Reserved Rights. Grantor shall have the right to use the Easement Area in any manner that is not inconsistent with the rights granted herein to Grantee. Grantor’s and Grantee’s use of the Easement Area shall comply with all applicable laws and codes.

8. Authority to Grant Easement. Grantor represents that it has the necessary authority and title to the Property to grant this easement to Grantee.

9. Easement to Run with the Land. The provisions hereof shall be deemed to “run with the

land” and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. Upon any transfer of the fee simple interest in the Property, the transferor of such interest shall be relieved of all liability and obligations hereunder thereafter accruing, and the transferee shall be deemed to have assumed all such liability and obligations.

The rights herein granted to Grantee are subject to any and all existing easements, restrictions and other matters of record affecting the Property.

Executed by the CITY of CINCINNATI by the City Manager on this ____ day of _____, 2022, as duly authorized by Ordinance _____-2022 passed on _____, 2022.

CITY OF CINCINNATI

By: _____
City Manager

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____, City Manager of the City of Cincinnati, an Ohio municipal corporation, on behalf of the corporation.

Notary Public
My commission expires: _____

Approved as to Form:

Assistant City Solicitor

ACKNOWLEDGED AND ACCEPTED BY:
DUKE ENERGY OHIO, INC.

By: _____

Its: _____

Date: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022,
by _____, of Duke Energy Ohio, Inc., an Ohio corporation, on behalf of the
corporation.

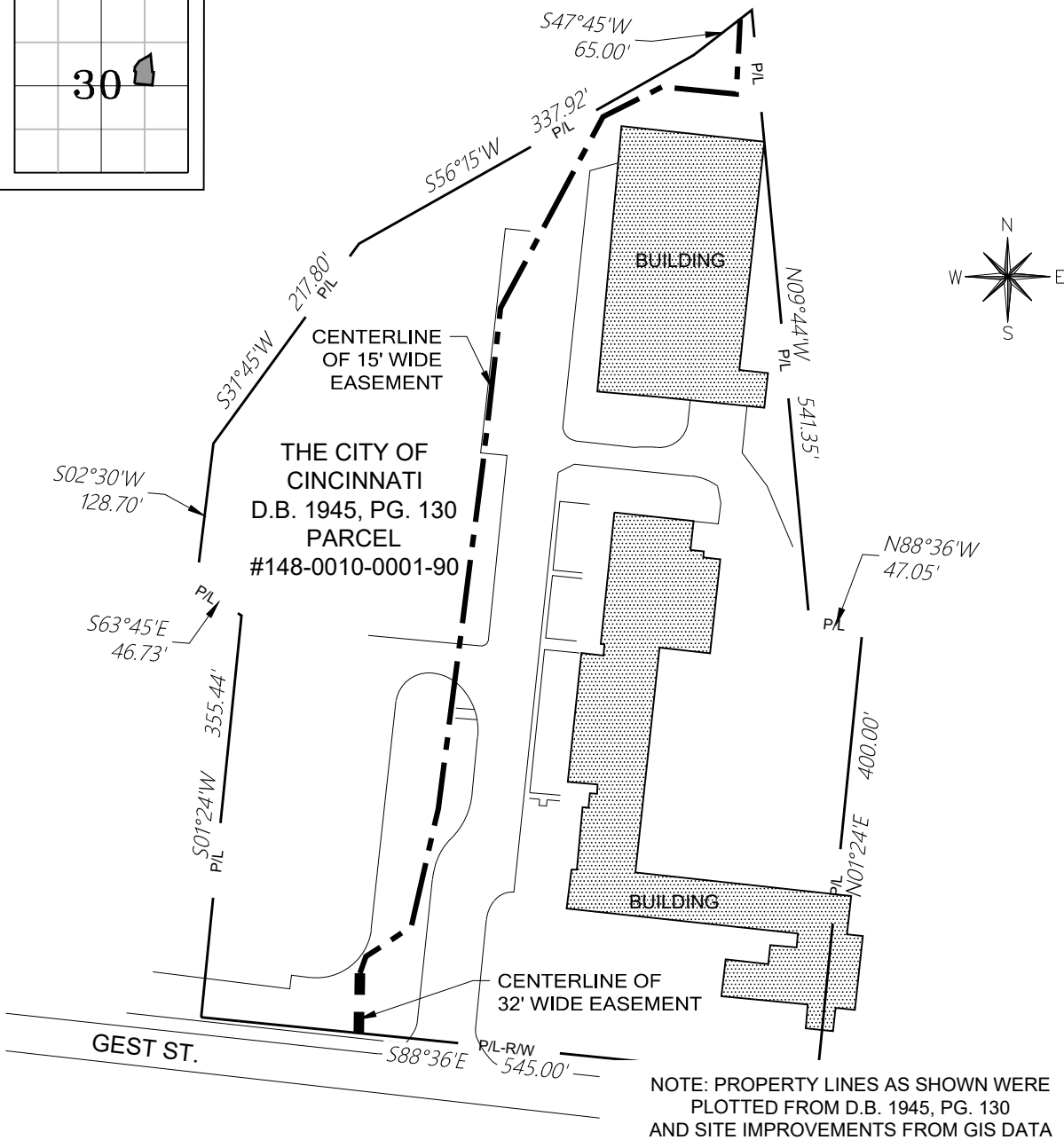
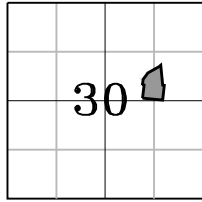
Notary Public

My commission expires: _____

This Instrument Prepared by Janice L. Walker, Attorney-at-Law, 139 E. Fourth St., Cincinnati, OH 45202.

For Grantee's Internal Use:
Emax No: 42085766
Prepared by: NRH
Prepared date: May 26, 2022
Pad No. HMO-30955

THIS IS NOT A SURVEY. LOCATIONS SHOWN ARE APPROXIMATE. THE ACTUAL CENTERLINE LOCATION OF THE UTILITY LINE IS THE CENTERLINE OF THE EASEMENT.



HAMILTON COUNTY, OHIO

SITE NAME: STORRE TOWNSHIP SECTION 30 T-4, F.R.-1



DR. AM

EXHIBIT MAP OF:
EASEMENT

CK. MT

EXHIBIT MAP FOR:
THE CITY OF CINCINNATI

DATE

LOCATION

EXHIBIT 'A'

10/01/2021

1600 GEST ST, CINCINNATI, OH

EMAX #42085766

November 9, 2022

To: Mayor and Members of City Council

202202044

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Parks: 2nd Quarter In-Kind Donations

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept in-kind donations from the Cincinnati Parks Foundation of park supplies, professional services, and contracted services, valued at approximately \$57,031.66, to benefit and improve various City parks.

Approval of this Ordinance will authorize the City Manager to accept in-kind donations from the Cincinnati Parks Foundation of park supplies, professional services, and contracted services valued at approximately \$57,031.66 to benefit and improve various City parks. A list of the in-kind donations is attached.

Donated Items	Amount
Horticultural Supplies	\$1,035.15
Equipment	\$55,996.51
Total:	\$57,031.66

Acceptance of these in-kind donations does not require new FTEs or matching funds.

Acceptance of in-kind donations is in accordance with the “Sustain” goal to “preserve our natural and built environment” and strategy to “protect our natural resources,” as described on pages 193 – 196 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachments

-2022

AUTHORIZING the City Manager to accept in-kind donations from the Cincinnati Parks Foundation of park supplies, professional services, and contracted services, valued at approximately \$57,031.66, to benefit and improve various City parks.

WHEREAS, the Cincinnati Parks Foundation intends to donate park supplies, professional services, and contracted services, as set forth in Attachment A to this ordinance, to the City of Cincinnati to benefit and improve various City parks; and

WHEREAS, the value of the donation is approximately \$57,031.66; and

WHEREAS, there are no new FTEs associated with acceptance of this donation; and

WHEREAS, this acceptance of in-kind donations is in accordance with the “Sustain” goal to “[p]reserve our natural and built environment” and the strategy to “[p]rotect our natural resources,” as set forth on pages 193-196 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to accept in-kind donations from the Cincinnati Parks Foundation of park supplies, professional services, and contracted services, valued at approximately \$57,031.66, to benefit and improve various City parks.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 hereof.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Cincinnati Park Board In-Kind Donations - 2nd Quarter 2022

Donor	Name	Memo	Expense Type	Amount
Parks Foundation	Baron Identification Products	Inv 48101 D'angelos, Mellott	Horticultural Supplies	\$ 66.00
Parks Foundation	Baron Identification Products	Inv 48101, D'Angelos, Mellott	Horticultural Supplies	\$ 66.00
Parks Foundation	Baron Identification Products	Inv 48166 Connie Madsen	Horticultural Supplies	\$ 18.75
Parks Foundation	E C SHAW COMPANY	Inv 831509 Spring daffodils - bette	Horticultural Supplies	\$ 142.40
Parks Foundation	LSI Lighting Solutions	Inv 1988270 lighting for pickleball courts	Equipment	\$ 54,075.00
Parks Foundation	LSI Lighting Solutions	10 lighting brackets	Equipment	\$ 1,125.40
Parks Foundation	Sweetwater	order 32074274, 2 additional speakers needed	Equipment	\$ 796.11
Parks Foundation	Woodlanders, Inc.	order 02202022 - 132447 plants for Mt Airy arboretum	Horticultural Supplies	\$ 742.00
			Total	\$ 57,031.66

November 9, 2022

To: Mayor and Members of City Council

202202045

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – DOTE: Municipal Road Fund Program (MRF) and Ohio Public Works Commission (OPWC) Round 37 Funding Applications

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 37) for the purpose of ensuring the timely completion of various road and bridge construction projects throughout the City.

This Ordinance authorizes the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund (MRF) program and the Ohio Public Works Commission (OPWC) State Capital Improvement Program (SCIP), the Local Transportation Improvement Program (LTIP), and the Revolving Loan Fund Program as part of Funding Round 37.

The Department of Transportation and Engineering (DOTE) identified the attached list of potential projects and local matching resources for the funding year 2024 grant application, although the list is subject to change. If the City is awarded any grants, loans, or loan assistance under these programs, DOTE will only accept grant resources for which the City Council has provided authorization. Depending on the terms of the grant award for each project, local match funds may be required. Local match resources would come from existing and future capital improvement program project accounts as indicated in the attachment. No additional FTEs are associated with these applications for grants, loans, or loan assistance.

The implementation of these potential projects is in accordance with the "Connect" goal to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability," as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachments



AUTHORIZING the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 37) for the purpose of ensuring the timely completion of various road and bridge construction projects throughout the City.

WHEREAS, the Department of Transportation and Engineering (“DOTE”) has applied for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 37) for funding year 2024, in order to ensure the timely completion of projects identified by DOTE as high priorities; and

WHEREAS, DOTE identified the attached list of potential projects as high priorities for which it has applied for assistance, although the list is subject to change and DOTE may apply for resources for projects not included in the attachment; and

WHEREAS, depending on the terms of the grant award for each project, local match funds may be required for assistance; and

WHEREAS, anticipated sources of local match funds, which would come from existing and future capital improvement program project accounts, are identified for each of the projects in the attachment; and

WHEREAS, DOTE will prepare all applications as requests for grant funding, but there may be opportunities to obtain additional zero percent interest loans for these projects once the District Integrating Committee allocation of grant monies is exhausted; and

WHEREAS, if the City is awarded any grants, loans, or loan assistance under these programs, DOTE will request authorization from Council in order to accept and appropriate such resources; and

WHEREAS, no additional FTEs are associated with the applications for grants, loans, and loan assistance; and

WHEREAS, the implementation of these potential projects is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 37) to ensure the timely completion of various road and bridge construction projects throughout the City.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1 herein.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Project List – OPWC & MRF Funding

1. Warsaw Avenue Improvements
 - Match required: \$800,000 from Transit Infrastructure Fund Grant and a future Street Rehabilitation capital project account
2. CTCS Fiber Optic Cable project – OTR
 - Match required: \$6,000,000 from a Congestion Mitigation/Air Quality (CMAQ) grant
3. Beekman Avenue Improvements
 - Match required: \$1,040,000 from Transit Infrastructure Fund Grant and a future Street Rehabilitation capital project account
4. Faraday Road Improvements
 - Match required: \$1,500,000 from a future Street Rehabilitation capital project account
5. Art Museum Drive Landslide Correction
 - Match required: \$281,913 from future a Wall Stabilization & Landslide Correction capital project account
6. Riverside Drive Retaining Wall Improvements
 - Match required: \$289,432 from future a Wall Stabilization & Landslide Correction capital project account
7. Whetsel Avenue Improvements
 - Match required: \$900,000 from a future Street Rehabilitation capital project account
8. Hillside Avenue Improvements
 - Match required: \$266,810 from a future Wall Stabilization & Landslide Correction capital project account
9. Wilder Avenue Retaining Wall Rehabilitation
 - Match required: \$66,989 from future Wall Stabilization & Landslide Correction capital project accounts
10. CBD Streetlighting Improvements
 - Match required: \$200,000 from future Street Light Infrastructure capital project account
11. Seventh and Vine Streets Improvements
 - Match required: \$320,000 from future Street Light Infrastructure capital project account
12. Wooster Road Improvements
 - Match required: \$750,000 future Street Rehabilitation capital project accounts

November 9, 2022

To: Mayor and Members of City Council 202202046

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – OES: Greater Cincinnati Foundation (GCF) Urban Agriculture Grant**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$25,000 from the Greater Cincinnati Foundation to the Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7400 for the purpose of providing resources to support the City's Urban Agriculture Program; and **AUTHORIZING** the Finance Director to deposit the grant resources into General Fund revenue account no. 050x8571.

This Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$25,000 from the Greater Cincinnati Foundation (GCF) to the Office of Environment and Sustainability (OES) General Fund non-personnel operating budget account no. 050x104x7400 for the purpose of providing resources to support the City's Urban Agriculture Program. This Emergency Ordinance also authorizes the Finance Director to deposit the grant resources into General Fund revenue account no. 050x8571.

The GCF grant requires no local match or new FTEs.

The Office of Environment and Sustainability has already applied for this grant but will not accept any funds without the approval of the City Council.

The Urban Agriculture Program supports the goals to have "100% of residents have convenient access to healthy, affordable foods" and "[t]riple acreage of urban food production," as described on pages 126-130 of the Green Cincinnati Plan (2018).

The Urban Agriculture Program is also in accordance with the "Sustain" goal to "[b]ecome a healthier Cincinnati" and strategy to "[c]reate a healthy environment and reduce energy consumption," as described on pages 181-186 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept grant resources in a timely manner so the Urban Agriculture Program may continue to provide essential food services.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



EMERGENCY

CFG

-2022

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$25,000 from the Greater Cincinnati Foundation to the Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7400 for the purpose of providing resources to support the City's Urban Agriculture Program; and **AUTHORIZING** the Finance Director to deposit the grant resources into General Fund revenue account no. 050x8571.

WHEREAS, there is a grant available in the amount of up to \$25,000 from the Greater Cincinnati Foundation for the purpose of providing resources to support the City's Urban Agriculture Program; and

WHEREAS, on May 16, 2018, Council adopted the original version of the 2018 Green Cincinnati Plan with its full list of recommendations in Motion No. 201800830; and

WHEREAS, the Urban Agriculture Program supports the goals to have "100% of residents have convenient access to healthy, affordable foods" and to "[t]riple acreage of urban food production," as described on pages 126-130 of the Green Cincinnati Plan (2018); and

WHEREAS, the Greater Cincinnati Foundation grant requires no local match, and there are no new FTEs associated with this grant; and

WHEREAS, the Office of Environment and Sustainability has already applied for the grant, but will not accept any resources without approval of Council; and

WHEREAS, support for the City's Urban Agriculture Program is in accordance with the "Sustain" goal to "[b]ecome a healthier Cincinnati," and strategy to "[c]reate a healthy environment and reduce energy consumption," as described on pages 181-186 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant in the amount of up to \$25,000 from the Greater Cincinnati Foundation to the Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7400 for the purpose of providing resources to support the City's Urban Agriculture Program.

Section 2. That the Director of Finance is hereby authorized to deposit the grant resources into General Fund revenue account no. 050x8571.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and of Sections 1 and 2 herein.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept grant resources in a timely manner so the Urban Agriculture Program may continue to provide essential food services.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

November 9, 2022

To: Mayor and Members of City Council 202202047

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Cincinnati Recreation Commission (CRC): Clifton Community Event Donation**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a donation in the amount of \$500 from the Clifton Area Neighborhood Council for the purpose of hosting a community Halloween event; and **AUTHORIZING** the Finance Director to deposit the donated funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

Approval of this Ordinance would authorize the City Manager to accept a donation in the amount of up to \$500 from the Clifton Area Neighborhood Council for the purpose of hosting a community Halloween event. This Ordinance further authorizes the Finance Director to deposit the donated funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

The Clifton Area Neighborhood Council has graciously offered a donation to support hosting a community Halloween event at the Clifton Recreation Center.

There are no new FTEs or matching funds associated with the donation.

This donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

LES

-2022

AUTHORIZING the City Manager to accept and appropriate a donation in the amount of \$500 from the Clifton Area Neighborhood Council for the purpose of hosting a community Halloween event; and **AUTHORIZING** the Finance Director to deposit the donated funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

WHEREAS, the Clifton Area Neighborhood Council has graciously offered a donation to support hosting of a Halloween community event at the Clifton Recreation Center; and

WHEREAS, acceptance of the donation requires no matching funds, and no FTEs are associated with the donation; and

WHEREAS, this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to accept and appropriate a donation in the amount of \$500 from the Clifton Area Neighborhood Council for the purpose of hosting a community Halloween event.

Section 2. That the Director of Finance is hereby authorized to deposit the donated funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the donation and Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

November 9, 2022

To: Mayor and Members of City Council 202202048

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Cincinnati Recreation Commission (CRC):
Ohio Child Care Stabilization Sub-Grant Application Supporting
CRC Childcare Programs**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for grant resources in an amount up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services for the purpose of supporting up to thirteen of the Cincinnati Recreation Commission's licensed neighborhood childcare programs.

Approval of this Emergency Ordinance would authorize the City Manager to apply for grant resources in an amount of up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association (OCCRRA) and the Ohio Department of Job and Family Services (ODJFS) for the purpose of supporting up to thirteen of the Cincinnati Recreation Commission's (CRC) licensed neighborhood childcare programs.

If awarded, the grant resources would offset the cost of providing licensed childcare programs by the CRC in various Cincinnati neighborhoods, such as Bond Hill, Corryville, East Walnut Hills, Evanston, Madisonville, Millvale, Northside, Pleasant Ridge, Price Hill, Sayler Park, Walnut Hills, West End, and Winton Hills.

There is no local match required and acceptance of the grant will not require the addition of any FTEs. The deadline to apply is November 30, 2022.

Applying for grant resources to support CRC's licensed neighborhood childcare programs is in accordance with the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" and strategy to "[u]nite our communities" as described on pages 207-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to apply for the grant prior to the deadline of November 30, 2022.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



EMERGENCY

KKF

- 2022

AUTHORIZING the City Manager to apply for grant resources in an amount up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services for the purpose of supporting up to thirteen of the Cincinnati Recreation Commission's licensed neighborhood childcare programs.

WHEREAS, grant resources in an amount up to \$2,535,400 are available from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services, which, if awarded, will be used to offset the cost of providing licensed childcare programs by the Cincinnati Recreation Commission ("CRC") in various Cincinnati neighborhoods, such as Bond Hill, Corryville, East Walnut Hills, Evanston, Madisonville, Millvale, Northside, Pleasant Ridge, Price Hill, Saylor Park, Walnut Hills, West End, and Winton Hills; and

WHEREAS, CRC may apply for the grant resources prior to the effective date of this ordinance, but no funds will be accepted without Council approval; and

WHEREAS, there is no local match required, and acceptance of the grant resources will not require the addition of any FTEs; and

WHEREAS, applying for grant resources to support CRC's licensed neighborhood childcare programs is in accordance with the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" and strategy to "[u]nite our communities," as described on pages 207-212 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for grant resources in an amount up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services for the purpose of supporting approximately thirteen of the Cincinnati Recreation Commission's licensed neighborhood childcare programs.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and this ordinance.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to apply for the grant prior to the deadline of November 30, 2022.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

November 9, 2022

To: Mayor and Members of City Council 202202049

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Cincinnati Recreation Commission (CRC): Cincinnati Police Department Preventive Education Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$8,200 from the Cincinnati Police Department Community Preventive Education Grant Program for the purpose of providing resources for the Cincinnati Recreation Commission’s annual Track and Field program; and **AUTHORIZING** the Finance Director to deposit the grant funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

Approval of this Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant of up to \$8,200 from the Cincinnati Police Department Community Preventive Education Grant Program for the purpose of providing resources for the Cincinnati Recreation Commission’s (CRC) annual Track and Field program. This Ordinance further authorizes the Finance Director to deposit the grant funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

CRC’s Track and Field program is a ten-week program that teaches track and field skills to at-risk youth and teens. It is intended to promote healthy lifestyles and drug-free alternatives through physical fitness and education.

The Cincinnati Police Department (CPD) provides grants for community-based drug and alcohol prevention programs from their State Asset Forfeiture Funds as stipulated in Ohio Revised Code (ORC) Section 2981.13.

CRC has already applied for this grant. Should this Ordinance not be approved, the grant funding will not be accepted. There are no new FTEs or matching funds associated with the grant.

Acceptance of this grant award is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as well as the strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$8,200 from the Cincinnati Police Department Community Preventive Education Grant Program for the purpose of providing resources for the Cincinnati Recreation Commission’s annual Track and Field Program; and **AUTHORIZING** the Finance Director to deposit the grant funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

WHEREAS, the Cincinnati Recreation Commission’s (“CRC”) Track and Field Program is a ten-week program that teaches track and field skills to at-risk youth and teens, and is intended to promote healthy lifestyles and drug-free alternatives through physical fitness and education; and

WHEREAS, the Cincinnati Police Department provides grants for community-based drug and alcohol prevention programs from its State Asset Forfeiture Funds as stipulated in Ohio Revised Code Section 2981.13; and

WHEREAS, CRC has already applied for this grant, but no funds will be accepted without approval by Council; and

WHEREAS, there are no additional FTEs associated with this grant, and there are no matching fund requirements; and

WHEREAS, acceptance of this grant is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as well as the strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant of up to \$8,200 from the Cincinnati Police Department Community Preventive Education Grant Program for the purpose of providing resources for the Cincinnati Recreation Commission’s annual Track and Field Program.

Section 2. That the Finance Director is hereby authorized to deposit the funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

November 9, 2022

To: Mayor and Members of City Council

202202050

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Health: Infant Formula In-Kind Donation

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of six cans of infant formula valued at approximately \$107.94 from Dr. Sarah Tarai of the Cincinnati Primary Care Center for the purpose of providing care to patients at the Cincinnati Health Department.

Approval of this Ordinance would authorize the City Manager to accept an in-kind donation of six (6) cans of infant formula valued at approximately \$107.94 from Dr. Sarah Tarai of the Cincinnati Primary Care Center for the purpose of providing care to patients at the Cincinnati Health Department. Dr. Tarai, a Public Health Pediatrician, is a City employee in the Cincinnati Health Department.

No additional FTE are associated with this donation, and matching funds are not required.

This donation is in accordance with the Sustain goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



AUTHORIZING the City Manager to accept an in-kind donation of six cans of infant formula valued at approximately \$107.94 from Dr. Sarah Tarai of the Cincinnati Primary Care Center for the purpose of providing care to patients at the Cincinnati Health Department.

WHEREAS, there is currently a national shortage of infant formula; and

WHEREAS, the national shortage of infant formula is negatively impacting patients at the Cincinnati Health Department (“CHD”); and

WHEREAS, this donation of six cans of infant formula (“Donation”) will be used to provide care to CHD patients; and

WHEREAS, the Donation does not require a local match or any additional FTEs; and

WHEREAS, the Donation is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati,” as described on pages 181-192 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to accept an in-kind donation of six cans of infant formula valued at approximately \$107.94 from Dr. Sarah Tarai of the Cincinnati Primary Care Center for the purpose of providing care to patients at the Cincinnati Health Department.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1 herein.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____

Date: November 9, 2022

To: Mayor and Members of City Council 202202052

From: Sheryl M. M. Long, City Manager

Subject: ORDINANCE – LPH THRIVES, LLC GRANT OF EASEMENT (PORTION OF WEST EIGHTH STREET)

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of LPH Thrives, LLC, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of West Eighth Street in Lower Price Hill.

LPH Thrives, LLC (“Grantee”) owns the property located at 2113 West Eighth Street in the Lower Price Hill neighborhood and has requested an easement for an out-swinging door encroaching upon portions of the West Eighth Street public rights-of-way.

The City has determined that granting the easement to Grantee is not adverse to the City’s retained interest in the public right-of-way and will not have an adverse effect on the usability or accessibility of any existing transportation facilities.

The fair market value of the easements is approximately \$50 which Grantee has agreed to pay.

The City Planning Commission approved the easements at its meeting on August 19, 2022.

The Administration recommends passage of the attached ordinance.

Attachment I – Grant of Easement

cc: John S. Brazina, Director, Transportation and Engineering

City of Cincinnati

CHM

EESW

An Ordinance No. _____

- 2022

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of LPH Thrives, LLC, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of West Eighth Street in Lower Price Hill.

WHEREAS, LPH Thrives, LLC, an Ohio limited liability company ("Grantee"), owns certain real property located at 2113 West Eighth Street in Lower Price Hill; and

WHEREAS, the City of Cincinnati owns the adjoining West Eighth Street public right-of-way ("Property"), which Property is under the management of the City's Department of Transportation and Engineering ("DOT"); and

WHEREAS, Grantee has requested an easement from the City for an encroachment upon a portion of the Property, namely, an out-swinging door, as more particularly depicted and described in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference ("Easement"); and

WHEREAS, the City Manager, in consultation with DOT, has determined (i) that granting the Easement to Grantee is not adverse to the City's retained interest in the Property and; (ii) that granting the Easement will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public right-of-way; and

WHEREAS, pursuant to Cincinnati Municipal Code Sec. 331-5, the City Council may authorize the encumbrance of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City's Real Estate Services Division has determined by a professional appraisal that the fair market value of the Easement is approximately \$50, which Grantee has agreed to pay; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easement at its meeting on August 19, 2022; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to execute a *Grant of Easement* in favor of LPH Thrives, LLC, an Ohio limited liability company ("Grantee"), owner of the

property located at 2113 West Eighth Street in Lower Price Hill, in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati will grant to Grantee an easement to construct and maintain an encroachment (“Easement”) upon the West Eighth Street public right-of-way (the “Property”), as more particularly described on Attachment A.

Section 2. That granting the Easement to Grantee (i) is not adverse to the City’s retained interest in the Property; and (ii) will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public right-of-way.

Section 3. That it is in the best interest of the City to grant the Easement without competitive bidding because, as a practical matter, no one other than Grantee, an adjoining property owner, would have any use for the Easement.

Section 4. That the collective fair market value of the Easement, as determined by a professional appraisal by the City’s Real Estate Services Division, is approximately \$50, which Grantee has agreed to pay.

Section 5. That the proceeds from the *Grant of Easement* shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the *Grant of Easement*, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City’s Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, “Street Improvements,” in which “YY”

represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Grant of Easement* including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF EASEMENT

(encroachment upon a portion of W. 8th Street)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **LPH THRIVES, LLC**, an Ohio limited liability company, with a tax mailing address of 114 W. 14th Street, Cincinnati, OH 45202 ("**Grantee**").

Recitals:

A. By virtue of a *Quitclaim Deed* recorded on August 2, 2021, in OR 14471, Page 4088, Hamilton County, Ohio Records, Grantee holds title to certain real property located at 2113 W. 8th Street, Cincinnati, OH 45204, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining West 8th Street public right-of-way, which is under the management of the City's Department of Transportation and Engineering ("**DOT**").

C. Grantee has requested the City to grant an easement for an out swinging door encroachment upon the West 8th Street public right-of-way (the "**Encroachment**").

D. The City Manager, in consultation with DOT, has determined that (i) the easement will not have an adverse effect on the City's retained interest in the West 8th Street public right-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing West 8th Street public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easement, as determined by professional appraisal, is \$50, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on August 19, 2022.

G. Cincinnati City Council approved the easement by Ordinance No. []-2022, passed on [], 2022.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive encroachment easement to use, maintain, repair, reconstruct, replace, and remove the Encroachment in, over, and across the West 8th Street public right-of-way, as more particularly depicted on Exhibit B and described on Exhibit C (Legal Description- Easement) hereto (the "**Easement**" or "**Easement Area**", as applicable). Grantee shall not make any modifications to the Encroachment within the Easement Area without the City's prior written consent.

2. Termination. Notwithstanding anything herein to the contrary, the Easement shall automatically terminate upon (i) the complete or partial demolition of the Encroachment within the Easement Area, such that the Easement would be rendered unnecessary; (ii) upon written notice from the City, if the City determines that it needs the Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act ("**ADA**") regulations compliance or accessibility standards; or (iii) upon written notice from the City if the City determines that the Encroachment are creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

3. Maintenance and Repairs. At no cost to the City, Grantee shall maintain the Encroachment in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Easement Area ("**Third-Party Utility Lines**"). In connection with Grantee's maintenance, repair, and use of the Encroachment, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee's expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the maintenance, repair, reconstruction, removal, or sealing of the Encroachment under this instrument shall be handled entirely at Grantee's expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City's request and, in any event, prior to undertaking any construction activities within the Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee's insurers, rights of subrogation, in connection with any damage to the Encroachment, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys' fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use, maintenance, repair, and all other matters associated with the Encroachment.

5. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fail to address the same to DOTE's satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee's expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the Benefitted Property until fully paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

6. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

7. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

8. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof, with a copy to CREA LPH Thrives, LLC, 30 South Meridian Street, Suite 400, Indianapolis, Indiana 46204, or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

9. Coordinated Report Conditions (CR #5-2022). The following additional conditions shall apply:

a. NOTE: Grantee shall maintain a minimum of an eight-foot unobstructed pedestrian path between the Easement Area and the curb.

10. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Exhibits. The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Legal Description - Benefitted Property*
Exhibit B – *Survey Plat*
Exhibit C – *Legal Description - Easement*

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "**Effective Date**").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

[*Grantee Signature Page Follows*]

ACCEPTED AND AGREED TO BY:

LPH THRIVES, LLC,
an Ohio limited liability company,

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of **LPH THRIVES, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Easement

Legal Description - Benefitted Property

Parcel ID No.: 149-0011-0136-90 57
2113 W. 8th

All that certain lot of land in Cincinnati, Hamilton County, Ohio, in Section 30, Township 4, Fractional Range 1, of the Miami Purchase, bounded and described as follows:

Commencing at a point in the South line of Eighth Street seventy-five (75) feet East of Depot Street and extending

Thence eastwardly twenty-five (25) feet to a point in the South line of said Eighth Street;

Thence, southwardly parallel to Depot Street one hundred twenty (120) feet more or less to Pardee Alley; Thence, westwardly with Pardee Alley twenty-five (25) feet to a point seventy-five (75) feet distant from Depot Street; Thence, northwardly one hundred twenty (120) feet more or less to the South line of Eighth Street and the place of

EXHIBIT B

to Grant of Easement

Survey Plat

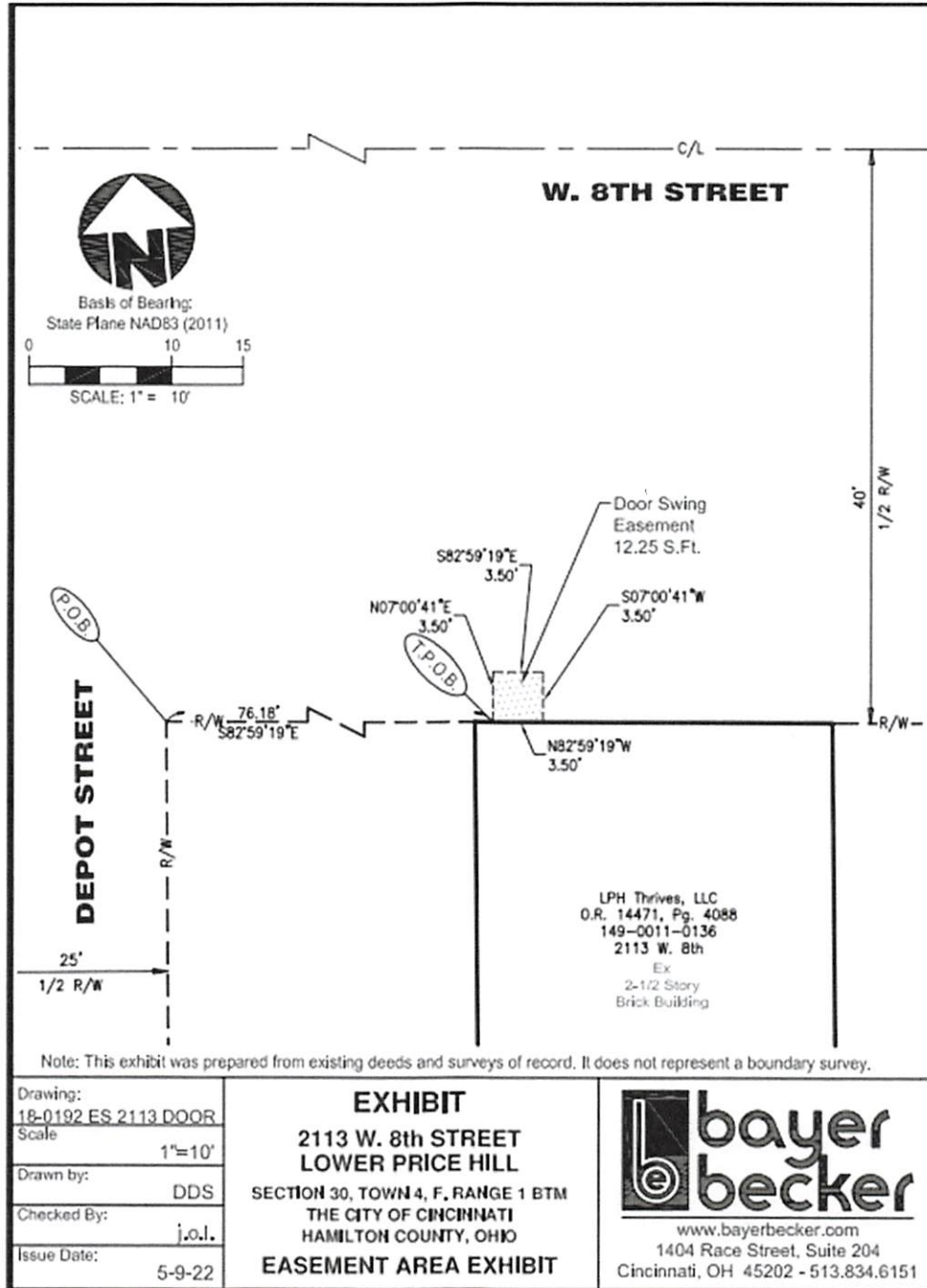


EXHIBIT C

to Grant of Easement

Legal Description – Easement

Description: Exhibit
Door Swing Easement

Date: May 9, 2022

Location: 2113 W. 8th Street
City of Cincinnati
Hamilton County, Ohio



Situated in Section 30, Town 4, Fractional Range 1 Between the Miamis, The City of Cincinnati, Hamilton County, Ohio being a Door Swing Easement and being further described as follows:

Begin at a point found by measuring from the intersection of the south right of way of W. 8th Street (80') and the east right of way of Depot Street (50'); thence, departing the east right of way of said Depot Street and with the south right of way of said W. 8th Street, South 82° 59' 19" East, 76.18 feet to the true point of beginning;

thence, from the True Point of Beginning thus found and through the right of way of said right of said W. 8th Street for the following three courses:

- 1) North 07° 00' 41" East, 3.50 feet;
- 2) South 82° 59' 19" East, 3.50 feet;
- 3) South 07° 00' 41" West, 3.50 feet to the right of way of said right of said W. 8th Street

thence, with right of way of said right of said W. 8th Street, North 82° 59' 20" West, 3.50 feet to the True Point of Beginning containing 12.25 square feet.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402).

The above description was prepared from an easement exhibit made on May 9, 2022 under the direction of Jeffrey O. Lambert, Professional Surveyor #7568 in the State of Ohio.

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF EASEMENT

(encroachment upon a portion of W. 8th Street)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **LPH THRIVES, LLC**, an Ohio limited liability company, with a tax mailing address of 114 W. 14th Street, Cincinnati, OH 45202 ("**Grantee**").

Recitals:

A. By virtue of a *Quitclaim Deed* recorded on August 2, 2021, in OR 14471, Page 4088, Hamilton County, Ohio Records, Grantee holds title to certain real property located at 2113 W. 8th Street, Cincinnati, OH 45204, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining West 8th Street public right-of-way, which is under the management of the City's Department of Transportation and Engineering ("**DOTE**").

C. Grantee has requested the City to grant an easement for an out swinging door encroachment upon the West 8th Street public right-of-way (the "**Encroachment**").

D. The City Manager, in consultation with DOTE, has determined that (i) the easement will not have an adverse effect on the City's retained interest in the West 8th Street public right-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing West 8th Street public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easement, as determined by professional appraisal, is \$50, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on August 19, 2022.

G. Cincinnati City Council approved the easement by Ordinance No. [__]-2022, passed on [____], 2022.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive encroachment easement to use, maintain, repair, reconstruct, replace, and remove the Encroachment in, over, and across the West 8th Street public right-of-way, as more particularly depicted on Exhibit B and described on Exhibit C (Legal Description- Easement) hereto (the “**Easement**” or “**Easement Area**”, as applicable). Grantee shall not make any modifications to the Encroachment within the Easement Area without the City’s prior written consent.

2. Termination. Notwithstanding anything herein to the contrary, the Easement shall automatically terminate upon (i) the complete or partial demolition of the Encroachment within the Easement Area, such that the Easement would be rendered unnecessary; (ii) upon written notice from the City, if the City determines that it needs the Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act (“**ADA**”) regulations compliance or accessibility standards; or (iii) upon written notice from the City if the City determines that the Encroachment are creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

3. Maintenance and Repairs. At no cost to the City, Grantee shall maintain the Encroachment in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Easement Area (“**Third-Party Utility Lines**”). In connection with Grantee’s maintenance, repair, and use of the Encroachment, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee’s expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the maintenance, repair, reconstruction, removal, or sealing of the Encroachment under this instrument shall be handled entirely at Grantee’s expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City’s request and, in any event, prior to undertaking any construction activities within the Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee’s insurers, rights of subrogation, in connection with any damage to the Encroachment, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys’ fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use, maintenance, repair, and all other matters associated with the Encroachment.

5. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fail to address the same to DOTE’s satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee’s expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the Benefitted Property until fully paid. At the City’s option, the City may file an affidavit in the Hamilton County, Ohio Recorder’s office to memorialize any outstanding amounts due under this instrument.

6. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

7. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

8. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof, with a copy to CREA LPH Thrives, LLC, 30 South Meridian Street, Suite 400, Indianapolis, Indiana 46204, or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

9. Coordinated Report Conditions (CR #5-2022). The following additional conditions shall apply:

a. DOT: Grantee shall maintain a minimum of an eight-foot unobstructed pedestrian path between the Easement Area and the curb.

10. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description - Benefitted Property*

Exhibit B – *Survey Plat*

Exhibit C – *Legal Description - Easement*

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "**Effective Date**").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

[*Grantee Signature Page Follows*]

ACCEPTED AND AGREED TO BY:

LPH THRIVES, LLC,
an Ohio limited liability company,

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of **LPH THRIVES, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Easement

Legal Description - Benefitted Property

Parcel ID No.: 149-0011-0136-90 37
2113 W. 8th

All that certain lot of land in Cincinnati, Hamilton County, Ohio, in Section 30, Township 4, Fractional Range 1, of the Miami Purchase, bounded and described as follows:

Commencing at a point in the South line of Eighth Street seventy-five (75) feet East of Depot Street and extending

Thence eastwardly twenty-five (25) feet to a point in the South line of said Eighth Street;

Thence, southwardly parallel to Depot Street one hundred twenty (120) feet more or less to

Pardee Alley; Thence, westwardly with Pardee Alley twenty-five (25) feet to a point seventy-

five (75) feet distant from Depot Street; Thence, northwardly one hundred twenty (120) feet more or less to the South line of Eighth Street and the place of

EXHIBIT B

to Grant of Easement

Survey Plat

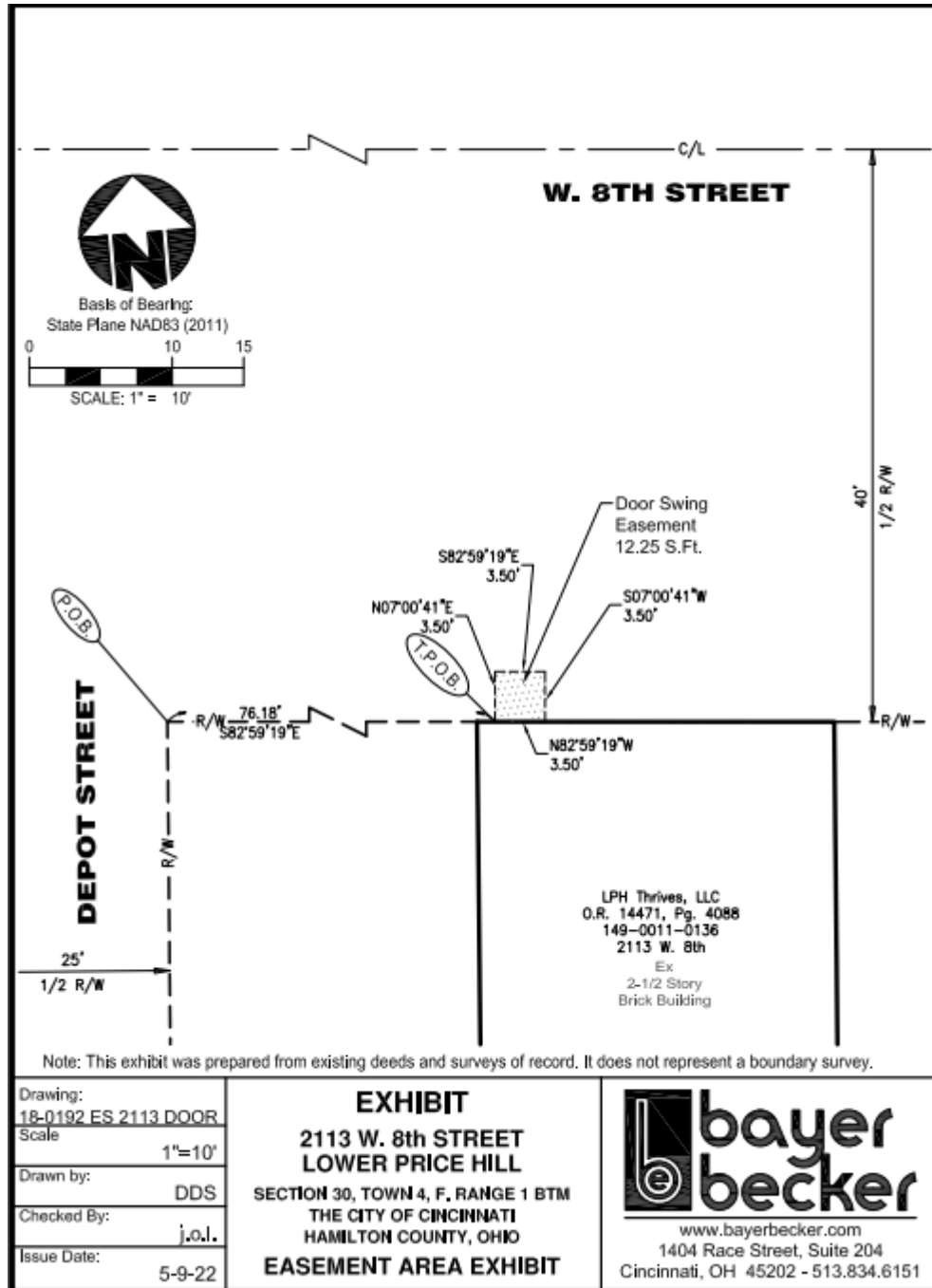


EXHIBIT C

to Grant of Easement

Legal Description – Easement

Description: Exhibit
Door Swing Easement

Date: May 9, 2022

Location: 2113 W. 8th Street
City of Cincinnati
Hamilton County, Ohio



Situated in Section 30, Town 4, Fractional Range 1 Between the Miamis, The City of Cincinnati, Hamilton County, Ohio being a Door Swing Easement and being further described as follows:

Begin at a point found by measuring from the intersection of the south right of way of W. 8th Street (80') and the east right of way of Depot Street (50'); thence, departing the east right of way of said Depot Street and with the south right of way of said W. 8th Street, South 82° 59' 19" East, 76.18 feet to the true point of beginning;

thence, from the True Point of Beginning thus found and through the right of way of said right of said W. 8th Street for the following three courses:

- 1) North 07° 00' 41" East, 3.50 feet;
- 2) South 82° 59' 19" East, 3.50 feet;
- 3) South 07° 00' 41" West, 3.50 feet to the right of way of said right of said W. 8th Street

thence, with right of way of said right of said W. 8th Street, North 82° 59' 20" West, 3.50 feet to the True Point of Beginning containing 12.25 square feet.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402).

The above description was prepared from an easement exhibit made on May 9, 2022 under the direction of Jeffrey O. Lambert, Professional Surveyor #7568 in the State of Ohio.

November 09, 2022
202202054

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

Subject: Ordinance-Release of GCWW Watermain Easement in Anderson Twp.

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to execute a plat entitled *Easement Vacation Plat E-1047Q2/WSL-3611* to release and quitclaim a portion of a public utility easement held by the City of Cincinnati for the use and benefit of Greater Cincinnati Water Works for a water main and associated appurtenances located in and upon certain real property located in the J. Eggleston Military Survey No. 609, Anderson Township, Hamilton County, Ohio being part of Parcel 4 of the Original Plat of Anderson Towne Center as shown on a plat recorded in Plat Book 373, Page 56-57, Hamilton County, Ohio Recorder's Office.

The City is the beneficiary of a utility easement for a water main and associated appurtenances, which encumbers certain real property located in Anderson Township. The owner of the property requested that the City release and quitclaim its rights in a portion of the water main easement. The City Manager, in consultation with the Greater Cincinnati Water Works Director, has determined that the portion of the easement encumbering the property is not needed for any municipal purpose. Therefore, the City is agreeable to releasing the portion of the easement encumbering the property.

The Administration recommends passage of this Ordinance.

cc: Verna Arnette, GCWW, Interim Executive Director *VA*

City of Cincinnati

CHM

EESW

An Ordinance No. _____

- 2022

AUTHORIZING the City Manager to execute a plat entitled *Easement Vacation Plat E-1047Q2/ WSL-3611* to release and quitclaim a portion of a public utility easement held by the City of Cincinnati for the use and benefit of Greater Cincinnati Water Works for a water main and associated appurtenances located in and upon certain real property located in the J. Eggleston Military Survey No. 609, Anderson Township, Hamilton County, Ohio, being part of Parcel 4 of the Original Plat of Anderson Towne Center as shown on a plat recorded in Plat Book 373, Page 56-57, Hamilton County, Ohio Recorder's Office.

WHEREAS, pursuant to a plat recorded in Plat Book 283, Page 31, Hamilton County, Ohio Recorder's Office, the City of Cincinnati is the holder of a public utility easement for a water main and associated appurtenances (the "Water Main Easement") in and upon certain real property more particularly identified as Hamilton County, Ohio Auditor's Parcel ID No. 500-0202-0218-00, being a part of Parcel 4 of the Original Plat of Anderson Towne Center as shown on a plat recorded in Plat Book 373, Page 56-57, Hamilton County, Ohio Recorder's Office (the "Property"); and

WHEREAS, the owner of the Property, Vantage Anderson, LLC, an Ohio limited liability company ("Petitioner"), has petitioned for the City to release and quitclaim its rights and interests in a portion of the Water Main Easement, as depicted on a plat entitled *Easement Vacation Plat E-1047Q2/ WSL-3611* attached to this ordinance as Attachment A and incorporated herein by reference (the "Vacation Plat"); and

WHEREAS, the City Manager, upon consultation with Greater Cincinnati Water Works, has determined that the portion of the Water Main Easement requested by Petitioner to be released is not needed for any municipal purposes and therefore recommends the release of same; and

WHEREAS, the Vacation Plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer, who has found it to be correct; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to execute a plat entitled *Easement Vacation Plat E-1047Q2/ WSL-3611* to release and quitclaim a portion of a public utility easement granted to the City of Cincinnati pursuant to a plat recorded in Plat Book 283, Page 31, Hamilton County, Ohio Recorder's Office, for the use and benefit of Greater Cincinnati Water Works for a water main and associated appurtenances (the "Water Main Easement") located in and upon certain

real property more particularly identified as Hamilton County, Ohio Auditor's Parcel ID No. 500-0202-0218-00, being a part of Parcel 4 of the Original Plat of Anderson Towne Center as shown on a plat recorded in Plat Book 373, Page 56-57, Hamilton County, Ohio Recorder's Office (the "Property").

Section 2. That the Water Main Easement is not needed for any municipal purpose.

Section 3. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance including, without limitation, executing any and all ancillary agreements, plats, and other documents.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

F.A. ANDERSON TOWNSHIP CENTER ROAD
A PUBLIC STREET DEDICATED AND
ACCEPTED ON SURVEY RECORD FOR
HAMILTON CO. PAR. 500-0202-0188

FIVE MILE ROAD (R/W VARIES)

TOWNE CENTER WAY (R/W VARIES)

500-0202-0218
VANTAGE ANDERSON, LLC
O.R. 14541, P. 1961
3.8713 AC.

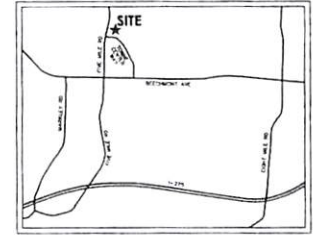
SCALE IN FEET
0 15 30 45 60



GENERAL NOTES

NORTH BASIS: BEARINGS BASED ON DEED FOR SUBJECT PROPERTY AS RECORDED IN O.R. 14543, P. 1961, HAMILTON COUNTY, OHIO RECORDER'S OFFICE.

SUBJECT PROPERTY BEING PART OF THE SAME REAL ESTATE AS CONVEYED TO VANTAGE ANDERSON, LLC, AN OHIO LIMITED LIABILITY COMPANY BY DEED RECORDED IN OFFICIAL RECORD 14541, PAGE 1961, RECORDS OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE.



VICINITY MAP
N.T.S.

OWNER

VANTAGE ANDERSON, LLC
4901 HUNT RD STE 300
CINCINNATI OH 45242



LEGEND
MONUMENTS
(SHOWN WITH DIMENSIONS)
○ EX. SURV. MON. PIN
□ EX. SPK. SET
△ EX. NAIL
△ EX. STONE
△ EX. CONC. MON.
--- EX. FENCE LINE
● EX. 3/4" MON. PIN SET
⊙ 1" MON. PIN SET
▲ SPK. SET
◆ NAIL SET
■ CONC. MON. SET

QUIT-CLAIM OF EXISTING WATERLINE EASEMENT

THE CITY OF CINCINNATI HEREBY RELEASES AND QUIT-CLAIMS ALL ITS RIGHTS AND INTERESTS IN THE EXISTING WATERLINE EASEMENT SHOWN ON THIS PLAT.

AUTHORIZED BY ORDINANCE NO. _____, 2022

CITY OF CINCINNATI

BY: _____

PRINTED NAME: _____

TITLE: _____

COUNTY OF HAMILTON, SS
STATE OF OHIO

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022, BY _____ (PRINTED NAME), THE _____ (TITLE) OF THE CITY OF CINCINNATI, AN OHIO MUNICIPAL CORPORATION, ON BEHALF OF THE MUNICIPAL CORPORATION. THIS IS AN ACKNOWLEDGMENT. NO OATH OR AFFIRMATION WAS ADMINISTERED TO THE SIGNER WITH REGARD TO THE NOTARIAL ACT CERTIFIED HERETO.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

APPROVED AS TO FORM: _____

SR. ASSISTANT CITY SOLICITOR

Richard D. Nichols
GREATER CINCINNATI WATER WORKS CHIEF ENGINEER

6/3/22
DATE

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS EASEMENT AND VERIFIED ALL DIMENSIONS.

Richard D. Nichols
RICHARD D. NICHOLS, P.E.
OHIO REGISTRATION NO. 7929
mcnichols@mcgillsmithpunshon.com



EASEMENT VACATION PLAT E-1047Q2 / WSL-3611

SITUATE IN J. EGGLESTON M.S. NO. 609
ANDERSON TOWNSHIP, HAMILTON COUNTY, OHIO
BEING PART OF PARCEL 4 OF THE ORIGINAL PLAT OF
ANDERSON TOWNE CENTER RECORDED IN P.B. 373, PP. 56-57
AS REVISED BY 2ND REV. TO PLAT IN P.B. 382, P. 74
AS REVISED BY 3RD REV. TO PLAT IN P.B. 385, P. 19

Date: 23 MAY 2022
Scale: 1" = 30'
Survey By: CMR
Field Mgr.: RDN
Survey Date: N/A
DWG: 18611003-VAC-2022-05-26
Revision: 1
Per Owner Comments: CMR
Date: 06/03/22
Project Number: 18611003
File No.: 15349
Sheet No.: 1/1

MSP
DESIGN
McGill Smith Punshon

1861 Park 42 Drive
Suite 1000
Cincinnati, OH 45240
Phone 513.788.8800
www.mspdesign.com

F.K.A. ANDERSON TOWNSHIP CONNECTOR ROAD No. 504-B
A PUBLIC STREET DEDICATED IN P.B. 152, PP. 38-39
FIVE MILE ROAD (R/W VARIES)

F.K.A. RING ROAD
A PUBLIC STREET DEDICATED AND
ACCEPTED ON SURVEY RECORD FOR
HAMILTON CO. PAR. 500-0202-0188
TOWNE CENTER WAY (R/W VARIES)

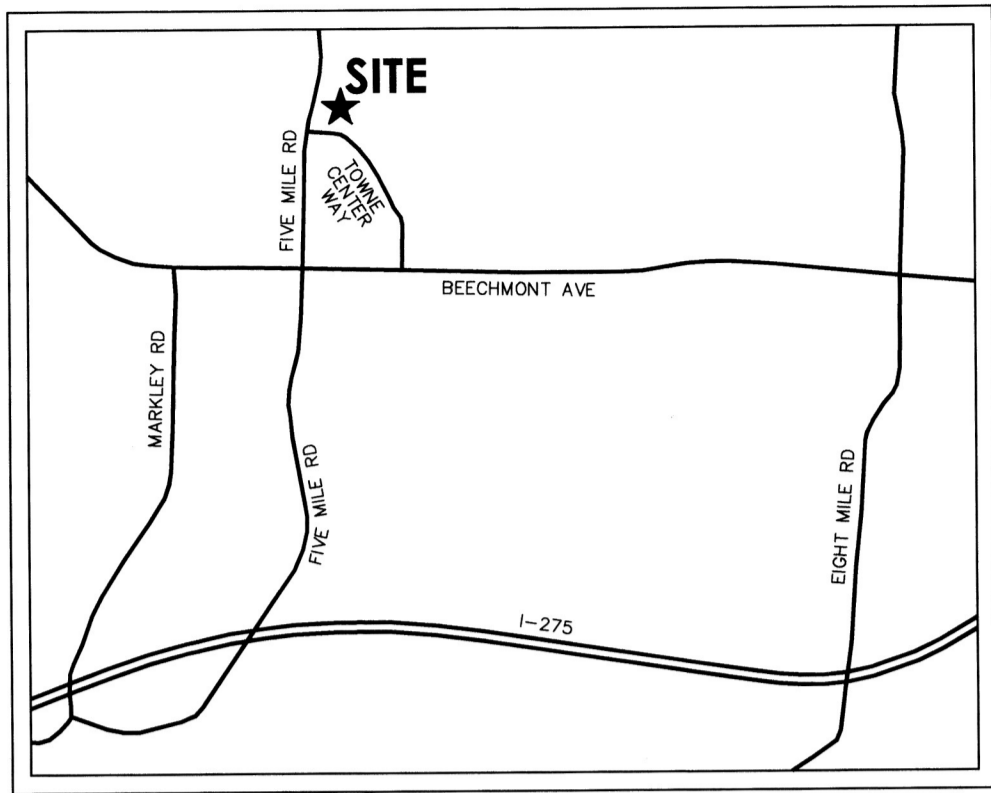
500-0202-0218
VANTAGE ANDERSON, LLC
O.R. 14541, P. 1961
3.8713 AC.



GENERAL NOTES

NORTH BASIS- BEARINGS BASED ON DEED FOR SUBJECT
PROPERTY AS RECORDED IN O.R. 14541, P. 1961,
HAMILTON COUNTY, OHIO RECORDER'S OFFICE.

SUBJECT PROPERTY BEING PART OF THE SAME REAL
ESTATE AS CONVEYED TO VANTAGE ANDERSON, LLC, AN
OHIO LIMITED LIABILITY COMPANY BY DEED RECORDED
IN OFFICIAL RECORD 14541, PAGE 1961, RECORDS OF
THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE.



OWNER

VANTAGE ANDERSON, LLC
4901 HUNT RD STE 300
CINCINNATI OH 45242



- LEGEND**
MONUMENTS
(UNLESS NOTED OTHERWISE)
- EX. 5/8" IRON PIN
 - ✂ EX. SPIKE
 - ✚ EX. NOTCH
 - ★ EX. NAIL
 - △ EX. STONE
 - EX. CONC. MON.
 - x- EX. FENCE LINE
 - 5/8" IRON PIN SET
 - ⊙ 1" IRON PIN SET
 - ✂ SPIKE SET
 - ✚ NOTCH SET
 - ★ NAIL SET
 - CONC. MON. SET

QUIT-CLAIM OF EXISTING WATERLINE EASEMENT

THE CITY OF CINCINNATI HEREBY RELEASES AND QUIT-CLAIMS ALL ITS RIGHTS AND INTERESTS IN THE
EXISTING WATERLINE EASEMENT SHOWN ON THIS PLOT.

AUTHORIZED BY ORDINANCE NO. _____ - 2022

CITY OF CINCINNATI

BY: _____

PRINTED NAME: _____

TITLE: _____

COUNTY OF HAMILTON, SS:
STATE OF OHIO

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022, BY

_____, (PRINTED NAME), THE _____ (TITLE) OF THE
CITY OF CINCINNATI, AN OHIO MUNICIPAL CORPORATION, ON BEHALF OF THE MUNICIPAL CORPORATION. THIS IS
AN ACKNOWLEDGMENT. NO OATH OR AFFIRMATION WAS ADMINISTERED TO THE SIGNER WITH REGARD TO THE
NOTARIAL ACT CERTIFIED HEREBY.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

APPROVED AS TO FORM:

SR. ASSISTANT CITY SOLICITOR

Richard D. Nichols
GREATER CINCINNATI WATER WORKS CHIEF ENGINEER

6/3/22
DATE

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS EASEMENT AND VERIFIED
ALL DIMENSIONS.

Richard D. Nichols
RICHARD D. NICHOLS, P.S.
OHIO REGISTRATION No. 7929
RNichols@McGillSmithPunshon.com

05/26/2022
DATE



**EASEMENT VACATION PLAT
E-1047Q2 / WSL-3611**

SITUATE IN J. EGGLESTON M.S. NO. 609
ANDERSON TOWNSHIP, HAMILTON COUNTY, OHIO
BEING PART OF PARCEL 4 OF THE ORIGINAL PLAT OF
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AS REVISED BY 2ND REV. TO PLAT IN P.B. 382, P. 74
AS REVISED BY 3RD REV. TO PLAT IN P.B. 385, P. 19

Date	23 MAY 2022
Scale	1" = 30'
Drawn By	CMB Proj. Mgr. RDN
Survey Database	N/A
DWG	18611003-VAC-2022_05-26
X-Ref(s)	
Project Number	18611.00
File No.	15349 Sheet No. 1 / 1

MSP
DESIGN
McGill Smith Punshon

■ Architecture 3700 Park 42 Drive
■ Engineering Suite 1908
■ Landscape Architecture Cincinnati OH 45241
■ Planning Phone 513.759.0004
■ Surveying www.mspdesign.com

*Interdepartmental
Correspondence Sheet*

November 2, 2022

TO: Mayor and Members of City Council

FROM: Sheryl M.M. Long, City Manager

202202019

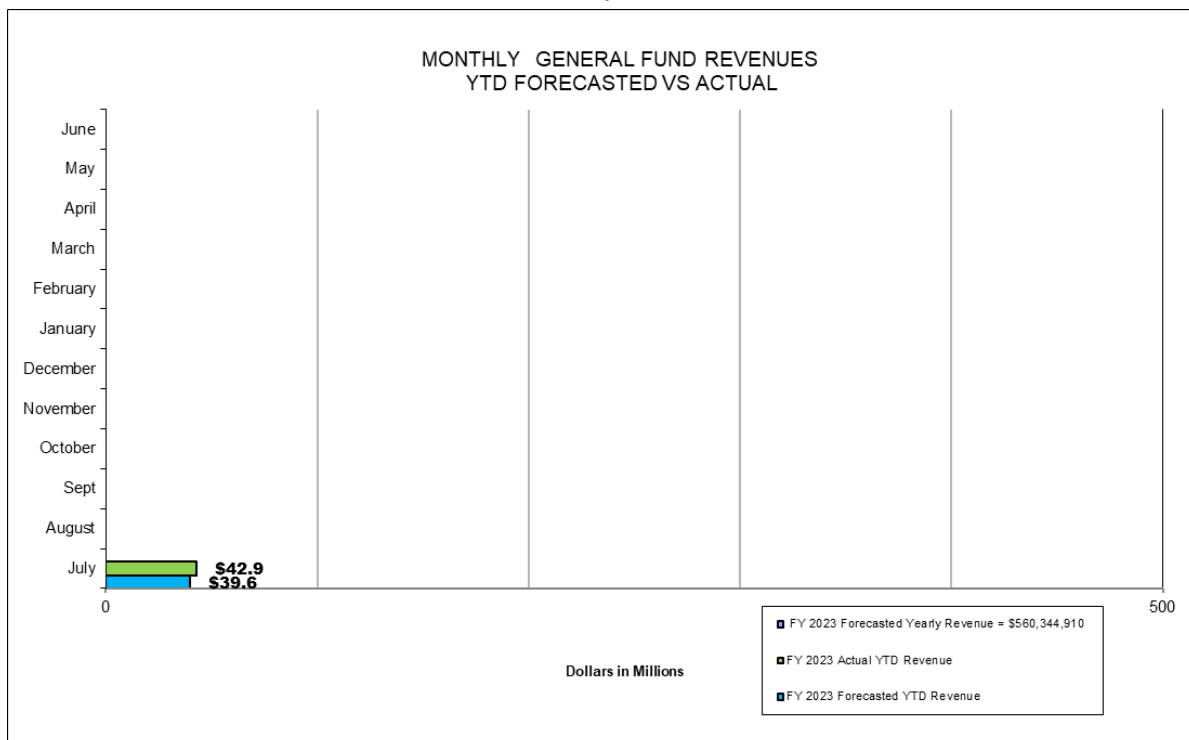
SUBJECT: Department of Finance Reports for the Month Ended July 31, 2022

<i>JULY 2022</i> <i>MONTHLY FINANCIAL REPORTS</i>
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The following report provides an update on the City of Cincinnati's financial condition as of the month ending July 31, 2022. This report represents the first report for the new 2023 fiscal year, ending June 30, 2023. Variances are based on current year estimates and prior year activity in attached schedules.

A more detailed explanation of revenues and expenditures is attached for review, including reports comparing current year actual revenue vs. forecasted revenue and prior year actual revenue vs. current year actual revenue. Both of those reports are presented on a monthly and year to date basis.

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through July 31, 2022 and shows that actual revenues of \$42.9 million was above forecasted revenues of \$39.6 million by \$3.3 million.



The major revenue components of the General Fund are listed in the table below. This table highlights the year-to-date variance (favorable and unfavorable) in General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs significantly from forecasted collections will be discussed in further detail.

GENERAL FUND REVENUE SOURCES		
	FAVORABLE VARIANCE	(UNFAVORABLE) VARIANCE
General Property Tax		(\$69,353)
City Income Tax	1,438,841	
Admissions Tax	199,113	
Short Term Rental Excise Tax	253,244	
Licenses & Permits	477,827	
Fines, Forfeitures, & Penalties	376,536	
Investment Income		
Local Government	197,230	
Casino	300,052	
Police	122,585	
Buildings and Inspections	2,093	
Fire		(\$29,858)
Parking Meter	50	
Other	80,066	
	3,447,639	(\$99,211)
Difference	3,348,428	

General Fund (favorable variance) is \$3.3 million above the amount forecasted thru July in the FY 2023 Budget. This is the first month's report for the new fiscal year. What follows is an explanation of significant variances of individual General Fund revenue components.

Income Taxes (favorable variance) is \$1.4 million above the forecasted amount. Income Tax projections have been adjusted to reflect an increase in remote work by nonresidents. This is the first month of the new fiscal year and as such there is not enough data to discern any trends.

Licenses & Permits (favorable variance) is up \$478k. As it is early in the fiscal year, Finance will keep watch on this revenue group. The various Licenses and Permits estimates have been set to pre-pandemic levels as businesses rebound.

Fines, Forfeitures & Penalties (favorable variance) is \$377k above the forecasted amount. This is mostly contributed to an increase in Parking Fine collections.

Casino (favorable variance) is up \$300k. The casino revenue is outperforming current estimates which have been increased above pre-pandemic levels.

Restricted Funds:

Community Health Center (unfavorable variance) is down \$542k. The Health Department will be requesting grant draws to bring the variance more in line with revenue estimates as the year progresses.

Submitted herewith are the following Department of Finance reports:

1. Comparative Statement of Revenue and Expenditures (Actual, Forecast and Prior Year) as of July 31, 2022.
2. Statement of Balances in the various funds as of July 31, 2022.

By approval of this report, City Council appropriates the revenues received in the various restricted funds on the attached Statement of Balances and as stated in greater detail on the records maintained by the Department of Finance, Division of Accounts & Audits. Such revenues are to be expended in accordance with the purposes for which the funds were established.

c: William “Billy” Weber, Assistant City Manager
Karen Alder, Finance Director

November 2, 2022

TO: Mayor and Members of City Council

FROM: Sheryl M.M. Long, City Manager

202202032

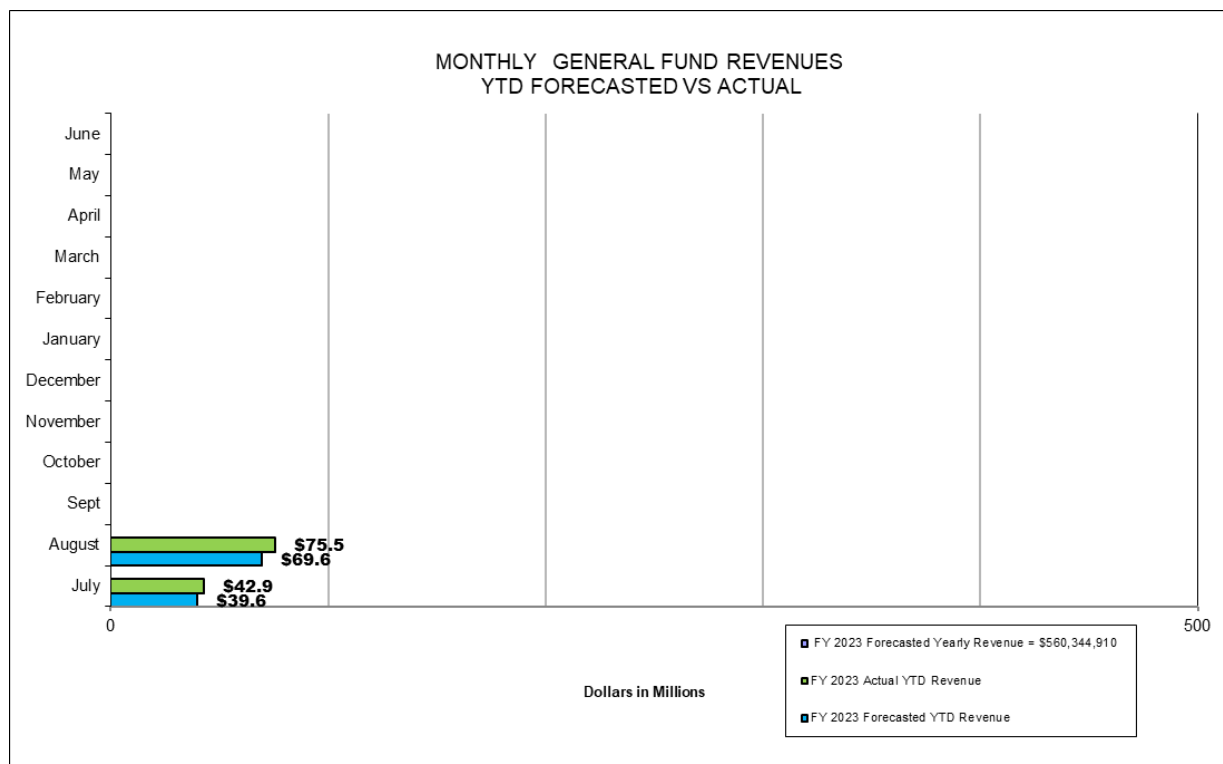
SUBJECT: Department of Finance Reports for the Month Ended August 31, 2022

***AUGUST 2022
MONTHLY FINANCIAL REPORTS***

The following report provides an update on the City of Cincinnati's financial condition as of the month ending August 31, 2022. Variances are based on current year estimates and prior year activity in attached schedules.

A more detailed explanation of revenues is attached for review, including reports comparing current year actual revenue vs. forecasted revenue and prior year actual revenue vs. current year actual revenue. Both of those reports are presented on a monthly and year-to-date basis.

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through August 31, 2022 and shows that actual revenue of \$75.5 million was above forecasted revenue of \$69.6 million by \$5.9 million.



The major revenue components of the General Fund are listed in the table below. This table highlights the year-to-date variance (favorable and unfavorable) in General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs significantly from forecasted collections will be discussed in further detail.

GENERAL FUND REVENUE SOURCES		
	FAVORABLE VARIANCE	(UNFAVORABLE) VARIANCE
General Property Tax	37,702	
City Income Tax	2,794,462	
Admissions Tax	540,537	
Short Term Rental Excise Tax	235,671	
Licenses & Permits	305,787	
Fines, Forfeitures, & Penalties	533,371	
Investment Income	74,336	
Local Government	142,852	
Casino	300,052	
Police	262,154	
Buildings and Inspections	117,498	
Fire	180,104	
Parking Meter	100	
Other	362,090	
	5,886,716	\$0
Difference	5,886,716	

General Fund (favorable variance) is \$5.9 million above the amount forecasted thru August in the FY 2023 Budget. This is the second month's report for the new fiscal year. What follows is an explanation of significant variances of individual General Fund revenue components.

Income Tax (favorable variance) is \$2.8 million above the forecasted amount. This amount can fluctuate throughout the year as quarterly net profits are due. Administration will continue to watch the trends very closely.

Admission Tax (favorable variance) is \$541k above estimate. This estimate was set at pre-pandemic levels and may not reflect increased economic activity and events since the pandemic. Finance will keep watch on this revenue group as the fiscal year continues.

Fines, Forfeitures and Penalties (favorable variance) is up \$533k. This favorable variance is mostly contributed to an increase in Parking Fine collections.

Restricted Funds:

Convention Center (favorable variance) is \$939k above estimate. The convention center venue is starting this fiscal year off better than it has in several years with many bookings taking place. In addition, hotel bookings are up as more people are visiting the city

which has resulted in increased TOT revenue.

Cincinnati Health District (favorable variance) is up \$374k. FEMA reimbursements were received that cover prior year COVID expenses such as supplies and vaccine clinics. This was not estimated in FY 2023 as the timeliness of these reimbursements are difficult to predict.

Submitted herewith are the following Department of Finance reports:

1. Comparative Statement of Revenue (Actual, Forecast and Prior Year) as of August 31, 2022.
2. Audit of the City Treasurer's Report for the month ended July 31, 2022
3. Statement of Balances in the various funds as of August 31, 2022.

By approval of this report, City Council appropriates the revenues received in the various restricted funds on the attached Statement of Balances and as stated in greater detail on the records maintained by the Department of Finance, Division of Accounts & Audits. Such revenues are to be expended in accordance with the purposes for which the funds were established.

c: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

November 2, 2022

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202202030

Subject: Emergency Ordinance: Authorizing the Implementation of the Teamsters
Local 100 Labor Management Agreement

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute and implement the successor labor-management agreement between the City of Cincinnati and Teamsters Local 100, the updated terms of which are reflected in the summary attached hereto.

This agreement provides the employees with a 5.0% wage increase (effective October 16, 2022) for the first year, a 4.0% wage increase (effective October 15, 2023) for the second year of the contract, a 3% wage increase (effective October 13, 2022) and a \$250 lump sum payment as soon as possible after ratification of the contract. A summary of the agreement is attached hereto.

The Administration recommends passage of this Emergency Ordinance.

cc: Edward G. Ramsey, Human Resources Director

EMERGENCY

CFG

-2022

AUTHORIZING the City Manager to execute and implement the successor labor-management agreement between the City of Cincinnati and Teamsters Local 100, the updated terms of which are reflected in the summary attached hereto.

WHEREAS, the current labor-management agreement (“Agreement”) between the City of Cincinnati (“City”) and Teamsters Local 100 (“Teamsters”) expired on October 15, 2022; and

WHEREAS, the City and the Teamsters, through their respective negotiating teams, have reached tentative agreement on the terms of a successor Agreement, the updated terms of which are reflected in the summary attached hereto; and

WHEREAS, the tentative successor Agreement has a duration of three years beginning on October 16, 2022, and expiring on October 11, 2025; and

WHEREAS, all employees in the Teamsters bargaining unit (“Teamsters employees”) will receive a 5 percent increase to their base wage effective October 16, 2022; and

WHEREAS, all Teamsters employees will receive a 4 percent increase to their base wage effective October 15, 2023; and

WHEREAS, all Teamsters employees will receive a 3 percent increase to their base wage effective October 13, 2024; and

WHEREAS, all Teamsters employees will receive a lump sum of \$250 as soon as possible after ratification of the successor Agreement; and

WHEREAS, the process for corrective action was streamlined, and the response timeline for grievances was increased to allow additional processing time; and

WHEREAS, the terms and conditions of the successor Agreement, as agreed to by the parties, represent fair and equitable gains for both parties; and

WHEREAS, the membership of the Teamsters’ bargaining unit ratified the terms of the negotiated labor-management successor Agreement on October 26, 2022; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to execute and implement the labor-management successor agreement between the City of Cincinnati and Teamsters Local 100, the updated terms of which are reflected in the summary attached hereto.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 herein.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to implement a successor labor-management agreement between the City and Teamsters Local 100 to replace the agreement which expired on October 15, 2022.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Summary of Tentative Agreement with The Teamsters

Article 9: Corrective Action

- Streamlined the corrective action process

Article 10: Grievance – Arbitration

- Increased timelines for responding to grievances

Article 18: Wages

- 5% effective in the first year of the contract (October 16, 2022)
- 4% effective in the second year of the contract (October 15, 2023)
- 3% effective in the third year of the contract (October 13, 2024)
- \$250 lump sum payment as soon as possible after ratification.

Article 22: Holidays

- Added Juneteenth

Article 23, Leave Without Pay

- Adjusted the leave without pay tiers
- Bereavement leave was increased from 3 days to 4 days and expanded to include an employee's grandchildren

Article 24: Performance Incentive Payment

- \$50 dollar increase to the performance incentive payment
- Clarified the language about when the incentive payment is pro-rated

Article 30: Duration of Agreement

- 3-year agreement (October 16, 2022 – October 11, 2025).

**** There were a few other articles that contained housekeeping changes.**

The remaining articles will stay as current contract language.

October 26, 2022

To: Mayor and Members of City Council 202201998

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance for the Extending the Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for an additional nine months

Transmitted is an Emergency Ordinance captioned:

EXTENDING Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" as an overlay district for a period of NINE months, pursuant to Chapter 1431, "Interim Development Control Overlay District Regulations," of the Cincinnati Municipal Code.

The City Planning Commission recommended approval of the extension of IDC 88, Surface Parking in the Downtown Development Zoning District, for nine additional months at its October 21, 2022 meeting.

Summary:

In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing the development of surface parking lots in the DD, "Downtown Development," zoning district. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study of the proposed legislation, make recommendations for modifying the legislation, if any, and pursue an Interim Development Control (IDC) Overlay District over the DD, "Downtown Development," zoning district for the duration of the study.

The City Planning Commission recommended approval of an emergency three-month IDC to Cincinnati City Council on September 16, 2022, and Cincinnati City Council approved the establishment of IDC No. 88 on September 21, 2022.

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

ADOPT the Department of City Planning and Engagement's staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-11, One-Year IDC Overlay Districts, as discussed on pages 1 – 3 of the staff report; and,

RECOMMEND that City Council extend Interim Development Control (IDC) Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for a period of nine additional months, or until the Department of City Planning and Engagement's zoning study is complete and implemented.

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



EMERGENCY

City of Cincinnati

ETN *EGSN*

An Ordinance No. _____

- 2022

EXTENDING Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development District,” as an overlay district for a period of nine months, pursuant to Chapter 1431, “Interim Development Control Overlay Districts,” of the Cincinnati Municipal Code.

WHEREAS, Councilmember Mark Jeffreys has introduced legislation to amend certain zoning code provisions governing development in the DD, “Downtown Development,” zoning district in order to restrict the development of surface parking lots within the district (“Proposed Legislation”); and

WHEREAS, in September 2022, the City Manager requested that the Department of City Planning and Engagement undertake a zoning study within the DD, “Downtown Development,” zoning district to investigate the potential impacts of the Proposed Legislation, to make recommendations on the adoption or modification of the Proposed Legislation, and to commence the process for establishing an interim development control overlay district (“IDC”) over the district during the pendency of the zoning study; and

WHEREAS, in connection with this request, the Council established Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District” (“IDC 88”), effective as of September 21, 2022 and continuing for a period of three months thereafter, to protect the area while the City Planning Commission and the Department of City Planning and Engagement conduct their study; and

WHEREAS, the City Planning Commission and the Department of City Planning and Engagement’s study remains ongoing, and an extension of IDC 88 is necessary to ensure that the potential zoning text amendments resulting from the Proposed Legislation and the study of it are not frustrated before their completion and implementation; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on October 21, 2022, recommended the extension of IDC 88 for a period of nine months upon finding that the criteria in Cincinnati Municipal Code Section 1431-11 are satisfied; and

WHEREAS, a committee of the Council held a public hearing on the proposed extension of IDC 88, following due and proper notice pursuant to Cincinnati Municipal Code Sections 111-1 and 1431-11, and the committee approved the extension, finding it in the interest of the public health, safety, morals, and general welfare; and

WHEREAS, the Council finds that extending IDC-88 over the study area is consistent with Plan Cincinnati (2012), including its “Compete” Initiative goals to “[t]arget investment to geographic areas where there is already economic activity” and “[c]ontinue development of

Existing Growth Opportunity Areas,” which specifically include the Central Business District (page 115); its “Connect” Initiative goals to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and “[e]xpand options for non-automotive travel” (page 129); and its “Live” Initiative goal to “[b]ecome more walkable” (page 157); and

WHEREAS, the Council further finds that extending IDC 88 over the study area is in the best interests of the City and the public health, safety, and general welfare; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council makes the following findings:

- A. At its regularly scheduled meeting on October 21, 2022, the City Planning Commission affirmatively recommended that the Council extend Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development District” (“IDC 88”), for a period of nine months while the City studies proposed zoning code text amendments concerning the development of surface parking lots within the affected area.
- B. The proposed zoning code text amendments would restrict the development of surface parking lots in the study area covered by IDC 88, one of the City’s densest commercial and residential areas, are anticipated to affect how people access and traverse the study area, and could impact City services and commercial activity in and around the study area.
- C. The City’s study of the proposed zoning code text amendments concerning the development of surface parking lots within the study area is expected to conclude within a one-year period. The Department of City Planning and Engagement plans to conduct initial community engagement in late 2022 and intends to conduct study research, hold additional community engagement activities, and present findings and recommendations to the City Planning Commission and City Council in the first half of 2023. Adoption of any zoning code changes is expected to require another three to six months. The extension of IDC 88 affords the City the time needed to complete its zoning study and implement the proposed zoning code text amendments, which may include the incorporation of recommendations resulting from the study.
- D. In the five-day period between the City Planning Commission’s affirmative recommendation and City Council’s establishment of IDC 88, the City received two applications for permits for new surface parking lots. Further requests to build or expand surface parking lots in the study area may be expected if IDC 88 is dissolved before the City’s study is complete and any zoning code text amendments are considered for adoption. Both the development and expansion of surface parking lots within the study area are inconsistent with the preliminary objectives for IDC 88, and the nine-month extension of IDC 88 is needed to protect against such development and expansion.

Section 2. That IDC 88, as depicted on the map attached as Exhibit “A” to Ordinance No. 300-2022 and incorporated herein by reference, is extended throughout the area designated on the map as the interim development control overlay district for an additional period of nine months, up to and including September 20, 2023.

Section 3. That the Regulations and Application Review Guidelines for IDC 88 and Designation of Administrative Reviewer, attached as Exhibit “B” to Ordinance No. 300-2022 and incorporated herein by reference, shall remain in effect for the duration of IDC 88 and be used by the City Planning Commission in its review of applications for the use of property within IDC 88.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6, of the Charter, be effective immediately. The reason for the emergency is the immediate need to impose interim development controls over the City’s study area for up to an additional nine-month period to ensure that the substance and purpose of proposed zoning code text amendments concerning the development of surface parking lots within the study area and the planning, land use, and zoning solutions that may result from the study and review of those amendments are not prematurely destroyed or impaired.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

SUBJECT: A report and recommendation on a proposed extension of Interim Development Control (IDC) Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District” in the Central Business District, for a period of nine additional months.

ATTACHMENTS:

Provided in addition to this report are:

- Exhibit A - Location Map
- Exhibit B - IDC Review Criteria
- Exhibit C – IDC Directive

BACKGROUND:

In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing the development of surface parking lots in the DD, “Downtown Development,” zoning district. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study of the proposed legislation, make recommendations for modifying the legislation, if any, and pursue an Interim Development Control (IDC) Overlay District over the DD, “Downtown Development,” zoning district for the duration of the study.

The City Planning Commission recommended approval of an emergency three-month IDC to Cincinnati City Council on September 16, 2022, and Cincinnati City Council approved the establishment of IDC No. 88 on September 21, 2022. The approved IDC No. 88 provides that the following permits and approvals are subject to review by the Department of City Planning and Engagement and the City Planning Commission while the zoning study is underway:

- building permits, certificates of compliance, and certificates of appropriateness for new construction, alterations, modification, or expansion of existing surface parking facilities
- changes in use to a surface parking facility
- site improvements associated with surface parking facilities

IDC No. 88 encompasses most of Downtown and parts of East End, Mount Adams, Mount Auburn, Pendleton, Over-the-Rhine, and West End neighborhoods.

The Department of Planning and Engagement’s study will include research and analysis of surface parking related to public interests and services, case study, and best-practice research, and additional topics surfaced through public-engagement activities. Department of City Planning and Engagement (DCPE) staff is planning an initial community engagement meeting in late 2022 to identify questions, concerns, and desires of stakeholders affected by the DD zoning district. DCPE staff intends to conduct study research and hold additional community engagement activities as needed in the first 2-4 months of 2023. DCPE staff would then present findings and recommendations to the City Planning Commission and City Council in the spring of 2023.

CRITERIA FOR A ONE-YEAR IDC DISTRICT

Pursuant to Section 1431-11 of the Cincinnati Zoning Code, City Council may extend an IDC Overlay District established pursuant to Section 1431-09 for nine additional months if notice has been given and a public hearing held in accordance with Section 111-1, Hearings on Zoning Amendments, of the Municipal Code and on finding that:

- (a) *Ongoing Study*. The City Planning Commission is studying proposed Cincinnati Zoning Code or map amendments that would affect the area within the IDC District;
- (b) *Study Completion*. The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Zoning Code amendments enacted within the year; and
- (c) *Inconsistent Uses*. There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

Staff findings on the above criteria is described further in the “Analysis” section of this report.

ANALYSIS:

The initial three-month period of IDC Overlay District No. 88 is currently set to expire on December 20, 2022, unless City Council approves an extension of IDC Overlay District No. 88 for an additional nine months. The City Council must receive an affirmative recommendation from the City Planning Commission to make this extension. An additional nine months would leave IDC Overlay District No. 88 in effect until September 21, 2023 (if approved by City Council), or until the zoning study is complete and any potential text amendments have been approved by City Council, at which time the IDC Overlay District could be dissolved by ordinance.

As described above, the City Council may extend IDC No. 88 for a period of nine months if the City Planning Commission gives them an affirmative recommendation on the finding that:

- a) *Ongoing Study*. The City Planning Commission is studying proposed Cincinnati Zoning Code or map amendments that would affect the area within the IDC District;

Staff analysis: The Zoning Code text amendments proposed by Council Member Jeffreys would prohibit the creation of new surface parking lots in the study area. Since the DD zoning district is in one of the City’s densest commercial and residential areas, the proposed legislation could affect how a large number of users access and traverse the Central Business District. Additionally, prohibiting new surface parking facilities could impact City services and commercial activity in and around the study area. Therefore, the Department of City Planning and Engagement staff believe these impacts require more study before making recommendations on the proposed text amendments.

- b) *Study Completion*. The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Zoning Code amendments enacted within the year; and

Staff analysis: As indicated in the study plan, the Department of City Planning and Engagement staff intend to conduct research and community engagement over a two-to-four-month period with the possibility of an additional three to six months should any zoning code changes be pursued after

the study is complete. With this timeline, a three-month IDC is insufficient to complete the study and possible zone changes and will require the nine-month extension.

- c) *Inconsistent Uses.* There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

Staff analysis: IDC No. 88 was established to study the impacts and appropriateness of surface parking in the study area. In the five-day period between the City Planning Commission's affirmative recommendation and City Council's establishment of IDC No. 88, the Department of Buildings and Inspections received two permits for new surface parking lots. The Department of City Planning and Engagement Staff are concerned more permits to build or expand surface parking lots will be submitted if IDC No. 88 is dissolved before the study is complete and potential amendments are approved. The Department of City Planning and Engagement staff believe new and expanded surface parking lots would be inconsistent with the preliminary objectives for IDC No. 88 and that its extension is needed to protect against this likely outcome.

IDC No. 88 helps to ensure the compatibility of any proposed surface parking facilities in the DD zoning district while the Department of City Planning and Engagement studies the effect of surface parking in that area. The proposed extension of IDC No. 88 for nine additional months will give the Administration enough time to complete its zoning study, engage the community, and take any proposal(s) through the approval process of City Planning Commission and City Council. If it becomes necessary, IDC No. 88 could potentially be extended two more times, each for six additional months, with City Planning Commission and City Council approval. An IDC is meant to be temporary and cannot be in place for more than two years.

PUBLIC COMMENT:

Department of City Planning and Engagement staff posted notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period within ten business days of the establishment of IDC No. 88 by placing an advertisement in the Cincinnati Enquirer on September 30, 2022. Staff has received no public inquiry to-date.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

Plan Cincinnati does not specifically address the concerns related to the establishment of IDC No. 88, however conducting a zoning study in this scenario is consistent with three Initiatives Areas. It is consistent with the Compete Initiative Area in the Strategy to “target investment to geographic areas where there is already economic activity” (page 115) and the Action Step to “continue development of existing growth opportunity areas” (page 116), which specifically identifies the “Central Business District (CBD), Over-the-Rhine (OTR), and the Uptown neighborhoods as the primary sources of City tax revenue”, which surface parking lots do little to support. Secondly, there is consistency with the Live Initiative Area to “become more walkable” (page 157) because large expanses of surface parking along street fronting properties discourage human-scale activity and movability. Lastly, this is consistent with the Connect Initiative Area Goal to “Develop an efficient multi-modal transportation system that supports neighborhood livability” (page 129) and more specifically with the Strategy to “expand options for non-automotive travel” (page 130) in that it could encourage people to walk instead of use cars to access and move around Downtown.

Cincinnati 2000 Comprehensive Development Plan for Downtown (1986)

The proposal is also consistent with *Cincinnati 2000 Comprehensive Development Plan for Downtown* (1986) which calls for “preservation of the City’s historic and architecturally significant buildings” (p. 2).

RECOMMENDATION

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following actions:

- 1) **ADOPT** the Department of City Planning and Engagement’s staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-11, *One-Year IDC Overlay Districts*, as discussed on pages 1 – 3 of this report; and,
- 2) **RECOMMEND** that City Council extend Interim Development Control (IDC) Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District,” for a period of nine additional months, or until the Department of City Planning and Engagement’s zoning study is complete and implemented.

Respectfully submitted:



Maria Dienger, City Planner
Department of City Planning and Engagement

Approved:



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

Subject Properties

Property Location

DD - Downtown Development Zoning Districts



EXHIBIT B

Regulations and Application Review Guidelines for Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District,” and Designation of Administrative Reviewer

Section I. Applications Subject to Review:

The following applications shall be reviewed by the City Planning Commission during the pendency of Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District”:

(a) Building permits for:

- i. new construction of surface parking facilities;
- ii. alteration, modification, or expansion of surface parking facilities;
- iii. changes in use to a surface parking facility use; and
- iv. site improvements associated with surface parking facilities.

(b) Certificates of compliance for:

- i. new construction of surface parking facilities;
- ii. alteration, modification, or expansion of surface parking facilities;
- iii. changes in use to a surface parking facility use; and
- iv. site improvements associated with surface parking facilities.

(c) Certificates of appropriateness for:

- i. new construction of surface parking facilities;
- ii. alteration, modification, or expansion of surface parking facilities;
- iii. changes in use to a surface parking facility use; and
- iv. site improvements associated with surface parking facilities.

Notwithstanding the foregoing subsections (a), (b), and (c), applications for building permits, certificates of compliance, and certificates of appropriateness to make the following alterations, modifications, or improvements to existing surface parking facilities shall not be subject to review by the City Planning Commission:

- i. Resurfacing that does not increase or expand the existing surface area;
- ii. Restriping;
- iii. New lighting;
- iv. New fencing; and
- v. New landscaping.

Section II. Designated Administrative Reviewer:

Council designates the Department of City Planning and Engagement as the staff reviewing authority for Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District.”

Section III. Application Review Guidelines:

In addition to any other necessary reviews and approvals as required by the Cincinnati Municipal Code and any other applicable laws, any application subject to review in Section I above shall be reviewed by the City Planning Commission to determine whether the application conforms to all applicable laws, ordinances, and regulations and is in the public interest.

In determining whether the application is in the public interest, the City Planning Commission shall consider those factors listed below that are relevant to the application. The application’s failure to conform to any single factor is not necessarily a sufficient basis for denial.

- a) *Community Character*. The proposal has a density, scale, size, location, programmatic configuration or function, and use that is compatible with, and designed to activate and enhance, the downtown streetscape.
- b) *Placement*. The proposed siting, setbacks, and orientation is designed to maximize multi-modal mobility that emphasizes pedestrian safety, participation, circulation, and connectivity.
- c) *Integration*. The proposal is designed to provide seamless transitions and connections, promoting interconnectivity between adjoining and abutting land uses to avoid disharmonious development patterns.
- d) *Accessibility*. The proposal is designed to promote public and private interactions and accessibility through multi-modal connections to existing or planned street grids or pedestrian-oriented pathways.
- e) *Stormwater Management*. The proposal is designed to address and minimize potential adverse effects relating to off-site stormwater runoff owing to any relative increase in impervious surface area or decrease in vegetative land cover related to the proposed development.
- f) *Zoning*. The proposal conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the zoning code.
- g) *Guidelines*. The proposal conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.

- h) *Plans*. The proposal conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.
- i) *Proposed Zoning Amendments*. The proposal is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.
- j) *Adverse Effects*. Whether the proposal is likely to impose any adverse effect on the access to the property by fire, police, or other public services; traffic conditions; or the development, usefulness or value of neighboring land and buildings.

Dienger, Maria

From: Keough-Jurs, Katherine
Sent: Thursday, September 15, 2022 3:41 PM
To: Peppers, Alex; Dienger, Maria
Subject: Fwd: DD Parking Zoning Text Amendment & IDC
Attachments: image001.png; Signed ORD & TRANS - Modifying Zoning Code Surface Parking.pdf

Alex and Maria,

Please proceed with the request below.

Thanks,
 Katherine

Sent from my iPhone

Begin forwarded message:

From: "Long, Sheryl" <Sheryl.Long@cincinnati-oh.gov>
Date: September 15, 2022 at 3:11:15 PM EDT
To: "Keough-Jurs, Katherine" <Katherine.Keough-Jurs@cincinnati-oh.gov>
Cc: "Rocco, Giovanni" <Giovanni.Rocco@cincinnati-oh.gov>, "Weber, William" <William.Weber@cincinnati-oh.gov>
Subject: FW: DD Parking Zoning Text Amendment & IDC

Hello Katherine,
 Please see the request from CM Jefferies office. Please proceed with execution of the request.

Thank you,
 Sheryl

From: Rocco, Giovanni <Giovanni.Rocco@cincinnati-oh.gov>
Sent: Wednesday, September 14, 2022 2:30 PM
To: Long, Sheryl <Sheryl.Long@cincinnati-oh.gov>
Cc: Weber, William <William.Weber@cincinnati-oh.gov>
Subject: DD Parking Zoning Text Amendment & IDC

CM Long,

This afternoon, our office transmitted the attached ordinance to the Clerk's office to be placed on the Council Calendar for next week. Given the nature of this zoning change, we would like the Administration to pursue an IDC in the DD District as it relates to surface parking while this proposal goes through the zoning process. Given the sensitive nature of this proposal, we would like the CPC to consider the IDC this Friday.

Thank you, and feel free to reach out with any questions.

Gio Rocco | Chief of Staff

Councilmember Mark Jeffreys
801 Plum Street, Room 346-A | Cincinnati, OH 45202
(O) 513-352-3464
Giovanni.Rocco@cincinnati-oh.gov
<https://www.cincinnati-oh.gov>

Downtown Residents Council
Public Library, Tower Room (3rd fl)
800 Vine Street, Cincinnati, Ohio 45202

Pendleton Neighborhood Council
Brewdog Cincinnati
316 Reading Rd., Cincinnati OH 45202

Over-the-Rhine Community Housing
114 West 14th Street
Cincinnati, OH 45202

West End Community Council
Carl Linder YMCA
1425 Linn Street, Cincinnati, Ohio
45214

Mt. Adams Civic Association
Holy Cross/Immaculta Parish Center
30 Guido Street, Cincinnati, Ohio 45202

Over-the-Rhine Community Council
OTR Community Center
1715 Republic Street, Cincinnati, Ohio
45202

West End Neighborhood Development
Corporation
2008 Freeman Avenue
Cincinnati, OH 45214

October 26, 2022

Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

EXTENDING Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" as an overlay district for a period of NINE months, pursuant to Chapter 1431, "Interim Development Control Overlay District Regulations," of the Cincinnati Municipal Code.

Summary:

In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing development in the DD, "Downtown Development," zoning district to study the potential impacts of surface parking lots and make recommendations for potential zoning code text amendments. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study and propose an Interim Development Control (IDC) Overlay District over the Downtown Development zoning district for the duration of the study. The City Planning Commission recommended approval of the IDC 88, Surface Parking in the Downtown Development Zoning District, at its September 16, 2022 meeting, and City Council approved the establishment of IDC 88 at its September 21, 2022 meeting.

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

ADOPT the Department of City Planning and Engagement's staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-11, One-Year IDC Overlay Districts, as discussed on pages 1 – 3 of the staff report; and,

RECOMMEND that City Council extend Interim Development Control (IDC) Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for a period of nine additional months, or until the Department of City Planning and Engagement's zoning study is complete and implemented.

Motion to Approve: Ms. Sesler

Seconded: Ms. Smitherman

Ayes: Mr. Samad
Mr. Weber
Mr. Stallworth
Ms. Sesler
Mr. Eby
Ms. Smitherman
Ms. Kearney

THE CITY PLANNING COMMISSION



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

EMERGENCY

City of Cincinnati

ETN

EESW

An Ordinance No. _____

-2022

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."

WHEREAS, Over-the-Rhine Community Housing ("Owner") owns certain real property currently utilized as a public surface parking lot, which real property is commonly known as 2000 Dunlap Street (Ham. Co. PID 096-0005-0116-00) and is located in the Over-the-Rhine neighborhood ("Property"); and

WHEREAS, the Property is presently located in the UM, "Urban Mix," zoning district and the Over-the-Rhine Historic District; and

WHEREAS, the Owner seeks 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 program ("Project"), which building would also include communal dining facilities and certain other facilities for the use and benefit of its residents; and

WHEREAS, the Project's exterior facade will incorporate various materials and colors, with a base of a light gray brick on the first floor topped with a cast-stone belt course, red-orange brick through the middle of the building with individual and paired window openings in horizontal and vertical alignment, and a darker brick soldier course and a heavy coping material across a majority of the top of the building; and

WHEREAS, over the course of three separate public hearings, the Historic Conservation Board reviewed the Project and considered the Owner's requests for a certificate of appropriateness and variances from the zoning code's density and setback regulations; and

WHEREAS, in a decision dated September 27, 2022, the Historic Conservation Board: (i) approved the Owner's request for a certificate of appropriateness; (ii) approved the Owner's requested zoning variance to permit a zero-foot setback along a portion of the rear yard of the Property; and (iii) denied the Owner's requested zoning variance to authorize an increase in the density of dwelling units permitted within the building ("HCB Decision"); and

WHEREAS, the Council wishes to authorize the construction of the Project and permit up to forty-four dwelling units on the Property, notwithstanding the HCB Decision denying the Owner's request for a density variance; and

WHEREAS, the Council independently finds that reducing the rear-yard setback and authorizing greater density on the Property will return the lot to a use more compatible with the Over-the-Rhine community, will facilitate the creation of new housing for underserved segments of the community, and is necessary and appropriate to further the interests of historic conservation; and

WHEREAS, the Council further finds that the Project is well-designed, that its materials, massing, scale, and overall appearance fit within the context of the Over-the-Rhine community, and that it is substantially consistent with the Over-the-Rhine Historic District Conservation Guidelines; and

WHEREAS, authorizing the construction of the Project and permitting a reduced rear-yard setback and increased density will not have an adverse effect on the architectural or aesthetic integrity of the Over-the-Rhine Historic District, the character of the area, or the public health, safety, and general welfare; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on _____, 2022, and upon considering the factors set forth in CMC Section 111-5, recommended adoption of a notwithstanding ordinance permitting the construction of the Project on the Property; 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 a reduced rear-yard setback and increased density on the Property and setting aside the requirement for a certificate of appropriateness will not have an adverse effect on the character of the area or the public health, safety, and general welfare, and further finding that it is consistent with the purposes of the CMC and the UM, "Urban Mix," zoning district; and

WHEREAS, a legislative variance authorizing a reduced rear-yard setback and increased density and setting aside the certificate of appropriateness requirement to permit the Project is consistent with all three community plans associated with the area: the *Over-the-Rhine Comprehensive Plan* (2002), which includes goals to "[e]ncourage and welcome new investment at all levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents" and "[p]rovide appropriate housing-related services for all residents" (page 47); the *Brewery District Master Plan* (2013), which states the area "should be developed as a medium density, mixed use, pedestrian oriented area maintaining on-street parking throughout" and "[n]ew construction should be a minimum of 2 stories, and not taller than 5 stories" (page 54); and the *Mohawk Area Plan* (2021), which includes the goal to develop "a diverse and inclusive district that contains neighborhood-specific housing for all income levels"

through strategies to “[p]romote architecturally compatible and consistent housing infill” and “[e]ncourage and welcome new development at all levels of the housing market and ensure long-term sustainability of enough affordable housing to house current residents” (page 39); and

WHEREAS, a legislative variance authorizing a reduced rear-yard setback and increased density and setting aside the certificate of appropriateness requirement to permit the Project is further consistent with *Plan Cincinnati* (2012), specifically its Live Initiative Area with the goal to “[p]rovide a full spectrum of housing options, and improve housing quality and affordability” through strategies to “[p]rovide quality healthy housing for all income levels” and “[o]ffer housing options of varied sizes and types for residents at all stages of life” (page 164); and

WHEREAS, Council finds that permitting a congregate-housing facility of up to forty-four dwelling units on the Property will not have an adverse effect on the character of the area or the public health, safety, and general welfare, and further finds that it is in the best interests of the City and public's health, safety, 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 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 construction of a new congregate-housing facility on the Property (hereinafter defined), which facility may contain up to forty-four dwelling units maintained as affordable units in compliance with the Low-Income Housing Tax Credit program, shall include communal dining facilities and certain other facilities for the use and benefit of its residents, and shall have an exterior facade incorporating materials and colors that include a base of a light gray brick on the first floor topped with a cast stone belt course, red-orange brick through the middle of the building with individual and paired window openings in horizontal and vertical alignment, and a darker brick soldier course and a heavy coping material across a majority of the top of the building (“Project”), as more particularly described on the plans, elevations, and project summary attached hereto as Exhibit A

and incorporated herein by reference, on the real property commonly known as 2000 Dunlap Street (Ham. Co. PID 096-0005-0116-00) in the Over-the-Rhine neighborhood (“Property”), depicted on the map attached hereto as Exhibit B 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 would be consistent with the purposes of the Cincinnati Municipal Code and the UM, “Urban Mix,” zoning district.

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

- a. return an underutilized lot to a more productive use;
- b. facilitate the creation of new housing for underserved segments of the Over-the-Rhine community;
- c. be necessary and appropriate to further the interests of historic conservation;
- d. not have an adverse effect on the architectural or aesthetic integrity of the Over-the-Rhine Historic District;
- e. permit the construction of a new infill building that is well-designed, with materials, massing, scale, and an overall appearance that fit within the context of the Over-the-Rhine community; and
- f. permit the construction of a new infill building that is substantially consistent with the Over-the-Rhine Historic District Conservation Guidelines.

Section 4. That, notwithstanding any provisions of the Cincinnati Municipal Code to the contrary, the Council hereby confirms that the Project described and depicted on the plans, elevations, and project summary attached hereto as Exhibit A constitutes a congregate-housing facility providing permanent supportive housing and that the use and operation of that facility shall be deemed a “congregate housing” use for the purposes of the Cincinnati Municipal Code and the UM, “Urban Mix,” zoning district.

Section 5. That the Council authorizes the construction of the Project, or a new infill building substantially similar to the Project, on the Property, subject to the terms and conditions set forth in this ordinance. This authorization is granted notwithstanding the September 27, 2022 decision of the Historic Conservation Board, attached hereto as Exhibit C and incorporated herein by reference, 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."

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 UM, "Urban Mix," zoning district, and the Over-the-Rhine Historic District.

Section 7. That the use of the Property as a congregate-housing facility with forty-four dwelling units pursuant to this ordinance shall not be considered a nonconforming use of land unless otherwise permitted by law.

Section 8. That the City Manager, the Director of Buildings and Inspections, the Director of City Planning and Engagement, the Zoning Administrator, the Urban Conservator, and all other appropriate city officials are authorized to take all necessary and proper actions to implement this ordinance, including the issuance of building permits and related approvals provided they conform to applicable building codes, housing codes, accessibility laws, and other laws, rules, or regulations.

Section 9. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to enable the development activities on the Property to commence at the earliest possible time, so as to improve the welfare of the Over-the-Rhine community and the people of the City of Cincinnati at the earliest possible, and to take advantage of the availability of time-sensitive Low-Income Housing Tax Credits.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

EXHIBIT A

ARCHITECTURAL SITE PLAN



A00
SITE PLAN

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 16, 2022
NR PROJECT NUMBER: 21-084

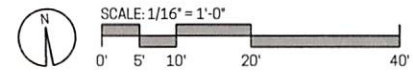
NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING



FIRST FLOOR PLAN

PROGRAM KEY

- RESIDENTIAL
- MAJOR VERTICAL PENETRATIONS
- COMMON CIRCULATION
- DEDICATED PROGRAM
- COMMON PUBLIC
- SUPPORT



NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

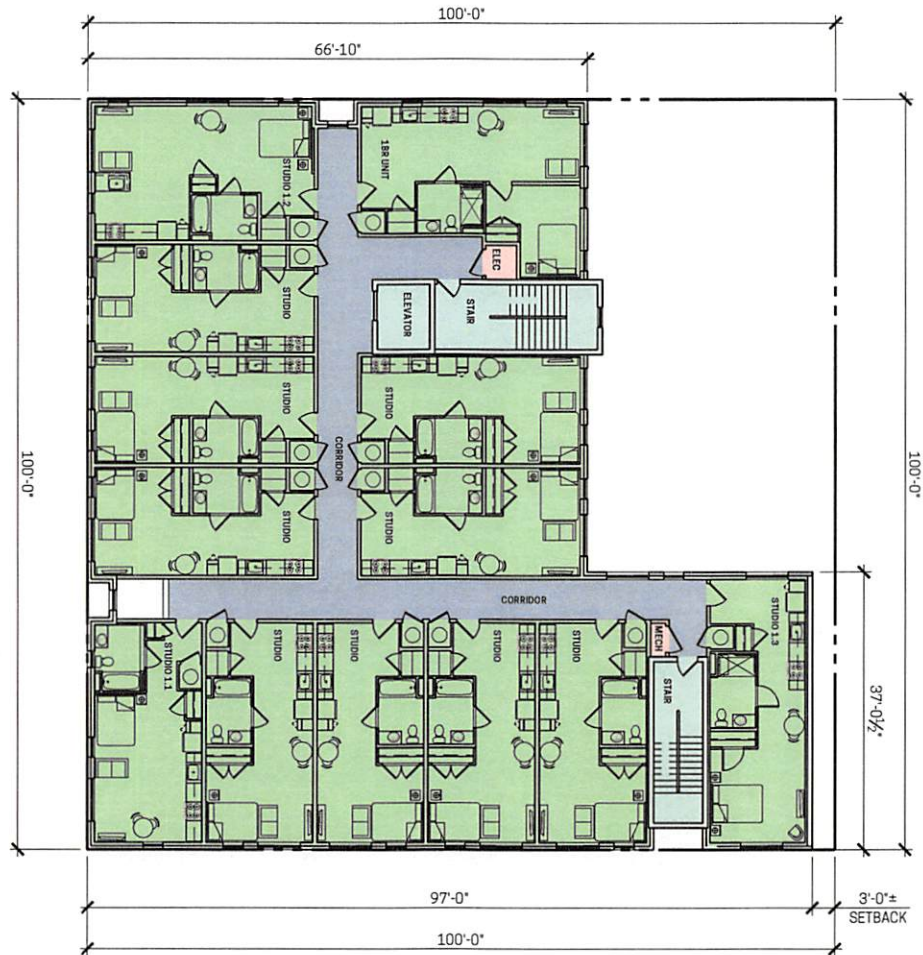
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

BUILDING PLANS
A01

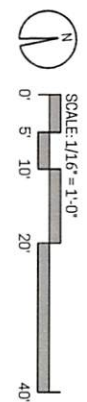
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SECOND FLOOR PLAN (THIRD and FOURTH FLOORS SIMILAR)



PROGRAM KEY

RESIDENTIAL
MAJOR VERTICAL PENETRATIONS
COMMON CIRCULATION
DEDICATED PROGRAM
COMMON PUBLIC
SUPPORT

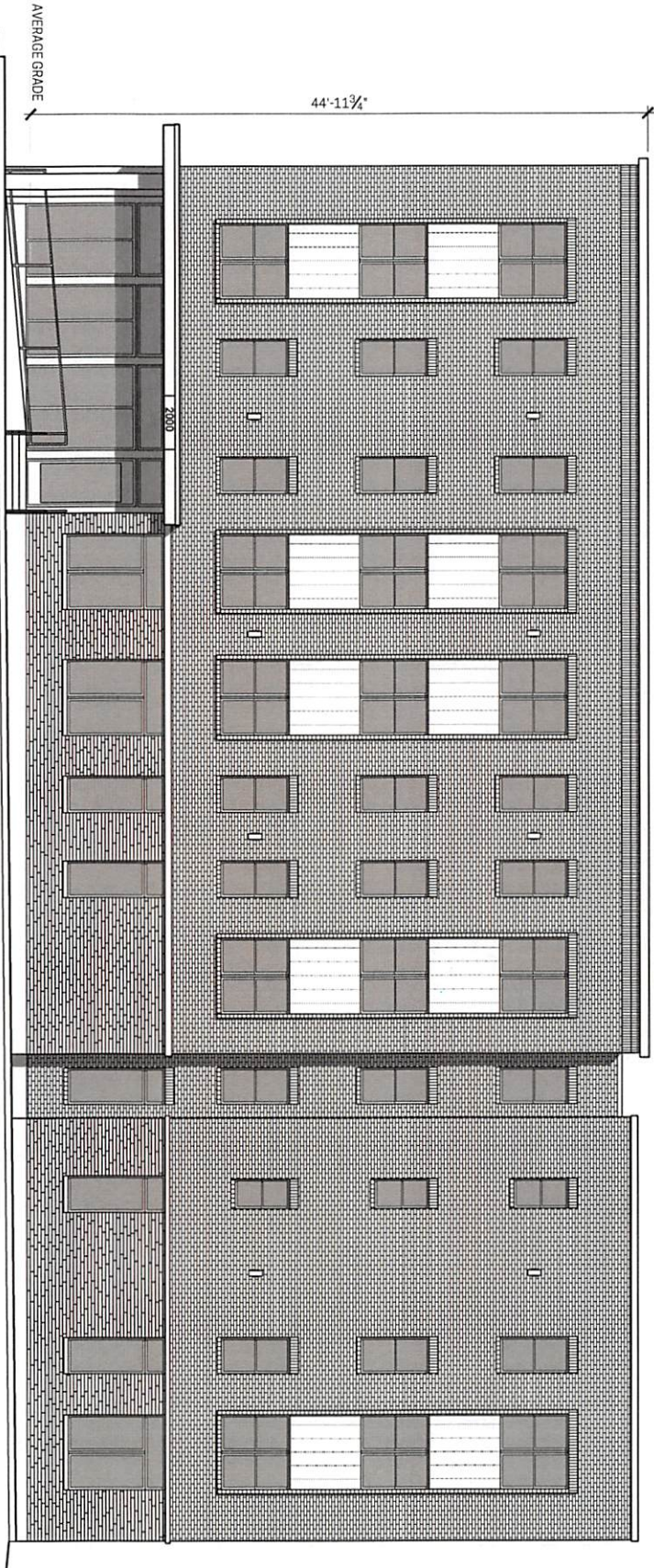


A02
BUILDING PLANS

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

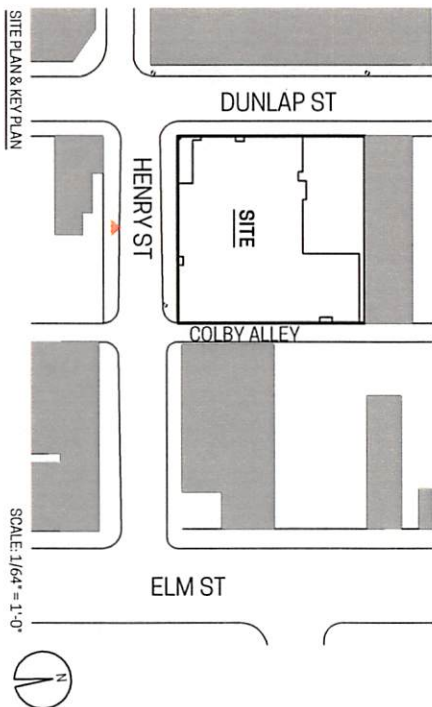
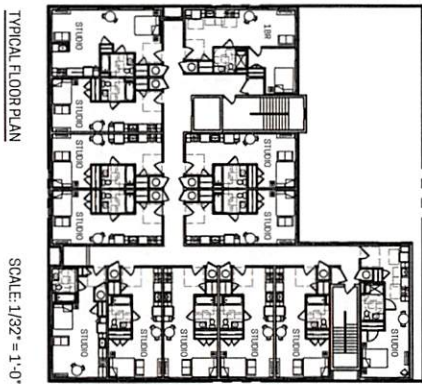
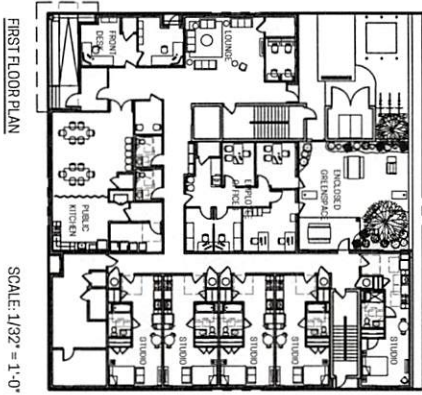
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING



HENRY STREET (SOUTH) ELEVATION

SCALE: 1/8" = 1'-0"

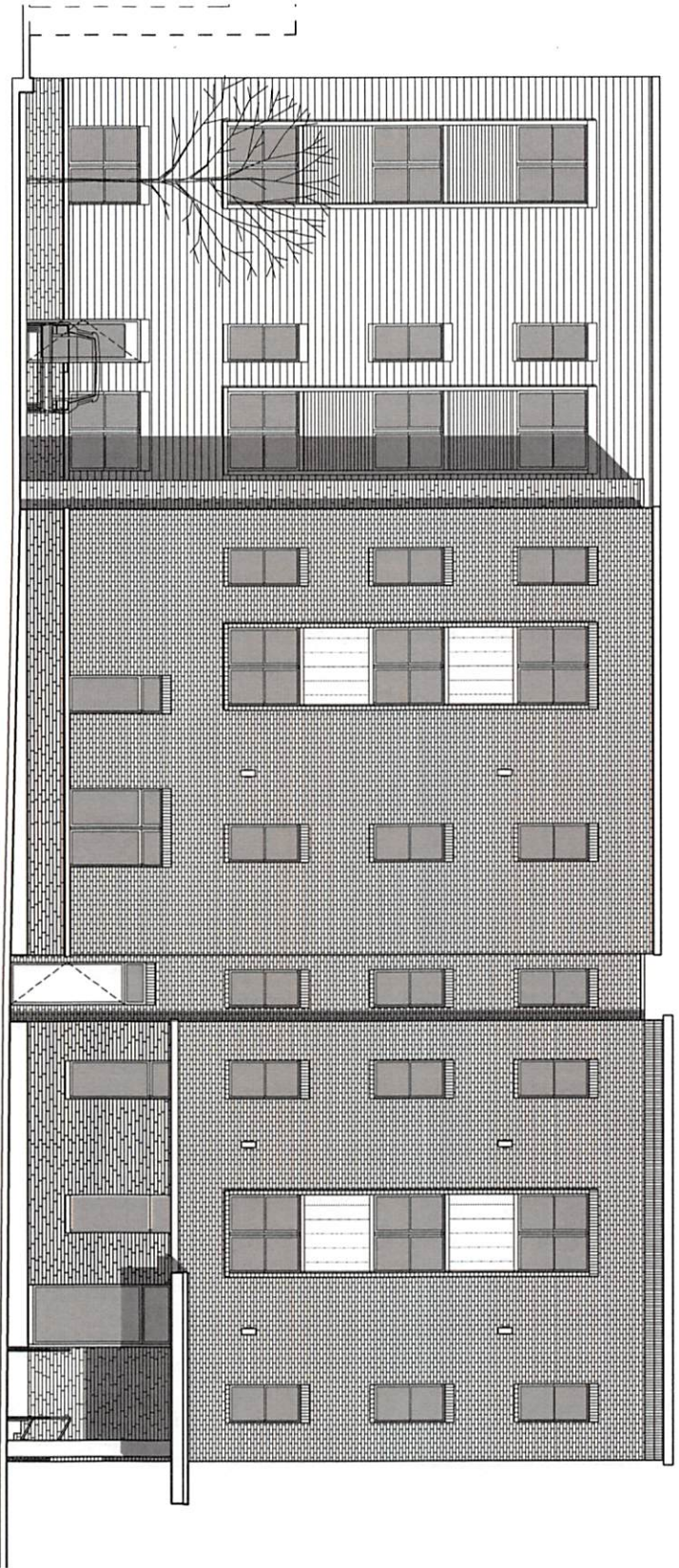


A21

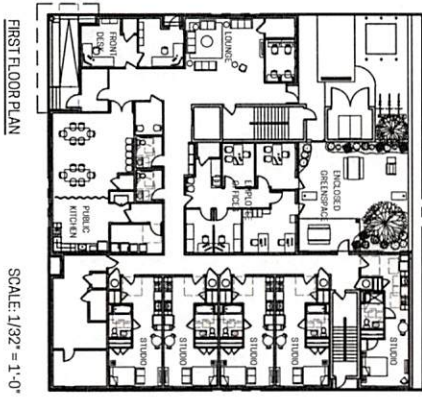
DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

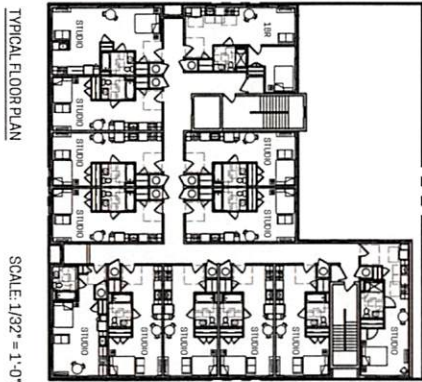


DUNLAP (WEST) ELEVATION
SCALE: 1/8" = 1'-0"



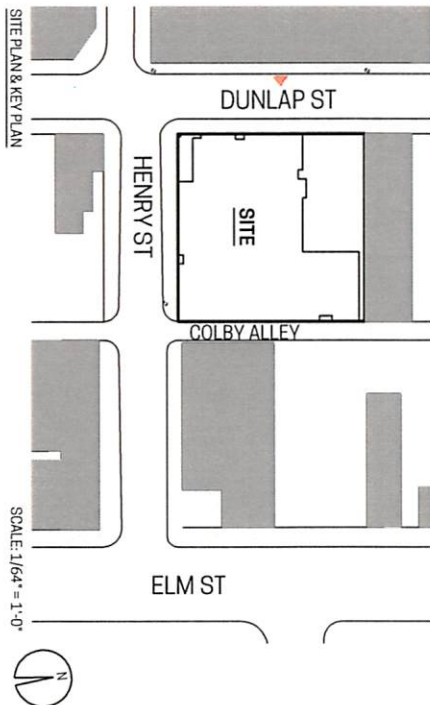
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

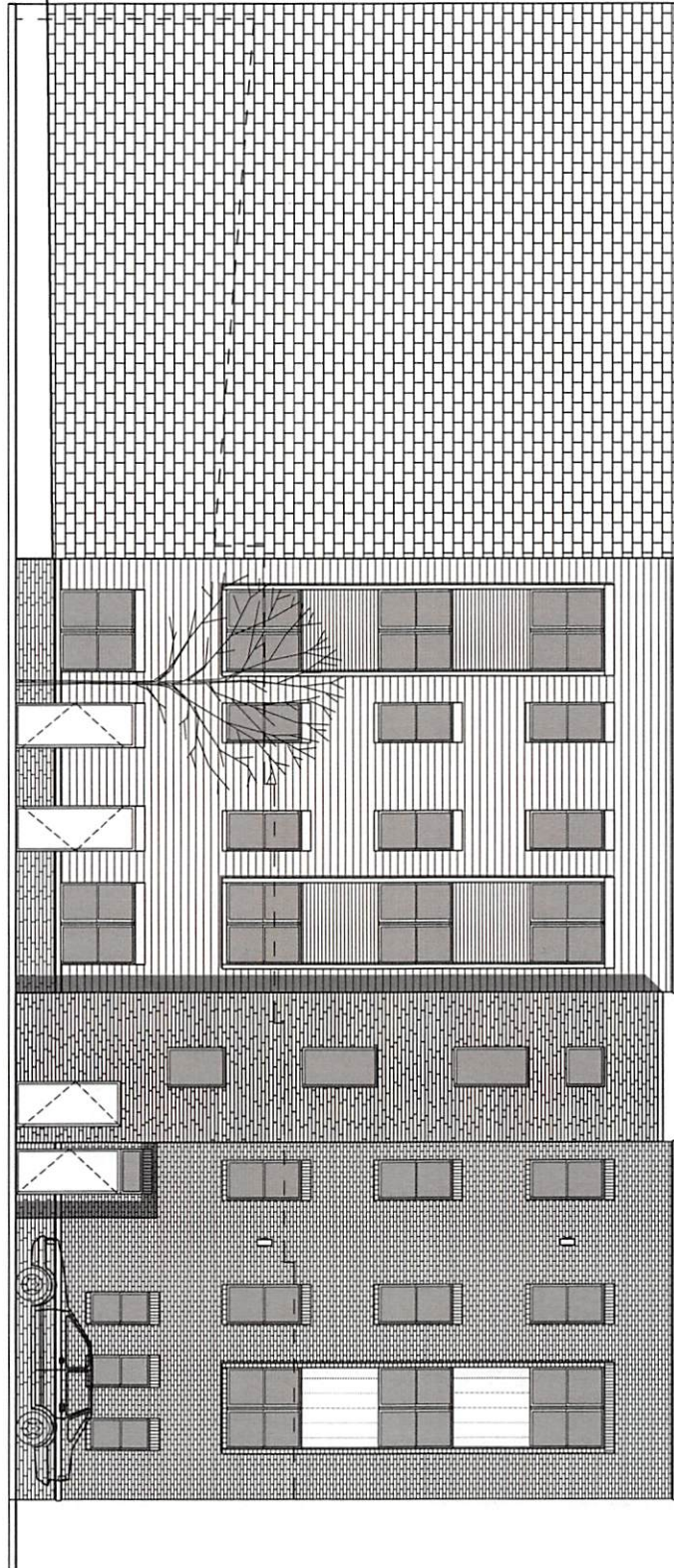
SCALE: 1/64" = 1'-0"

A22

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

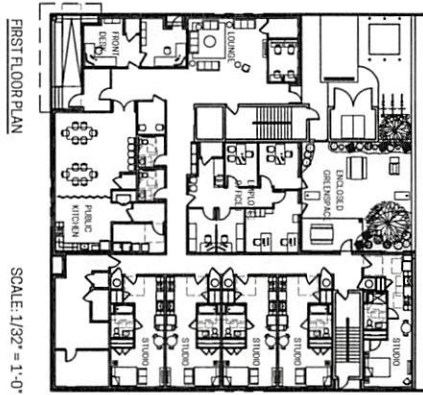
DUNLAP+HENRY PSB
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING



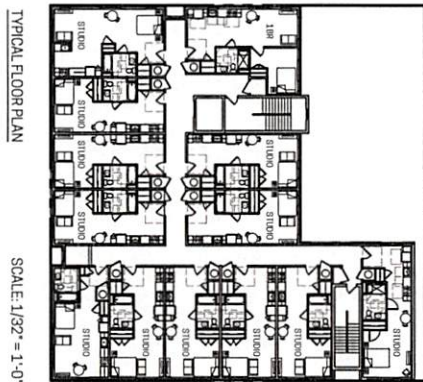
REAR (NORTH) ELEVATION

SCALE: 1/8" = 1'-0"



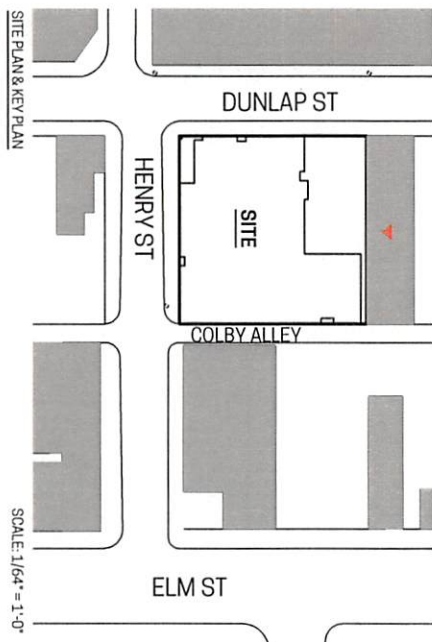
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

SCALE: 1/64" = 1'-0"



A23

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

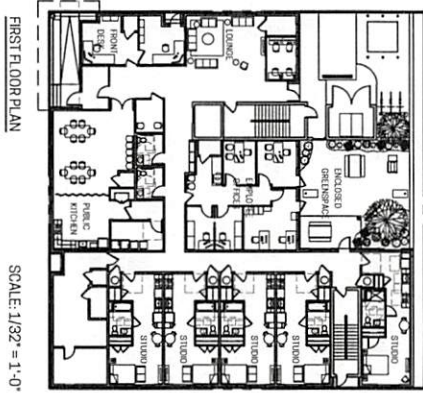
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING



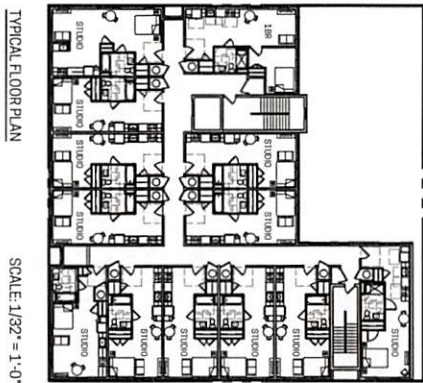
ALLEY (EAST) ELEVATION

SCALE: 1/8" = 1'-0"



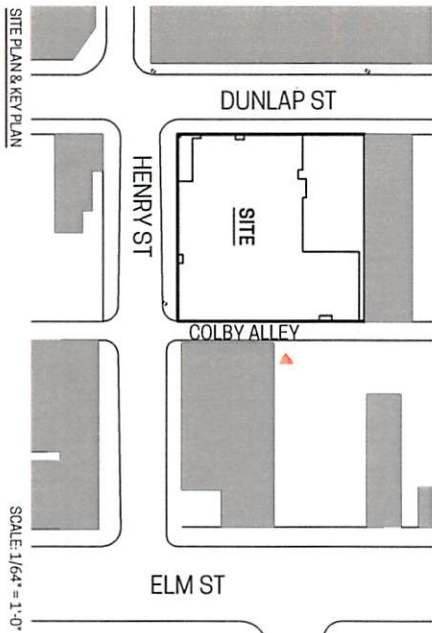
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

SCALE: 1/64" = 1'-0"

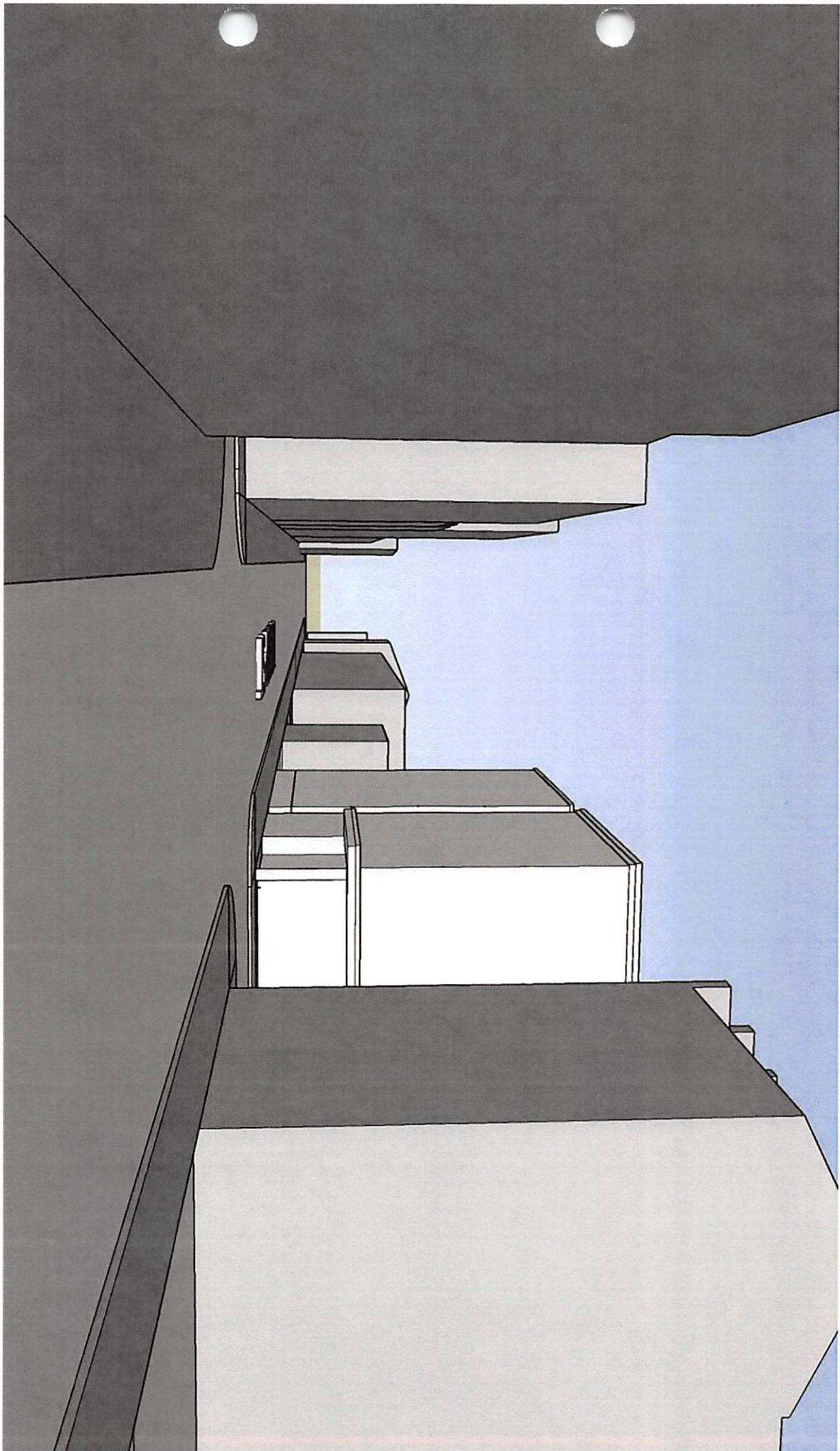


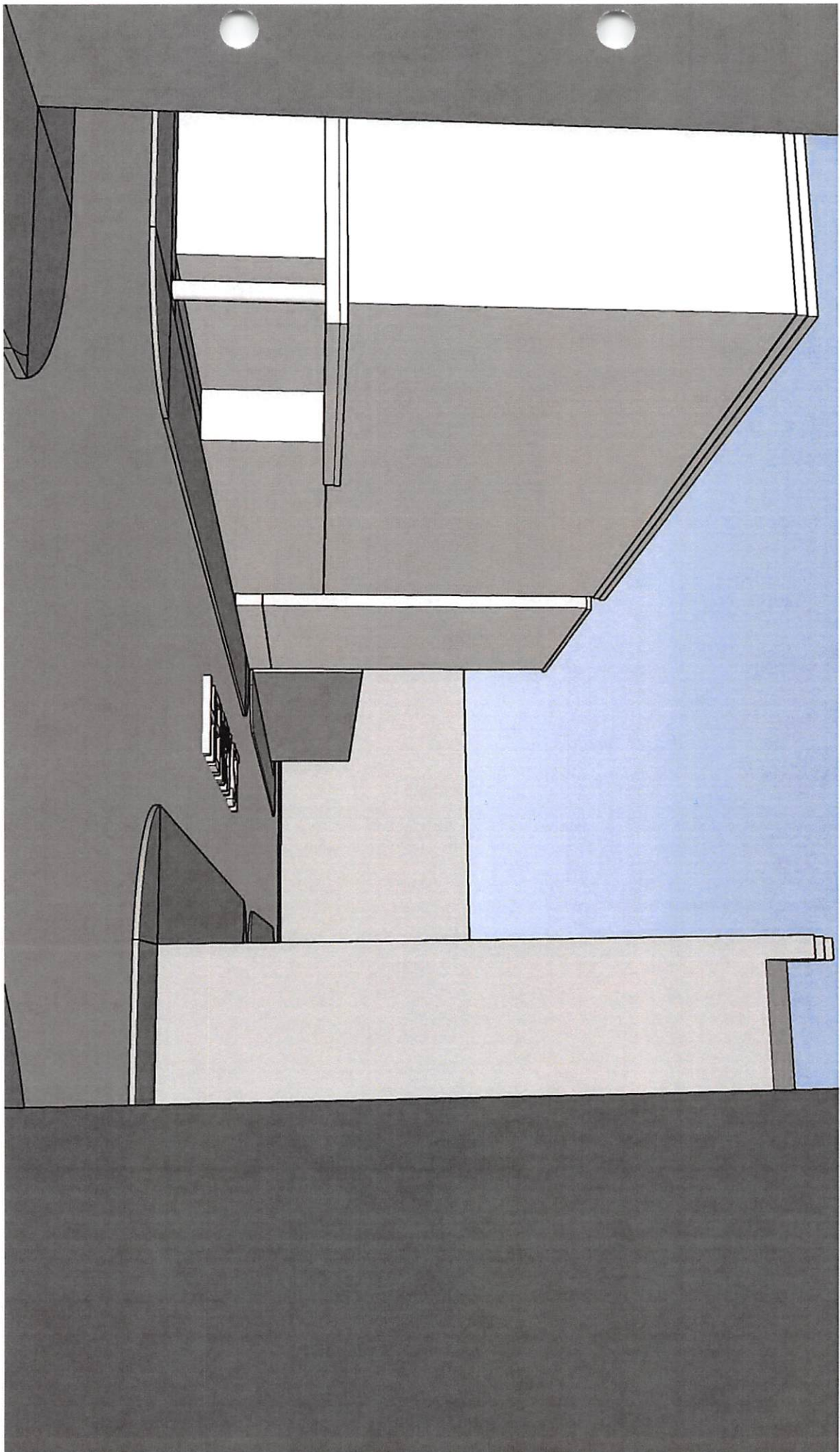
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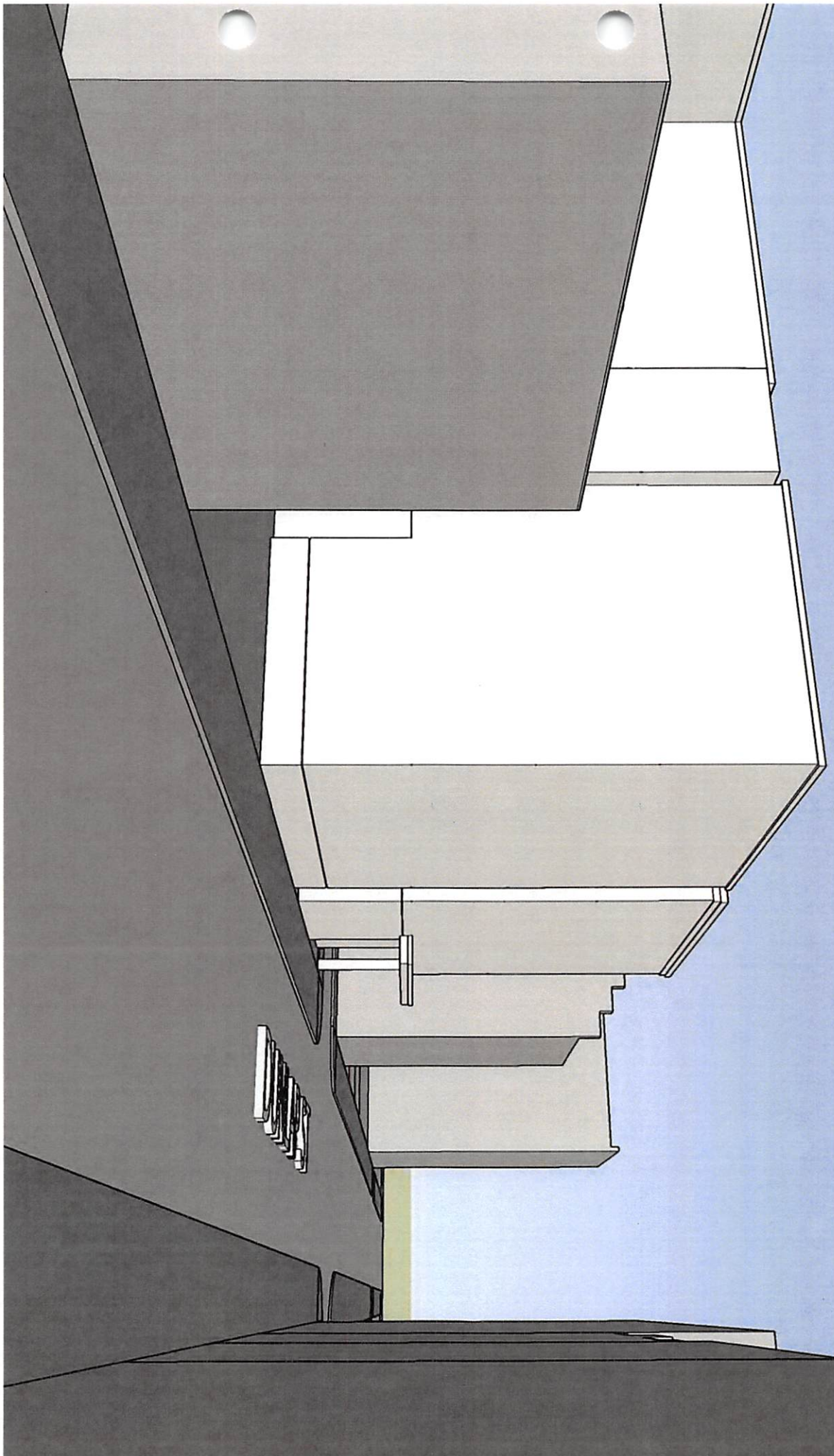
DUNLAP LIHC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

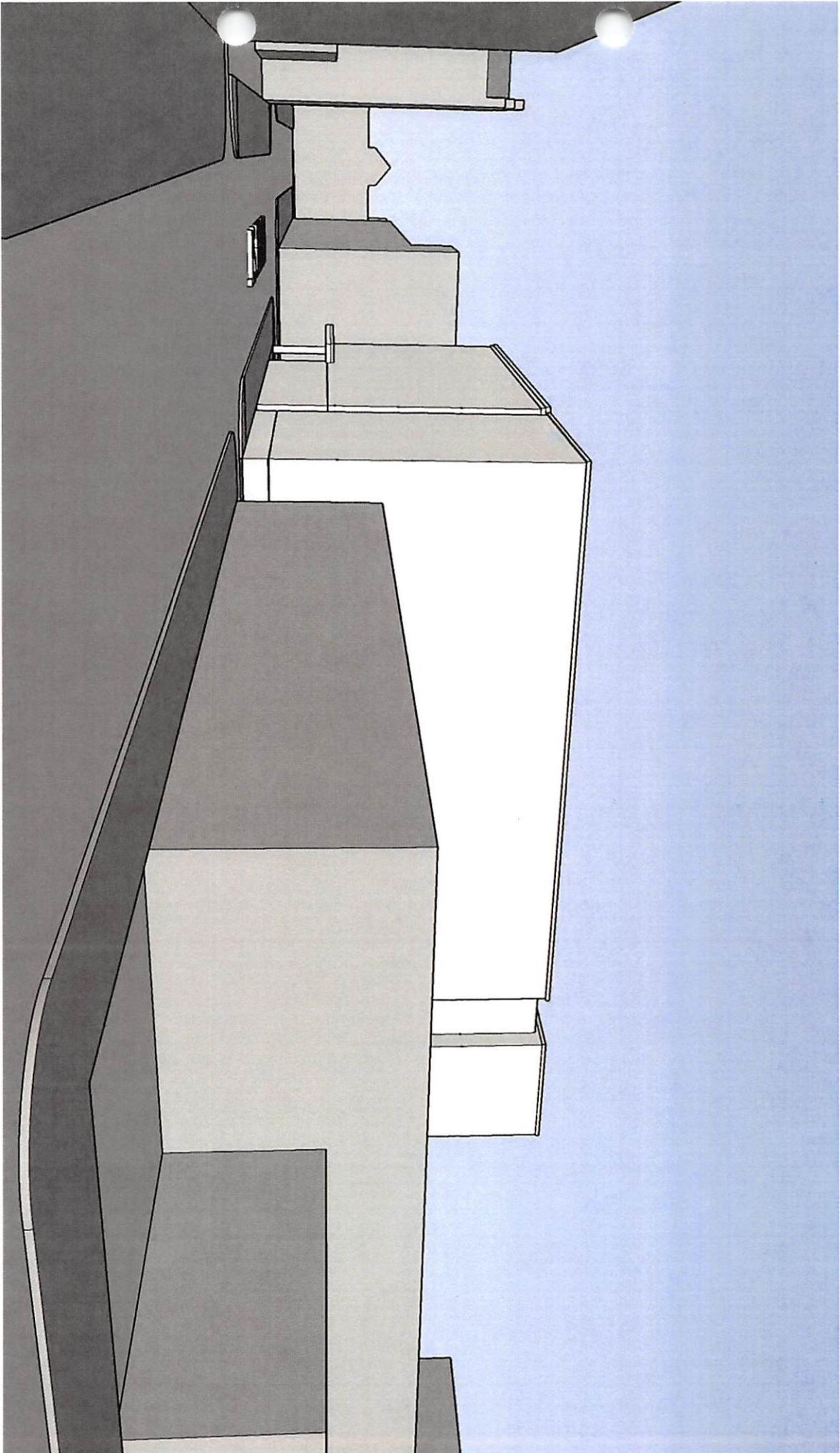
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

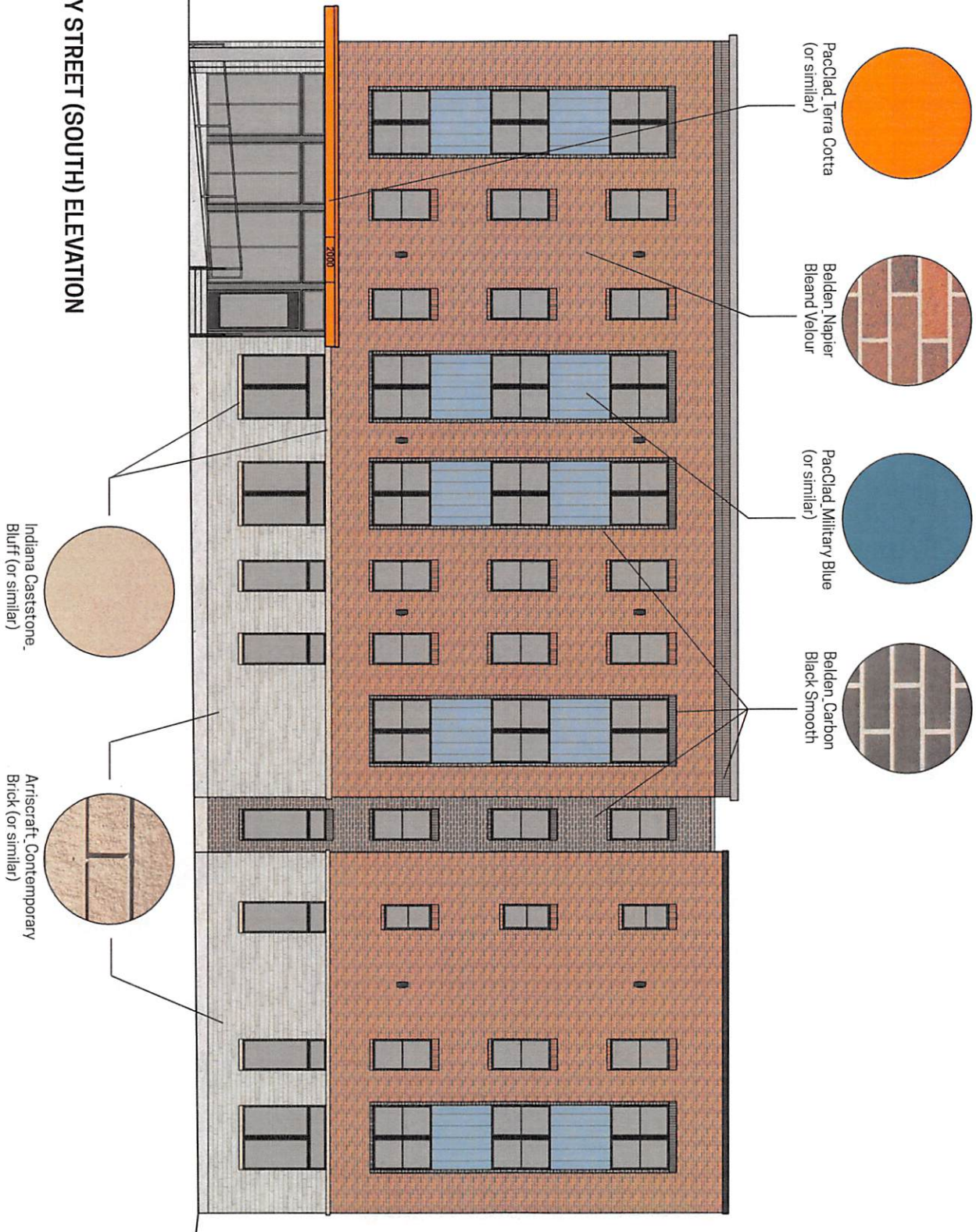








HENRY STREET (SOUTH) ELEVATION



DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

DUNLAP STREET (WEST) ELEVATION

JamesHardie, Smooth
Pearl Gray (or similar)

Indiana Caststone-
Bluff (or similar)

Artiscraft, Contemporary
Brick (or similar)

PacClad, Military Blue
(or similar)

Belden, Napier
Bleand Velour

Belden, Carbon
Black Smooth

PacClad, Terra Cotta
(or similar)

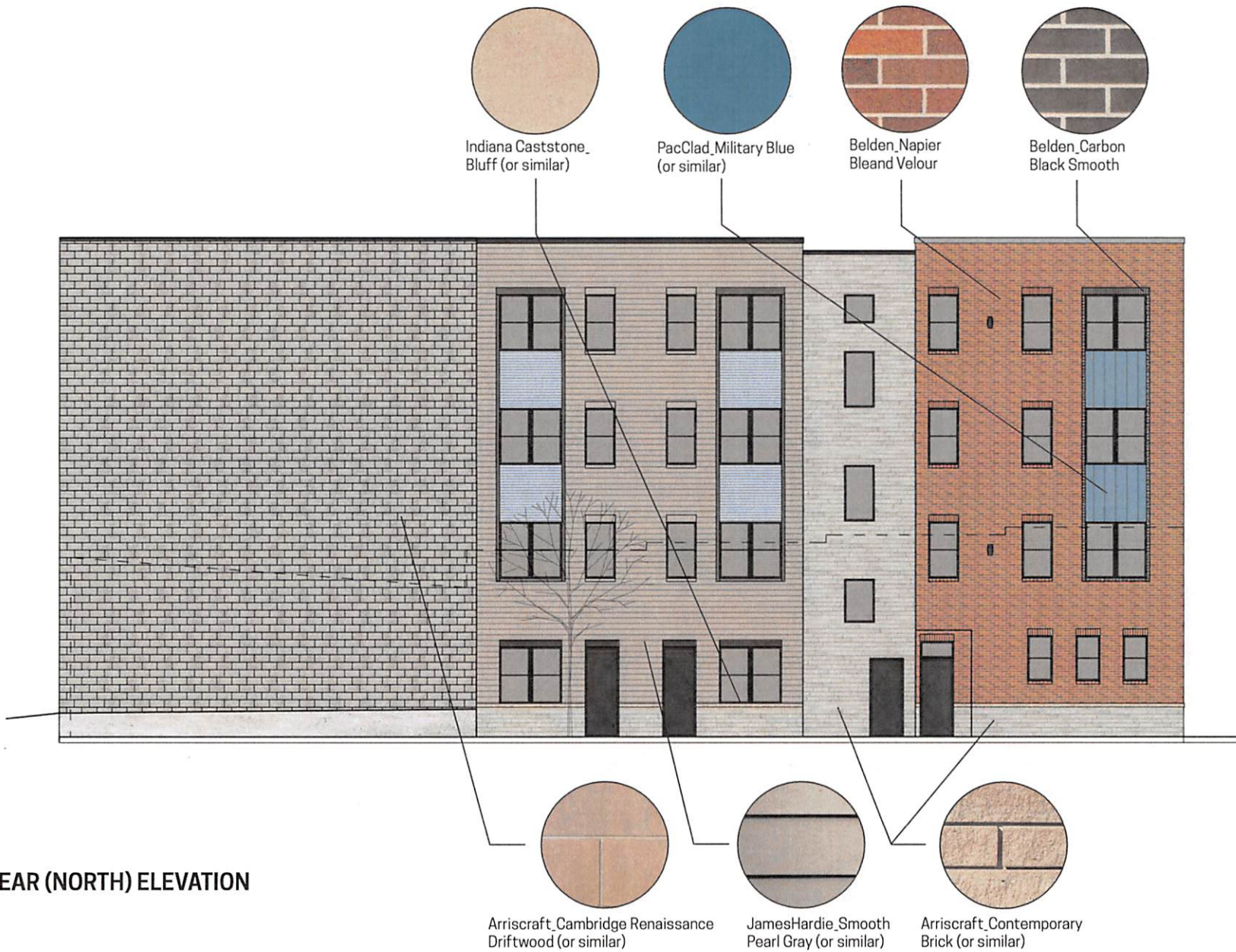


DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

REAR (NORTH) ELEVATION

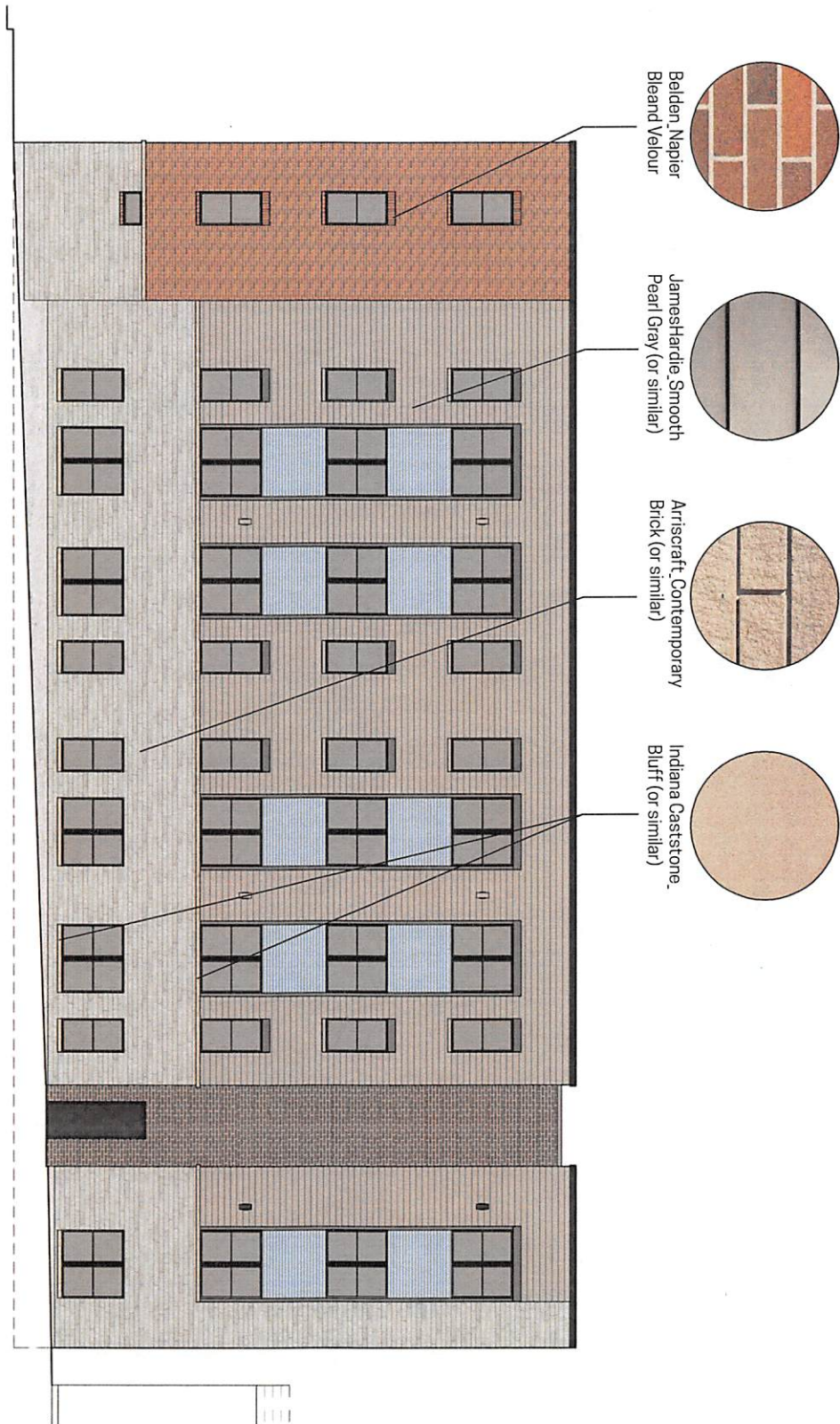


NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

ALLEY (EAST) ELEVATION



DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

Project Overview

Dunlap PSH is a proposed Permanent Supportive Housing project located in the Over-the-Rhine neighborhood with 44 apartments. The project will be a new construction building on a parcel at the corner of Dunlap and Henry Streets, where Over-the-Rhine Community Housing (OTRCH) currently owns and operates a parking lot.

The project will be studio and 1BR apartments providing safe, dignified, affordable housing to people who have experienced homelessness. The property will be a four-story structure with an elevator and will provide a laundry room, common lounge/dining room, common kitchen to accommodate volunteers, single point of entry, case management offices, space for visiting medical professionals, and secured building entrances. The project will be staffed 24/7 with front desk staff. On-site case management and supportive services will be provided by OTRCH and other providers.

The project is intended to build upon the success of OTRCH's 25-year history of providing well operated supportive housing to the most vulnerable members of our community. The Dunlap PSH project will most closely resemble our Jimmy Heath House project in OTR, which has successfully provided dignified housing for the homeless for over 10 years.

In May 2022, the project was awarded \$1 million dollars in annual Low-Income Housing Tax Credits.

Project Timeline

Summer 2023	– Begin Construction
Summer 2024	– Project Operational

Project Contacts:

Ben Eilerman – Senior Housing Developer – beilerman@otrch.org 513-381-1171 x119
 Andy Hutzel – Director of Housing Services – ahutzel@otrch.org 513-381-1171 x 112



Gloria was a wonderful and complicated person, who's sense of humor, dignity, and generosity were not diminished by years of homelessness. Anyone traveling the streets of OTR has likely seen Gloria and her dog Bear Bear. Gloria lived her life for her friends and peers on the street and was not one to suffer fools. Gloria was a truth teller who did not shy away from "her truth" and she stood up for those she felt were more vulnerable than herself. Gloria was a raconteur, who's lived experience, keen observations, and cutting wit, revealed a genuinely unique perspective. Whether Gloria was housed or homeless, her life in, and connection with, the OTR community, is indisputable. Gloria was part of OTR.

Project Partners

modelconstruction

3CDC

CINCINNATI
CENTER CITY
DEVELOPMENT
CORPORATION

Greater Cincinnati
Behavioral
Health Services
Our Work is Life Changing

GREATER CINCINNATI
**HOMELESS
COALITION**

CSH 30 Years of Supportive
Housing Solutions

**STRATEGIES TO
END HOMELESSNESS**
prevent. assist. solve.

**Cincinnati
HealthNetwork**

This Housing is Needed Now!

- Greater Cincinnati Behavior Health's PATH Outreach Team reports a 25% increase in street homelessness over the past year.
- Our region is in dire need of affordable housing at all levels, but particularly for those most vulnerable.

This project is funded!

- Dunlap PSH was awarded \$10M in highly competitive Low Income Housing Tax Credits and \$600,000 in HDAP funding from the Ohio Housing Finance Agency in May of this year to build the project.
- Additionally, recognizing the deep need for this type of housing, the Continuum of Care ranked this project as its highest ranked project for funding and operational support.

This project is supported!

- Project partners include, 3CDC, Strategies to End Homelessness, Greater Cincinnati Behavioral Health Services, Corporation for Supportive Housing, Cincinnati Health Network, Greater Cincinnati Homeless Coalition, LISC, Greater Cincinnati Foundation, Model Group and many more neighbors.

Housing First works!

- Housing First is an evidenced-based best practice that prioritizes providing **permanent housing** to people experiencing homelessness, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life.
- The Housing First model rapidly ends homelessness, is cost-effective, and positively impacts quality of life and community functioning.

Those opposed are acting out of a place of unsubstantiated fear

- Fears have been expressed by the opposition including: the threat to prevent future development, a concern about putting this type of housing in an entertainment district and a general fear of the "other".
- All of these concerns were raised prior to the opening of OTRCH's Jimmy Health House and they have not materialized. JJH, on Odeon St., sits in the heart of OTR, less than a block from the new FC Cincinnati stadium and directly adjacent to newly constructed million-dollar homes. One neighbor, Rosanne Hassey testified that "I actually prefer to live next to project like the Jimmy Heath House... our neighborhood is deeper and richer for having Jimmy Heath House as part of our community".

Project Partners

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3CDC

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Cincinnati
HealthNetwork

EXHIBIT B

Proposed Notwithstanding Ordinance at 2000 Dunlap Street in Over-the-Rhine

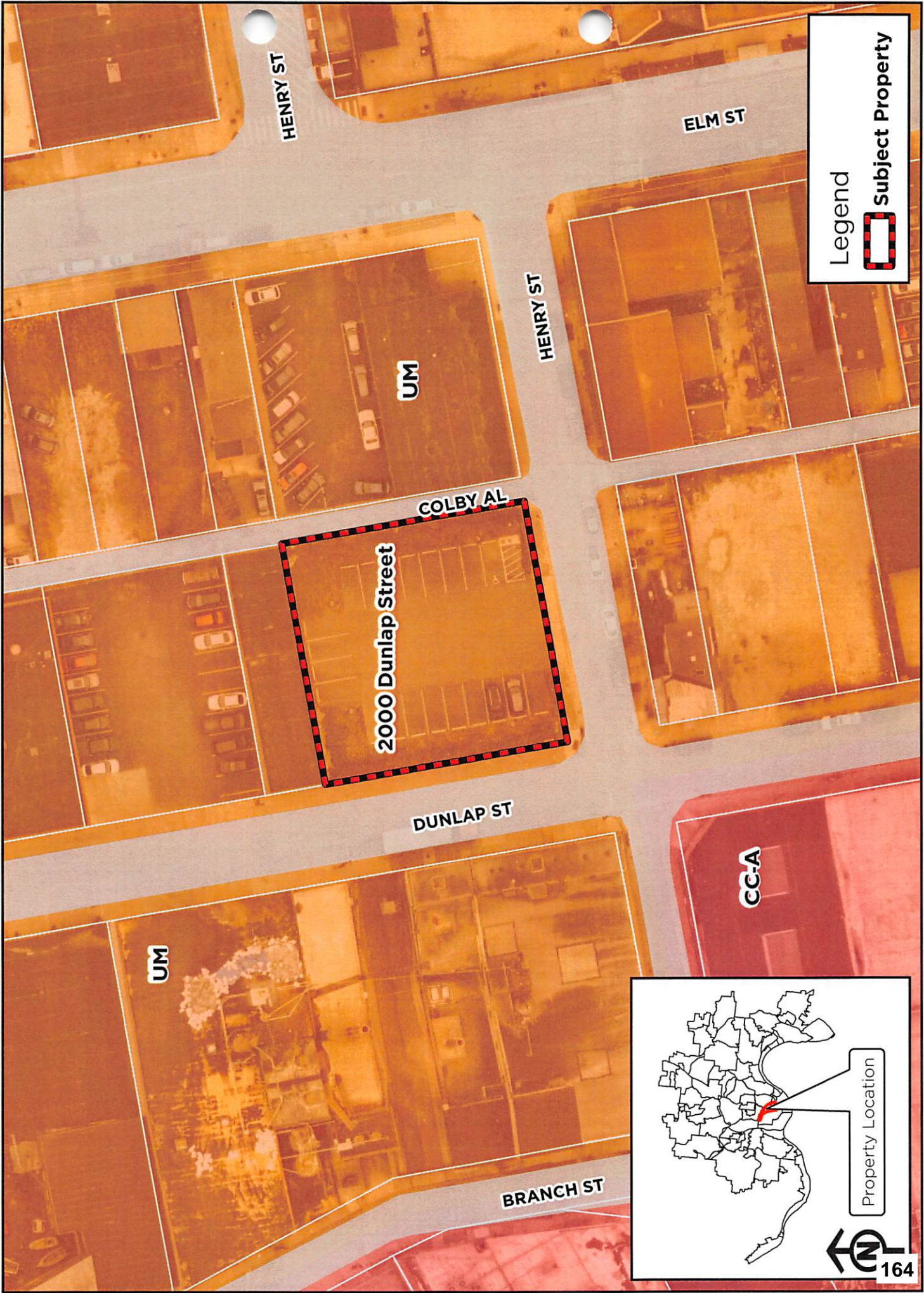


EXHIBIT C

**DECISION
HISTORIC CONSERVATION BOARD
CITY OF CINCINNATI
DATE OF DECISION: September 27, 2022**

APPLICANT: New Republic Architecture/ Suder LLC
CASE TYPE: COA/ Zoning Relief
CASE NO.: COA2022032/ ZH20210183
PROPERTY: 2000 Dunlap Street

SUMMARY OF REQUEST:

Over-the-Rhine Community Housing, an Ohio nonprofit corporation (“OTRCH”), requests a Certificate of Appropriateness (“COA”) and zoning relief to construct a four-story, 44-unit congregate housing development with a zero-lot-line rear setback in a Urban Mix (“UM”) zoning district in the Over-the-Rhine Historic District (the “Historic District”).

SUMMARY OF DECISION:

COA is **APPROVED**.
Zoning Relief is **APPROVED** in part and **DENIED** in part.

PUBLIC HEARING:

The Historic Conservation Board (“Board”) is a quasi-judicial body empowered to approve a COA when an applicant has demonstrated credible evidence that the proposal substantially conforms to the applicable local historic district conservation guidelines. The Board functions as the Zoning Hearing Examiner concerning requests for zoning relief from the Cincinnati Zoning Code (“CZC”) in the city’s local historic districts.

The Board conducted a public hearing over multiple meeting sessions on January 24, 2022, June 27, 2022, and August 8, 2022 (referred to collectively hereafter as the “Hearing”) on the above-cited application and is charged with evaluating the credibility of all witnesses and issuing findings of fact and conclusions of law based on the testimony and evidence presented to it.

The Board mailed notice to all persons entitled to receive notice of the application. Also, the Board published prior notice of the Hearing on the application in The City Bulletin. A quorum of Board members under Section 5 of the Rules of Procedure were present throughout the Hearing.

The Board recorded the Hearing, and a copy of the recording is available for review and transcription from the Office of Administrative Boards. Similarly, a representative from Elite Court Reporting Agency, LLC recorded the Hearing stenographically, and a transcript of the proceeding is available upon request.

FINDINGS OF FACT:

1. This matter concerns certain real property that is commonly identified as 2000 Dunlap Street and more particularly identified as Hamilton County, Ohio Auditor's Parcel No. 096-0005-0116-00 (-0116, -0117, -0118, -0119 Cons.) (the "Property").
2. The Property is in a UM zoning district in the Historic District.¹²
3. OTRCH, through New Republic Architecture, applied for zoning relief to construct a four-story, 44-unit congregate housing development with a zero-lot-line rear setback (the "Structure") on or about December 10, 2021. The zoning relief application dated December 10, 2021, did not include design specifications or a request for a COA.
4. CMC Section 1410-07 requires 700 square feet of lot area per residential unit. OTRCH requires a dimensional variance to allow 226 square feet of lot area per residential unit. CMC Section 1410-07 imposes a rear yard setback requirement of ten feet. OTRCH requires a dimensional variance to allow a zero-foot rear setback for 36 feet and 11½ inches along the rear property line.
5. The Board scheduled the zoning relief application for its regularly scheduled meeting on January 24, 2022.

JANUARY 24, 2022 PUBLIC MEETING

6. Richard B. Tranter, Esq. appeared before the Board on January 24, 2022, as legal counsel for OTRCH.
7. Peter Koenig, Esq. appeared before the Board on January 24, 2022, as legal counsel for Cincinnati Industrial Auctioneers, Inc.; Dunlap Street Properties, LLC; Jeffrey Luggen; and Robert Selhorst.
8. Jeff Nye, Esq. appeared before the Board on January 24, 2022, as legal counsel for The F.L. Emmert Company.
9. Dan McCarthy, Esq. appeared before the Board on January 24, 2022, as legal counsel for the City Lofts on Dunlap Condominium Association, an Ohio nonprofit corporation.
10. Mary Burke Rivers, OTRCH's Executive Director, appeared before the Board on

¹ Cincinnati Municipal Code Section 1400-17 and Map Section 1400-17.

² Ordinance No. 195-2003.

January 24, 2022, to support the application for zoning relief. Ms. Burke Rivers testified to OTRCH's history and mission, stating that the merger of two community-development corporations: Race Street Tenant Organization Co-Operative ("RESTOC") and Over-the-Rhine Housing Network, formed OTRCH. Ms. Rivers asserted that OTRCH's mission is to develop and manage resident-centered affordable housing to benefit low-income residents, declaring that OTRCH has an inventory of approximately 490 dwelling units in 105 buildings throughout the Over-the-Rhine neighborhood.

11. Ms. Burke Rivers provided background on OTRCH's ownership of the Property. She stated that OTRCH had owned the Property since 1992. The Property formerly contained a four-story structure that the City of Cincinnati razed in 1994 due to a roof collapse, and OTRCH subsequently constructed a parking lot on the Property.
12. Bob Carbon appeared before the Board to discuss the proposed zoning relief. Mr. Carbon described the developmental character of the area surrounding the Property, showing images of structures to the north and west of the Property constructed with zero-lot lines. Mr. Carbon showed a photograph of the building that formerly occupied the Property, asserting that it was a four-story structure likely measuring between 40-45 feet tall and constructed with a zero-lot line.
13. On cross-examination by Mr. Nye, Mr. Carbon conceded that a traffic impact study had not been performed for the proposed development.
14. Mr. Koenig objected to the bifurcation of the application to hear the COA separately from the requested zoning relief. He argued that it is also erroneous not to consider the use in weighing zoning relief hardship factors.
15. Mr. Koenig argued that the development is incompatible with the surrounding neighborhood, stressing that the requested density is unprecedented for the zoning district and the Historic District. He further argued that the Property has no exceptional, special, or unique characteristics to justify the requested zoning relief.
16. Jeff Luggen testified that he is a business owner that owns several properties proximate to the Property. Mr. Luggen expressed concerns about the compatibility of the use concerning surrounding properties, parking, and adverse impacts to surrounding businesses during construction.
17. Robert Selhorst testified that he owns property within 200 feet of the development site. He argued against the proposed use of the Property.
18. On cross-examination by Mr. Tranter, Mr. Selhorst conceded that he believed that he knew or was aware that OTRCH owned the Property when he purchased his property.
19. Mr. McCarthy argued that OTRCH had not met its burden of proof to show that they are entitled to the requested variances. He asserted that a hearing on the application was premature and inappropriate.

20. Neil Marquardt testified that he owns property at 42 W. McMicken Avenue and 1908 Dunlap Street. Mr. Marquardt stated that a hearing on the application was premature because OTRCH should present final design plans to surrounding property owners before proceeding.
21. Ben Eilerman, Graham Kalbli, Amy Silver, Andy Hutzler, Bonnie Neumeier, David Elkins, Joele Newman, and Margy Waller appeared before the Board to testify in support of the application.
22. Brian Conner, Vice-President of the OTR Community Council, appeared before the Board to testify about community outreach related to the project. He stated that OTR Community Council had not taken a position on the application as of the public meeting date.
23. Agostino Fede, Denny Dellinger, Julie Fay, Guy Peters, Joey Luggen, Ryan Luggen, Jeff Luggen, Jr., Steven Fink, and John Walter appeared before the Board to testify in opposition to the application.
24. Mr. Nye argued the general standards applicable to variance requests under the Cincinnati Municipal Code and Ohio law. He maintained that the variances are inappropriate under CZC Section 1445-13 because OTRCH failed to demonstrate how the increased density suits anticipated traffic, neighborhood compatibility, and potential adverse effects. Mr. Nye asserted that granting zoning relief under CZC Section 1445-15 is inappropriate because the Property lacks unique or distinctive circumstances or characteristics to entitle OTRCH to zoning relief. Additionally, he argued that granting zoning relief under CZC Section 1435-05-4 is inappropriate because denial of the request will not deprive OTRCH of all economically viable use of the Property or adversely affect the historic architectural or aesthetic integrity of the Historic District.
25. Mr. McCarthy argued that OTRCH failed to meet its burden of proof to demonstrate that it is entitled to variance relief. He stressed that the proposed variances are materially detrimental to the public health, safety, welfare, and injurious to his clients' adjacent properties because the project size and scope are too large for the lot size. He argued that OTRCH failed to meet its burden of proof to show that the zoning relief is necessary and appropriate, and in the interest of historic conservation. He asserted that OTRCH would not be denied all economically viable use of its property upon denial because OTRCH presently uses the Property in an economically viable manner as a public pay parking lot.
26. Mr. Koenig echoed the arguments presented by Mr. Nye and Mr. McCarthy.
27. Mr. Tranter argued that OTRCH satisfies the applicable standards for being entitled to zoning relief. He maintained that the zoning setback requirements are unreasonable because surrounding structures are without setbacks. He stated that OTRCH desires to return the Property to its former condition, occupied by a four-

story, zero-lot line building. Mr. Tranter argued that the former structure suffered a severe casualty event that caused OTRCH to forego reconstructing it until now. He stressed that the proposed density is insignificant because the zoning code would allow more residents to occupy fewer multi-family units and would not unduly burden traffic circulation because the proposed inhabitants are unlikely to own cars.

28. The Board voted to table the zoning relief application to allow OTRCH to submit a COA application.
29. OTRCH submitted a COA application on or about May 12, 2022, and the Board scheduled the COA and zoning relief applications for the Board's regularly scheduled meeting on June 27, 2022.
30. On or about June 17, 2022, Chris Finney, Esq. and Jessica Gibson, Esq., legal counsel for Cincinnati Industrial Auctioneers, Inc. and Dunlap Street Properties, LLC, filed a letter in opposition to the project comprising ten pages, including exhibits A-K, comprising 104 pages.
31. On or about June 24, 2022, Mr. Finney and Ms. Gibson submitted additional materials to the Board to support their clients' positions, arguments, and contentions against the project, identified as exhibits L-P. Tim Voss, the Board Chairman, accepted exhibits L-O into the record.

JUNE 27, 2022 PUBLIC MEETING

32. Sean Suder, Esq. and J.P. Burleigh, Esq. appeared before the Board on June 27, 2022, as legal counsel for OTRCH.
33. Ben Eilerman appeared before the Board on June 27, 2022, to testify in support of the COA and zoning relief. Mr. Eilerman testified about his work with OTRCH and how OTRCH determined the unit density for the project. Mr. Eilerman testified that OTRCH would use low-income housing tax credits administered by the Ohio Housing Finance Agency for the project, emphasizing that low-income housing tax credits require that tenants' rents cover the project's operational costs. Mr. Eilerman said that he calculated that OTRCH must construct 44 units at the Property for the project to be viable. He declared each proposed unit would range from 450 to 611 square feet and house a single occupant.
34. Mr. Eilerman asserted that the project was consistent with the neighborhood's character, citing that a nearby property, Griffin Apartments, contains 66 units, and a second property nearby, Logan Towers, comprises 63 units.
35. Chris Finney, Esq. and Jessica Gibson, Esq. appeared before the Board on June 27, 2022.
36. On June 27, 2022, the Board voted to continue the Hearing in progress. The Board continued the Hearing to its regularly scheduled meeting on August 8, 2022.

37. On or about July 22, 2022, Mr. Finney and Ms. Gibson filed a written *Motion to Reconsider the Use* (the “Motion to Reconsider”). The Motion to Reconsider argued the City’s Zoning Administrator inaccurately classified the proposed use of the Structure. Mr. Finney and Ms. Gibson contended the zoning code does not permit the proposed use in the UM zoning district.
38. On or about August 1, 2022, Mr. Suder and Mr. Burleigh filed a written response to the Motion to Reconsider. They argued that the Board does not have the power to overrule the Zoning Administrator’s use classification.
39. On or about August 1, 2022, Mr. Finney and Ms. Gibson filed additional materials to the Board to support their clients’ positions, arguments, and contentions against the project, identified as exhibits Q-Z.

AUGUST 8, 2022 PUBLIC MEETING

40. Sean Suder, Esq. and J.P. Burleigh, Esq. appeared before the Board on August 8, 2022.
41. Mary Burke Rivers, Ben Eilerman, Andy Hutzler, and Graham Kalbli appeared before the Board on August 8, 2022, as witnesses supporting OTRCH’s project.
42. Chris Finney, Esq. and Jessica Gibson, Esq. appeared before the Board on August 8, 2022.
43. Jeff Nye, Esq. appeared before the Board on August 8, 2022, on behalf of the F.L. Emmert Company.
44. Mr. Suder requested the Board to exclude the evidentiary submissions made by Mr. Finney and Ms. Gibson on or about August 1, 2022.
45. The Board voted to exclude from the record the August 1, 2022, evidentiary submission made by Mr. Finney and Ms. Gibson.
46. Mr. Finney made several oral motions during the Hearing. He requested to incorporate the records of the January 24, 2022, meeting and the June 27, 2022, meeting into the record of the August 8, 2022, meeting. He objected to the bifurcation of the Hearing from January 24, 2022, and June 27, 2022. He petitioned the Board to strike all letters and testimony in support of the Structure that discusses or mentions the proposed use. He proffered his August 1, 2022, evidentiary submission to the Board.
47. Mr. Kalbli detailed the Structure’s design. He explained that it is divided into three horizontal sections: base, middle, and top. The base consists of a light gray masonry product, the middle consists of field brick, with windows throughout, and a top marked by a cornice. Additionally, Mr. Kalbli testified about how he thought the Structure complied with the Historic District’s guidelines concerning the roof, window patterns, setbacks, height, and materials.

48. Mr. Kalbli explained that the proposed setbacks and height are consistent with the character and historical use of the Property. He stated that he designed the proposed zero-lot line at the rear of the Structure to accommodate an outdoor space for residents, allow access for emergency and public service vehicles, and house certain functional and mechanical features required for the Structure.
49. Jeff Luggen appeared before the Board on August 8, 2022. Mr. Luggen echoed his testimony from the January meeting and argued that the Structure's design is inconsistent with the aesthetics of the Historic District.
50. Robert Selhorst appeared before the Board on August 8, 2022. Mr. Selhorst echoed his testimony from the January meeting and asserted that the proposed density is inappropriate in the neighborhood.
51. Amy Silver, Bonnie Neumeier, Catherine Engle, Christine Wooten, David Elkins, Josh Spring, Michael Flood, Robert Killins, Rosanne and Kevin Hassey, Lauren Stoll, and Francis Russell appeared before the Board to testify in support of the project.
52. John Walter, Ron Holbrook, and Ryan Luggen appeared before the Board to testify in opposition to the project.
53. Mr. Nye argued the Structure's design is incompatible with adjacent properties. He echoed his arguments from the January meeting, challenging the appropriateness and necessity of the requested variances. He advocated for the Board to impose conditions on the Structure's design concerning the location of the entrance and during the construction phase of development so that the construction and use of the Structure did not adversely impact the F.L. Emmert Company.
54. Mr. Finney argued against the proposed density variance, contending that OTRCH failed to satisfy its burden of proof. He claimed the sole reason OTRCH desired the requested density was to build as many units as possible at the Property. He declared that the dimensional variance is inconsistent with the general purposes and intent of the zoning code and is inappropriate because the Property has no unique or defining features. Also, he argued that the massing, size, and window arrangements do not conform to the Historic District guidelines.
55. Mr. Suder argued the density variance would not adversely affect the neighborhood because the neighborhood historically supported greater densities. He argued that the design substantially conforms to the Historic District guidelines, emphasizing the experience of the project's architect in working within the Historic District and the support of the OTR Foundation's infill committee. He asserted the setback variance is appropriate given the programmatic and practical difficulties presented by developing in a dense, urban environment and the location of utility infrastructure. He argued that the strict application of the zoning code presents practical difficulties to OTRCH because the code would not allow OTRCH to affect its mission unless the Board granted relief to allow greater density.

56. Urban Conservator, Doug Owen submitted to the Board a report concerning the project (the "Report"). The Report is 17 pages and dated January 6, 2022 amended June 17, 2022. The Report contains a summary of the request, as well as a professional analysis and opinion, including a recommendation. The Report recommends approval of the COA and requests for zoning relief.

CONCLUSIONS OF LAW:

1. City Administrative Code ("CAC") Article XXX, Section 4 establishes the Board and empowers it to "have the duties and powers imposed by ordinance and [administrative] code."

MOTION TO RECONSIDER THE PROPOSED USE OF THE PROPERTY

2. CMC Section 1439-09 provides that the Board has the following duties and powers under the Cincinnati Zoning Code:
 - a. To hear applications for designation of historic districts, structures or sites and to make recommendations to the City Planning Commission on designation applications. See § 1435-07.
 - b. To approve, conditionally approve or deny applications for Certificate of Appropriateness. See § 1435-13.
 - c. To assume the powers and duties of the Zoning Hearing Examiner to hear and approve, conditionally approve or deny applications for conditional uses, nonconforming uses, variances or special exceptions for those applications relating to property wholly or partially within a designated historic district or site or involving a designated landmark. See § 1435-27.
3. Mr. Finney and Ms. Gibson argued the City's Zoning Administrator inaccurately classified the proposed use of the Structure and filed with the Board a written *Motion to Reconsider the Use* petitioning the Board to determine whether OTRCH proposed a proper use of the Property under the Cincinnati Zoning Code.
4. The movant has the burden of proof.
5. The *Motion to Reconsider the Use* is not well taken and the Board denies the said motion. As set forth above, Cincinnati City Council has not empowered the Board to decide determinations or interpretations of the Cincinnati Zoning Code made by the Zoning Administrator in the administration of the Cincinnati Zoning Code.

CERTIFICATE OF APPROPRIATENESS

6. Cincinnati Municipal Code (“CMC”) Section 1435-09 sets forth the procedure for which the Board is to consider certificate of appropriateness applications and provides that “[n]o one shall make an alteration or undertake a demolition, or receive any permit to do so, without first obtaining a Certificate of Appropriateness.”
7. CMC Section 1435-09-1-B provides that “[t]he Board may approve, approve with conditions, or deny an application for a Certificate of Appropriateness.”
8. CMC Section 1435-09-2 establishes that “[t]he Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:
 - a. That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
 - b. That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.”
9. OTRCH has the burden of proof.
10. Upon being fully apprised of the issues based on the evidence and testimony submitted by OTRCH, other interested persons providing oral and written testimony to the Board, and the analysis and recommendation submitted to the Board in the Report, the Board **APPROVES** the certificate of appropriateness for the Structure per the drawings submitted by New Republic Architecture dated April 4, 2022. The Board hereby adopts the Urban Conservator’s analysis of the certificate of appropriateness application set forth on pages 11-15 of the Report. The Board hereby incorporates the certificate of appropriateness analysis on pages 11-15 of the Report herein and it shall become a part hereof. The Board approves the certificate of appropriateness subject to the following condition:
 - a. The building permits must be issued within four years of the decision date or the certificate of appropriateness shall expire.

REAR YARD SETBACK VARIANCE

11. CMC Section 1435-05-4 empowers the Board to assume the powers and duties of the Zoning Hearing Examiner to hear and approve, conditionally approve or deny applications for conditional uses, nonconforming uses, variances or special exceptions for those applications relating to property wholly or partially within the Historic District.

12. Upon being fully apprised of the issues based on the evidence submitted and representation made by OTRCH, testimony received at the Hearing, and the professional analysis and recommendation presented by the Urban Conservator in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **APPROVE** the requested zoning variance from CMC Section 1410-07 to allow a zero-foot setback for 36 feet and 11½ inches along the rear yard of the Property. The Board finds such relief from literal implication of the zoning code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located and is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district.

DENSITY VARIANCE

13. Upon being fully apprised of the issues based on the evidence submitted and representation made by OTRCH, testimony received at the Hearing, and the professional analysis and recommendation presented by the Urban Conservator in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **DENY** the requested zoning variance from CMC Section 1410-07 to allow 226 square feet of lot area per residential unit. The Board finds that the evidence and testimony provided at the Hearing indicates that OTRCH failed to satisfy its burden that owing to special circumstances or conditions pertaining to the Property, the strict application of the provisions or requirements of Cincinnati Zoning Code are unreasonable and would result in practical difficulties.
14. The following is a record of the votes cast by members of the Board concerning the motion to approve the COA application and setback zoning relief and deny the request for density zoning relief:

Aye

Mr. Tim Voss
Mr. Bob Zielasko
Ms. Allison McKenzie
Mr. Herbert Weiss
Mr. Thomas Sundermann

Nay

Absent

Ms. Pamela Smith-Dobbins

ORDERED: September 27, 2022:

/s/ Thomas Sundermann

Thomas Sundermann, Vice-Chair
Historic Conservation Board

/s/ Trisa Wilkens

Trisa Wilkens, Staff Attorney
Historic Conservation Board

APPEALS:

This decision represents the final appealable order of the Historic Conservation Board and may be appealed to the Zoning Board of Appeals under Chapter 1449 of the Cincinnati Zoning Code. Any appeal must be filed within thirty days of the date of the mailing of this decision.

The Board transmits by electronic mail a true and accurate copy of this decision on the 27th day of September 2022, to:

Suder LLC
c/o Sean S. Suder, Esq.
455 Delta Avenue, Suite 203
Cincinnati, Ohio 45226
sean@ssuder.com

Finney Law Firm
c/o Chris Finney
1077 Celestial, Suite 10
Cincinnati, Ohio 45202
chris@finneylawfirm.com

Jeff Nye
7373 Beechmont Avenue
Cincinnati, OH 45230
jmn@sspfirm.com

Transmitted this 27th day of September 2022, by interdepartmental mail to:

Douglas Owen
Department of City Planning and Engagement

Updated: October 11, 2022

To: Councilmembers Reggie Harris, Liz Keating, and Meeka Owens
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Emergency Ordinance – 2000 Dunlap St. Notwithstanding Ordinance**

Transmitted herewith is an emergency ordinance captioned as follows:

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.”

This transmittal has been updated solely to reflect the addition of Councilmembers Keating and Owens as co-sponsors of the legislation.

EESW/ETN(lb)
Attachment
371438

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

EMERGENCY

City of Cincinnati

ETN

EESW

An Ordinance No. _____

-2022

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."

WHEREAS, Over-the-Rhine Community Housing ("Owner") owns certain real property currently utilized as a public surface parking lot, which real property is commonly known as 2000 Dunlap Street (Ham. Co. PID 096-0005-0116-00) and is located in the Over-the-Rhine neighborhood ("Property"); and

WHEREAS, the Property is presently located in the UM, "Urban Mix," zoning district and the Over-the-Rhine Historic District; and

WHEREAS, the Owner seeks 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 program ("Project"), which building would also include communal dining facilities and certain other facilities for the use and benefit of its residents; and

WHEREAS, the Project's exterior facade will incorporate various materials and colors, with a base of a light gray brick on the first floor topped with a cast-stone belt course, red-orange brick through the middle of the building with individual and paired window openings in horizontal and vertical alignment, and a darker brick soldier course and a heavy coping material across a majority of the top of the building; and

WHEREAS, over the course of three separate public hearings, the Historic Conservation Board reviewed the Project and considered the Owner's requests for a certificate of appropriateness and variances from the zoning code's density and setback regulations; and

WHEREAS, in a decision dated September 27, 2022, the Historic Conservation Board: (i) approved the Owner's request for a certificate of appropriateness; (ii) approved the Owner's requested zoning variance to permit a zero-foot setback along a portion of the rear yard of the Property; and (iii) denied the Owner's requested zoning variance to authorize an increase in the density of dwelling units permitted within the building ("HCB Decision"); and

WHEREAS, the Council wishes to authorize the construction of the Project and permit up to forty-four dwelling units on the Property, notwithstanding the HCB Decision denying the Owner's request for a density variance; and

WHEREAS, the Council independently finds that reducing the rear-yard setback and authorizing greater density on the Property will return the lot to a use more compatible with the Over-the-Rhine community, will facilitate the creation of new housing for underserved segments of the community, and is necessary and appropriate to further the interests of historic conservation; and

WHEREAS, the Council further finds that the Project is well-designed, that its materials, massing, scale, and overall appearance fit within the context of the Over-the-Rhine community, and that it is substantially consistent with the Over-the-Rhine Historic District Conservation Guidelines; and

WHEREAS, authorizing the construction of the Project and permitting a reduced rear-yard setback and increased density will not have an adverse effect on the architectural or aesthetic integrity of the Over-the-Rhine Historic District, the character of the area, or the public health, safety, and general welfare; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on _____, 2022, and upon considering the factors set forth in CMC Section 111-5, recommended adoption of a notwithstanding ordinance permitting the construction of the Project on the Property; 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 a reduced rear-yard setback and increased density on the Property and setting aside the requirement for a certificate of appropriateness will not have an adverse effect on the character of the area or the public health, safety, and general welfare, and further finding that it is consistent with the purposes of the CMC and the UM, "Urban Mix," zoning district; and

WHEREAS, a legislative variance authorizing a reduced rear-yard setback and increased density and setting aside the certificate of appropriateness requirement to permit the Project is consistent with all three community plans associated with the area: the *Over-the-Rhine Comprehensive Plan* (2002), which includes goals to "[e]ncourage and welcome new investment at all levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents" and "[p]rovide appropriate housing-related services for all residents" (page 47); the *Brewery District Master Plan* (2013), which states the area "should be developed as a medium density, mixed use, pedestrian oriented area maintaining on-street parking throughout" and "[n]ew construction should be a minimum of 2 stories, and not taller than 5 stories" (page 54); and the *Mohawk Area Plan* (2021), which includes the goal to develop "a diverse and inclusive district that contains neighborhood-specific housing for all income levels"

through strategies to “[p]romote architecturally compatible and consistent housing infill” and “[e]ncourage and welcome new development at all levels of the housing market and ensure long-term sustainability of enough affordable housing to house current residents” (page 39); and

WHEREAS, a legislative variance authorizing a reduced rear-yard setback and increased density and setting aside the certificate of appropriateness requirement to permit the Project is further consistent with *Plan Cincinnati* (2012), specifically its Live Initiative Area with the goal to “[p]rovide a full spectrum of housing options, and improve housing quality and affordability” through strategies to “[p]rovide quality healthy housing for all income levels” and “[o]ffer housing options of varied sizes and types for residents at all stages of life” (page 164); and

WHEREAS, Council finds that permitting a congregate-housing facility of up to forty-four dwelling units on the Property will not have an adverse effect on the character of the area or the public health, safety, and general welfare, and further finds that it is in the best interests of the City and public's health, safety, 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 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 construction of a new congregate-housing facility on the Property (hereinafter defined), which facility may contain up to forty-four dwelling units maintained as affordable units in compliance with the Low-Income Housing Tax Credit program, shall include communal dining facilities and certain other facilities for the use and benefit of its residents, and shall have an exterior facade incorporating materials and colors that include a base of a light gray brick on the first floor topped with a cast stone belt course, red-orange brick through the middle of the building with individual and paired window openings in horizontal and vertical alignment, and a darker brick soldier course and a heavy coping material across a majority of the top of the building (“Project”), as more particularly described on the plans, elevations, and project summary attached hereto as Exhibit A

and incorporated herein by reference, on the real property commonly known as 2000 Dunlap Street (Ham. Co. PID 096-0005-0116-00) in the Over-the-Rhine neighborhood (“Property”), depicted on the map attached hereto as Exhibit B 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 would be consistent with the purposes of the Cincinnati Municipal Code and the UM, “Urban Mix,” zoning district.

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

- a. return an underutilized lot to a more productive use;
- b. facilitate the creation of new housing for underserved segments of the Over-the-Rhine community;
- c. be necessary and appropriate to further the interests of historic conservation;
- d. not have an adverse effect on the architectural or aesthetic integrity of the Over-the-Rhine Historic District;
- e. permit the construction of a new infill building that is well-designed, with materials, massing, scale, and an overall appearance that fit within the context of the Over-the-Rhine community; and
- f. permit the construction of a new infill building that is substantially consistent with the Over-the-Rhine Historic District Conservation Guidelines.

Section 4. That, notwithstanding any provisions of the Cincinnati Municipal Code to the contrary, the Council hereby confirms that the Project described and depicted on the plans, elevations, and project summary attached hereto as Exhibit A constitutes a congregate-housing facility providing permanent supportive housing and that the use and operation of that facility shall be deemed a “congregate housing” use for the purposes of the Cincinnati Municipal Code and the UM, “Urban Mix,” zoning district.

Section 5. That the Council authorizes the construction of the Project, or a new infill building substantially similar to the Project, on the Property, subject to the terms and conditions set forth in this ordinance. This authorization is granted notwithstanding the September 27, 2022 decision of the Historic Conservation Board, attached hereto as Exhibit C and incorporated herein by reference, 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.”

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 UM, “Urban Mix,” zoning district, and the Over-the-Rhine Historic District.

Section 7. That the use of the Property as a congregate-housing facility with forty-four dwelling units pursuant to this ordinance shall not be considered a nonconforming use of land unless otherwise permitted by law.

Section 8. That the City Manager, the Director of Buildings and Inspections, the Director of City Planning and Engagement, the Zoning Administrator, the Urban Conservator, and all other appropriate city officials are authorized to take all necessary and proper actions to implement this ordinance, including the issuance of building permits and related approvals provided they conform to applicable building codes, housing codes, accessibility laws, and other laws, rules, or regulations.

Section 9. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to enable the development activities on the Property to commence at the earliest possible time, so as to improve the welfare of the Over-the-Rhine community and the people of the City of Cincinnati at the earliest possible, and to take advantage of the availability of time-sensitive Low-Income Housing Tax Credits.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

EXHIBIT A

ARCHITECTURAL SITE PLAN



A00
SITE PLAN

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 16, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING



FIRST FLOOR PLAN



SCALE: 1/16" = 1'-0"

0' 5' 10' 20' 40'

PROGRAM KEY

- RESIDENTIAL
- MAJOR VERTICAL PENETRATIONS
- COMMON CIRCULATION
- DEDICATED PROGRAM
- COMMON PUBLIC
- SUPPORT

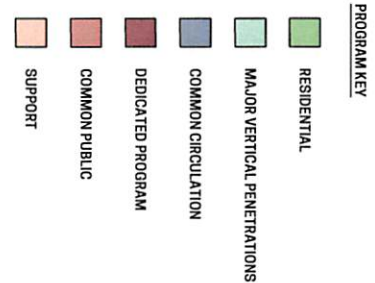
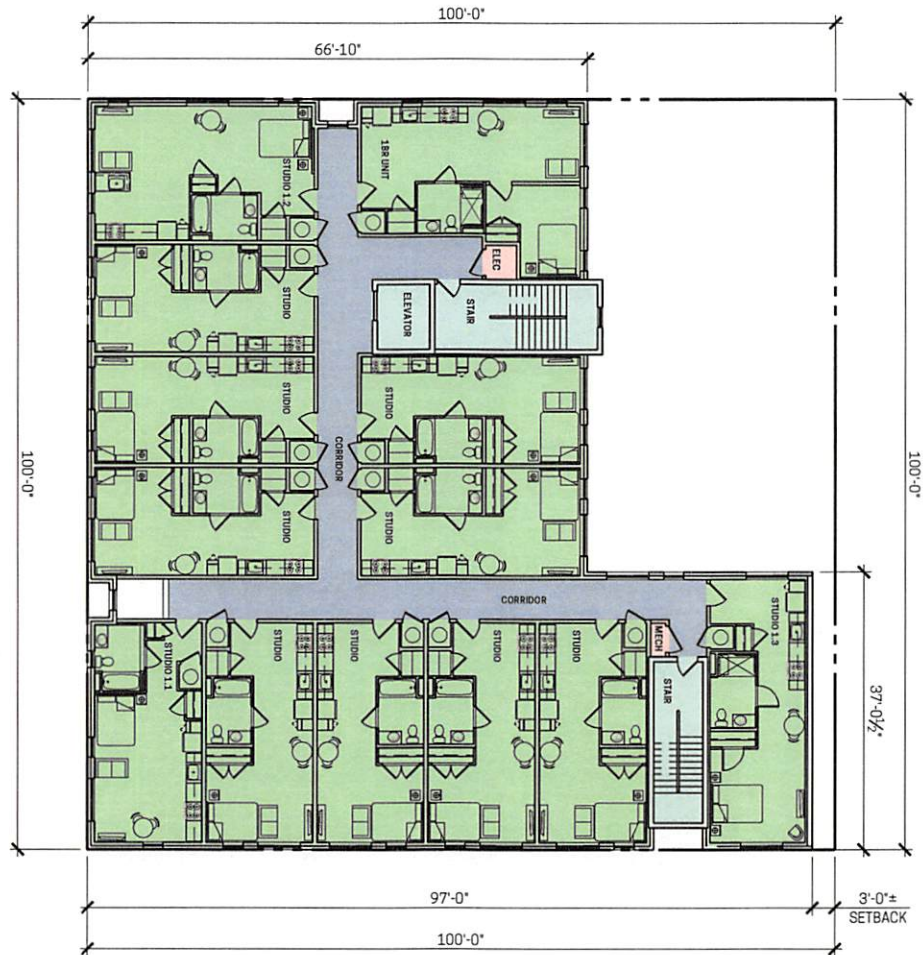
NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

DUNLAP LIHC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

BUILDING PLANS
A01

SECOND FLOOR PLAN (THIRD and FOURTH FLOORS SIMILAR)

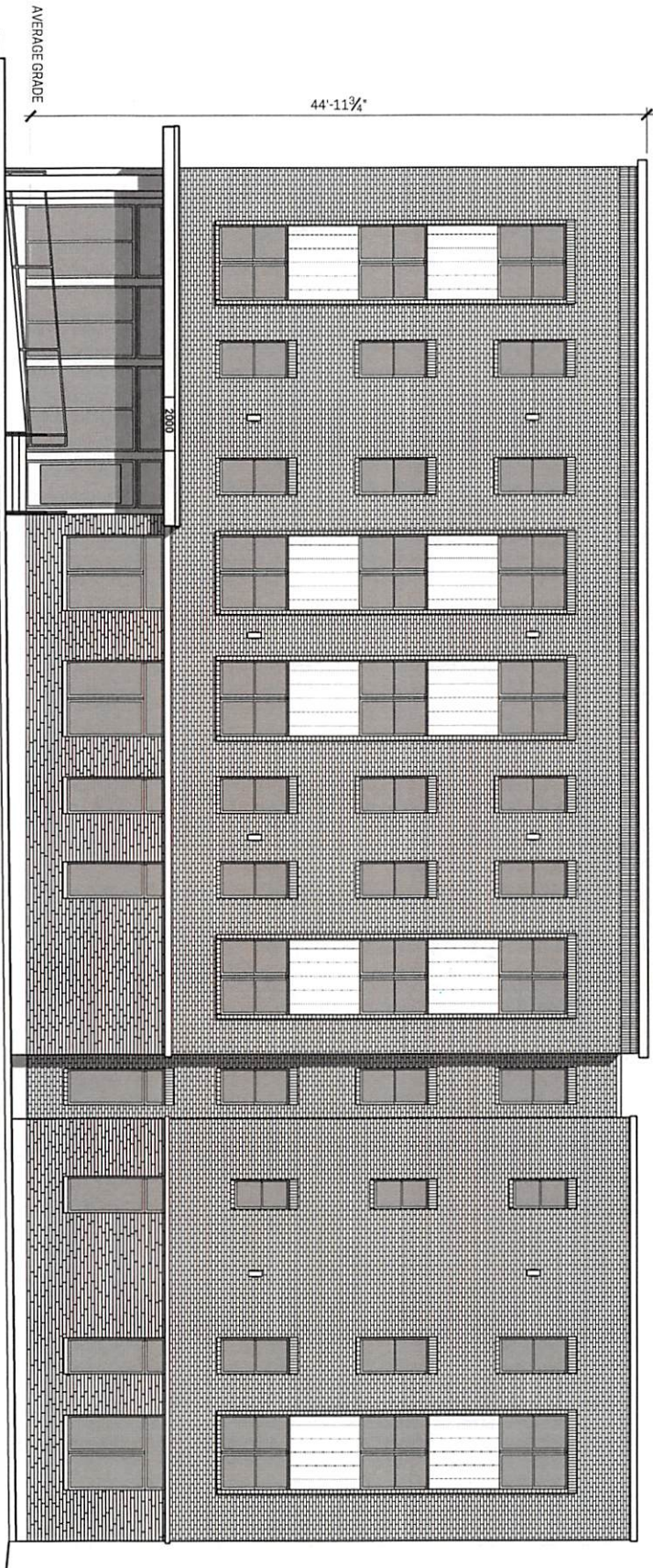


BUILDING PLANS
A02

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

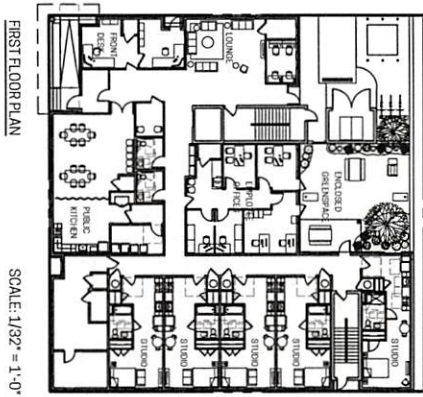
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING



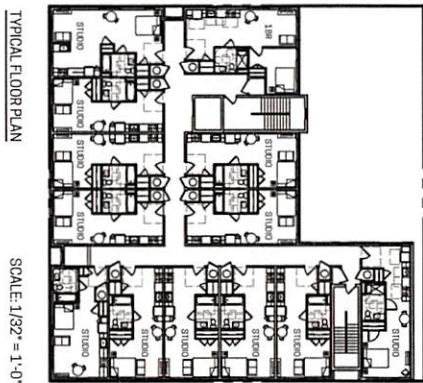
HENRY STREET (SOUTH) ELEVATION

SCALE: 1/8" = 1'-0"



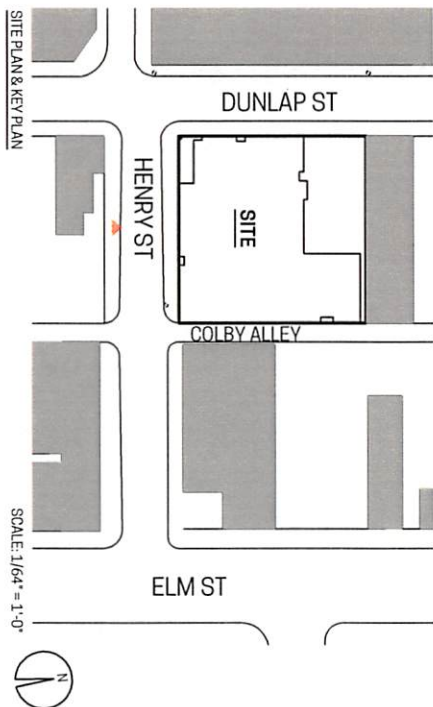
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

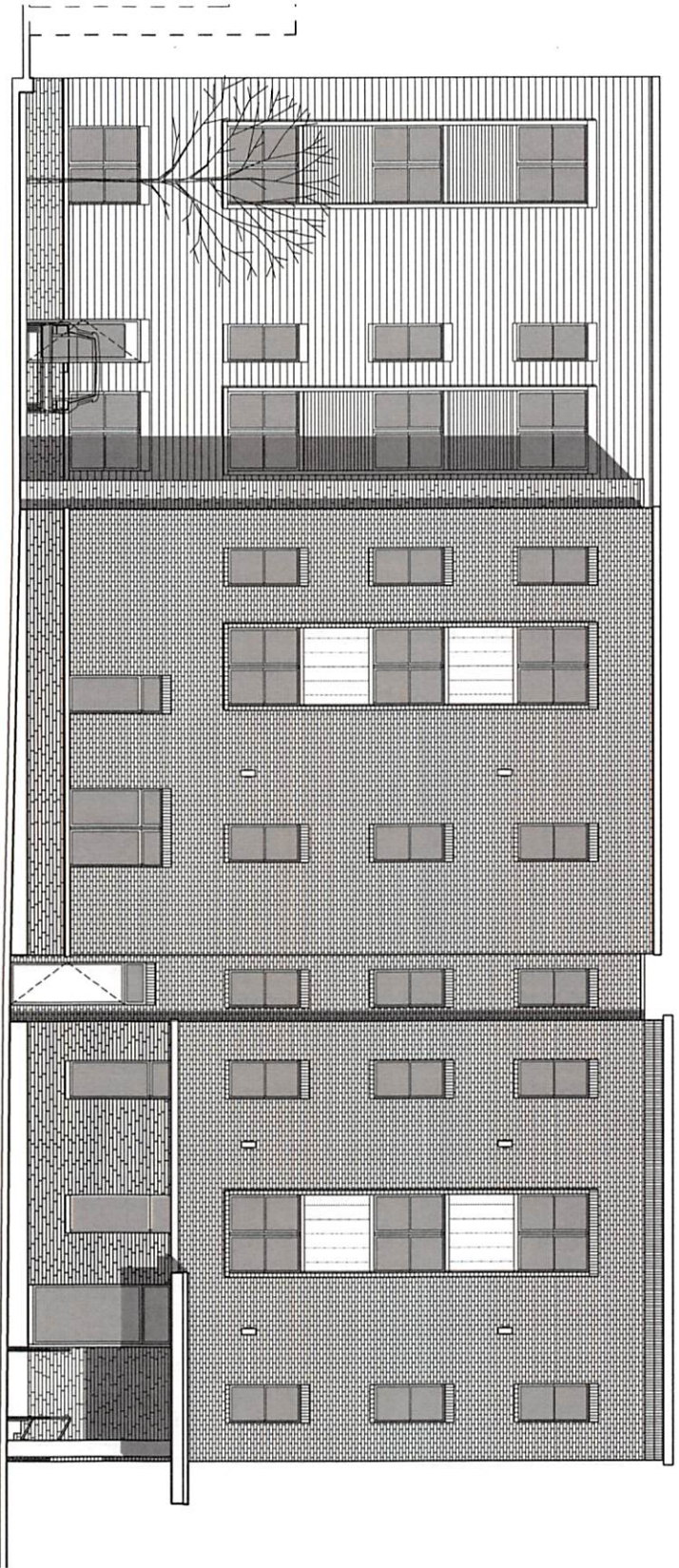
SCALE: 1/64" = 1'-0"

A21

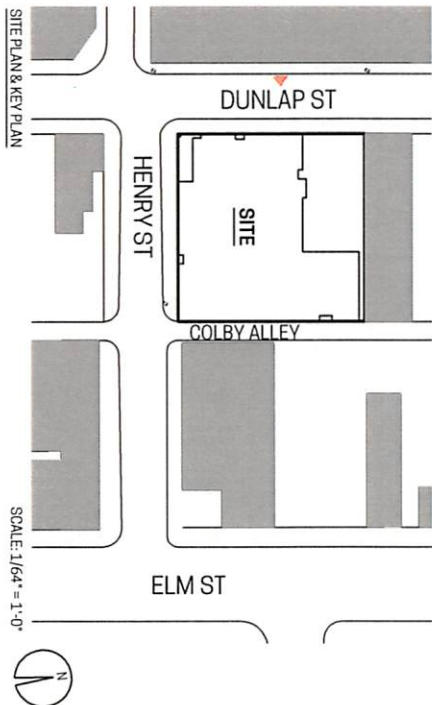
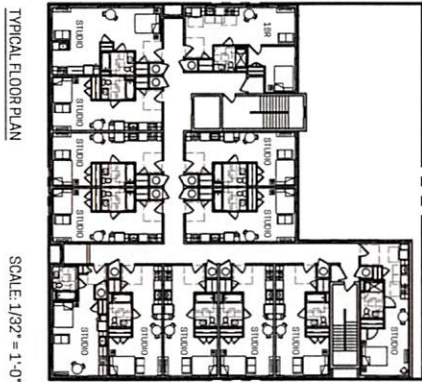
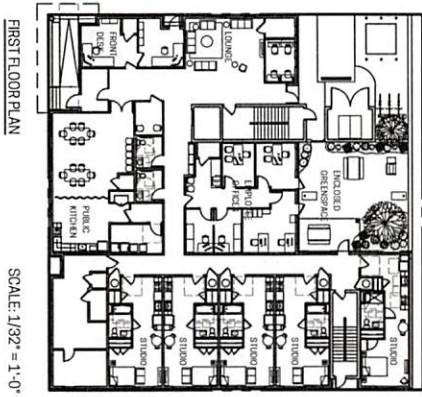
DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING



DUNLAP (WEST) ELEVATION
SCALE: 1/8" = 1'-0"

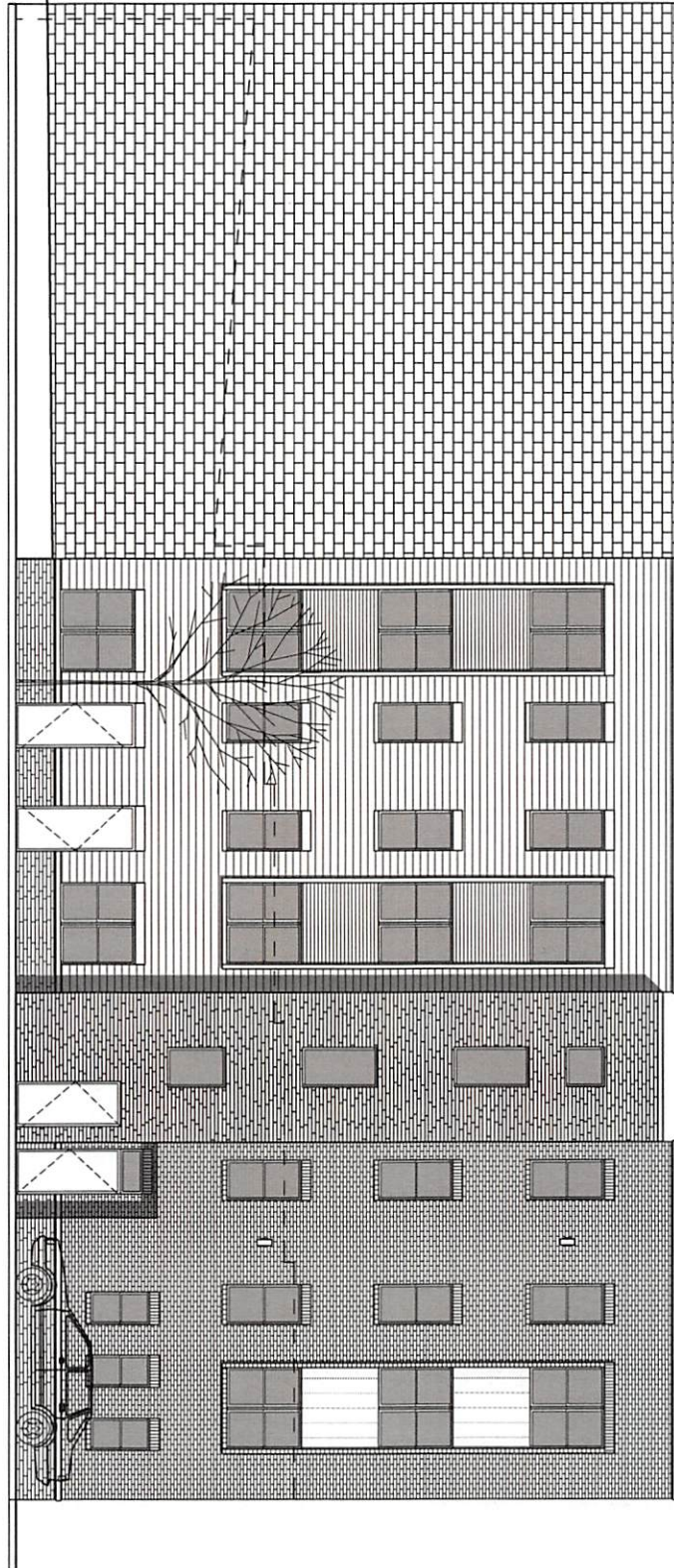


A22

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

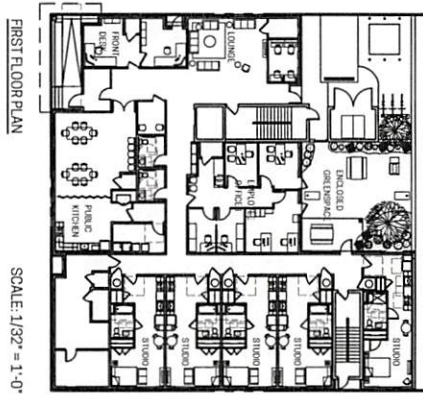
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING



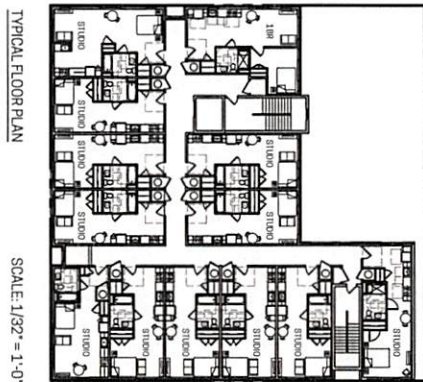
REAR (NORTH) ELEVATION

SCALE: 1/8" = 1'-0"



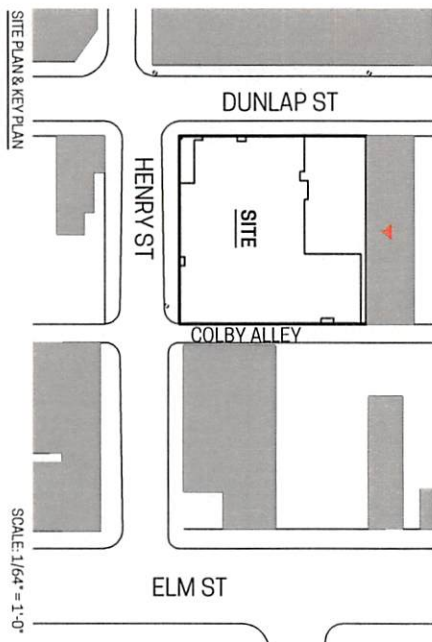
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

SCALE: 1/64" = 1'-0"



A23

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

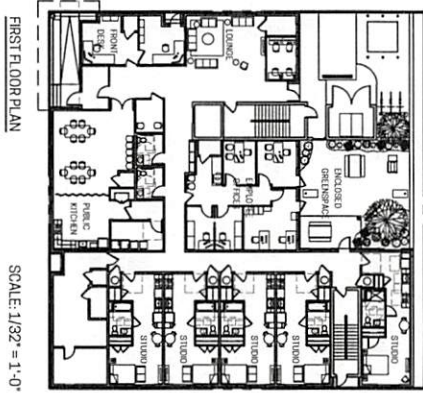
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING



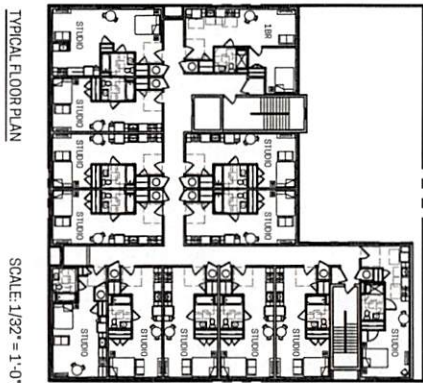
ALLEY (EAST) ELEVATION

SCALE: 1/8" = 1'-0"



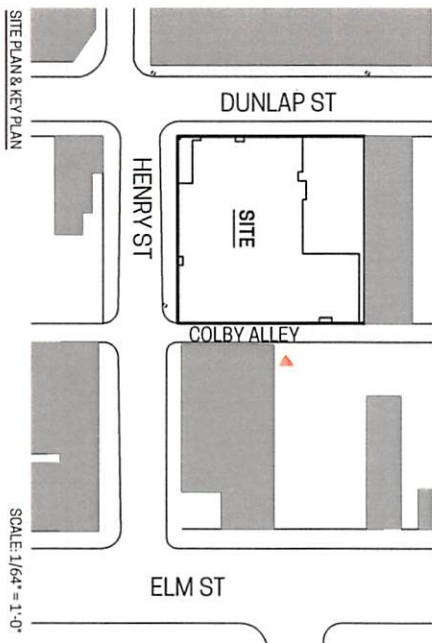
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

SCALE: 1/64" = 1'-0"

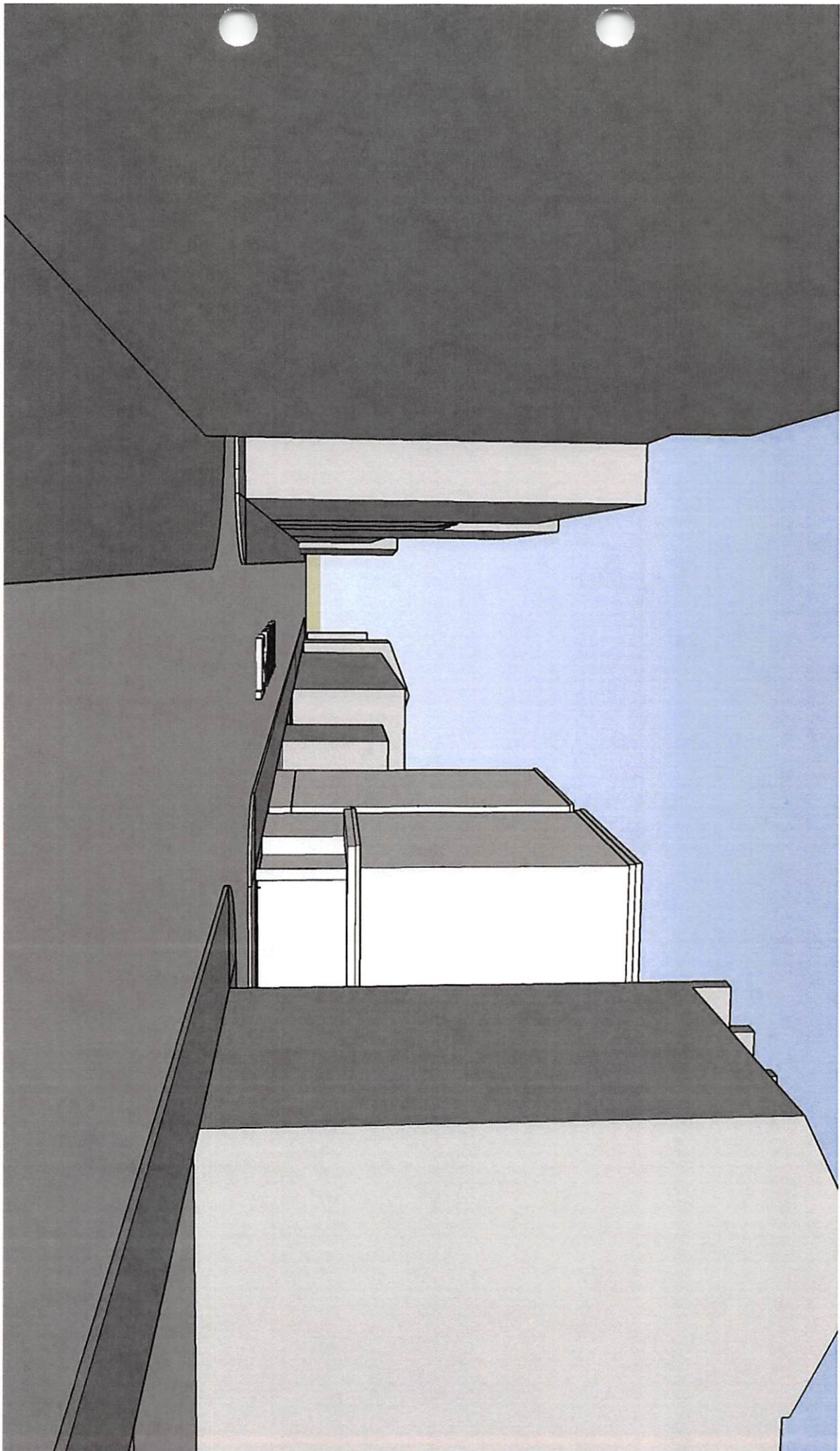


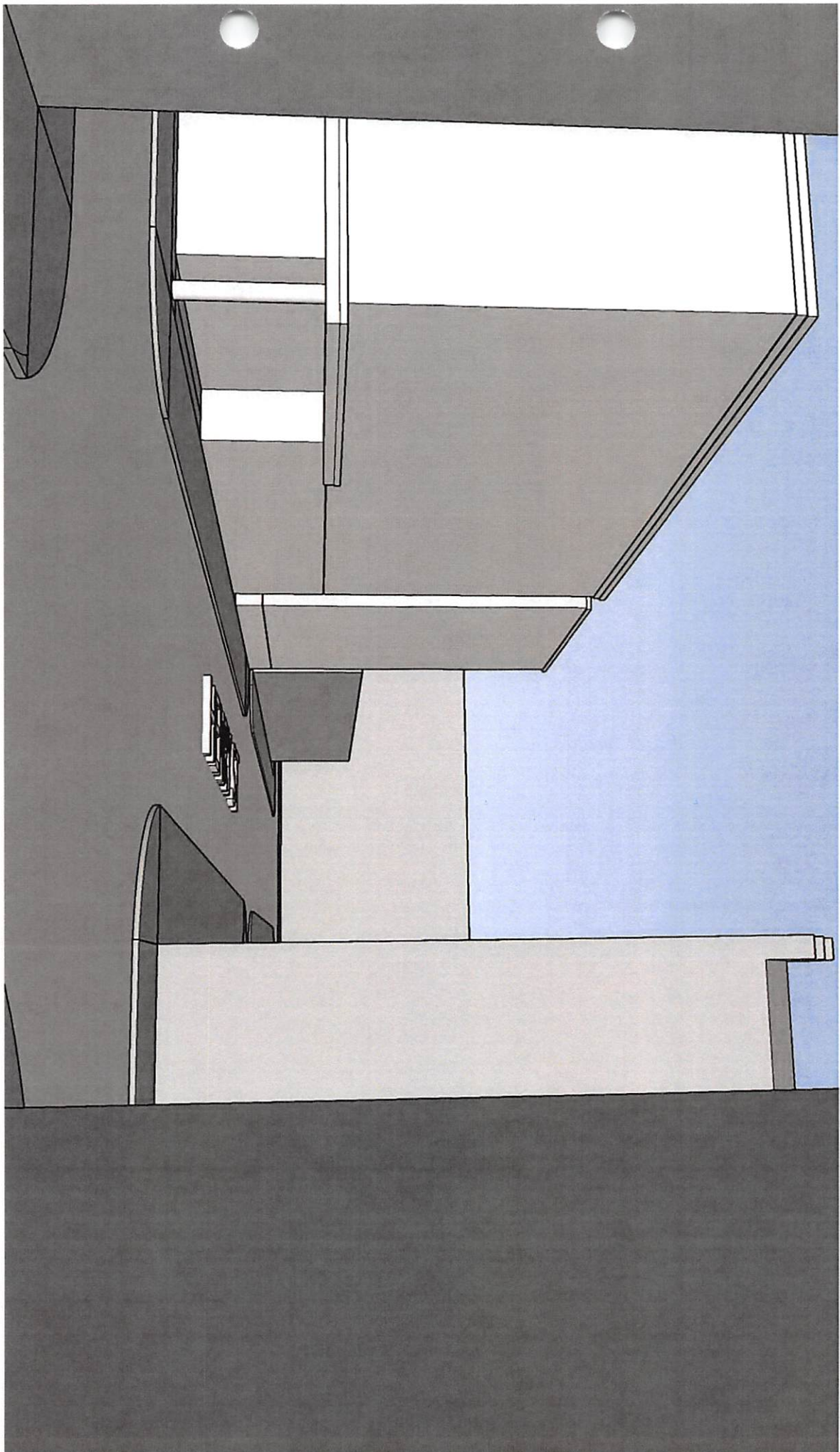
A24

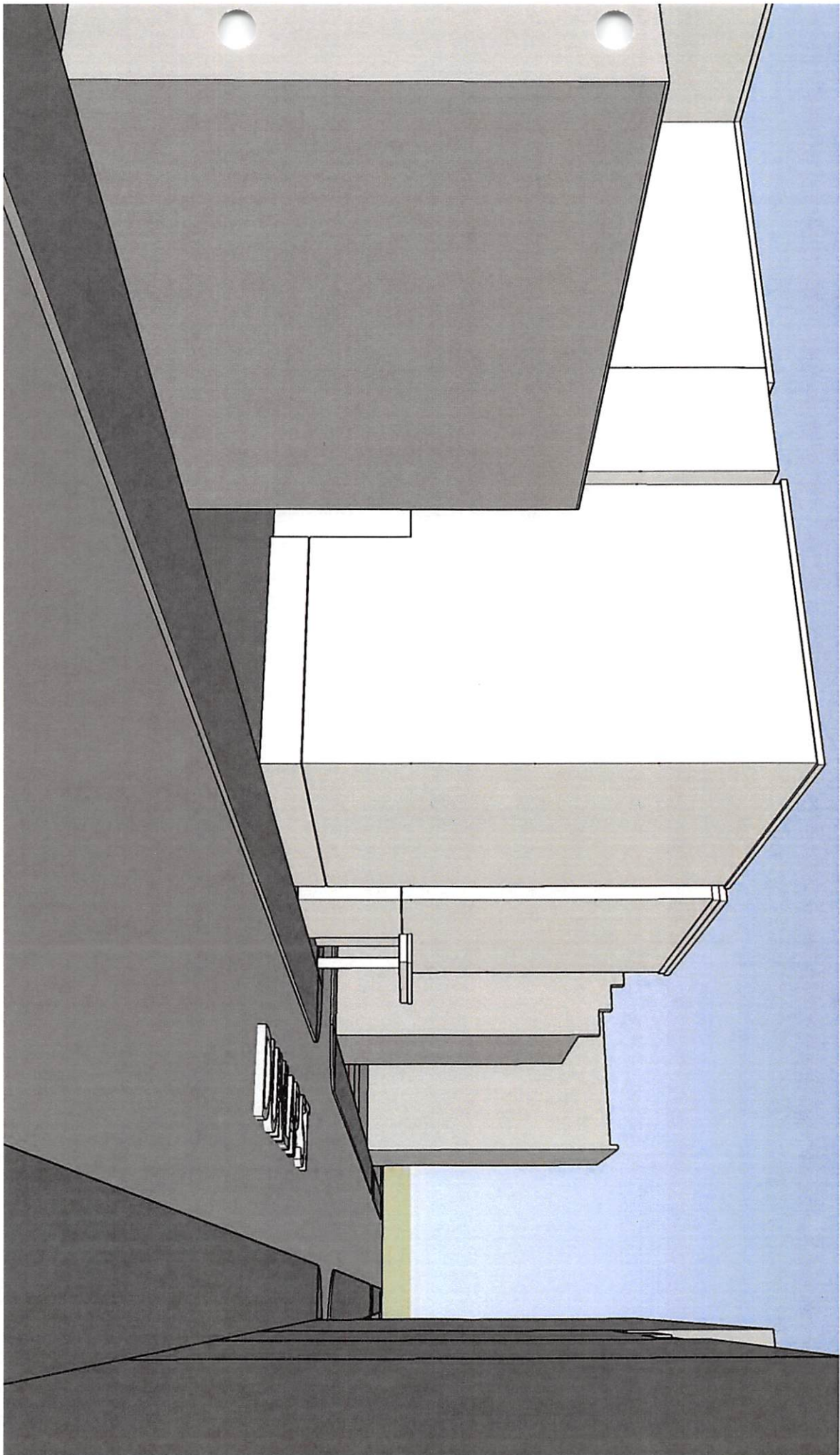
DUNLAP LIHC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

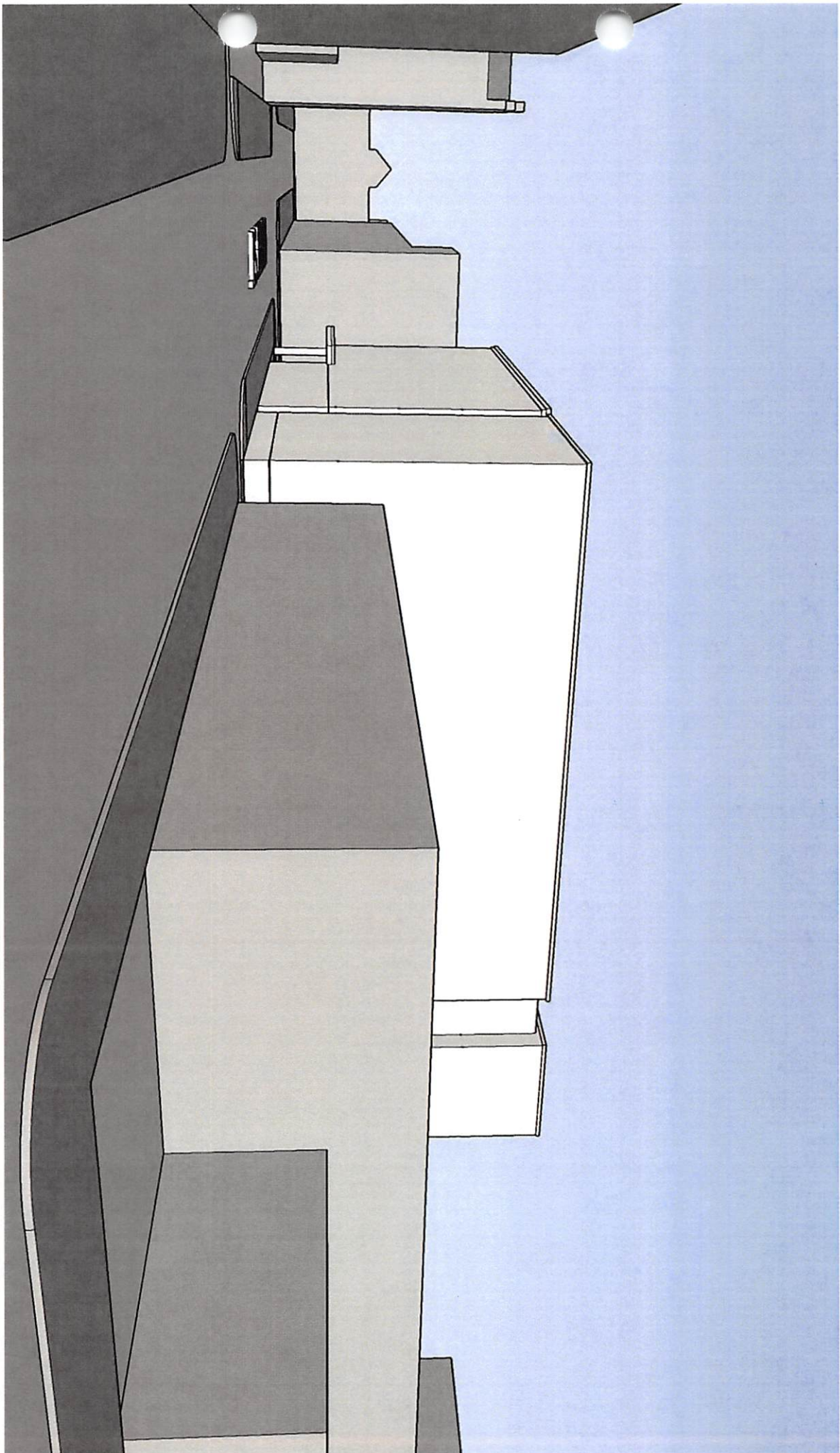
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

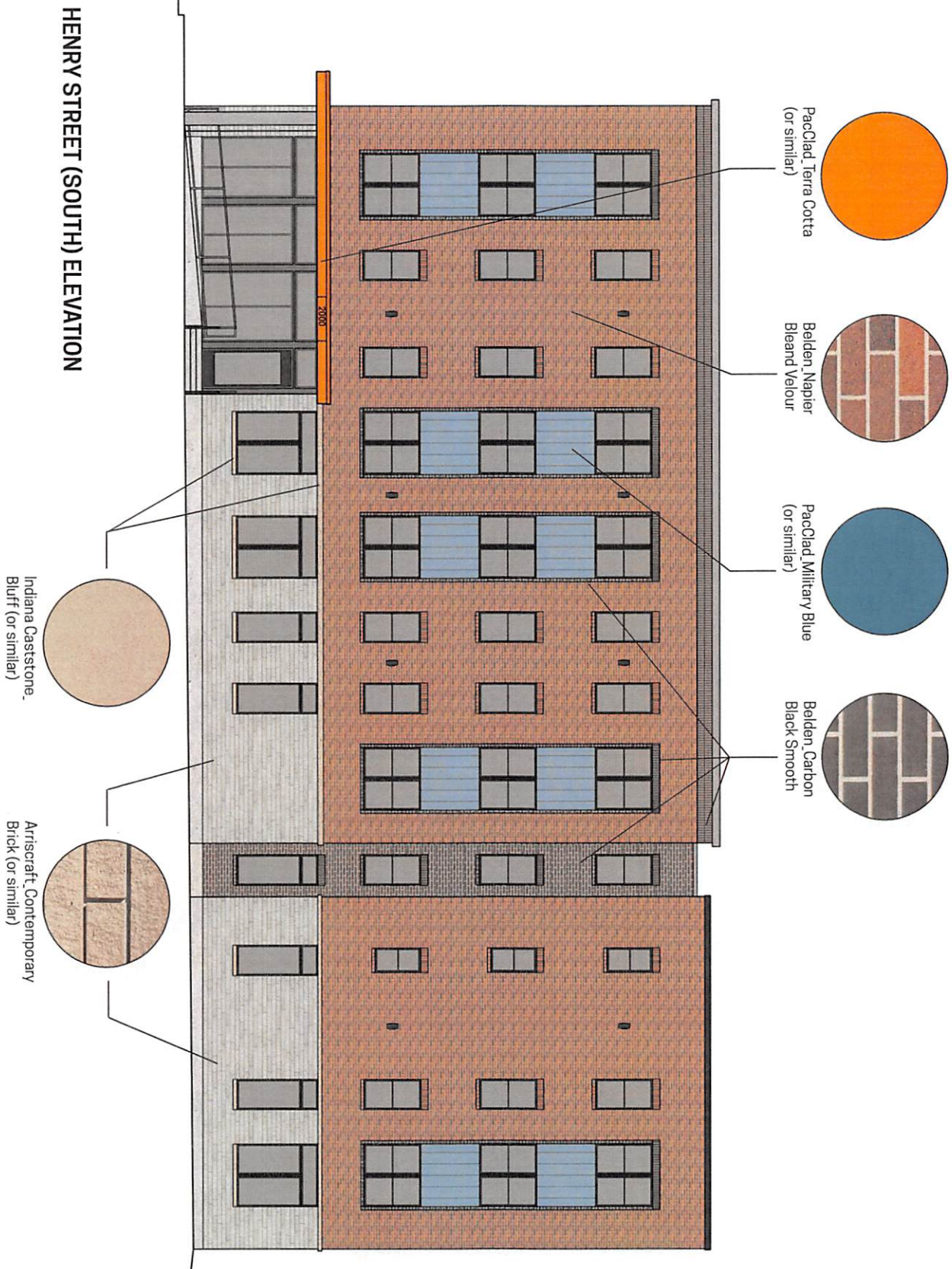
NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING











DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture

OTRCH
COMMUNITY HOUSING

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DUNLAP STREET (WEST) ELEVATION

JamesHardie, Smooth
Pearl Gray (or similar)

Indiana Caststone-
Bluff (or similar)

Artiscraft, Contemporary
Brick (or similar)

PacClad, Military Blue
(or similar)

Belden, Napier
Bleand Velour

Belden, Carbon
Black Smooth

PacClad, Terra Cotta
(or similar)

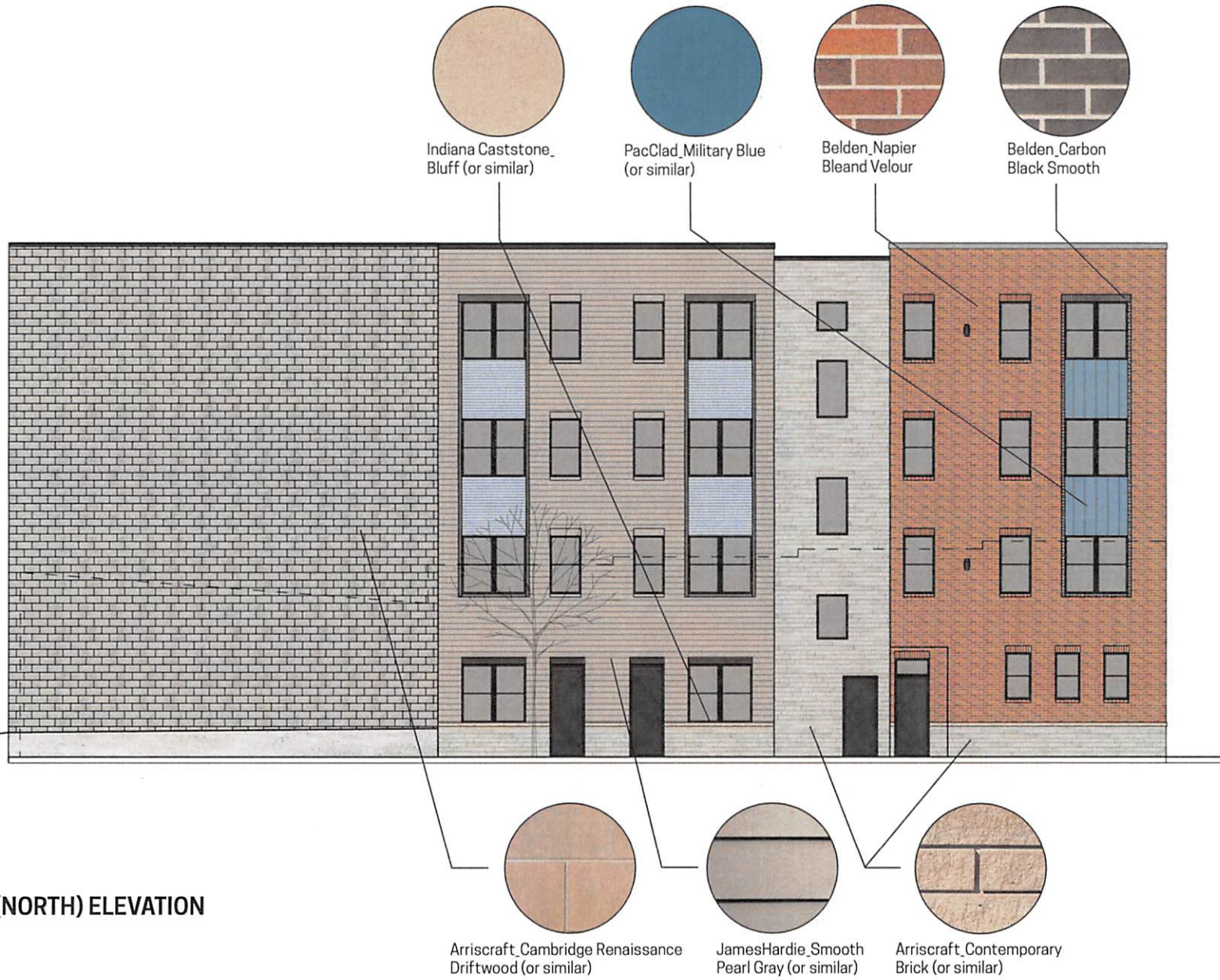


DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

REAR (NORTH) ELEVATION

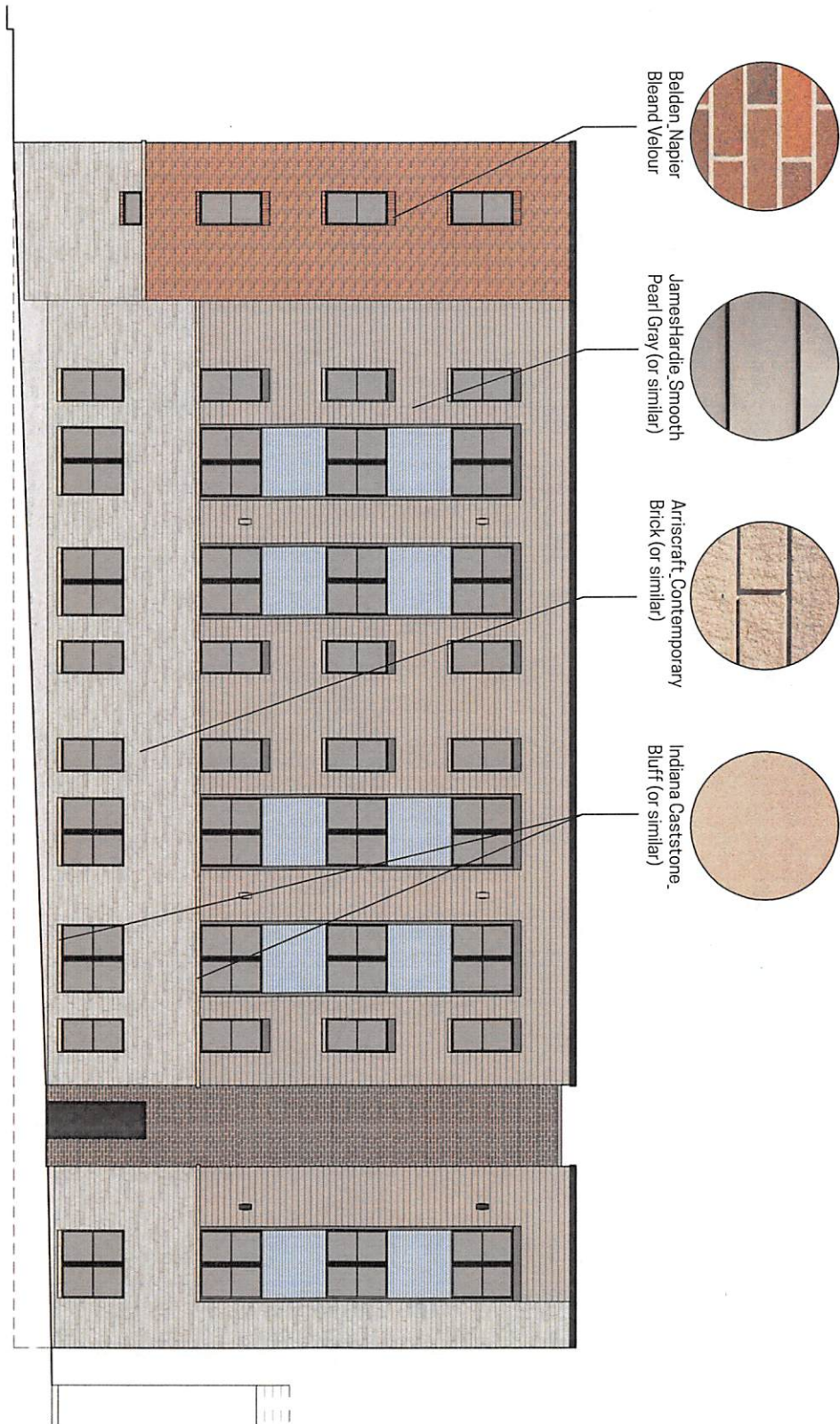


NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

ALLEY (EAST) ELEVATION



DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

Project Overview

Dunlap PSH is a proposed Permanent Supportive Housing project located in the Over-the-Rhine neighborhood with 44 apartments. The project will be a new construction building on a parcel at the corner of Dunlap and Henry Streets, where Over-the-Rhine Community Housing (OTRCH) currently owns and operates a parking lot.

The project will be studio and 1BR apartments providing safe, dignified, affordable housing to people who have experienced homelessness. The property will be a four-story structure with an elevator and will provide a laundry room, common lounge/dining room, common kitchen to accommodate volunteers, single point of entry, case management offices, space for visiting medical professionals, and secured building entrances. The project will be staffed 24/7 with front desk staff. On-site case management and supportive services will be provided by OTRCH and other providers.

The project is intended to build upon the success of OTRCH's 25-year history of providing well operated supportive housing to the most vulnerable members of our community. The Dunlap PSH project will most closely resemble our Jimmy Heath House project in OTR, which has successfully provided dignified housing for the homeless for over 10 years.

In May 2022, the project was awarded \$1 million dollars in annual Low-Income Housing Tax Credits.

Project Timeline

Summer 2023	– Begin Construction
Summer 2024	– Project Operational

Project Contacts:

Ben Eilerman – Senior Housing Developer – beilerman@otrch.org 513-381-1171 x119
 Andy Hutzel – Director of Housing Services – ahutzel@otrch.org 513-381-1171 x 112



Gloria was a wonderful and complicated person, who's sense of humor, dignity, and generosity were not diminished by years of homelessness. Anyone traveling the streets of OTR has likely seen Gloria and her dog Bear Bear. Gloria lived her life for her friends and peers on the street and was not one to suffer fools. Gloria was a truth teller who did not shy away from "her truth" and she stood up for those she felt were more vulnerable than herself. Gloria was a raconteur, who's lived experience, keen observations, and cutting wit, revealed a genuinely unique perspective. Whether Gloria was housed or homeless, her life in, and connection with, the OTR community, is indisputable. Gloria was part of OTR.

Project Partners

modelconstruction

3CDC

CINCINNATI
CENTER CITY
DEVELOPMENT
CORPORATION

Greater Cincinnati
Behavioral
Health Services
Our Work is Life Changing

GREATER CINCINNATI
**HOMELESS
COALITION**

CSH 30 Years of Supportive
Housing Solutions

**STRATEGIES TO
END HOMELESSNESS**
prevent. assist. solve.

**Cincinnati
HealthNetwork**

This Housing is Needed Now!

- Greater Cincinnati Behavioral Health's PATH Outreach Team reports a 25% increase in street homelessness over the past year.
- Our region is in dire need of affordable housing at all levels, but particularly for those most vulnerable.

This project is funded!

- Dunlap PSH was awarded \$10M in highly competitive Low Income Housing Tax Credits and \$600,000 in HDAP funding from the Ohio Housing Finance Agency in May of this year to build the project.
- Additionally, recognizing the deep need for this type of housing, the Continuum of Care ranked this project as its highest ranked project for funding and operational support.

This project is supported!

- Project partners include, 3CDC, Strategies to End Homelessness, Greater Cincinnati Behavioral Health Services, Corporation for Supportive Housing, Cincinnati Health Network, Greater Cincinnati Homeless Coalition, LISC, Greater Cincinnati Foundation, Model Group and many more neighbors.

Housing First works!

- Housing First is an evidenced-based best practice that prioritizes providing **permanent housing** to people experiencing homelessness, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life.
- The Housing First model rapidly ends homelessness, is cost-effective, and positively impacts quality of life and community functioning.

Those opposed are acting out of a place of unsubstantiated fear

- Fears have been expressed by the opposition including: the threat to prevent future development, a concern about putting this type of housing in an entertainment district and a general fear of the "other".
- All of these concerns were raised prior to the opening of OTRCH's Jimmy Health House and they have not materialized. JJH, on Odeon St., sits in the heart of OTR, less than a block from the new FC Cincinnati stadium and directly adjacent to newly constructed million-dollar homes. One neighbor, Rosanne Hassey testified that "I actually prefer to live next to project like the Jimmy Heath House... our neighborhood is deeper and richer for having Jimmy Heath House as part of our community".

Project Partners

EXHIBIT B

Proposed Notwithstanding Ordinance at 2000 Dunlap Street in Over-the-Rhine

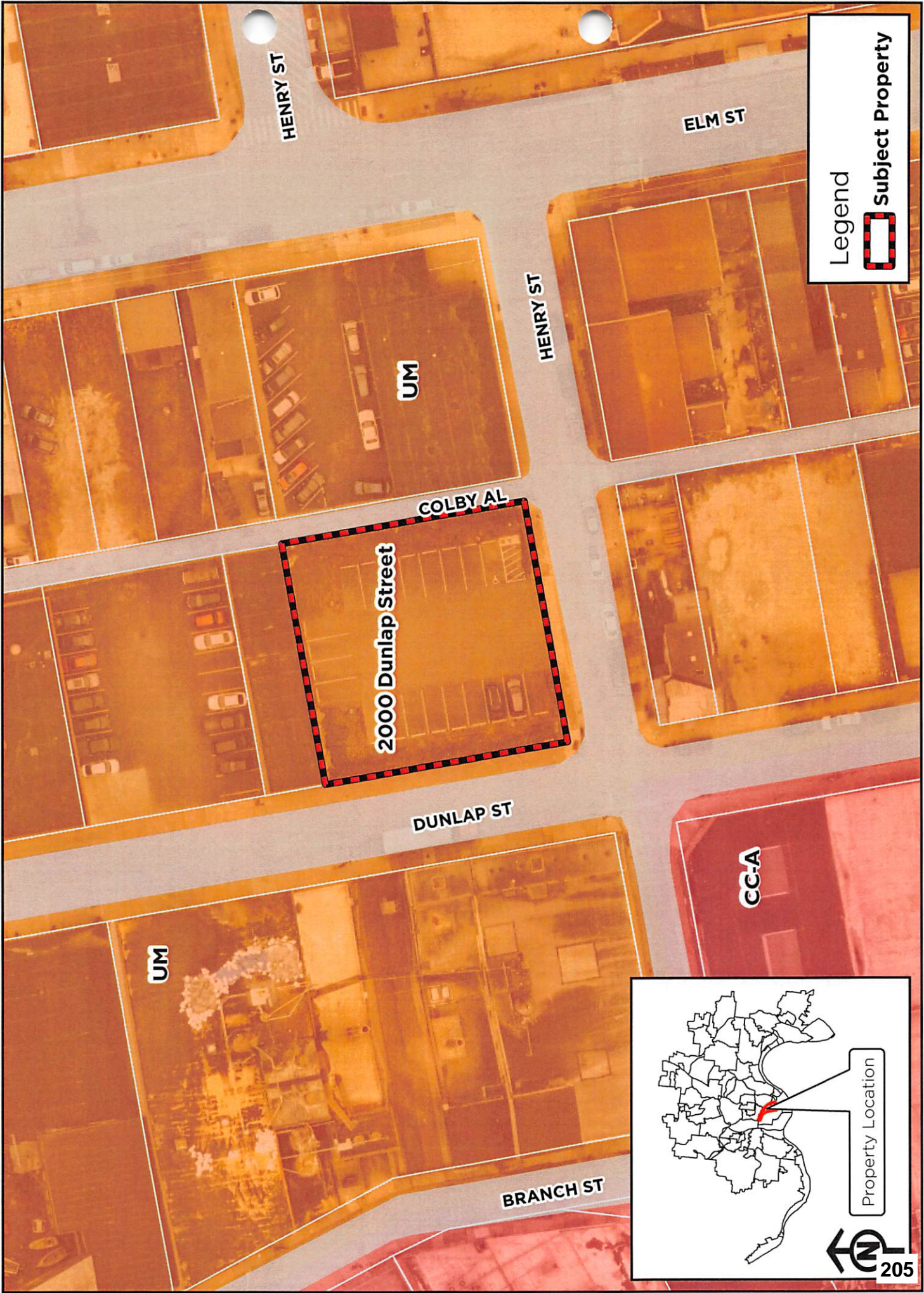


EXHIBIT C

**DECISION
HISTORIC CONSERVATION BOARD
CITY OF CINCINNATI
DATE OF DECISION: September 27, 2022**

APPLICANT: New Republic Architecture/ Suder LLC
CASE TYPE: COA/ Zoning Relief
CASE NO.: COA2022032/ ZH20210183
PROPERTY: 2000 Dunlap Street

SUMMARY OF REQUEST:

Over-the-Rhine Community Housing, an Ohio nonprofit corporation (“OTRCH”), requests a Certificate of Appropriateness (“COA”) and zoning relief to construct a four-story, 44-unit congregate housing development with a zero-lot-line rear setback in a Urban Mix (“UM”) zoning district in the Over-the-Rhine Historic District (the “Historic District”).

SUMMARY OF DECISION:

COA is **APPROVED**.
Zoning Relief is **APPROVED** in part and **DENIED** in part.

PUBLIC HEARING:

The Historic Conservation Board (“Board”) is a quasi-judicial body empowered to approve a COA when an applicant has demonstrated credible evidence that the proposal substantially conforms to the applicable local historic district conservation guidelines. The Board functions as the Zoning Hearing Examiner concerning requests for zoning relief from the Cincinnati Zoning Code (“CZC”) in the city’s local historic districts.

The Board conducted a public hearing over multiple meeting sessions on January 24, 2022, June 27, 2022, and August 8, 2022 (referred to collectively hereafter as the “Hearing”) on the above-cited application and is charged with evaluating the credibility of all witnesses and issuing findings of fact and conclusions of law based on the testimony and evidence presented to it.

The Board mailed notice to all persons entitled to receive notice of the application. Also, the Board published prior notice of the Hearing on the application in The City Bulletin. A quorum of Board members under Section 5 of the Rules of Procedure were present throughout the Hearing.

The Board recorded the Hearing, and a copy of the recording is available for review and transcription from the Office of Administrative Boards. Similarly, a representative from Elite Court Reporting Agency, LLC recorded the Hearing stenographically, and a transcript of the proceeding is available upon request.

FINDINGS OF FACT:

1. This matter concerns certain real property that is commonly identified as 2000 Dunlap Street and more particularly identified as Hamilton County, Ohio Auditor's Parcel No. 096-0005-0116-00 (-0116, -0117, -0118, -0119 Cons.) (the "Property").
2. The Property is in a UM zoning district in the Historic District.¹²
3. OTRCH, through New Republic Architecture, applied for zoning relief to construct a four-story, 44-unit congregate housing development with a zero-lot-line rear setback (the "Structure") on or about December 10, 2021. The zoning relief application dated December 10, 2021, did not include design specifications or a request for a COA.
4. CMC Section 1410-07 requires 700 square feet of lot area per residential unit. OTRCH requires a dimensional variance to allow 226 square feet of lot area per residential unit. CMC Section 1410-07 imposes a rear yard setback requirement of ten feet. OTRCH requires a dimensional variance to allow a zero-foot rear setback for 36 feet and 11½ inches along the rear property line.
5. The Board scheduled the zoning relief application for its regularly scheduled meeting on January 24, 2022.

JANUARY 24, 2022 PUBLIC MEETING

6. Richard B. Tranter, Esq. appeared before the Board on January 24, 2022, as legal counsel for OTRCH.
7. Peter Koenig, Esq. appeared before the Board on January 24, 2022, as legal counsel for Cincinnati Industrial Auctioneers, Inc.; Dunlap Street Properties, LLC; Jeffrey Luggen; and Robert Selhorst.
8. Jeff Nye, Esq. appeared before the Board on January 24, 2022, as legal counsel for The F.L. Emmert Company.
9. Dan McCarthy, Esq. appeared before the Board on January 24, 2022, as legal counsel for the City Lofts on Dunlap Condominium Association, an Ohio nonprofit corporation.
10. Mary Burke Rivers, OTRCH's Executive Director, appeared before the Board on

¹ Cincinnati Municipal Code Section 1400-17 and Map Section 1400-17.

² Ordinance No. 195-2003.

January 24, 2022, to support the application for zoning relief. Ms. Burke Rivers testified to OTRCH's history and mission, stating that the merger of two community-development corporations: Race Street Tenant Organization Co-Operative ("RESTOC") and Over-the-Rhine Housing Network, formed OTRCH. Ms. Rivers asserted that OTRCH's mission is to develop and manage resident-centered affordable housing to benefit low-income residents, declaring that OTRCH has an inventory of approximately 490 dwelling units in 105 buildings throughout the Over-the-Rhine neighborhood.

11. Ms. Burke Rivers provided background on OTRCH's ownership of the Property. She stated that OTRCH had owned the Property since 1992. The Property formerly contained a four-story structure that the City of Cincinnati razed in 1994 due to a roof collapse, and OTRCH subsequently constructed a parking lot on the Property.
12. Bob Carbon appeared before the Board to discuss the proposed zoning relief. Mr. Carbon described the developmental character of the area surrounding the Property, showing images of structures to the north and west of the Property constructed with zero-lot lines. Mr. Carbon showed a photograph of the building that formerly occupied the Property, asserting that it was a four-story structure likely measuring between 40-45 feet tall and constructed with a zero-lot line.
13. On cross-examination by Mr. Nye, Mr. Carbon conceded that a traffic impact study had not been performed for the proposed development.
14. Mr. Koenig objected to the bifurcation of the application to hear the COA separately from the requested zoning relief. He argued that it is also erroneous not to consider the use in weighing zoning relief hardship factors.
15. Mr. Koenig argued that the development is incompatible with the surrounding neighborhood, stressing that the requested density is unprecedented for the zoning district and the Historic District. He further argued that the Property has no exceptional, special, or unique characteristics to justify the requested zoning relief.
16. Jeff Luggen testified that he is a business owner that owns several properties proximate to the Property. Mr. Luggen expressed concerns about the compatibility of the use concerning surrounding properties, parking, and adverse impacts to surrounding businesses during construction.
17. Robert Selhorst testified that he owns property within 200 feet of the development site. He argued against the proposed use of the Property.
18. On cross-examination by Mr. Tranter, Mr. Selhorst conceded that he believed that he knew or was aware that OTRCH owned the Property when he purchased his property.
19. Mr. McCarthy argued that OTRCH had not met its burden of proof to show that they are entitled to the requested variances. He asserted that a hearing on the application was premature and inappropriate.

20. Neil Marquardt testified that he owns property at 42 W. McMicken Avenue and 1908 Dunlap Street. Mr. Marquardt stated that a hearing on the application was premature because OTRCH should present final design plans to surrounding property owners before proceeding.
21. Ben Eilerman, Graham Kalbli, Amy Silver, Andy Hutzler, Bonnie Neumeier, David Elkins, Joele Newman, and Margy Waller appeared before the Board to testify in support of the application.
22. Brian Conner, Vice-President of the OTR Community Council, appeared before the Board to testify about community outreach related to the project. He stated that OTR Community Council had not taken a position on the application as of the public meeting date.
23. Agostino Fede, Denny Dellinger, Julie Fay, Guy Peters, Joey Luggen, Ryan Luggen, Jeff Luggen, Jr., Steven Fink, and John Walter appeared before the Board to testify in opposition to the application.
24. Mr. Nye argued the general standards applicable to variance requests under the Cincinnati Municipal Code and Ohio law. He maintained that the variances are inappropriate under CZC Section 1445-13 because OTRCH failed to demonstrate how the increased density suits anticipated traffic, neighborhood compatibility, and potential adverse effects. Mr. Nye asserted that granting zoning relief under CZC Section 1445-15 is inappropriate because the Property lacks unique or distinctive circumstances or characteristics to entitle OTRCH to zoning relief. Additionally, he argued that granting zoning relief under CZC Section 1435-05-4 is inappropriate because denial of the request will not deprive OTRCH of all economically viable use of the Property or adversely affect the historic architectural or aesthetic integrity of the Historic District.
25. Mr. McCarthy argued that OTRCH failed to meet its burden of proof to demonstrate that it is entitled to variance relief. He stressed that the proposed variances are materially detrimental to the public health, safety, welfare, and injurious to his clients' adjacent properties because the project size and scope are too large for the lot size. He argued that OTRCH failed to meet its burden of proof to show that the zoning relief is necessary and appropriate, and in the interest of historic conservation. He asserted that OTRCH would not be denied all economically viable use of its property upon denial because OTRCH presently uses the Property in an economically viable manner as a public pay parking lot.
26. Mr. Koenig echoed the arguments presented by Mr. Nye and Mr. McCarthy.
27. Mr. Tranter argued that OTRCH satisfies the applicable standards for being entitled to zoning relief. He maintained that the zoning setback requirements are unreasonable because surrounding structures are without setbacks. He stated that OTRCH desires to return the Property to its former condition, occupied by a four-

story, zero-lot line building. Mr. Tranter argued that the former structure suffered a severe casualty event that caused OTRCH to forego reconstructing it until now. He stressed that the proposed density is insignificant because the zoning code would allow more residents to occupy fewer multi-family units and would not unduly burden traffic circulation because the proposed inhabitants are unlikely to own cars.

28. The Board voted to table the zoning relief application to allow OTRCH to submit a COA application.
29. OTRCH submitted a COA application on or about May 12, 2022, and the Board scheduled the COA and zoning relief applications for the Board's regularly scheduled meeting on June 27, 2022.
30. On or about June 17, 2022, Chris Finney, Esq. and Jessica Gibson, Esq., legal counsel for Cincinnati Industrial Auctioneers, Inc. and Dunlap Street Properties, LLC, filed a letter in opposition to the project comprising ten pages, including exhibits A-K, comprising 104 pages.
31. On or about June 24, 2022, Mr. Finney and Ms. Gibson submitted additional materials to the Board to support their clients' positions, arguments, and contentions against the project, identified as exhibits L-P. Tim Voss, the Board Chairman, accepted exhibits L-O into the record.

JUNE 27, 2022 PUBLIC MEETING

32. Sean Suder, Esq. and J.P. Burleigh, Esq. appeared before the Board on June 27, 2022, as legal counsel for OTRCH.
33. Ben Eilerman appeared before the Board on June 27, 2022, to testify in support of the COA and zoning relief. Mr. Eilerman testified about his work with OTRCH and how OTRCH determined the unit density for the project. Mr. Eilerman testified that OTRCH would use low-income housing tax credits administered by the Ohio Housing Finance Agency for the project, emphasizing that low-income housing tax credits require that tenants' rents cover the project's operational costs. Mr. Eilerman said that he calculated that OTRCH must construct 44 units at the Property for the project to be viable. He declared each proposed unit would range from 450 to 611 square feet and house a single occupant.
34. Mr. Eilerman asserted that the project was consistent with the neighborhood's character, citing that a nearby property, Griffin Apartments, contains 66 units, and a second property nearby, Logan Towers, comprises 63 units.
35. Chris Finney, Esq. and Jessica Gibson, Esq. appeared before the Board on June 27, 2022.
36. On June 27, 2022, the Board voted to continue the Hearing in progress. The Board continued the Hearing to its regularly scheduled meeting on August 8, 2022.

37. On or about July 22, 2022, Mr. Finney and Ms. Gibson filed a written *Motion to Reconsider the Use* (the “Motion to Reconsider”). The Motion to Reconsider argued the City’s Zoning Administrator inaccurately classified the proposed use of the Structure. Mr. Finney and Ms. Gibson contended the zoning code does not permit the proposed use in the UM zoning district.
38. On or about August 1, 2022, Mr. Suder and Mr. Burleigh filed a written response to the Motion to Reconsider. They argued that the Board does not have the power to overrule the Zoning Administrator’s use classification.
39. On or about August 1, 2022, Mr. Finney and Ms. Gibson filed additional materials to the Board to support their clients’ positions, arguments, and contentions against the project, identified as exhibits Q-Z.

AUGUST 8, 2022 PUBLIC MEETING

40. Sean Suder, Esq. and J.P. Burleigh, Esq. appeared before the Board on August 8, 2022.
41. Mary Burke Rivers, Ben Eilerman, Andy Hutzler, and Graham Kalbli appeared before the Board on August 8, 2022, as witnesses supporting OTRCH’s project.
42. Chris Finney, Esq. and Jessica Gibson, Esq. appeared before the Board on August 8, 2022.
43. Jeff Nye, Esq. appeared before the Board on August 8, 2022, on behalf of the F.L. Emmert Company.
44. Mr. Suder requested the Board to exclude the evidentiary submissions made by Mr. Finney and Ms. Gibson on or about August 1, 2022.
45. The Board voted to exclude from the record the August 1, 2022, evidentiary submission made by Mr. Finney and Ms. Gibson.
46. Mr. Finney made several oral motions during the Hearing. He requested to incorporate the records of the January 24, 2022, meeting and the June 27, 2022, meeting into the record of the August 8, 2022, meeting. He objected to the bifurcation of the Hearing from January 24, 2022, and June 27, 2022. He petitioned the Board to strike all letters and testimony in support of the Structure that discusses or mentions the proposed use. He proffered his August 1, 2022, evidentiary submission to the Board.
47. Mr. Kalbli detailed the Structure’s design. He explained that it is divided into three horizontal sections: base, middle, and top. The base consists of a light gray masonry product, the middle consists of field brick, with windows throughout, and a top marked by a cornice. Additionally, Mr. Kalbli testified about how he thought the Structure complied with the Historic District’s guidelines concerning the roof, window patterns, setbacks, height, and materials.

48. Mr. Kalbli explained that the proposed setbacks and height are consistent with the character and historical use of the Property. He stated that he designed the proposed zero-lot line at the rear of the Structure to accommodate an outdoor space for residents, allow access for emergency and public service vehicles, and house certain functional and mechanical features required for the Structure.
49. Jeff Luggen appeared before the Board on August 8, 2022. Mr. Luggen echoed his testimony from the January meeting and argued that the Structure's design is inconsistent with the aesthetics of the Historic District.
50. Robert Selhorst appeared before the Board on August 8, 2022. Mr. Selhorst echoed his testimony from the January meeting and asserted that the proposed density is inappropriate in the neighborhood.
51. Amy Silver, Bonnie Neumeier, Catherine Engle, Christine Wooten, David Elkins, Josh Spring, Michael Flood, Robert Killins, Rosanne and Kevin Hassey, Lauren Stoll, and Francis Russell appeared before the Board to testify in support of the project.
52. John Walter, Ron Holbrook, and Ryan Luggen appeared before the Board to testify in opposition to the project.
53. Mr. Nye argued the Structure's design is incompatible with adjacent properties. He echoed his arguments from the January meeting, challenging the appropriateness and necessity of the requested variances. He advocated for the Board to impose conditions on the Structure's design concerning the location of the entrance and during the construction phase of development so that the construction and use of the Structure did not adversely impact the F.L. Emmert Company.
54. Mr. Finney argued against the proposed density variance, contending that OTRCH failed to satisfy its burden of proof. He claimed the sole reason OTRCH desired the requested density was to build as many units as possible at the Property. He declared that the dimensional variance is inconsistent with the general purposes and intent of the zoning code and is inappropriate because the Property has no unique or defining features. Also, he argued that the massing, size, and window arrangements do not conform to the Historic District guidelines.
55. Mr. Suder argued the density variance would not adversely affect the neighborhood because the neighborhood historically supported greater densities. He argued that the design substantially conforms to the Historic District guidelines, emphasizing the experience of the project's architect in working within the Historic District and the support of the OTR Foundation's infill committee. He asserted the setback variance is appropriate given the programmatic and practical difficulties presented by developing in a dense, urban environment and the location of utility infrastructure. He argued that the strict application of the zoning code presents practical difficulties to OTRCH because the code would not allow OTRCH to affect its mission unless the Board granted relief to allow greater density.

56. Urban Conservator, Doug Owen submitted to the Board a report concerning the project (the "Report"). The Report is 17 pages and dated January 6, 2022 amended June 17, 2022. The Report contains a summary of the request, as well as a professional analysis and opinion, including a recommendation. The Report recommends approval of the COA and requests for zoning relief.

CONCLUSIONS OF LAW:

1. City Administrative Code ("CAC") Article XXX, Section 4 establishes the Board and empowers it to "have the duties and powers imposed by ordinance and [administrative] code."

MOTION TO RECONSIDER THE PROPOSED USE OF THE PROPERTY

2. CMC Section 1439-09 provides that the Board has the following duties and powers under the Cincinnati Zoning Code:
 - a. To hear applications for designation of historic districts, structures or sites and to make recommendations to the City Planning Commission on designation applications. See § 1435-07.
 - b. To approve, conditionally approve or deny applications for Certificate of Appropriateness. See § 1435-13.
 - c. To assume the powers and duties of the Zoning Hearing Examiner to hear and approve, conditionally approve or deny applications for conditional uses, nonconforming uses, variances or special exceptions for those applications relating to property wholly or partially within a designated historic district or site or involving a designated landmark. See § 1435-27.
3. Mr. Finney and Ms. Gibson argued the City's Zoning Administrator inaccurately classified the proposed use of the Structure and filed with the Board a written *Motion to Reconsider the Use* petitioning the Board to determine whether OTRCH proposed a proper use of the Property under the Cincinnati Zoning Code.
4. The movant has the burden of proof.
5. The *Motion to Reconsider the Use* is not well taken and the Board denies the said motion. As set forth above, Cincinnati City Council has not empowered the Board to decide determinations or interpretations of the Cincinnati Zoning Code made by the Zoning Administrator in the administration of the Cincinnati Zoning Code.

CERTIFICATE OF APPROPRIATENESS

6. Cincinnati Municipal Code (“CMC”) Section 1435-09 sets forth the procedure for which the Board is to consider certificate of appropriateness applications and provides that “[n]o one shall make an alteration or undertake a demolition, or receive any permit to do so, without first obtaining a Certificate of Appropriateness.”
7. CMC Section 1435-09-1-B provides that “[t]he Board may approve, approve with conditions, or deny an application for a Certificate of Appropriateness.”
8. CMC Section 1435-09-2 establishes that “[t]he Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:
 - a. That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
 - b. That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.”
9. OTRCH has the burden of proof.
10. Upon being fully apprised of the issues based on the evidence and testimony submitted by OTRCH, other interested persons providing oral and written testimony to the Board, and the analysis and recommendation submitted to the Board in the Report, the Board **APPROVES** the certificate of appropriateness for the Structure per the drawings submitted by New Republic Architecture dated April 4, 2022. The Board hereby adopts the Urban Conservator’s analysis of the certificate of appropriateness application set forth on pages 11-15 of the Report. The Board hereby incorporates the certificate of appropriateness analysis on pages 11-15 of the Report herein and it shall become a part hereof. The Board approves the certificate of appropriateness subject to the following condition:
 - a. The building permits must be issued within four years of the decision date or the certificate of appropriateness shall expire.

REAR YARD SETBACK VARIANCE

11. CMC Section 1435-05-4 empowers the Board to assume the powers and duties of the Zoning Hearing Examiner to hear and approve, conditionally approve or deny applications for conditional uses, nonconforming uses, variances or special exceptions for those applications relating to property wholly or partially within the Historic District.

12. Upon being fully apprised of the issues based on the evidence submitted and representation made by OTRCH, testimony received at the Hearing, and the professional analysis and recommendation presented by the Urban Conservator in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **APPROVE** the requested zoning variance from CMC Section 1410-07 to allow a zero-foot setback for 36 feet and 11½ inches along the rear yard of the Property. The Board finds such relief from literal implication of the zoning code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located and is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district.

DENSITY VARIANCE

13. Upon being fully apprised of the issues based on the evidence submitted and representation made by OTRCH, testimony received at the Hearing, and the professional analysis and recommendation presented by the Urban Conservator in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **DENY** the requested zoning variance from CMC Section 1410-07 to allow 226 square feet of lot area per residential unit. The Board finds that the evidence and testimony provided at the Hearing indicates that OTRCH failed to satisfy its burden that owing to special circumstances or conditions pertaining to the Property, the strict application of the provisions or requirements of Cincinnati Zoning Code are unreasonable and would result in practical difficulties.
14. The following is a record of the votes cast by members of the Board concerning the motion to approve the COA application and setback zoning relief and deny the request for density zoning relief:

Aye

Mr. Tim Voss
Mr. Bob Zielasko
Ms. Allison McKenzie
Mr. Herbert Weiss
Mr. Thomas Sundermann

Nay

Absent

Ms. Pamela Smith-Dobbins

ORDERED: September 27, 2022:

/s/ Thomas Sundermann

Thomas Sundermann, Vice-Chair
Historic Conservation Board

/s/ Trisa Wilkens

Trisa Wilkens, Staff Attorney
Historic Conservation Board

APPEALS:

This decision represents the final appealable order of the Historic Conservation Board and may be appealed to the Zoning Board of Appeals under Chapter 1449 of the Cincinnati Zoning Code. Any appeal must be filed within thirty days of the date of the mailing of this decision.

The Board transmits by electronic mail a true and accurate copy of this decision on the 27th day of September 2022, to:

Suder LLC
c/o Sean S. Suder, Esq.
455 Delta Avenue, Suite 203
Cincinnati, Ohio 45226
sean@ssuder.com

Finney Law Firm
c/o Chris Finney
1077 Celestial, Suite 10
Cincinnati, Ohio 45202
chris@finneylawfirm.com

Jeff Nye
7373 Beechmont Avenue
Cincinnati, OH 45230
jmn@sspfirm.com

Transmitted this 27th day of September 2022, by interdepartmental mail to:

Douglas Owen
Department of City Planning and Engagement

October 21, 2022

**Honorable City Planning Commission
Cincinnati, Ohio**

SUBJECT: A report and recommendation on a proposed Notwithstanding Ordinance permitting the construction of a new congregate-housing facility containing up to forty-four dwelling units at 2000 Dunlap Street in Over-the-Rhine.

GENERAL INFORMATION:

Location: 2000 Dunlap Street
Cincinnati, OH 45202

Petitioners: Councilmembers Reggie Harris, Liz Keating, and Meeka Owens
801 Plum Street
Cincinnati, OH 45202

Owner: Race Street Tenant Organization Cooperative (Over-the-Rhine Community Housing)
114 W. 14th Street
Cincinnati, OH 45202

EXHIBITS:

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Transmittal of Emergency Ordinance
- Exhibit C Dunlap Permanent Supportive Housing – Project Summary
- Exhibit D Dunlap Permanent Supportive Housing – Plans
- Exhibit E Zoning Verification Letter
- Exhibit F Historic Conservation Board Staff Report + Addendum
- Exhibit G Historic Conservation Board Decision
- Exhibit H Correspondence

BACKGROUND:

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. The subject property is located at the corner of Dunlap and Henry streets and is approximately 0.234 acres. It is currently vacant and used for surface parking. The subject property is located within the Urban Mix (UM) zoning district, which is intended to provide a balance of uses and amenities fostering a vital economic, livable and cultural area and enhance its urban and aesthetic qualities.

The subject property is also located in the Over-the-Rhine Local Historic Overlay District. Per § 1435, no one shall make an alteration or undertake a demolition, or receive any permit to do so, in an Historic District without first obtaining a Certificate of Appropriateness from the Historic Conservation Board or the Urban Conservator (§ 1435-09).

On January 24, 2022, the Historic Conservation Board reviewed the following requests for zoning relief:

1. 1410-07- Development Regulations. Density. 700 square feet of lot area/unit is required. The lot is 10,000 square feet and fourteen units are permitted. Forty-four units were requested. **A variance to allow up to forty-four dwelling units of congregate housing is required.**
2. 1410-07- Development Regulations. Rear setback. A rear setback of 10 feet is required for residential projects. As the property is a square, either street frontage can be considered the front lot line. As both the north and east property lines can be considered rear and both have a zero-lot line, **a 10-foot variance for the rear yard is required.**

The Historic Conservation Board tabled the zoning relief to allow the property owner to submit a Certificate of Appropriateness application. The Certificate of Appropriateness application was submitted in May 2022 and was scheduled with the zoning relief application for the Board's regularly scheduled meeting on June 27, 2022. The Historic Conservation Board voted to continue the hearing to the Board's regularly scheduled meeting on August 8, 2022.

On August 8, 2022, the Historic Conservation Board took the following actions as outlined in the Historic Conservation Board Decision (Exhibit G):

1. **APPROVE** the Certificate of Appropriateness for the structure per the drawings submitted by New Republic Architecture dated April 4, 2022 (Exhibit D).
2. **APPROVE** the requested zoning variance to allow a zero-foot setback along the rear yard of the subject property.
3. **DENY** the requested zoning variance to allow up to forty-four dwelling units of congregate housing.

On October 5, 2022, City Council referred a Notwithstanding Ordinance to the City Planning Commission for consideration to approve this proposed project notwithstanding the various Code requirements, as described below.

PROPOSED NOTWITHSTANDING ORDINANCE:

City Councilmembers Harris, Keating, and Owens have proposed a Notwithstanding Ordinance to allow the property owner, Over-the-Rhine Community Housing (OTRCH), permission to construct a new congregate-housing facility containing up to forty-four dwelling units at 2000 Dunlap Street in the Over-the-Rhine neighborhood, notwithstanding the density and setback regulations of the Cincinnati Municipal Code, and the requirement for a Certificate of Appropriateness (§ 1410-07, § 1435-09).

New Construction at 2000 Dunlap Street

The subject property at 2000 Dunlap Street is approximately 0.234 acres in size and is currently vacant. Over-the-Rhine Community Housing (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 plans are included as Exhibit D.

The Councilmembers have proposed the Notwithstanding Ordinance for the following:

Density (§ 1410-07)

The use is Congregate Housing (see definition below) as the proposal for permanent supportive housing has individual dwelling units with communal dining facilities and support services. This use is permitted under the UM zoning district at a density of 1 unit per 700sf/lot area. The lot is 10,000 square feet and fourteen units are permitted. Forty-four units were requested. A variance to allow up to forty-four dwelling units of congregate housing is required.

§ 1401-01-C19. - Congregate Housing.

Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents.

Rear Yard Setback (§ 1410-07)

A rear setback of 10-feet is required for residential projects in the UM zoning district. The property is 100 feet by 100 feet and either street frontage (Henry Street or Dunlap Street) can be considered the front lot line. As the proposed massing provided has the parking and utility placement on the north face of the building, the north property line has been designated as the rear property line; the south property line along Henry Street is the front property line. A 10-foot variance for the rear yard setback is required.

The property owner had asked for a setback allowance similar to those approved for adjacent properties. Many properties directly adjacent to the property have zero-lot lines at the rear yard. As the property owner only requested a partial variance, staff finds this request reasonable considering the context of directly surrounding properties that have zero-lot line development.

PUBLIC COMMENT AND NOTIFICATION:

Notice of the City Planning Commission meeting for October 21, 2022 was sent to property owners within 400 feet of 2000 Dunlap Street and the Over-the-Rhine Community Council on October 6, 2022. Five letters of support and thirty-five letters of objection were received prior to the completion of the City Planning Commission packet on October 14, 2022 and are included as Exhibit H.

ANALYSIS:

The Department of City Planning and Engagement has typically taken a position to not support any Notwithstanding Ordinances for land use decisions 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. As such, the City Planning Commission shall consider the following when making a recommendation on Notwithstanding Ordinances to City Council:

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

The proposed development is located on a vacant parcel in Over-the-Rhine and within the Over-the-Rhine Local Historic District, which has specific design guidelines for redevelopment to maintain the character of the area. The City's Historic Conservation Board determined that the proposed design was consistent with the Over-the-Rhine Local Historic District Guidelines; however, the proposed density was not consistent. The increased density and smaller unit sizes allows for greater housing access in an area where affordability is a challenge. All forty-four units would be maintained as affordable units in compliance with the Low-Income Housing Tax Credit program. The proposed project is for a multi-unit residential development which is consistent with the character of the area.

- 2) Whether the proposed Notwithstanding Ordinance 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.

Over-the-Rhine was one of Cincinnati's most densely populated neighborhoods, with a population of almost 45,000 in 1900 according to the U.S. Census Bureau. The subject property is located within the Over-the-Rhine Local Historic District, which has specific design guidelines for redevelopment in order to maintain and enhance the character of the area. The City's Historic Conservation Board determined that the proposed design of the new structure is consistent with the Over-the-Rhine Local Historic District Guidelines. The proposed structure does not replicate the existing buildings and has a design and detailing that is based on the fabric of the neighborhood while being modern in style.

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

The City's Historic Conservation Board determined that the proposed structure was consistent with the Over-the-Rhine Local Historic District Guidelines. It was also determined that the proposed rear yard setback variance was necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district.

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

The proposed use is classified as congregate housing. While not the most prevalent land use, the zoning of Urban Mix allows residential uses including multi-family, congregate housing, and certain transitional housing. The proposed 4-story multi-unit residential building is in keeping with the mixed-use area. Several new multi-story, multi-unit residential construction projects have been approved within the neighborhood.

- (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 the Mohawk Area Plan, the Brewery District Master Plan, Plan Cincinnati, and the Over-the-

Rhine Comprehensive Plan (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.

Over-the-Rhine Community Housing, the manager and owner of the property and development, is a non-profit. As a proposed congregate housing project that aims at reducing homelessness, the proposal will support the Cincinnati economy through providing an opportunity for residents to gain housing security.

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

The proposed Notwithstanding Ordinance would permit a new development on what is now a vacant lot. All forty-four dwelling units would be maintained as affordable units in compliance with the Low-Income Housing Tax Credit program, contributing to the affordability of the area.

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

The subject property is located within 0.20 miles walking distance of the Over-the-Rhine Vine Street Neighborhood Business District and 0.20 miles walking distance of Findlay Market. It is also just over 0.6 miles from the Cincinnati Streetcar stop on Elm Street and close to many bus lines/stops.

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

The proposed Notwithstanding Ordinance would permit a total of forty-four units, a density allowance that is denser than other new construction LIHTC projects that have been approved, but not the densest new construction project that has been approved within the Over-the-Rhine Historic District. The proposed density is necessary to return a vacant lot to productive use and will not have an adverse effect on the architectural or aesthetic integrity of the Over-the-Rhine Historic District.

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

The proposed Notwithstanding Ordinance does not provide exemption 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. The subject property is not located in a hillside or along the riverfront.

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

The subject property is located within the Over-the-Rhine Historic District. The proposed infill development does not replicate the existing buildings and has a design and detailing that is based on the fabric of the neighborhood while being modern in style.

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

The subject property is located within an Urban Parking Overlay District, which eliminates all parking requirements. While the property would be exempt from parking requirements, the project is asking for an increase in residential density which does normally increase the anticipated parking demand. However, as this is a proposed LIHTC project to serve those facing homelessness, car ownership is unlikely for most residents and therefore there will be very limited parking demand. Additionally, and uniquely within Over-the-Rhine, transit capacity and opportunities within walking distance for jobs, goods and services should, in actuality, minimize the parking demand given the more urban context.

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

Proposed signage for the new construction 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, the "Urban Mix" zoning district, and the Over-the-Rhine Historic 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.

Not applicable. The proposed development is located on vacant land.

CONSISTENCY WITH PLANS:

There are several plans within the last 20 years that are associated with this area, including the Mohawk Area Plan, the Brewery District Master Plan, Plan Cincinnati, and the Over-the-Rhine Comprehensive Plan.

Plan Cincinnati (2012)

The proposed Notwithstanding Ordinance is consistent with *Plan Cincinnati* in the Live Initiative Area with the Goal to "Provide a full spectrum of housing options, and improve housing quality and affordability" (p. 164). The proposed Notwithstanding Ordinance is also consistent with the Strategy to "Provide quality healthy housing for all income levels" and to "Offer housing options of varied sizes and types for residents at all stages of life" (p. 164, 165).

Over-the-Rhine Comprehensive Plan (2002)

The proposed Notwithstanding Ordinance is consistent with portions of the *Over-the-Rhine Comprehensive Plan* in the Housing section, which includes goals to “Encourage and welcome new investment at all levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents” and to “Provide appropriate housing-related services for all residents” (p. 47).

Brewery District Master Plan (2013)

The proposed Notwithstanding Ordinance is consistent with the *Brewery District Master Plan* that states the area “Should be developed as a medium density, mixed use, pedestrian oriented area maintaining on-street parking throughout,” and that “New construction should be a minimum of two stories, and not taller than five stories” (p. 54).

Mohawk Area Plan (2021)

The proposed Notwithstanding Ordinance is consistent with the *Mohawk Area Plan* in the Housing and Connectivity sections. In the Housing section is the goal to “Develop Mohawk to be a diverse and inclusive district that contains neighborhood-specific housing for all income levels” through strategies to “Promote architecturally compatible and consistent housing infill” and “Encourage and welcome new development at all levels of the housing market and ensure long-term sustainability of enough affordable housing to house current residents” (p. 39). The Connectivity section includes a goal to “Develop Mohawk into a well-connected neighborhood that is safe and accessible for all modes of travel” and a strategy to “locate new buildings and structures with zero or minimal setbacks, where frontage is on or near sidewalks” (p. 33).

CONCLUSIONS:

The proposed congregate-housing facility on a current vacant lot would provide an economic opportunity and housing access. The proposed development would create forty-four units to house individuals who have been experiencing homelessness and would activate a space in the walkable Over-the-Rhine neighborhood, near the Cincinnati Streetcar route and nearby the Over-the-Rhine Vine Street Neighborhood Business District. The units would be maintained as affordable. The proposed density and smaller size of the units contribute to the affordability. The proposed design, including materials, window placement, and scale, is contextually sensitive to the surrounding historic district. The proposed Notwithstanding Ordinance is consistent with portions of the *Mohawk Area Plan*, the *Brewery District Master Plan*, *Plan Cincinnati*, and the *Over-the-Rhine Comprehensive Plan*.

The Department of City Planning and Engagement has typically 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 and Engagement recommends that the City Planning Commission take the following action:

DENY the Notwithstanding Ordinance permitting the construction of a new congregate-housing facility containing up to forty-four dwelling units at 2000 Dunlap Street in the Over-the-Rhine for the following reason:

- 1) The Department of City Planning and Engagement typically does not support Notwithstanding Ordinances for land use decisions because the ordinances do not comply with the zoning laws that the Department of City Planning and Engagement 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 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.

Respectfully submitted:



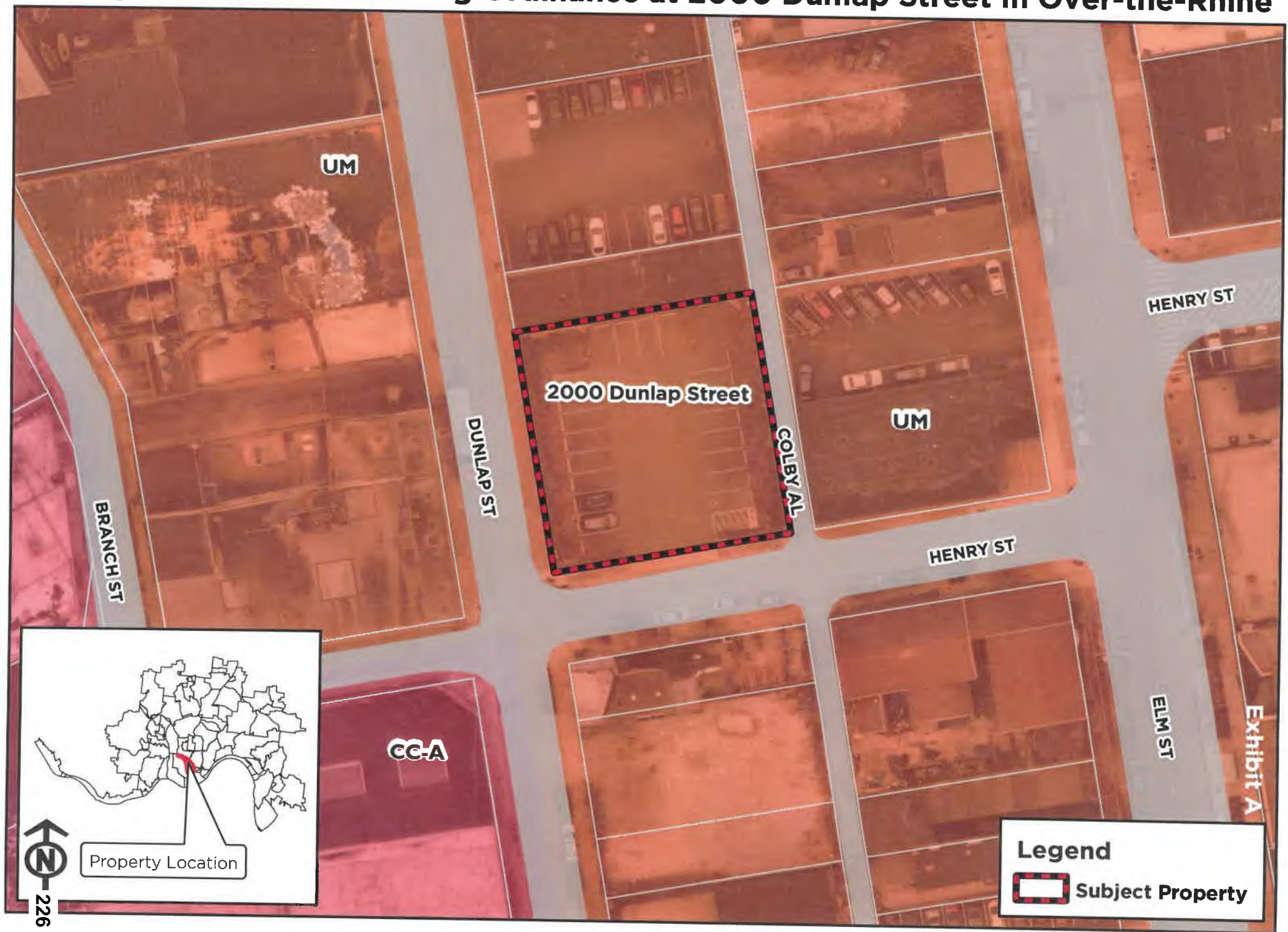
Stacey Hoffman, Senior City Planner
Department of City Planning & Engagement

Approved:



Katherine Keough-Jurs, FAICP, Director
Department of City Planning & Engagement

Exhibit A
Proposed Notwithstanding Ordinance at 2000 Dunlap Street in Over-the-Rhine





Updated: October 11, 2022

To: Councilmembers Reggie Harris, Liz Keating, and Meeka Owens
From: Emily Smart Woerner, City Solicitor EESW
Subject: Emergency Ordinance – 2000 Dunlap St. Notwithstanding Ordinance

Transmitted herewith is an emergency ordinance captioned as follows:

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."

This transmittal has been updated solely to reflect the addition of Councilmembers Keating and Owens as co-sponsors of the legislation.

EESW/ETN(lb)
Attachment
371438

Dunlap PSH

Project Overview

Dunlap PSH is a proposed Permanent Supportive Housing project located in the Over-the-Rhine neighborhood with 44 apartments. The project will be a new construction building on a parcel at the corner of Dunlap and Henry Streets, where Over-the-Rhine Community Housing (OTRCH) currently owns and operates a parking lot.

The project will be studio and 1BR apartments providing safe, dignified, affordable housing to people who have experienced homelessness. The property will be a four-story structure with an elevator and will provide a laundry room, common lounge/dining room, common kitchen to accommodate volunteers, single point of entry, case management offices, space for visiting medical professionals, and secured building entrances. The project will be staffed 24/7 with front desk staff. On-site case management and supportive services will be provided by OTRCH and other providers.

The project is intended to build upon the success of OTRCH's 25-year history of providing well operated supportive housing to the most vulnerable members of our community. The Dunlap PSH project will most closely resemble our Jimmy Heath House project in OTR, which has successfully provided dignified housing for the homeless for over 10 years.

In May 2022, the project was awarded \$1 million dollars in annual Low-Income Housing Tax Credits.

Project Timeline

Summer 2023	– Begin Construction
Summer 2024	– Project Operational

Project Contacts:

Ben Eilerman – Senior Housing Developer – beilerman@otrch.org 513-381-1171 x119
 Andy Hutzell – Director of Housing Services – ahutzell@otrch.org 513-381-1171 x 112



Gloria was a wonderful and complicated person, who's sense of humor, dignity, and generosity were not diminished by years of homelessness. Anyone traveling the streets of OTR has likely seen Gloria and her dog Bear Bear. Gloria lived her life for her friends and peers on the street and was not one to suffer fools. Gloria was a truth teller who did not shy away from "her truth" and she stood up for those she felt were more vulnerable than herself. Gloria was a raconteur, who's lived experience, keen observations, and cutting wit, revealed a genuinely unique perspective. Whether Gloria was housed or homeless, her life in, and connection with, the OTR community, is indisputable. Gloria was part of OTR.

Project Partners

modelconstruction

3CDC

CINCINNATI
CENTER CITY
DEVELOPMENT
CORPORATION



Greater Cincinnati
Behavioral
Health Services
Our Work is Life Changing

GREATER CINCINNATI
**HOMELESS
COALITION**

CSH 30 Years of Supportive
Housing Solutions



**STRATEGIES TO
END HOMELESSNESS**
prevent. assist. solve.



**Cincinnati
HealthNetwork**

Dunlap PSH

This Housing is Needed Now!

- Greater Cincinnati Behavioral Health's PATH Outreach Team reports a 25% increase in street homelessness over the past year.
- Our region is in dire need of affordable housing at all levels, but particularly for those most vulnerable.

This project is funded!

- Dunlap PSH was awarded \$10M in highly competitive Low Income Housing Tax Credits and \$600,000 in HDAP funding from the Ohio Housing Finance Agency in May of this year to build the project.
- Additionally, recognizing the deep need for this type of housing, the Continuum of Care ranked this project as its highest ranked project for funding and operational support.

This project is supported!

- Project partners include, 3CDC, Strategies to End Homelessness, Greater Cincinnati Behavioral Health Services, Corporation for Supportive Housing, Cincinnati Health Network, Greater Cincinnati Homeless Coalition, LISC, Greater Cincinnati Foundation, Model Group and many more neighbors.

Housing First works!

- Housing First is an evidenced-based best practice that prioritizes providing **permanent housing** to people experiencing homelessness, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life.
- The Housing First model rapidly ends homelessness, is cost-effective, and positively impacts quality of life and community functioning.

Those opposed are acting out of a place of unsubstantiated fear

- Fears have been expressed by the opposition including: the threat to prevent future development, a concern about putting this type of housing in an entertainment district and a general fear of the "other".
- All of these concerns were raised prior to the opening of OTRCH's Jimmy Health House and they have not materialized. JJH, on Odeon St., sits in the heart of OTR, less than a block from the new FC Cincinnati stadium and directly adjacent to newly constructed million-dollar homes. One neighbor, Rosanne Hassey testified that "I actually prefer to live next to project like the Jimmy Heath House... our neighborhood is deeper and richer for having Jimmy Heath House as part of our community".

Project Partners

modelconstruction

3CDC

CINCINNATI
CENTER CITY
DEVELOPMENT
CORPORATION



Greater Cincinnati
Behavioral
Health Services
Our Work is Life Changing

GREATER CINCINNATI
**HOMELESS
COALITION**

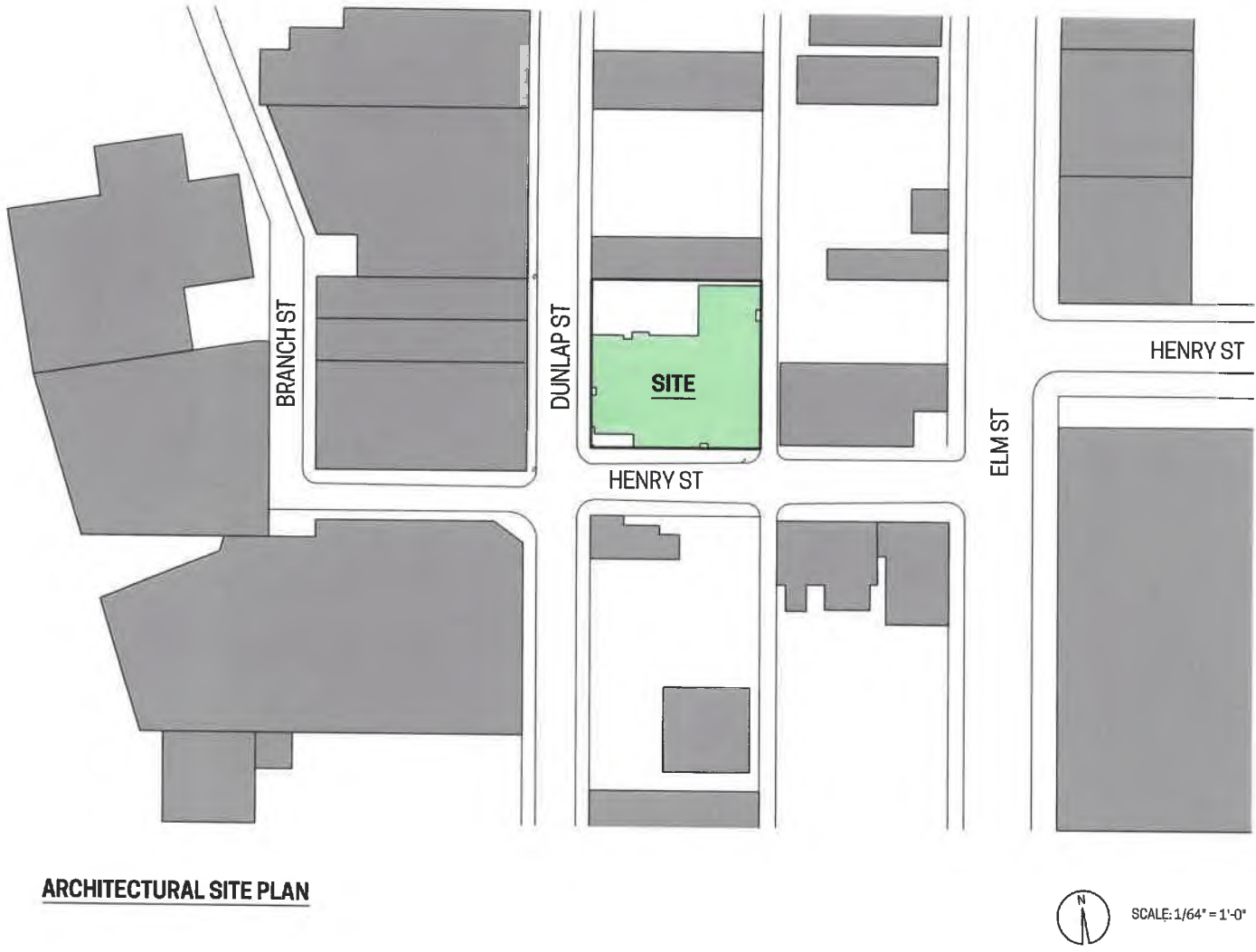
CSH 30 Years of Supportive
Housing Solutions



STRATEGIES TO
END HOMELESSNESS
prevent. assist. solve.



Cincinnati
Health Network





FIRST FLOOR PLAN



SCALE: 1/16" = 1'-0"



PROGRAM KEY

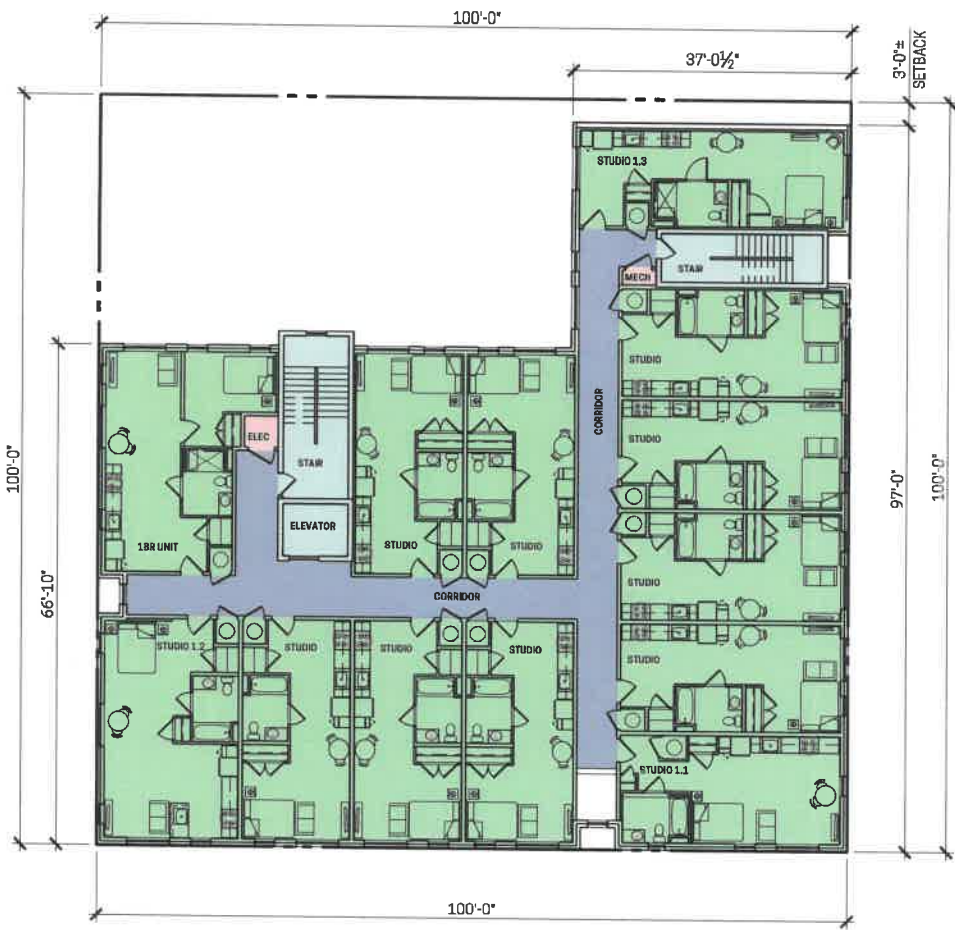
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- MAJOR VERTICAL PENETRATIONS
- COMMON CIRCULATION
- DEDICATED PROGRAM
- COMMON PUBLIC
- SUPPORT

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

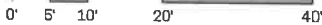
BUILDING PLANS
A01



SECOND FLOOR PLAN (THIRD and FOURTH FLOORS SIMILAR)



SCALE: 1/16" = 1'-0"



PROGRAM KEY

- RESIDENTIAL
- MAJOR VERTICAL PENETRATIONS
- COMMON CIRCULATION
- DEDICATED PROGRAM
- COMMON PUBLIC
- SUPPORT

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

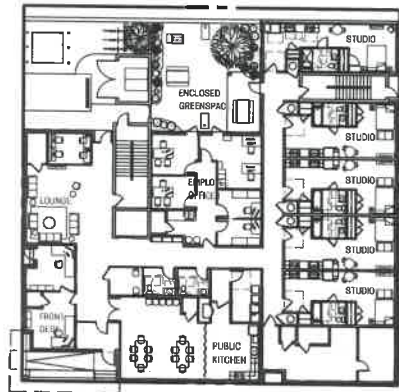
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

BUILDING PLANS
A02

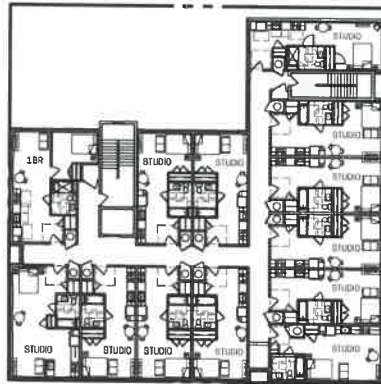
NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING



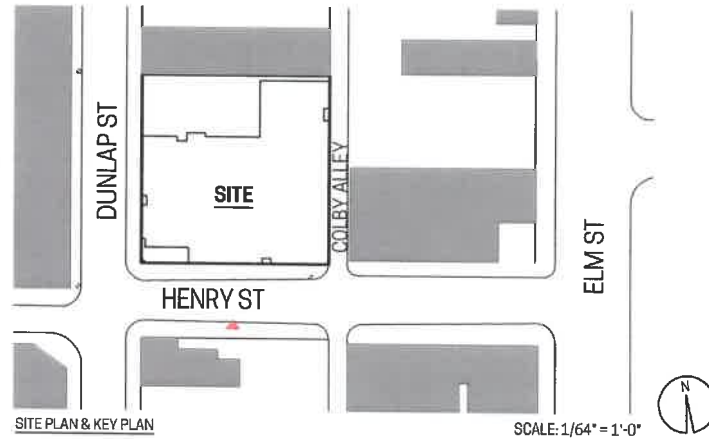
HENRY STREET (SOUTH) ELEVATION
SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN
SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN
SCALE: 1/64" = 1'-0"

NEW REPUBLIC
architecture
OTRACH
COMMUNITY HOUSING

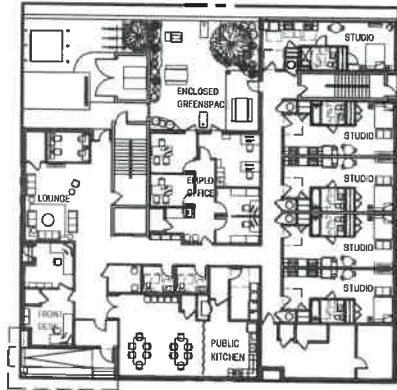
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

A21

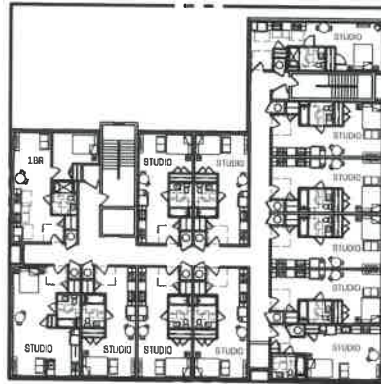


DUNLAP (WEST) ELEVATION
SCALE: 1/8" = 1'-0"



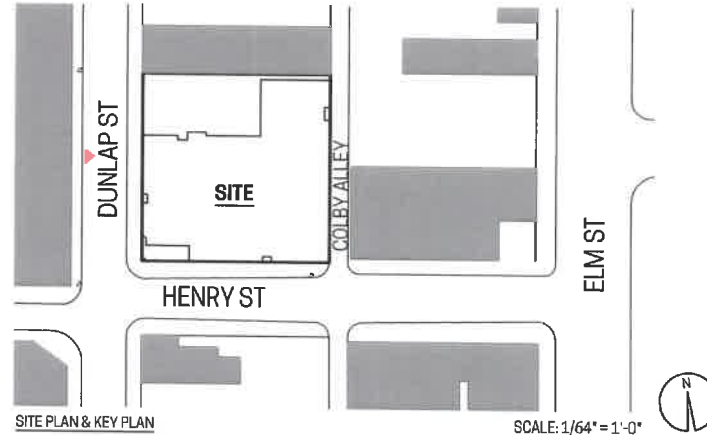
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

SCALE: 1/64" = 1'-0"

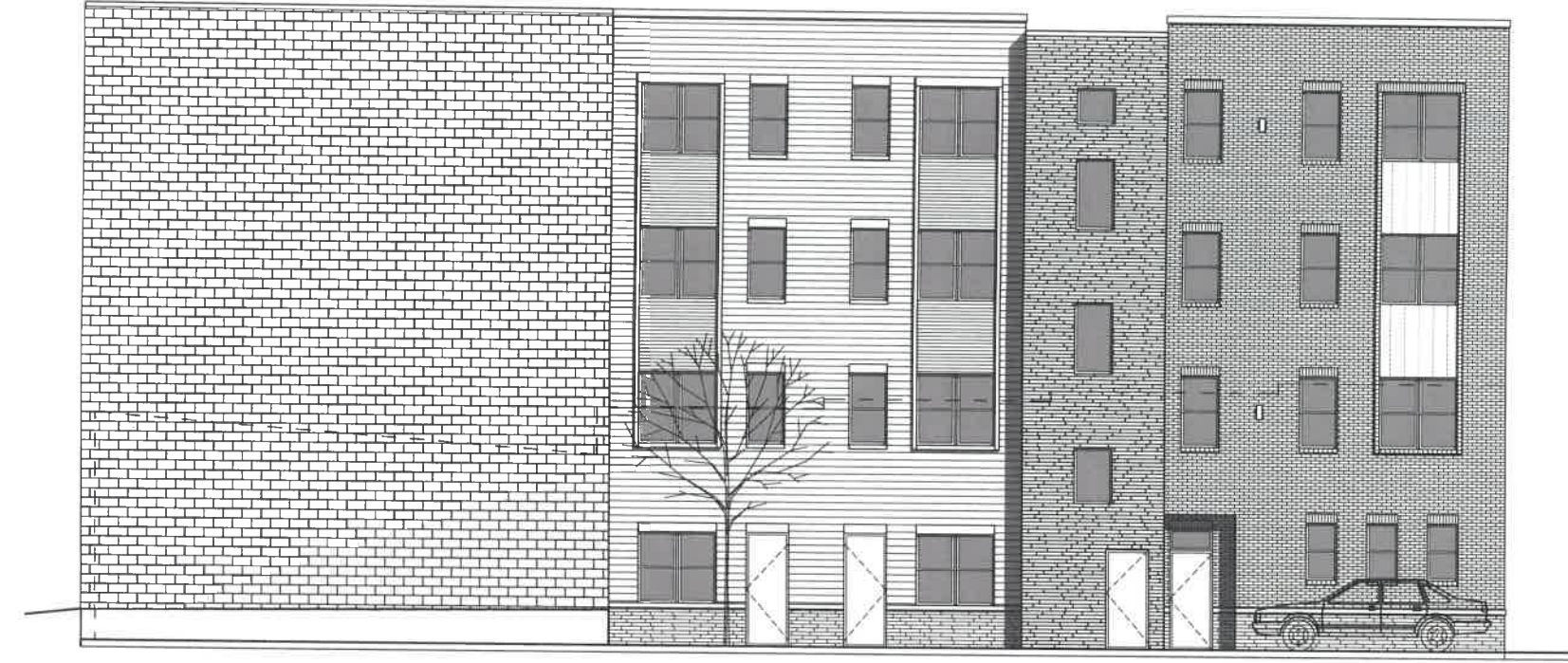


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COMMUNITY HOUSING

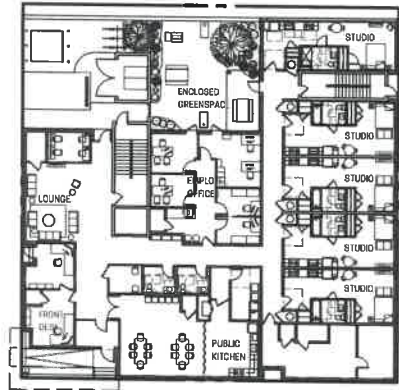
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

A22

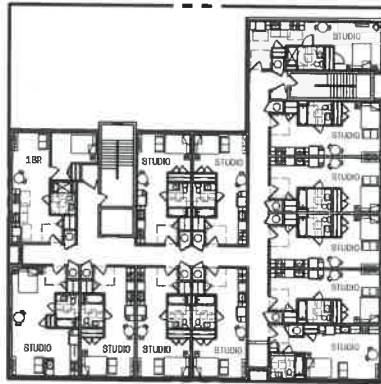


REAR (NORTH) ELEVATION
SCALE: 1/8" = 1'-0"



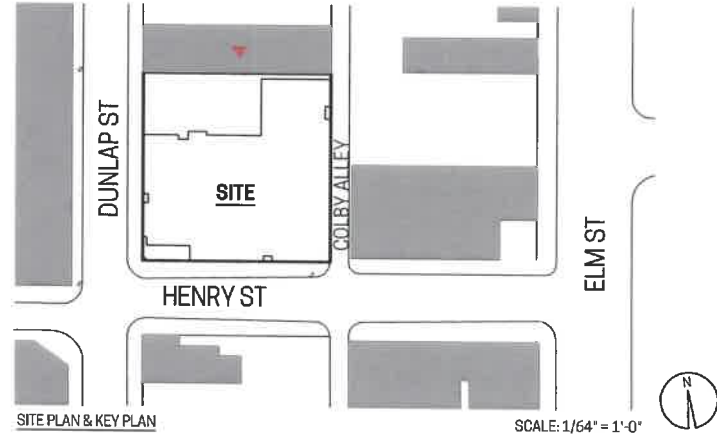
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



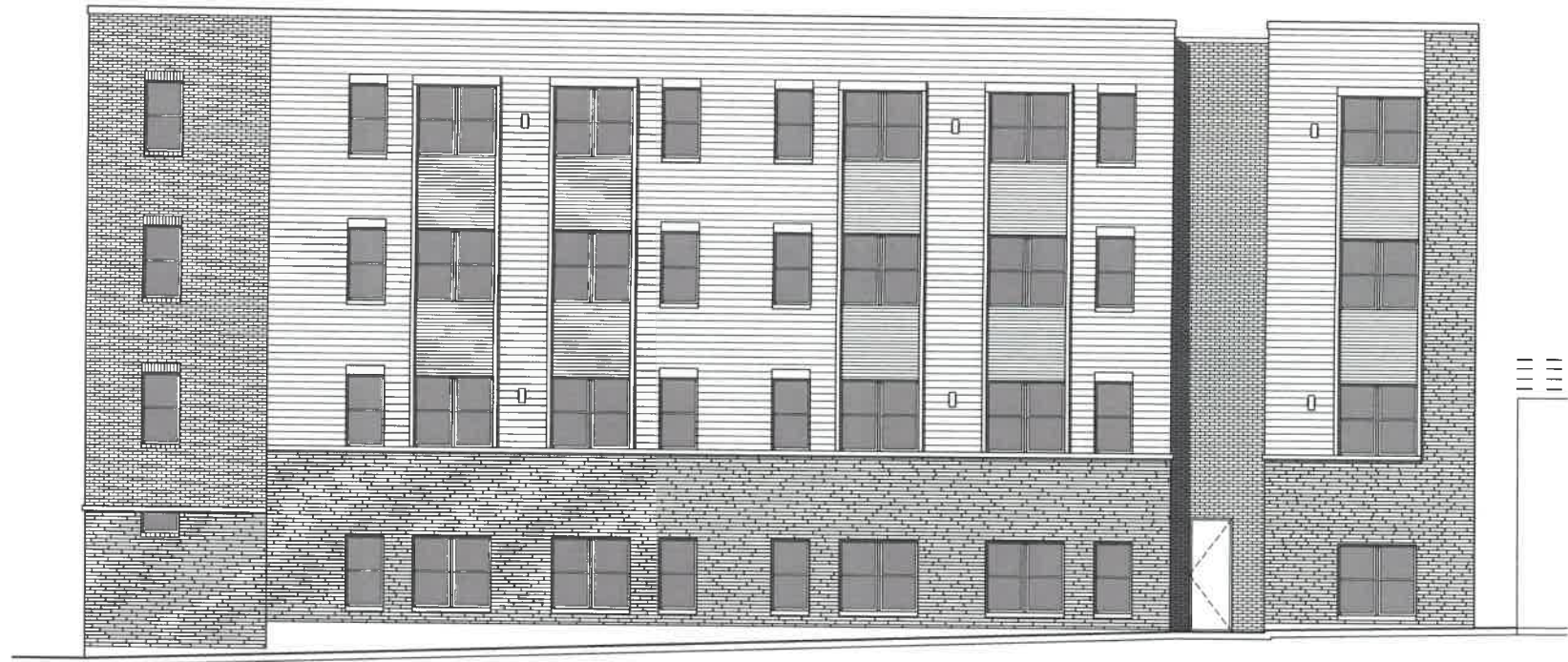
TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"

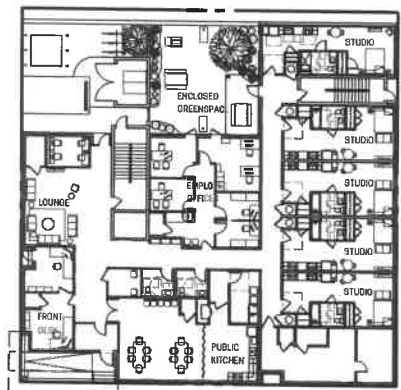


SITE PLAN & KEY PLAN

SCALE: 1/64" = 1'-0"

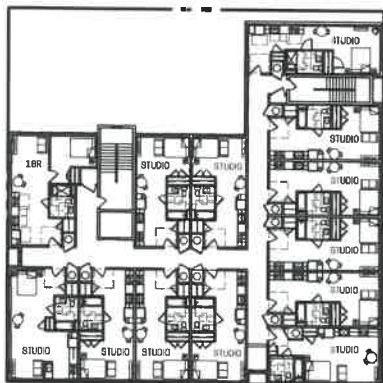


ALLEY (EAST) ELEVATION
SCALE: 1/8" = 1'-0"



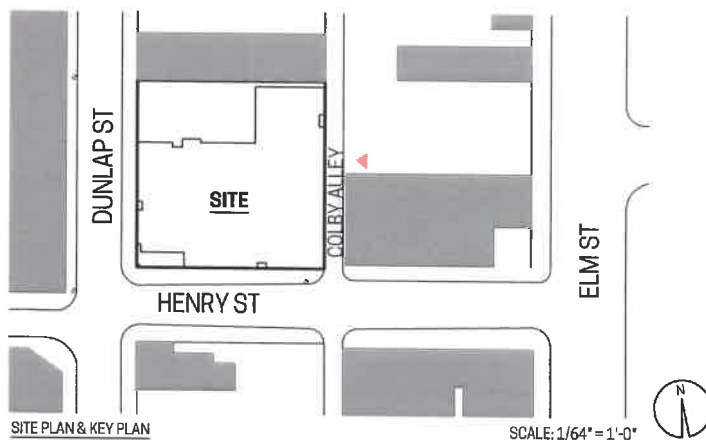
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

SCALE: 1/64" = 1'-0"

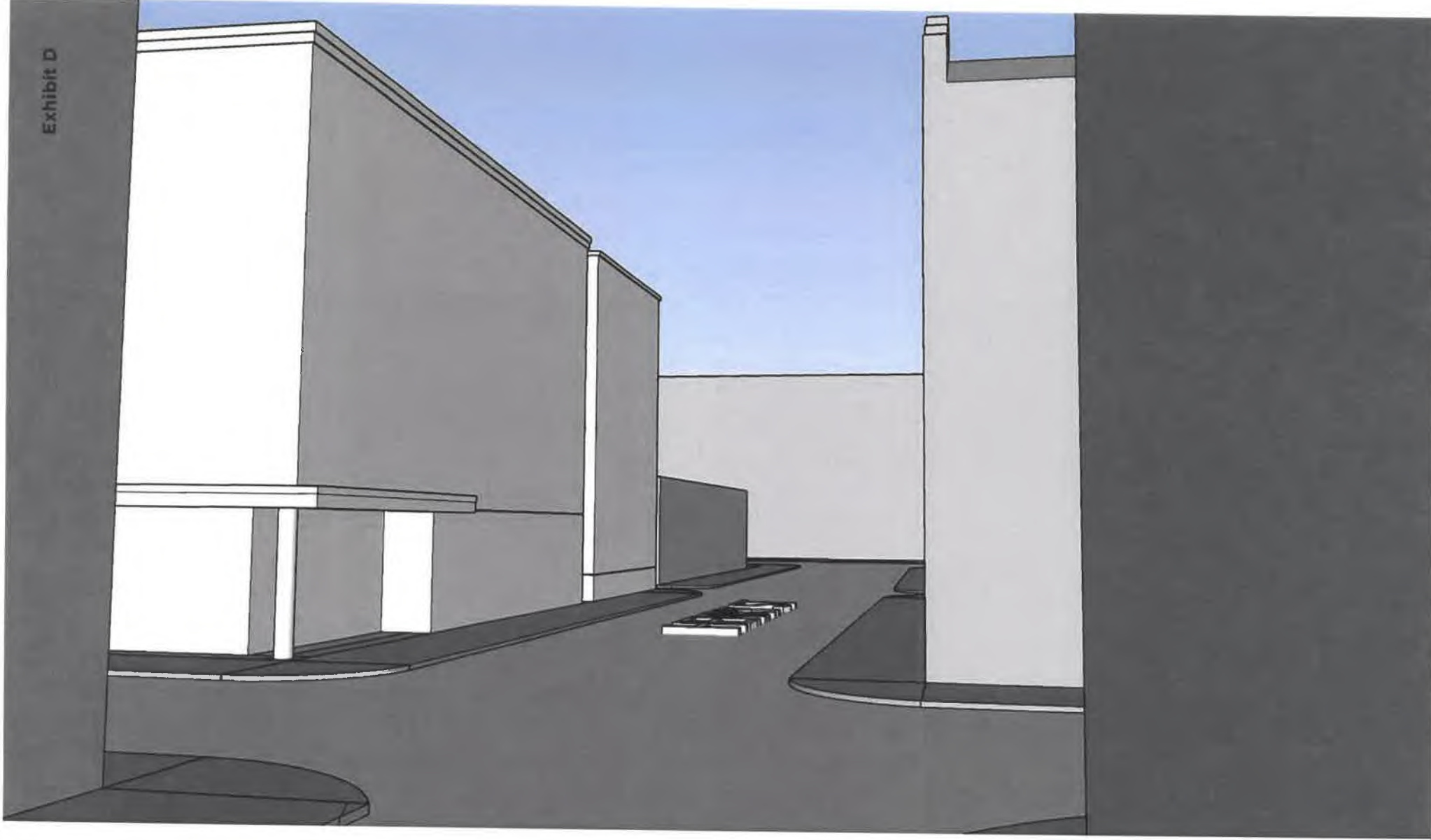
NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

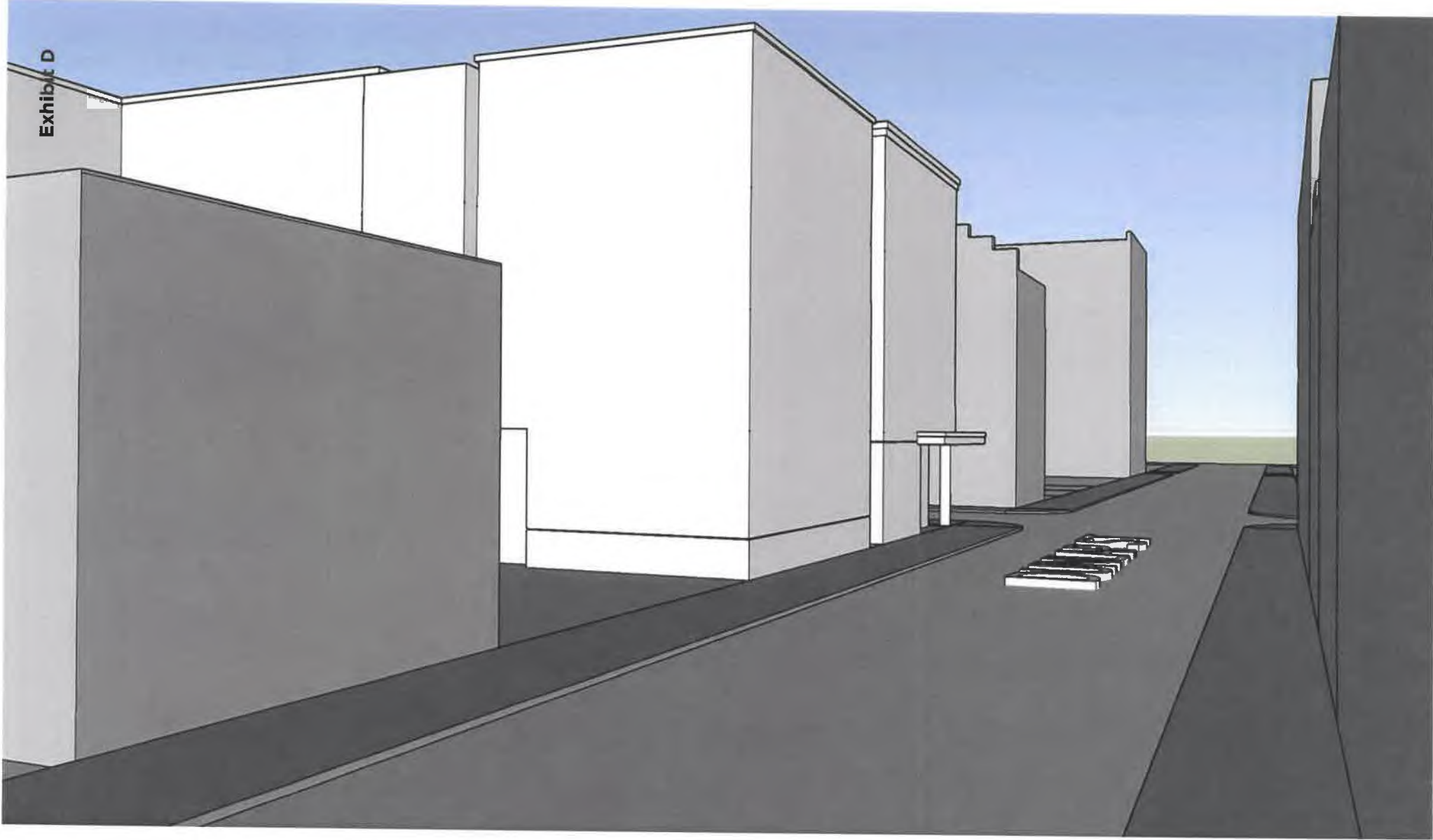
DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

A24







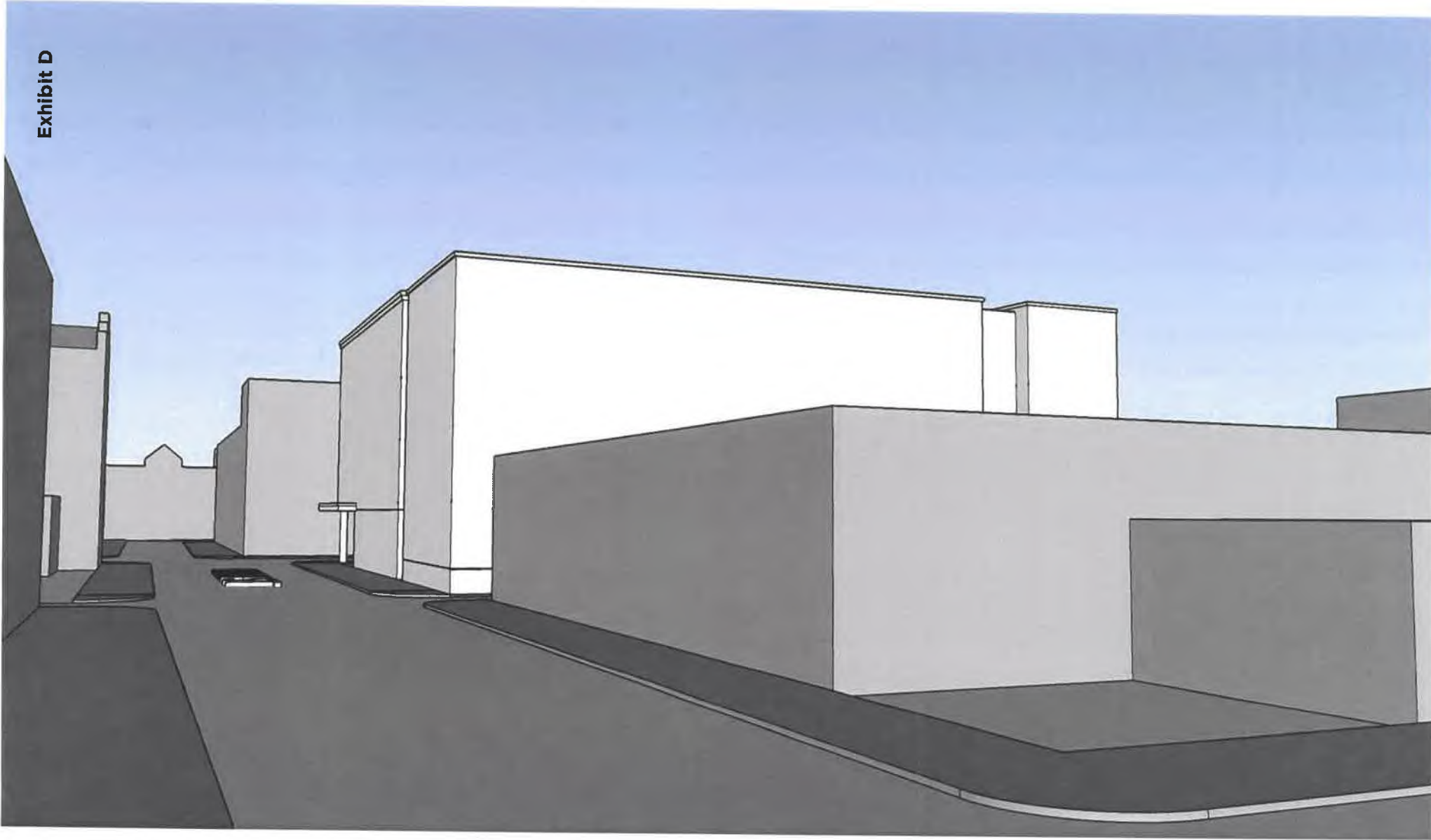




Exhibit D

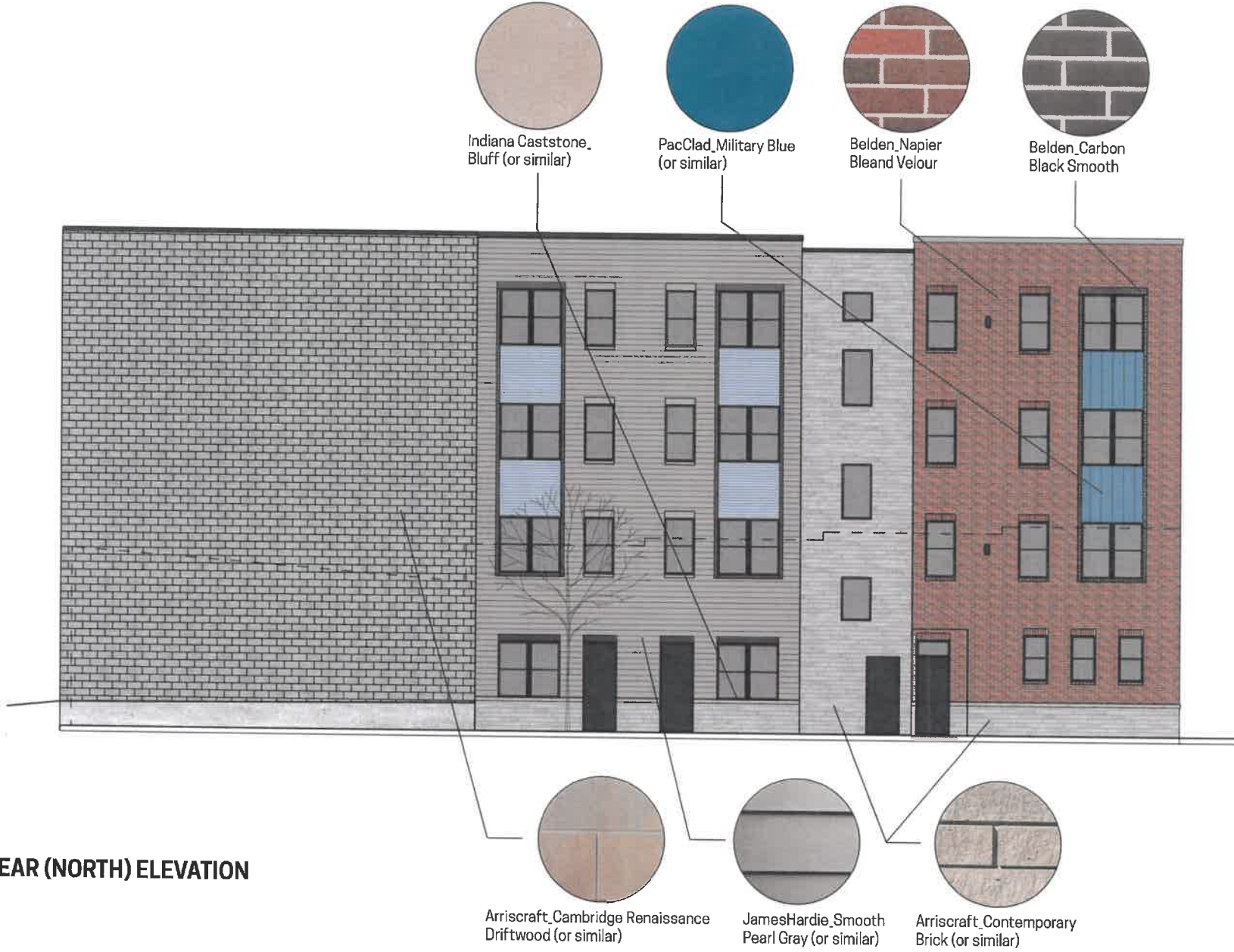


NEW REPUBLIC
architecture
OTRCH
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DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

REAR (NORTH) ELEVATION



NEW REPUBLIC
architecture
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CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER 21-084

DUNLAP LIHTC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

ALLEY (EAST) ELEVATION



DUNLAP LIHC
PERMANENT SUPPORTIVE HOUSING
NEW CONSTRUCTION

DUNLAP+HENRY PSH
2000 DUNLAP ST
CINCINNATI, OH 45214
SEPTEMBER 19, 2022
NR PROJECT NUMBER: 21-084

NEW REPUBLIC
architecture
OTRCH
COMMUNITY HOUSING

November 24, 2021

BEN EILERMAN
114 W 14TH ST
CINTI, OH 45202

SUBJECT: Record Number: ZV21000409
 Parcel: 009600050116
 Address: 2000 DUNLAP ST
 Zoning District: UM
 Request: ZONING VERIFICATION LETTER

Dear BEN EILERMAN

I have received and reviewed your request for zoning verification of 2000 Dunlap Street (parcels 096-0005-0116, 096-0005-0117, 096-0005-0118, and 096-0005-0119) The subject property is located in the UM (Urban Mix) Zoning District as described in Chapter 1410 of the Cincinnati Zoning Code. The UM Zoning District is intended to provide a balance of uses and amenities fostering a vital economic, livable and cultural area and enhance its urban and aesthetic qualities.

The subject property is also located in the Over-the-Rhine Local Historic Overlay District. Per § 1435, no one shall make an alteration or undertake a demolition, or receive any permit to do so, in an Historic District without first obtaining a Certificate of Appropriateness from the Historic Conservation Board or the Urban Conservator (§ 1435-09). The property is also located in an Urban Parking Overlay. Per Section 1425-04 and Ordinance 293-2018, the "Required Parking Spaces" for the district do not apply within the Overlay area; therefore, no parking is required for the subject property.

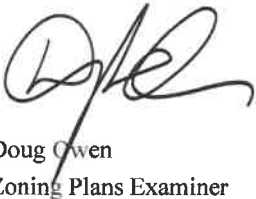
Congregate Housing is defined in the Zoning Code as "Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents." Congregate Housing is a permitted use in the UM District.

No outstanding zoning violations were identified on the subject property.

November 24, 2021

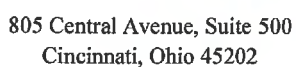
Please note: The Zoning Code and zoning maps are subject to change. All projects are subject to the zoning requirements at the time of the building permit application or when the use is established on the premises. The purpose of this letter is to verify the zoning district as it pertains to the subject property and the current use of that property. It does not address other zoning issues, specific building code issues or requirements from other agencies that may be applicable.

Sincerely,



Doug Owen
Zoning Plans Examiner

11/24/2021



CAGIS
Cincinnati Area Geographic Information System

247

**APPLICATION FOR ZONING RELIEF
HISTORIC CONSERVATION BOARD PUBLIC HEARING
STAFF REPORT**

APPLICATION #: COA2022032/ ZH20210183
APPLICANT: New Republic Architecture
OWNER: Over-the-Rhine Community Housing
ADDRESS: **2000 Dunlap Street**
PARCELS: 009600050116
ZONING: Urban Mix - UM
OVERLAYS: Over-the-Rhine Historic District
COMMUNITY: Over-the-Rhine
REPORT DATE: January 6, 2022 (ORIGINAL)
June 17, 2022 (AMENDED)

Nature of Request:

The Applicant is requesting a Certificate of Appropriateness for new infill construction. The proposal includes a density variance to allow 44 units of congregate housing at 227 sf of lot area/unit and a rear yard setback of a zero lot line for a new construction project.

The applicant previously applied for Zoning Relief only at the January 24, 2022 HCB Hearing. The application was tabled and the applicant has now applied for the COA. Both requests are included in this Staff Report. The original case materials are available on the Historic Conservation Board website.

Zoning Relief Requested:

1. 1410-07- Development Regulations. Density. 700 sq of lot area/unit is required. The lot is 10,000 sf and 14 units are permitted. 44 are requested. **A variance to allow a density of 227 sf of lot area/unit is required.**
2. 1410-07- Development Regulations. Rear setback. A rear setback of 10 feet is required for residential projects. As a property is a square either street frontage can be considered the front lot line. As both the north and east property lines can be considered rear and both have a zero-lot line, **a 10 ft variance for the rear yard is required.**

Existing Conditions:

The project location is a surface parking lot at the corner of Dunlap and Henry Street.

Proposed Conditions:

1. Build a new 44-unit congregate housing with a partial zero lot line at the north, and zero lot line at the east, south and west.

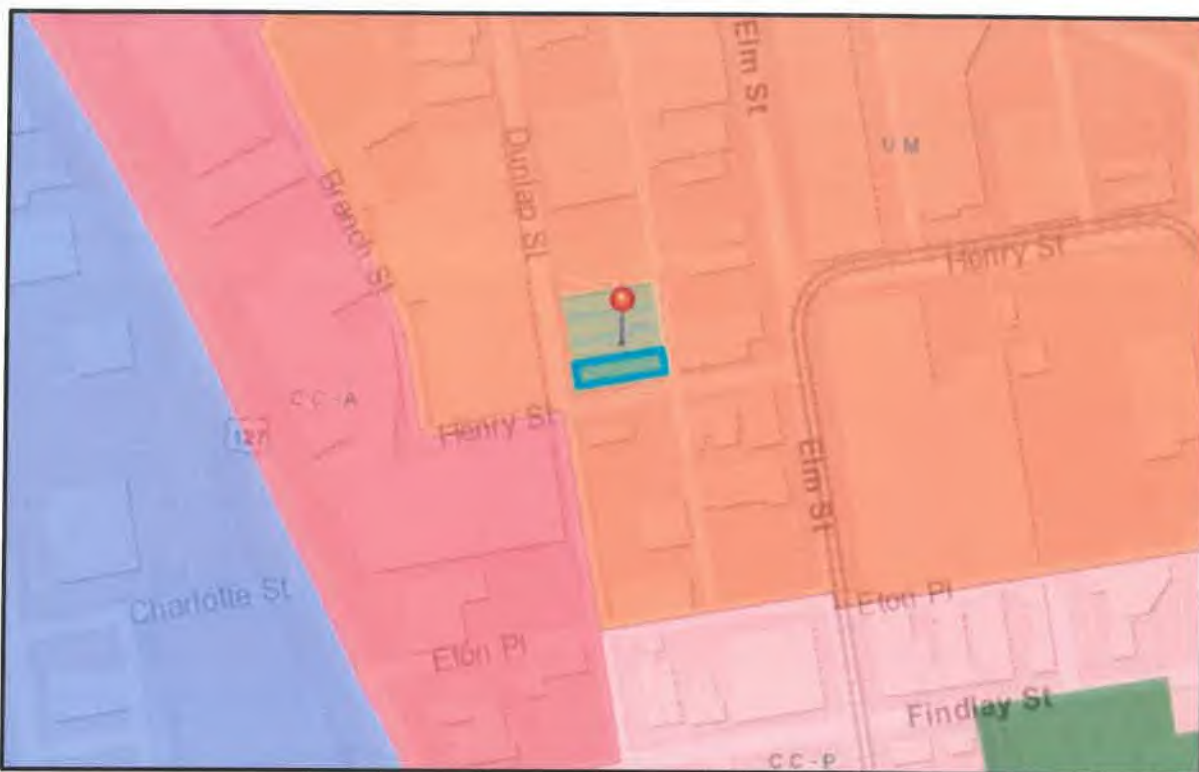


Figure 1: Map of 2000 Dunlap St. Cagis Maps. The site is outlined in blue.



Figure 2: Image of subject property. Image from Google.



Figure 3: Birds eye view of site. Google Imagery.

ZONING REVIEW

Applicable Zoning Code Sections:

Zoning District:	Section 1410	UM
Variance Request:	Section 1410	Development Regulations
Variance Authority:	Section 1445	
HCB authority:	Section 1435-05-4	
Overlays:	Section 1435	Historic Preservation
Historic District/Reg:	Over-the-Rhine District	
COA Standard:	Section 1435-09-2	COA; Standard of Review

ZONING REVIEW:

The applicant is requesting a variance related to setback and density for the site at 2000 Dunlap St. The determined use is Congregate Housing (see definition below) as the proposal for permanent supportive housing has individual dwelling units with communal dining facilities and support services, but the support services are not required as would

be with Transitional Housing. This use is permitted under the UM at a density of 1 unit per 700sf/lot area.

§ 1401-01-C19. - Congregate Housing.

Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents.

As the property is 100ft x 100ft, the determination of what lot line, Henry St or Dunlap St lot line can be made by staff and the application in consultation. As the proposed massing provided has the parking and utility placement on the north face of the building, we have determined the north property line is the rear, the south property line along Henry Street is the front property line. The applicants are permitted by right to build at a zero-lot line along the alley and are therefore requesting a zero lot line at only a portion of the north property line.

Standards for Variances per Section 1435-05-4

- (a) *Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or*

The proposed work will fill a significant void in the urban fabric where a surface parking lot is currently located. Staff does not believe a building at 4 stories tall with zero lot lines as shown is in conflict with the Over the Rhine New Construction Guidelines as there are neighboring contributing buildings that are 3 stories tall and the Historic Conservation Guidelines state *"The height of new construction should not vary more than one story from adjacent contributing buildings. Most buildings in Over-the-Rhine are between two- and five-stories."* The one-story buildings adjacent to the property at 2008 Dunlap and 2001 Elm are both non-contributing structures.

- (b) *Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).*

This has not been established by the applicants.

Standards for Variances per Section 1445-05-4

- (a) *Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties.*

A strict application of the code would only allow 14 residential dwelling units on this property. This strict application is contrary to the goals of creating more housing opportunities, especially Low-Income Housing opportunities to provide more diverse housing options within the city.

The applicant is also aiming to use LIHTC funding. This funding often requires a certain level of scale to be eligible and competitive for the funding allotment.

- (b) *The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.*

The applicants are asking for the density allowance that is denser than other new construction LIHTC projects that have been approved, but not the densest new construction project that has been approved within the Over-the-Rhine Historic District. If the applicant was permitted to have the same density as the densest previously approved new construction LIHTC project, they would be permitted to have 40 units compared to 44 units requested. If they were permitted to have the same density allowed as the densest multi-family new construction project approved within the Over-the-Rhine Historic District, they would be permitted 54 units. This information is being provided for reference to comparable developments, LIHTC and market rate, the Zoning Code and variance standards do not distinguish density and relief regulations based on affordability.

Table 1. LIHTC New Construction Projects with approved Density from HCB

Address	Density approved lot area/unit	Density per code lot area/unit	Approved Date
1712 Logan St	517 sf	700 sf	11/8/21
1684 Central Av	312.5sf	700 sf	9/27/21
1602 Pleasant St	247 sf	700 sf	8/5/19
1617 Race St	366 sf	700 sf	8/5/19
1521 Vine St	321 sf	700 sf	9/23/19
1512 Republic St	283 sf	700 sf	8/5/19
1505 Vine St	458 sf	700 sf	3/25/19
528 E 12 th St	404 sf	700 sf	8/17/20
600 W 12 th St	426 sf	700 sf	8/17/20

Table 2. Market Rate New Construction Projects with by right per a PD Zone or HCB Density Variance

Address	Density approved lot area/unit	Density per code lot area/unit	Approved Date
1621 Logan St	187 sf	NA	PD approved 2/3/21
1617 Elm St	355 sf	NA	PD approved 2/3/21
1118 Sycamore St	261 sf	700 sf	10/8/18
1437 Elm St	466 sf	700 sf	9/25/17
1216-1218 Race St	324 sf	700 sf	8/28/17

The request is for 1 bedroom studio apartments. This totals 44 beds. The applicants would be allowed to have 14 units with multiple bedrooms each, as a dwelling unit is permitted to have one family. A family is defined as a person living

alone or two or more persons living together as a single housekeeping unit in a dwelling unit (Section 1401-F2- Family). Per the building code, a family is defined as no more than 5 unrelated people living together, so a 14-unit complex with 5 bedrooms each for a total of 70 bedrooms could be permitted by right.

As seen on the map on page 2 the applicants are asking for a similar setback allowance to adjacent properties. The majority of properties directly adjacent to the property have zero lot lines at the rear yard. As the applicant is only requesting a partial variance, staff finds this request reasonable considering the context of directly surrounding properties that have zero lot line development.

General Standards; Public Interest

Below is analysis of the consideration factors for all of the requested zoning actions, utilizing Section 1445-13, General Standards; Public Interest.

- a. **Zoning.** *The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.*
The underlying zoning is UM. The proposed density and rear setback do not conform to the base zoning.
- b. **Guidelines.** *The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.*
The project is within Over-the-Rhine Historic District. The requested work for new construction is reviewed for conformance with the Historic District Guidelines below.
- c. **Plans.** *The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.*

There are 4 plans within the last 20 years that are associated with this area: Mohawk Area Plan, Brewery District Master Plan, Plan Cincinnati, and the Over-the-Rhine Comprehensive Plan. Below is specific language from those plans with language highlighted that are pertinent to this specific request.

Mohawk Area Plan The proposed work conforms to the Mohawk Area Plan adopted in 2021. Below is the Housing Goal for the plan from page 39:

Housing

Goal: Develop Mohawk to be a diverse and inclusive district that contains neighborhood-specific housing for all income levels.

Strategy 1: Promote architecturally compatible and consistent housing infill.

- Encourage property owners to activate vacant units and prioritize filling residential units above street-level commercial spaces.

- Unify residential and business organizations to promote productive communication and apply for project funding.
- Require that residential infill, including but not limited to single and multi-family structures, remain consistent with the architectural and pedestrian-friendly character and density of Mohawk within and surrounding the Sohn-Mohawk Historic District.
- The development of new market-rate housing will not happen at the detriment of low-income residents.
- Encourage and welcome new development at all levels of the housing market and ensure long-term sustainability of enough affordable housing to house current residents.

In regard to setbacks in the Connectivity goal on page 33:

Connectivity

Goal: Develop Mohawk into a well-connected neighborhood that is safe and accessible for all modes of travel.

Strategy 1: Develop a walkable neighborhood business district/ entertainment district.

- Locate new buildings and structures with zero or minimal setbacks, where frontage is on or near sidewalks

The Brewery District Master Plan of 2013 states on page 54 the vision for the area is “To restore the area’s original character, we recommend that this area become a “Brewing Heritage Urban Center” zone. This area should continue allowing a wide range of uses. It should be developed as medium density, mixed use, pedestrian oriented area maintaining on-street parking throughout. No drive through facilities should be permitted. The focus should be on restoration. New construction should be a minimum of 2 stories, and not taller than 5 stories.”

Plan Cincinnati of 2012 in the Live Initiative has the following goal:

Provide a full spectrum of housing options, and improve housing quality and affordability.

A. Provide quality healthy housing for all income levels.

B. Incentivize housing options of varied sizes and types for residents at all stages of life.

C. Evenly distribute housing that is affordable throughout the City.

D. Affirmatively Further Fair Housing.

Over-the-Rhine Comprehensive Plan of 2002 has the following goals under housing:

Housing Goals and Key Recommendations

1. Encourage and welcome new investment at all income levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents.
2. Provide appropriate housing-related services for all residents.
3. Protect, preserve and enhance the significant landmarks and areas of OTR's historical, architectural and cultural heritage without displacement.

- d. **Traffic.** *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.*
Parking is not required for developments within the Urban Parking Overlay Zone. Please see below under Adverse Effects for a more detailed discussion.
- e. **Buffering.** *Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.*
No buffering is required by zoning as the adjacent parcels are within the same zoning district and do not require buffering.
- f. **Landscaping.** *Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.*
There are no landscaping or buffer yards required.
- g. **Hours of Operation.** *Operating hours of the venue are compatible with adjacent land uses and illustrated below.*
This is a residential project and hours of operation are not applicable.
- h. **Neighborhood Compatibility.** *The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.*
While the proposal is denser than other recently approved projects, there is at least one other new construction project that is denser and a few other that also have a double and triple density allowance on their sites.

The proposed use as a 4-story multi-family residential building is in keeping with the mixed-use area. Several multi-story, multi-family residential new construction projects have been approved within the surrounding blocks.
- i. **Proposed Zoning Amendments.** *The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.*

~~Ordinance 202101677 has been referred to City Planning Commission from Council. This ordinance would remove density requirements from many zoning~~

~~districts throughout Cincinnati, including the UM zoning. The proposed density would be approved by right with the approval of the proposed ordinance.~~

Ordinance 202101677 was not passed. There are currently no outstanding amendments under consideration by City Planning Commission or Council relevant to the proposed project.

- j. **Adverse Effects.** *Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.*

There have been no noted concerns regarding access to the property by fire, police or other public services from city agencies. As the proposed development is on a corner, there is ample access to the property for services.

1) Parking and Traffic Patterns

On September 19, 2018, City Council passed the Urban Parking Overlay Zone #1, which exempts all projects within the boundary of the overlay from parking requirements. This overlay became law on October 20, 2018. While the property would be exempt from parking requirements, the project is asking for an increase in residential density which does normally increase the anticipated parking demand, however as this is a proposed LIHTC project with the specific population of the homeless being served, car ownership is unlikely for most residents and therefore there will be very limited parking demand. Additionally, and uniquely within OTR, transit capacity and opportunities within walking distance for jobs, goods and services should, in actuality, minimize the parking demand given the more urban context.

Concerns have also been brought up that increased traffic and parking as well as street closures during construction would provide a disruption to current businesses within the vicinity. Construction parking is not regulated through the zoning code. Any closure of the right of way would be required to get a permit through the Department of Transportation Engineering.

2) Trash and Utility Management

When an increase in density is requested for a property, providing adequate trash and utility management within the building or on the property is necessary as to not create a collection of trash receptacles on public right of ways, either on streets or on alleys. The proposal has a dumpster enclosure on site to provide adequate trash collection for the property.

Other concerns noted as potential adverse effects in public comments both written and at the pre-hearing:

3) Lack of Outdoor space

The base zoning, UM, only requires a 10 ft setback on a property, and this is not required to be an outdoor space for gathering. If the required 10 ft rear yard was required, it would have 1000 sf of open area on the property if all other portions of the lot were building coverage. The proposal has 500 sf of area within a courtyard and approximately 2000sf non-building area on the property. The property is providing more than 2 times the require open space on the property.

4) The area is entertainment/commercial not residential, and the area is mostly single/two family residential uses

As noted above, the proposed use is classified as congregate housing. While the prevalent land use may be something other than multi-family, the zoning of Urban Mix allows residential uses including multi-family, congregate housing and transitional housing.

- k. **Blight.** *The elimination or avoidance of blight.*
This property is not a blighted building but is a surface parking lot.
- l. **Economic Benefits.** *The promotion of the Cincinnati economy.*
This management and owner of the property and development is a non-profit. As a proposed congregate housing project that aims at reducing homelessness, the proposal will support the Cincinnati economy through providing an opportunity for residents to gain housing security.
- m. **Job Creation.** *The creation of jobs both permanently and during construction.*
The proposed project will create temporary jobs during construction and will provide permanent jobs as staff/management of the multi-family building.
- n. **Tax Valuation.** *Any increase in the real property tax duplicate.*
The new construction costs of \$8 million will increase the property value of the property.
- o. **Private Benefits.** *The economic and other private benefits to the owner or applicant.*
The owner of the property will have a benefit to redeveloping the property and creating an income stream to help support the mission of creating more affordable housing within Cincinnati.
- p. **Public Benefits.** *The public peace, health, safety or general welfare.*
The overall project is creating more Low-Income housing opportunities as well as having a specific goal of helping to provide housing security for the homeless population in Cincinnati.

CERTIFICATE OF APPROPRIATENESS REVIEW FOR NEW CONSTRUCTION

Staff is supportive of the design and feels that the design substantially conforms to the Historic Conservation District Guidelines. The applicant has provided a narrative. Staff agrees with their narrative and has the additional comments/analysis below.

NEW CONSTRUCTION

The Over-the-Rhine Historic Conservation Design Guidelines give direction to both staff and an applicant on how to design and review proposed developments. When designing infill developments, context and existing surrounding buildings are the main guiding principles of reference. Typically, the context that we consider the most when looking at appropriate infill design is the block on which the parcel is located and especially adjacent properties.

A. Intent and General Guidelines

1. New construction is allowed on vacant sites in Over-the-Rhine, because gaps due to demolition weaken the streetscape and the overall character of the district. New construction can improve both the physical quality and economic vitality of the neighborhood.

The lot is currently a surface parking lot.

2. New construction should be well-designed but should not replicate the existing buildings. The exceptional quality of the existing buildings in the district provides an outstanding framework for new construction.

This infill development does not replicate the existing buildings and has a design and detailing that is based on the fabric of the neighborhood while being modern in style.

3. The Historic Conservation Board's review of new construction will focus on the design compatibility with the surrounding contributing structures. The appropriateness of design solutions will be based on balancing the programmatic needs of the applicant with how well the design relates to the neighboring buildings and to the intent of these guidelines. New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.

Staff details the compatibility of the project with the guidelines and surrounding buildings below in the specific guidelines.

4. The new construction guidelines for this district will be used to judge the compatibility of new work. The specific site and programmatic needs of each project will be taken into consideration.

Staff details the compatibility of the project with the guidelines and surrounding buildings below in the specific guidelines.

B. Specific Guidelines

1. Composition: New buildings should respond to the traditional subdivisions found on historic property: a base, a middle and a top. Most buildings in Over-the-Rhine are built

of brick with the principal facade parallel to the street it faces. The most important features of buildings in Over-the-Rhine are the arrangement of openings on the principal facade and an overall vertical emphasis of the whole design. Each building provides its own variations, but collectively they share many basic features.

Base: *New buildings should have a well-defined base. Within the district most buildings have a base that is distinguishable from the rest of the building. This is accomplished through a change of materials, a change of scale, and/or a lintel or other type of horizontal banding. In larger buildings the original base may include more than the first floor.*

While the building is a residential building, the design still incorporates a strong base through the use of different materials and colors, with the base being a light gray brick on the first floor topped with a cast stone belt course.

Middle: *Details on new buildings should relate to the detailing of adjacent or nearby buildings. Buildings in the district often incorporate architectural details such as changes in plane or changes in materials on their upper floors. Decorative, horizontal bands indicating the floor lines, sill heights or lintel heights should not overpower the vertical emphasis of the design.*

The middle is defined by a red/orange brick with individual and paired window openings in horizontal and vertical alignment. Around the windows there is both a change of materials and a change of plane. The façades also feature recessed areas that break up the façade.

Top: *New construction must employ a strong element that terminates the uppermost part of the building. Distinctive elements in the architecture of Over-the-Rhine are elaborate projecting cornices, decorative parapets and the expressive use of materials.*

The majority of the building is topped with a darker brick soldier course and a heavy coping material that provides differentiation from the middle in the form of a cornice.

2. Roofs: *Roofs for new construction should be similar to roofs of adjacent and nearby buildings of similar size and use. In the district, buildings of three or more stories generally have low-pitched shed roofs that are not visible above the principal facade. Smaller buildings in the district typically have simple gable roofs on which the gables are perpendicular to the principal facade. Institutional buildings in Over-the-Rhine have a variety of roof shapes, including dormers, multiple gables, hip roofs and towers. Roofs in this district have little or no overhang.*

The roof is a fairly flat roof with a slight pitch for drainage. The roof is not visible from the street.

3. Window Openings: *Window openings are extremely important in this district. The openings of new buildings should be related to the size and placement of openings found*

on historic structures of similar use in the district. In residential buildings, window openings are typically found individually rather than in pairs or grouped. The openings are taller and wider (typically in a proportion of 2:1), window sash are set back from the wall surface, and openings have some form of definition, such as lintels, sills or decorative surrounds. Window openings, which are typically aligned vertically, usually occupy between 20% and 50% of the principal facade. In commercial, industrial and institutional buildings, windows are often grouped within a single opening. These building types may also use a combination of window sash, including double-hung, awning and hopper. If muntins are used in new window sash, they must provide true divided lights. Within the individual opening, window sashes are usually divided into two or more lights. In all cases the glass must be clear; tinted or reflective glass is not acceptable. Also, roll down shutters and metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate.

The window patterning is similar on the two street facades. The rear north elevation is not highly visible from the street and provides simpler detailing, but still provides punched openings.

- The windows are taller than they are wide. Even when the windows are in pairs, the individual window within those groupings are taller than they are wide.
- The windows on the street faces have definition to them through a change in material from the red/orange brick to a dark brick that provides a frame around each window column. Verticality is accentuated in the paired window openings through dark brick borders and metal paneling between windows.
- The windows are recessed from the face of the building.
- The windows are all aligned vertically and horizontally.

4. Storefronts: *New storefronts should relate to the characteristics of existing storefronts on historic buildings. Storefronts in the district are typically taller than individual upper floors; framed by piers and/or columns and have a lintel separating them from the upper floors; are divided into bays which increases their verticality and provides a pedestrian scale and proportion; and have large, fixed expanses of clear (not tinted or reflective) glass. As with rehabilitated original storefronts, roll down shutters and metal bar systems installed on the exterior of the building are not appropriate elements for new storefronts. The storefront lintels are 12 to 18 feet above grade; the windowsill height is between 18 inches and 3 feet above grade; and storefront windows are set back from the structural elements approximately 12 inches*

As this is a residential building, the storefront treatment is minimal; however, the corner of the building along Henry and Dunlap does feature a storefront system at the main entry vestibule, which wraps around the corner. The storefront is recessed slightly from the main facade. The storefront is divided into bays with clear glass from nearly floor to ceiling. A canopy wraps the corner covering the recessed storefront. A storefront location at the corner of the two intersecting streets is appropriate.

5. Setback: *Setback is an important issue in a dense urban area such as Over-the-Rhine. The setback for new construction should be consistent with the buildings of similar use on adjacent and nearby sites. In Over-the-Rhine, most commercial buildings are built up to the property line. Some residential property, especially detached buildings, has shallow setbacks but retain an "edge" at the property line with a fence. Some larger institutional buildings such as schools, churches and public buildings are setback from the street to provide public space and to add to their monumentality. In most cases new construction on corner sites should be built up to the edge of both outside property lines.*

The property has a zero-lot line setback on all street facades with only slight recesses to break up the building mass. A courtyard and small parking area is on the north side of the site fronting Dunlap Street. Setbacks are compatible with the surrounding development.

6. Rhythm: *New buildings should incorporate design features, such as window groupings, articulation of wall surfaces, and decorative elements such as columns or piers in an effort to maintain the rhythm that already exists in the district. New construction should avoid creating long unrelieved expanses of wall along the street by maintaining the rhythm of bays found on the district. Most buildings in Over-the-Rhine are relatively narrow, 25 to 50 feet in width. A building facade typically displays vertical subdivisions that establish a visual rhythm. In dense commercial areas such as Vine Street, there are no setbacks, creating a solid wall along the street. This wall is articulated by the individual buildings, which in turn are divided by window groupings, changes in wall planes and decorative elements such as pilasters, columns or piers.*

The building is approximately 100 feet wide along each street face, however a rhythm has been provided that breaks up the façade with the vertical columns around the windows as well as the recesses along each façade. The Dunlap façade is 66.6' in width at the street, with the remaining massing set back to provide the parking and courtyard area.

7. Emphasis: *New residential and mixed-use construction should have a vertical emphasis, because in Over-the-Rhine buildings are taller than they are wide, window openings are tall and narrow, and storefronts have slender columns, which emphasize verticality. Commercial and industrial buildings, which may have an overall horizontal emphasis, often incorporate vertical elements, such as pilasters or vertically oriented openings.*

The building is approximately 100 feet wide along each street face, and while the building is wider than it is tall there are many elements that help to provide a vertical emphasis including:

- Vertically oriented windows.
- Vertical window columns and a frame around the window columns.
- Recessed portions of the façade that extend up the entire façade creating a vertical column.

8. Height: *The height of new construction should not vary more than one story from adjacent contributing buildings. Most buildings in Over-the-Rhine are between two- and five-stories.*

The building is 4 stories tall. Buildings adjacent to the subject property are 2 one-story non-contributing buildings. Contributing buildings in the immediate vicinity vary between 2 and 3 stories, including the buildings south across Henry Street at 1923 Dunlap and 1923 Elm St (both 3 stories), and the building west across Dunlap at 2013 Dunlap (2-3 stories). One block south, the building at 1908 Dunlap is 5 stories. It should also be noted that the building that formerly occupied this site was 4 stories in height. Due to the lack of immediately adjacent contributing buildings, and the context of the buildings in the vicinity, Staff feels the 4-story height is appropriate.

9. Materials: *New construction should use materials that are found on the historic buildings in Over-the-Rhine. Clearly the dominant material in Over-the-Rhine is brick, but other materials such as limestone, sandstone, cast-iron, slate, wood and sheet metal are important as well. Materials such as stucco, synthetic stucco and plastic are not appropriate and should not be considered as exposed finish materials for new construction in this district.*

The building materials are all appropriate. The main building material is brick. Different color bricks are used to provide ornamentation, window surrounds, and vertical orientation. There are metal panels above and below paired window openings used as an accent material. The contemporary brick used at the base has a rougher texture and visual composition that provides a stone-like quality to the base.

Other Considerations:

Prehearing Results: The initial prehearing occurred on September 8, 2021 – The applicant and their team were present. 12 members from the public were on the call. The second prehearing occurred on June 8, 2022.

Comments Provided to Staff: Nineteen (19) letters/emails of opposition were submitted for the original submission regarding the original Zoning Relief application. One letter is signed by multiple adjacent property owners. Eighteen (18) letters of support were submitted during the initial review period.

For the current proposal, an additional forty-two (42) letters of support and twenty-two (22) letters of opposition were received prior to the written submission deadline, including one petition.

The letters of opposition include the Over-the-Rhine Community Council submitting a letter of opposition to the proposed project, noting that while the Board of Trustees recommended support of the project, the full membership voted against the Board's

recommendation with a vote of 30 in favor to 34 in opposition at the April 25, 2022 meeting.

Community Outreach: While staff always encourages any outreach or community engagement, per the process for application of Zoning Relief in the zoning code, it is not required that an applicant contact or have community engagement to apply.

The applicant has begun community outreach to the Over-the-Rhine Community Council Economic Development and Housing Committee and has committed to engaging with the OTRCC throughout the design process prior to coming back for an application for a Certificate of Appropriateness. The dates below relate to the community engagement completed by the applicants to date:

- November 22, 2021 – Sent email to OTR Community Council President and informed him of the project and asked to present before Executive Board
- December 13, 2021 – Attended and Presented to OTR Comm. Council Executive Board of Trustees (presentation attached)
- January 4, 2022 – Attended and Presented to OTR Comm. Council Economic Development and Housing Committee (presentation attached)
- January 5, 2022 – Attended and Presented at HCB Staff Pre-Hearing
- January 10, 2022 - Attended and Answered Questions at OTR Comm. Council Executive Board of Trustees
- March 1, 2022 – OTRCC Economic Development and Housing Committee
- March 14, 2022 – OTRCC Board of Trustees
- March 28, 2022 – OTRCC Full Council Meeting
- April 5, 2022 – OTRCC Economic Development and Housing Committee
- April 11, 2022 – OTRCC Board of Trustees
- April 25, 2022 – OTRCC Full Council Meeting
- June 8, 2022 – Attended and Presented at HCB Staff Pre-Hearing

Per the applicant's original submission prior to the March 1, 2022 presentation: "In addition to the dates above we intend to continue community engagement throughout the design and massing of the project in advance of the future Certificate of Appropriateness application. We are working directly with the Community Council to schedule these and the tentative date for the first design charrette is March 1, 2022."

Project timeline: Construction is expected to begin Spring 2023 and it would be operational in Spring of 2024.

Recommendation:

Staff recommends the Historic Conservation Board take the following actions:

I. ZONING RELIEF

The following recommendations are proposed for the project proposed at 2000 Dunlap Street per the drawings submitted by New Republic dated 4.5.2022:

- A. **1410-07: APPROVE- Variance** to allow proposed density of 227 sf of land area/unit for a unit count of 44 units:
- B. **1410-07: APPROVE- Variance** of 10 feet for a zero-lot line on a portion of the lot, per plans submitted by New Republic Architecture dated 4.5.2022
- C. **FINDING:** The Board makes this determination that per Section 1435-05-4:
 - 1. Such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located.
 - 2. The project is part of a Low-Income Housing Tax Credit Project and the applicants have sufficiently demonstrated that the extra units are needed to make the project economically feasible.
 - 3. Low Income and Affordable Housing are a stated goal in the Over-the-Rhine Comprehensive Plan of 2002, Plan Cincinnati, and the Mohawk Area Plan of 2021.

II. CERTIFICATE OF APPROPRIATENESS

The following recommendations are proposed for the project proposed at 2000 Dunlap Street per the drawings submitted by New Republic dated 4.5.2022:

- A. **APPROVE** the application for a Certificate of Appropriateness for a single-family home at 1413 Elm Street per the plans submitted by Kenneth R. Bowerman Architect, Inc. dated 05.06.2022 with the following conditions:
 - 1. The building permits must be issued within two years of the decision date or the Certificate of Appropriateness shall expire.
- B. **FINDING:** The Board makes this determination per Section 1435-09-2:
 - 1. That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**APPLICATION FOR ZONING RELIEF
HISTORIC CONSERVATION BOARD PUBLIC HEARING
STAFF REPORT**

APPLICATION #: COA2022032/ ZH20210183
APPLICANT: New Republic Architecture
OWNER: Over-the-Rhine Community Housing
ADDRESS: **2000 Dunlap Street**
PARCELS: 009600050116
ZONING: Urban Mix - UM
OVERLAYS: Over-the-Rhine Historic District
COMMUNITY: Over-the-Rhine
REPORT DATE: January 6, 2022 (ORIGINAL)
June 17, 2022 (AMENDED)
June 24, 2022 (ADDENDUM)

On page 17 of the Staff Report for 2000 Dunlap Street dated June 17, 2022, the recommendation section for the Certificate of Appropriateness erroneously refers to a "single-family home at 1413 Elm Street per the plans submitted by Kenneth R. Bowerman Arhcitect, Inc. dated 05.06.2022." This was included in error. This addendum replaces the erroneous langue with the correct information as follows:

II. CERTIFICATE OF APPROPRIATENESS

The following recommendations are proposed for the project proposed at 2000 Dunlap Street per the drawings submitted by New Republic dated 4.5.2022:

- A. **APPROVE** the application for a Certificate of Appropriateness for ~~a single family home at 1413 Elm Street per the plans submitted by Kenneth R. Bowerman Architect, Inc. dated 05.06.2022~~ **the proposed new construction at 2000 Dunlap Street** with the following conditions:
1. The building permits must be issued within two years of the decision date or the Certificate of Appropriateness shall expire.
- B. **FINDING:** The Board makes this determination per Section 1435-09-2:
1. That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**DECISION
HISTORIC CONSERVATION BOARD
CITY OF CINCINNATI
DATE OF DECISION: September 27, 2022**

APPLICANT: New Republic Architecture/ Suder LLC

CASE TYPE: COA/ Zoning Relief

CASE NO.: COA2022032/ ZH20210183

PROPERTY: 2000 Dunlap Street

SUMMARY OF REQUEST:

Over-the-Rhine Community Housing, an Ohio nonprofit corporation (“OTRCH”), requests a Certificate of Appropriateness (“COA”) and zoning relief to construct a four-story, 44-unit congregate housing development with a zero-lot-line rear setback in a Urban Mix (“UM”) zoning district in the Over-the-Rhine Historic District (the “Historic District”).

SUMMARY OF DECISION:

COA is **APPROVED**.

Zoning Relief is **APPROVED** in part and **DENIED** in part.

PUBLIC HEARING:

The Historic Conservation Board (“Board”) is a quasi-judicial body empowered to approve a COA when an applicant has demonstrated credible evidence that the proposal substantially conforms to the applicable local historic district conservation guidelines. The Board functions as the Zoning Hearing Examiner concerning requests for zoning relief from the Cincinnati Zoning Code (“CZC”) in the city’s local historic districts.

The Board conducted a public hearing over multiple meeting sessions on January 24, 2022, June 27, 2022, and August 8, 2022 (referred to collectively hereafter as the “Hearing”) on the above-cited application and is charged with evaluating the credibility of all witnesses and issuing findings of fact and conclusions of law based on the testimony and evidence presented to it.

The Board mailed notice to all persons entitled to receive notice of the application. Also, the Board published prior notice of the Hearing on the application in The City Bulletin. A quorum of Board members under Section 5 of the Rules of Procedure were present throughout the Hearing.

The Board recorded the Hearing, and a copy of the recording is available for review and transcription from the Office of Administrative Boards. Similarly, a representative from Elite Court Reporting Agency, LLC recorded the Hearing stenographically, and a transcript of the proceeding is available upon request.

FINDINGS OF FACT:

1. This matter concerns certain real property that is commonly identified as 2000 Dunlap Street and more particularly identified as Hamilton County, Ohio Auditor's Parcel No. 096-0005-0116-00 (-0116, -0117, -0118, -0119 Cons.) (the "Property").
2. The Property is in a UM zoning district in the Historic District.¹²
3. OTRCH, through New Republic Architecture, applied for zoning relief to construct a four-story, 44-unit congregate housing development with a zero-lot-line rear setback (the "Structure") on or about December 10, 2021. The zoning relief application dated December 10, 2021, did not include design specifications or a request for a COA.
4. CMC Section 1410-07 requires 700 square feet of lot area per residential unit. OTRCH requires a dimensional variance to allow 226 square feet of lot area per residential unit. CMC Section 1410-07 imposes a rear yard setback requirement of ten feet. OTRCH requires a dimensional variance to allow a zero-foot rear setback for 36 feet and 11½ inches along the rear property line.
5. The Board scheduled the zoning relief application for its regularly scheduled meeting on January 24, 2022.

JANUARY 24, 2022 PUBLIC MEETING

6. Richard B. Tranter, Esq. appeared before the Board on January 24, 2022, as legal counsel for OTRCH.
7. Peter Koenig, Esq. appeared before the Board on January 24, 2022, as legal counsel for Cincinnati Industrial Auctioneers, Inc.; Dunlap Street Properties, LLC; Jeffrey Luggen; and Robert Selhorst.
8. Jeff Nye, Esq. appeared before the Board on January 24, 2022, as legal counsel for The F.L. Emmert Company.
9. Dan McCarthy, Esq. appeared before the Board on January 24, 2022, as legal counsel for the City Lofts on Dunlap Condominium Association, an Ohio nonprofit corporation.
10. Mary Burke Rivers, OTRCH's Executive Director, appeared before the Board on

¹ Cincinnati Municipal Code Section 1400-17 and Map Section 1400-17.

² Ordinance No. 195-2003.

January 24, 2022, to support the application for zoning relief. Ms. Burke Rivers testified to OTRCH's history and mission, stating that the merger of two community-development corporations: Race Street Tenant Organization Co-Operative ("RESTOC") and Over-the-Rhine Housing Network, formed OTRCH. Ms. Rivers asserted that OTRCH's mission is to develop and manage resident-centered affordable housing to benefit low-income residents, declaring that OTRCH has an inventory of approximately 490 dwelling units in 105 buildings throughout the Over-the-Rhine neighborhood.

11. Ms. Burke Rivers provided background on OTRCH's ownership of the Property. She stated that OTRCH had owned the Property since 1992. The Property formerly contained a four-story structure that the City of Cincinnati razed in 1994 due to a roof collapse, and OTRCH subsequently constructed a parking lot on the Property.
12. Bob Carbon appeared before the Board to discuss the proposed zoning relief. Mr. Carbon described the developmental character of the area surrounding the Property, showing images of structures to the north and west of the Property constructed with zero-lot lines. Mr. Carbon showed a photograph of the building that formerly occupied the Property, asserting that it was a four-story structure likely measuring between 40-45 feet tall and constructed with a zero-lot line.
13. On cross-examination by Mr. Nye, Mr. Carbon conceded that a traffic impact study had not been performed for the proposed development.
14. Mr. Koenig objected to the bifurcation of the application to hear the COA separately from the requested zoning relief. He argued that it is also erroneous not to consider the use in weighing zoning relief hardship factors.
15. Mr. Koenig argued that the development is incompatible with the surrounding neighborhood, stressing that the requested density is unprecedented for the zoning district and the Historic District. He further argued that the Property has no exceptional, special, or unique characteristics to justify the requested zoning relief.
16. Jeff Luggen testified that he is a business owner that owns several properties proximate to the Property. Mr. Luggen expressed concerns about the compatibility of the use concerning surrounding properties, parking, and adverse impacts to surrounding businesses during construction.
17. Robert Selhorst testified that he owns property within 200 feet of the development site. He argued against the proposed use of the Property.
18. On cross-examination by Mr. Tranter, Mr. Selhorst conceded that he believed that he knew or was aware that OTRCH owned the Property when he purchased his property.
19. Mr. McCarthy argued that OTRCH had not met its burden of proof to show that they are entitled to the requested variances. He asserted that a hearing on the application was premature and inappropriate.

20. Neil Marquardt testified that he owns property at 42 W. McMicken Avenue and 1908 Dunlap Street. Mr. Marquardt stated that a hearing on the application was premature because OTRCH should present final design plans to surrounding property owners before proceeding.
21. Ben Eilerman, Graham Kalbli, Amy Silver, Andy Hutzler, Bonnie Neumeier, David Elkins, Joele Newman, and Margy Waller appeared before the Board to testify in support of the application.
22. Brian Conner, Vice-President of the OTR Community Council, appeared before the Board to testify about community outreach related to the project. He stated that OTR Community Council had not taken a position on the application as of the public meeting date.
23. Agostino Fede, Denny Dellinger, Julie Fay, Guy Peters, Joey Luggen, Ryan Luggen, Jeff Luggen, Jr., Steven Fink, and John Walter appeared before the Board to testify in opposition to the application.
24. Mr. Nye argued the general standards applicable to variance requests under the Cincinnati Municipal Code and Ohio law. He maintained that the variances are inappropriate under CZC Section 1445-13 because OTRCH failed to demonstrate how the increased density suits anticipated traffic, neighborhood compatibility, and potential adverse effects. Mr. Nye asserted that granting zoning relief under CZC Section 1445-15 is inappropriate because the Property lacks unique or distinctive circumstances or characteristics to entitle OTRCH to zoning relief. Additionally, he argued that granting zoning relief under CZC Section 1435-05-4 is inappropriate because denial of the request will not deprive OTRCH of all economically viable use of the Property or adversely affect the historic architectural or aesthetic integrity of the Historic District.
25. Mr. McCarthy argued that OTRCH failed to meet its burden of proof to demonstrate that it is entitled to variance relief. He stressed that the proposed variances are materially detrimental to the public health, safety, welfare, and injurious to his clients' adjacent properties because the project size and scope are too large for the lot size. He argued that OTRCH failed to meet its burden of proof to show that the zoning relief is necessary and appropriate, and in the interest of historic conservation. He asserted that OTRCH would not be denied all economically viable use of its property upon denial because OTRCH presently uses the Property in an economically viable manner as a public pay parking lot.
26. Mr. Koenig echoed the arguments presented by Mr. Nye and Mr. McCarthy.
27. Mr. Tranter argued that OTRCH satisfies the applicable standards for being entitled to zoning relief. He maintained that the zoning setback requirements are unreasonable because surrounding structures are without setbacks. He stated that OTRCH desires to return the Property to its former condition, occupied by a four-

story, zero-lot line building. Mr. Tranter argued that the former structure suffered a severe casualty event that caused OTRCH to forego reconstructing it until now. He stressed that the proposed density is insignificant because the zoning code would allow more residents to occupy fewer multi-family units and would not unduly burden traffic circulation because the proposed inhabitants are unlikely to own cars.

28. The Board voted to table the zoning relief application to allow OTRCH to submit a COA application.
29. OTRCH submitted a COA application on or about May 12, 2022, and the Board scheduled the COA and zoning relief applications for the Board's regularly scheduled meeting on June 27, 2022.
30. On or about June 17, 2022, Chris Finney, Esq. and Jessica Gibson, Esq., legal counsel for Cincinnati Industrial Auctioneers, Inc. and Dunlap Street Properties, LLC, filed a letter in opposition to the project comprising ten pages, including exhibits A-K, comprising 104 pages.
31. On or about June 24, 2022, Mr. Finney and Ms. Gibson submitted additional materials to the Board to support their clients' positions, arguments, and contentions against the project, identified as exhibits L-P. Tim Voss, the Board Chairman, accepted exhibits L-O into the record.

JUNE 27, 2022 PUBLIC MEETING

32. Sean Suder, Esq. and J.P. Burleigh, Esq. appeared before the Board on June 27, 2022, as legal counsel for OTRCH.
33. Ben Eilerman appeared before the Board on June 27, 2022, to testify in support of the COA and zoning relief. Mr. Eilerman testified about his work with OTRCH and how OTRCH determined the unit density for the project. Mr. Eilerman testified that OTRCH would use low-income housing tax credits administered by the Ohio Housing Finance Agency for the project, emphasizing that low-income housing tax credits require that tenants' rents cover the project's operational costs. Mr. Eilerman said that he calculated that OTRCH must construct 44 units at the Property for the project to be viable. He declared each proposed unit would range from 450 to 611 square feet and house a single occupant.
34. Mr. Eilerman asserted that the project was consistent with the neighborhood's character, citing that a nearby property, Griffin Apartments, contains 66 units, and a second property nearby, Logan Towers, comprises 63 units.
35. Chris Finney, Esq. and Jessica Gibson, Esq. appeared before the Board on June 27, 2022.
36. On June 27, 2022, the Board voted to continue the Hearing in progress. The Board continued the Hearing to its regularly scheduled meeting on August 8, 2022.

37. On or about July 22, 2022, Mr. Finney and Ms. Gibson filed a written *Motion to Reconsider the Use* (the “Motion to Reconsider”). The Motion to Reconsider argued the City’s Zoning Administrator inaccurately classified the proposed use of the Structure. Mr. Finney and Ms. Gibson contended the zoning code does not permit the proposed use in the UM zoning district.
38. On or about August 1, 2022, Mr. Suder and Mr. Burleigh filed a written response to the Motion to Reconsider. They argued that the Board does not have the power to overrule the Zoning Administrator’s use classification.
39. On or about August 1, 2022, Mr. Finney and Ms. Gibson filed additional materials to the Board to support their clients’ positions, arguments, and contentions against the project, identified as exhibits Q-Z.

AUGUST 8, 2022 PUBLIC MEETING

40. Sean Suder, Esq. and J.P. Burleigh, Esq. appeared before the Board on August 8, 2022.
41. Mary Burke Rivers, Ben Eilerman, Andy Hutzler, and Graham Kalbli appeared before the Board on August 8, 2022, as witnesses supporting OTRCH’s project.
42. Chris Finney, Esq. and Jessica Gibson, Esq. appeared before the Board on August 8, 2022.
43. Jeff Nye, Esq. appeared before the Board on August 8, 2022, on behalf of the F.L. Emmert Company.
44. Mr. Suder requested the Board to exclude the evidentiary submissions made by Mr. Finney and Ms. Gibson on or about August 1, 2022.
45. The Board voted to exclude from the record the August 1, 2022, evidentiary submission made by Mr. Finney and Ms. Gibson.
46. Mr. Finney made several oral motions during the Hearing. He requested to incorporate the records of the January 24, 2022, meeting and the June 27, 2022, meeting into the record of the August 8, 2022, meeting. He objected to the bifurcation of the Hearing from January 24, 2022, and June 27, 2022. He petitioned the Board to strike all letters and testimony in support of the Structure that discusses or mentions the proposed use. He proffered his August 1, 2022, evidentiary submission to the Board.
47. Mr. Kalbli detailed the Structure’s design. He explained that it is divided into three horizontal sections: base, middle, and top. The base consists of a light gray masonry product, the middle consists of field brick, with windows throughout, and a top marked by a cornice. Additionally, Mr. Kalbli testified about how he thought the Structure complied with the Historic District’s guidelines concerning the roof, window patterns, setbacks, height, and materials.

48. Mr. Kalbli explained that the proposed setbacks and height are consistent with the character and historical use of the Property. He stated that he designed the proposed zero-lot line at the rear of the Structure to accommodate an outdoor space for residents, allow access for emergency and public service vehicles, and house certain functional and mechanical features required for the Structure.
49. Jeff Luggen appeared before the Board on August 8, 2022. Mr. Luggen echoed his testimony from the January meeting and argued that the Structure's design is inconsistent with the aesthetics of the Historic District.
50. Robert Selhorst appeared before the Board on August 8, 2022. Mr. Selhorst echoed his testimony from the January meeting and asserted that the proposed density is inappropriate in the neighborhood.
51. Amy Silver, Bonnie Neumeier, Catherine Engle, Christine Wooten, David Elkins, Josh Spring, Michael Flood, Robert Killins, Rosanne and Kevin Hassey, Lauren Stoll, and Francis Russell appeared before the Board to testify in support of the project.
52. John Walter, Ron Holbrook, and Ryan Luggen appeared before the Board to testify in opposition to the project.
53. Mr. Nye argued the Structure's design is incompatible with adjacent properties. He echoed his arguments from the January meeting, challenging the appropriateness and necessity of the requested variances. He advocated for the Board to impose conditions on the Structure's design concerning the location of the entrance and during the construction phase of development so that the construction and use of the Structure did not adversely impact the F.L. Emmert Company.
54. Mr. Finney argued against the proposed density variance, contending that OTRCH failed to satisfy its burden of proof. He claimed the sole reason OTRCH desired the requested density was to build as many units as possible at the Property. He declared that the dimensional variance is inconsistent with the general purposes and intent of the zoning code and is inappropriate because the Property has no unique or defining features. Also, he argued that the massing, size, and window arrangements do not conform to the Historic District guidelines.
55. Mr. Suder argued the density variance would not adversely affect the neighborhood because the neighborhood historically supported greater densities. He argued that the design substantially conforms to the Historic District guidelines, emphasizing the experience of the project's architect in working within the Historic District and the support of the OTR Foundation's infill committee. He asserted the setback variance is appropriate given the programmatic and practical difficulties presented by developing in a dense, urban environment and the location of utility infrastructure. He argued that the strict application of the zoning code presents practical difficulties to OTRCH because the code would not allow OTRCH to affect its mission unless the Board granted relief to allow greater density.

56. Urban Conservator, Doug Owen submitted to the Board a report concerning the project (the “Report”). The Report is 17 pages and dated January 6, 2022 amended June 17, 2022. The Report contains a summary of the request, as well as a professional analysis and opinion, including a recommendation. The Report recommends approval of the COA and requests for zoning relief.

CONCLUSIONS OF LAW:

1. City Administrative Code (“CAC”) Article XXX, Section 4 establishes the Board and empowers it to “have the duties and powers imposed by ordinance and [administrative] code.”

MOTION TO RECONSIDER THE PROPOSED USE OF THE PROPERTY

2. CMC Section 1439-09 provides that the Board has the following duties and powers under the Cincinnati Zoning Code:
 - a. To hear applications for designation of historic districts, structures or sites and to make recommendations to the City Planning Commission on designation applications. See § 1435-07.
 - b. To approve, conditionally approve or deny applications for Certificate of Appropriateness. See § 1435-13.
 - c. To assume the powers and duties of the Zoning Hearing Examiner to hear and approve, conditionally approve or deny applications for conditional uses, nonconforming uses, variances or special exceptions for those applications relating to property wholly or partially within a designated historic district or site or involving a designated landmark. See § 1435-27.
3. Mr. Finney and Ms. Gibson argued the City’s Zoning Administrator inaccurately classified the proposed use of the Structure and filed with the Board a written *Motion to Reconsider the Use* petitioning the Board to determine whether OTRCH proposed a proper use of the Property under the Cincinnati Zoning Code.
4. The movant has the burden of proof.
5. The *Motion to Reconsider the Use* is not well taken and the Board denies the said motion. As set forth above, Cincinnati City Council has not empowered the Board to decide determinations or interpretations of the Cincinnati Zoning Code made by the Zoning Administrator in the administration of the Cincinnati Zoning Code.

CERTIFICATE OF APPROPRIATENESS

6. Cincinnati Municipal Code (“CMC”) Section 1435-09 sets forth the procedure for which the Board is to consider certificate of appropriateness applications and provides that “[n]o one shall make an alteration or undertake a demolition, or receive any permit to do so, without first obtaining a Certificate of Appropriateness.”
7. CMC Section 1435-09-1-B provides that “[t]he Board may approve, approve with conditions, or deny an application for a Certificate of Appropriateness.”
8. CMC Section 1435-09-2 establishes that “[t]he Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:
 - a. That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
 - b. That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.”
9. OTRCH has the burden of proof.
10. Upon being fully apprised of the issues based on the evidence and testimony submitted by OTRCH, other interested persons providing oral and written testimony to the Board, and the analysis and recommendation submitted to the Board in the Report, the Board **APPROVES** the certificate of appropriateness for the Structure per the drawings submitted by New Republic Architecture dated April 4, 2022. The Board hereby adopts the Urban Conservator’s analysis of the certificate of appropriateness application set forth on pages 11-15 of the Report. The Board hereby incorporates the certificate of appropriateness analysis on pages 11-15 of the Report herein and it shall become a part hereof. The Board approves the certificate of appropriateness subject to the following condition:
 - a. The building permits must be issued within four years of the decision date or the certificate of appropriateness shall expire.

REAR YARD SETBACK VARIANCE

11. CMC Section 1435-05-4 empowers the Board to assume the powers and duties of the Zoning Hearing Examiner to hear and approve, conditionally approve or deny applications for conditional uses, nonconforming uses, variances or special exceptions for those applications relating to property wholly or partially within the Historic District.

12. Upon being fully apprised of the issues based on the evidence submitted and representation made by OTRCH, testimony received at the Hearing, and the professional analysis and recommendation presented by the Urban Conservator in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **APPROVE** the requested zoning variance from CMC Section 1410-07 to allow a zero-foot setback for 36 feet and 11½ inches along the rear yard of the Property. The Board finds such relief from literal implication of the zoning code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located and is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district.

DENSITY VARIANCE

13. Upon being fully apprised of the issues based on the evidence submitted and representation made by OTRCH, testimony received at the Hearing, and the professional analysis and recommendation presented by the Urban Conservator in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **DENY** the requested zoning variance from CMC Section 1410-07 to allow 226 square feet of lot area per residential unit. The Board finds that the evidence and testimony provided at the Hearing indicates that OTRCH failed to satisfy its burden that owing to special circumstances or conditions pertaining to the Property, the strict application of the provisions or requirements of Cincinnati Zoning Code are unreasonable and would result in practical difficulties.
14. The following is a record of the votes cast by members of the Board concerning the motion to approve the COA application and setback zoning relief and deny the request for density zoning relief:

Aye

Mr. Tim Voss
Mr. Bob Zielasko
Ms. Allison McKenzie
Mr. Herbert Weiss
Mr. Thomas Sundermann

Nay

Absent

Ms. Pamela Smith-Dobbins

ORDERED: September 27, 2022:

/s/ Thomas Sundermann

Thomas Sundermann, Vice-Chair
Historic Conservation Board

/s/ Trisa Wilkens

Trisa Wilkens, Staff Attorney
Historic Conservation Board

APPEALS:

This decision represents the final appealable order of the Historic Conservation Board and may be appealed to the Zoning Board of Appeals under Chapter 1449 of the Cincinnati Zoning Code. Any appeal must be filed within thirty days of the date of the mailing of this decision.

The Board transmits by electronic mail a true and accurate copy of this decision on the 27th day of September 2022, to:

Suder LLC
c/o Sean S. Suder, Esq.
455 Delta Avenue, Suite 203
Cincinnati, Ohio 45226
sean@ssuder.com

Finney Law Firm
c/o Chris Finney
1077 Celestial, Suite 10
Cincinnati, Ohio 45202
chris@finneylawfirm.com

Jeff Nye
7373 Beechmont Avenue
Cincinnati, OH 45230
jmn@sspfirm.com

Transmitted this 27th day of September 2022, by interdepartmental mail to:

Douglas Owen
Department of City Planning and Engagement



10/10/2022

To Whom it May Concern,

I am writing to express support for the notwithstanding ordinance for 2000 Dunlap St. that will provide 44 units of permanent supportive housing for people experiencing homelessness in the Over-the-Rhine neighborhood. The project aligns with the needs of the community by providing:

1. Safe, dignified housing support for those most vulnerable at a time where street homelessness is on the rise
2. Affordable Housing that is close to amenities and transit access, not isolated or concentrated in a low-opportunity area.
3. Collaborative, community-centered development effort between 3CDC, Strategies to End Homelessness, Greater Cincinnati Behavioral Health Services, Corporation for Supportive Housing, Cincinnati Health Network, Greater Cincinnati Homeless Coalition, LISC, Greater Cincinnati Foundation, Model Group and many more neighbors
4. A Housing First model that rapidly ends homelessness, is cost-effective, and positively impacts quality of life and community functioning.

OTRCH has a history of integrating affordable housing seamlessly into the neighborhood in a way that has not negatively impacted property values or safety to surrounding residents.

The need for quality affordable housing for those most vulnerable is extremely high right now. This project is fully funded and ready to break ground, which has taken incredible time and resources to complete. Without your support, the project will not move forward. I ask that you help be a part of the solution and support the notwithstanding ordinance for 2000 Dunlap St.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Mills".

Sarah Mills, MPA
CEO



Human Services Chamber
of Hamilton County

To Whom it May Concern,

10.12.2022

I am writing on behalf of the 96-member Human Services Chamber of Hamilton County (HSC) to express support for the notwithstanding ordinance for 2000 Dunlap St. that will provide 44 units of permanent supportive housing for people experiencing homelessness in the Over-the-Rhine neighborhood. The project aligns with the needs of the community by providing:

1. Safe, dignified housing support for those most vulnerable at a time where street homelessness is on the rise
2. Affordable Housing that is close to amenities and transit access, not isolated or concentrated in a low-opportunity area.
3. Collaborative, community-centered development effort between 3CDC, HSC Member Strategies to End Homelessness, HSC Greater Cincinnati Behavioral Health Services, Corporation for Supportive Housing, Cincinnati Health Network, Greater Cincinnati Homeless Coalition, LISC, Greater Cincinnati Foundation, Model Group and many more neighbors
4. A Housing First model that rapidly ends homelessness, is cost-effective, and positively impacts quality of life and community functioning.

HSC Member OTRCH has a history of integrating affordable housing seamlessly into the neighborhood in a way that has not negatively impacted property values or safety to surrounding residents.

The need for quality affordable housing for those most vulnerable is extremely high right now. This project is fully funded and ready to break ground, which has taken incredible time and resources to complete. Without your support, the project will not move forward. I ask that you help be a part of the solution and support the notwithstanding ordinance for 2000 Dunlap St.

Sincerely,

Mike Moroski

Executive Director

Human Services Chamber of Hamilton County

St. Francis Seraph Catholic Church 1615 Vine St. Cincinnati, OH 45202

October 13, 2022

Re: Dunlap PSH

To whom it may concern:

I am writing in support of the Over-The-Rhine Community Housing's project at 2000 Dunlap St. I have participated in several meetings where this 44-unit permanent supportive housing project has been presented. The goal, of course, is to provide housing for those experiencing chronic homelessness.

"Chronic homelessness" is what I see daily around St. Francis Seraph Church. I witness the many people coming for services at St. Anthony Center. If only more of these people had a place to live!

In my frequent neighborhood walks, I pass through the intersection on Dunlap where OTRCH is proposing to build this housing. I know it as mainly industrial, but not far from other services and residents. Given the track record of the Jimmy Heath House on Odeon Street and the acceptance of this communal living house by the other residents nearby, I feel the neighbors around the Dunlap property will also be able to adjust to these new neighbors.

Housing is such a critical need in our city. Here we have an organization with a proven track record, a piece of property already owned by OTRCH and a very good plan for housing that should be an asset to the area. People of various backgrounds really can live together and have a sense of harmony in a neighborhood.

I have heard objections. I think OTRCH has tried to address those concerns. I honestly believe the greater good of helping people have housing should be the priority for all of us in Cincinnati.

Many members of our City government have spoken about their support of affordable housing. Now we need your votes!

Sincerely,

Fr. Al Hirt, OFM
Pastor, St. Francis Seraph Church
Home address: 1723 Pleasant St.

c. Ben Eilerman, OTRCH



October 13, 2022

Cincinnati Planning Commission
 Byron Stallworth, Chair
 Jacob Samad, Vice-Chair
 Olivia McKinney, Commissioner
 Anne Sesler, Commissioner
 John Eby, Commissioner
 Sheryl Long, City Manager
 Jan-Michele Lemon Kearney, Vice Mayor

Via email: Keough-Jurs, Katherine <Katherine.Keough-Jurs@cincinnati-oh.gov>

RE: Over-the-Rhine Community Housing's proposed Dunlap Housing development.

Dear City Planning Commission:

Affordable Housing Advocates supports Over-the-Rhine Community Housing's proposed affordable housing development on Dunlap Street in Over-the-Rhine and the proposed Ordinance to permit development notwithstanding zoning density limits and historic district regulations. We hope the Planning Commission will take this opportunity to facilitate the development of this very important and needed housing development.

The Dunlap Housing development will provide much needed housing using a very successful model that OTRCH has been using for many years. The organization has an exemplary track record in providing affordable housing.

As a recipient of Low Income Housing Tax Credits, the Dunlap is financially feasible as proposed. It will be a modest but important step in addressing the affordable housing crises in Cincinnati. It will be an asset for the neighborhood. This opportunity must be taken to provide more affordable housing in Cincinnati.

It is important that the Commission has previously determined that the Dunlap proposal is eligible for a certificate of appropriateness regarding historic district regulations. The newly proposed Ordinance will confirm that, as well as address zoning density limits.

Affordable Housing Advocates

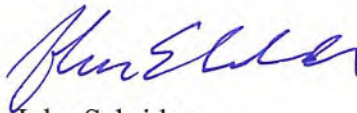
P.O. Box 19316, Cincinnati, OH 45219
 staff@affordablehousingcincinnati.org

Mission: To promote the availability of high quality, safe, accessible, affordable housing in the Greater Cincinnati Area.

For these reasons, AHA fully supports the Dunlap Housing development and the proposed Ordinance.

Thank you for your support for this affordable housing proposal.

Sincerely,



John Schrider
Chair, Affordable Housing Advocates

CINCINNATI
DEVELOPMENT
FUND

1224 Race Street, Cincinnati, Ohio 45202
(513) 721-7211 · Fax (513) 721-7214

October 13, 2022

Re: Dunlap Permanent Supportive Housing Project

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's (OTRCH) project at 2000 Dunlap St. I understand that OTRCH is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

The City of Cincinnati has a significant need for more affordable housing units, particularly for our most vulnerable residents. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of wrap around services designed to stabilize and improve the lives of new residents.

Cincinnati Development Fund has participated in many of OTRCH's successful housing development projects, and we value their long-standing commitment to the neighborhood.

Sincerely,



Joe Huber
President & CEO

Hoffman, Stacey

Subject: [External Email] 2000 Dunlap St. OTRCH Project**From:** [REDACTED]**Sent:** Monday, October 10, 2022 10:44 AM**To:** Hoffman, Stacey <Stacey.Hoffman@cincinnati-oh.gov>**Subject:** [External Email] 2000 Dunlap St. OTRCH Project

Ms. Hoffman and Other Members,

It has come to my attention that the Historic Conservation Board's decision to deny approval for the 2000 Dunlap St. Project is being appealed and it is in your hands now. I am emailing to voice my concerns for the project and the detrimental impact it will have on our neighborhood.

My husband and I live on Dunlap Street and have lived here for nearly 3 years (18 years combined in OTR in various places).

We got married last year and are starting to create a family via surrogacy. We have been looking forward to raising a baby/child in OTR so close to Findlay market and all the other destinations, however learning that the OTRCH project on 2000 Dunlap street is on your agenda has put a sudden halt to our plans.

The Volunteers of America site, which is a 2 minute walk from 2000 Dunlap has 62 sex offenders living there. How many sex offenders will be housed at Dunlap?

We can no longer in good conscious consider raising a child in this type of environment with even the slightest possibility of adding more sex offenders to Dunlap street.

We also live next to an apartment building where there are numerous small children ranging from 3 to 16 years old.

Is this the kind of community you want to foster in OTR? A community that is not safe for children and young adults?

My husband and I beg you to consider the consequences of approving this project. Please listen to the Historic Conservation Board ruling and deny this project from being created.

Please, for my husband and I's future family, deny OTRCH's project on the basis of protecting future generations from sex offenders living on their very street.

Hoffman, Stacey

From: Steven Fink <sfink@bangzoomdesign.com>
Sent: Monday, October 10, 2022 11:50 AM
To: Hoffman, Stacey
Subject: [External Email] Fwd: City Council Mtg. Wed. Oct 5th 2000 Dunlap St. Project

You don't often get email from sfink@bangzoomdesign.com. [Learn why this is important](#)

External Email Communication

Hi Stacey,

My name is Steve Fink, and I own a residence on Dunlap Street (1908 Dunlap St). I purchased it about 2 years ago, and since that time, have invested heavily into it. I'd say the residential building it is in has been maintained to very high standards, and the occupants, like myself, represent much of what is happening in the OTR area - a vast re-invention of higher end design for homes and businesses. Dunlap Street is an interesting(mixture of residence, businesses (manufacturers, restaurants, etc..). All of which will be very, very affected by the 2000 Dunlap Street Project in a negative way.

There are breweries and places all around serving alcohol...steps away from the 2000 Dunlap Street Project. That would be a very bad situation. Cramming so many beds/people in that space with hardly any green space and no parking will just force the residence to wander the streets and most likely incite violence and crime. There are so many other areas downtown where a facility is not going to have to be jammed into such a small space, surrounded by bars and breweries where they most likely be tempted to use the things they are not supposed to. Overall, the goal of the city is to make OTR beautiful and reduce crime and increase foot traffic and business. That is what is happening on Dunlap Street...as I'm a good example of that (I also own a business on Central Parkway). This Project would be a huge step backwards...So I implore you to consider finding another, more practical location for it in the city.

Thanks,

Steven Fink
Bang Zoom Design, Ltd.
1415 Central Parkway
Cincinnati, OH 45214

cell: 513-477-9527
email: sfink@bangzoomdesign.com

website: www.bangzoomdesign.com

Hoffman, Stacey

From: edenpk2@aol.com
Sent: Monday, October 10, 2022 12:37 PM
To: Hoffman, Stacey
Subject: [External Email] DUNLAP PROJECT BAD FOR NEIGHBORHOOD

You don't often get email from edenpk2@aol.com. [Learn why this is important](#)

External Email Communication

I have been working OTR for the past 40 years. There is a serious need for parking. We finally have some businesses downtown. It is too crowded down there now. There are other sites that would be much better for the tenants, with room to be outdoors not around bars and sex offenders, and loading docks. With the money they are determined to spend there could be more affordable housing put on-line. The cost per unit is silly. They could sell the parking lot and build even more affordable units. I have mentioned this to them. I think the 1M in developers fees must be the motivation. Pick another location. Please think of the population they are starving. I am a strong believer in affordable housing just not there.

Eden Park Realtors
Karen Domine Broker
(513) 281-7888 476-6739

Hoffman, Stacey

From: Robert Sehlhorst <robertsehlhorst@gmail.com>
Sent: Monday, October 10, 2022 12:47 PM
To: Hoffman, Stacey
Subject: [External Email] Neighborhood Petition Opposing 2000 Dunlap Street Project
Attachments: 2000 Dunlap Street PSH Development Opposition Petition 4-11-2022.pdf

External Email Communication

Dear City Planning Commissioners,

>

> Please see the attached neighborhood petition opposing the OTR Community Housing project at 2000 Dunlap Street. Please note, with few exceptions, neighbors and businesses are strongly opposed. This is the wrong project, in the wrong place, at the wrong time. Mohawk is a fragile transitional neighborhood with great potential. If you would review the crime statistics, and walk through our neighborhood you would quickly see that we suffer from blight, open drug sales, open prostitution and elevated gun violence. Last Friday, October 7th Cincinnati Police Department reported a shoot out on Dunlap Street between two cars and windows of cars were shot out and police found 30 casing in the street next to this proposed project site. Is this where we want to place 44 chronically homeless folks ?

This project is "Transitional Housing" in an Urban Mix Zoning and is clearly not permitted. Just calling mental health services "Voluntary" does NOT make it "Congregate Housing." Not a single project in OTR has been granted a zoning variance that would permit more than three times permitted zoning. This lot is zoned for 14 units, not 44.

> We are desperately attempting to overcome years of abandonment and disinvestment. Placing 44 homeless souls, struggling to overcome drug and alcohol addiction and serious mental health crises, in this neighborhood goes beyond the pale of decency and understanding.

>

> We are not opposed to the services for the homeless. We only ask for balance.

>

>

>

> Respectfully,

>

> Robert Sehlhorst

STOP OTRCH's 2000 Dunlap Street PSH Development

About this petition

OPPOSITION PETITION

STOP OTRCH's 2000 Dunlap Street PSH Development

Over The Rhine Community Housing (OTRCH) of Cincinnati, Ohio has proposed a PSH development, targeted to serve individuals experiencing chronic homelessness and have a history of mental health illnesses and drug and alcohol addiction, at 2000 Dunlap Street in the Mohawk Neighborhood of OTR. This development will consist of a four-story building with (44) studio apartments on a 100' x 100' Lot with zero lot line construction.

Residents, property owners, businesses, and employees of the Mohawk Area of OTR and surrounding areas OPPOSE THIS PROJECT for the following reasons:

- This proposed project is seeking a zoning variance that would permit 44 units on a lot zoned for 14 units. This is three times the zoned density for this lot and results in too many units crammed into a small parcel in a busy, highly congested area that serves low density residential housing, commercial businesses, light industry, entertainment businesses, breweries, bars, night clubs and restaurants. Cincinnati City Council recently voted NO to increase density ensuring that existing zoning restrictions for density remain in place.
- This project will change the character of our neighborhood by adding another institutional/transitional type housing facility to our neighborhood that already has several, including the Volunteers of America that is less than 1-block and is a (130) Bed facility for sex offenders and other criminals finishing their sentences, Logan Towers is less than 2-blocks and is a (63) Bed facility for individuals experiencing chronic homelessness with a history of mental health or substance use disorders, OTRCH's Jimmy Heath House, (25) Bed facility for individuals experiencing chronic homelessness. The addition of this project will result in a total of 262 institutional beds in our small pocket neighborhood. Institutional housing will outnumber market rate housing more than 2 to 1. This is NOT affordable housing. This is institutional transitional housing.
- Placing 44 clients with mental health illnesses and drug and alcohol addiction in a neighborhood with open drug sales and prostitution, gun violence and a plethora of drinking establishments does NOT set up the chronic homeless for success. No more institutional projects need to be shoehorned into our small neighborhood which is trying to evolve from past neglect.
- Within a 10-minute walk of this project low-income government subsidized housing out numbers market rate housing almost 10 to 1. We support mixed housing, combination of market rate, low income, and workforce housing. Workforce housing for people who live, work, and generate payroll taxes in our city is what is needed to move the city and our neighborhood forward. Why is government subsidized housing limited to a handful of Cincinnati neighborhoods? The other 52 neighborhoods should be considered to disperse affordable housing throughout Cincinnati.
- There are absolutely no policies or guarantees in place to ensure that the clients of this facility are actually from this neighborhood or the city. Clients can and will come from nearby cities,

- other states, and regions. This will only increase the workload on the overburdened city services at the expense of the taxpayers of Cincinnati. Exhibit H
- There are no policies or guidelines in place that will prohibit additional sex offenders from being housed in this project. At last count on April 6th, 2022, there were 62 convicted sex offenders residing at Volunteers of America, 115 W. McMicken, a 1-minute walk from this proposed facility.
 - The zero-lot line construction allows for only two designated parking places and inadequate outdoor space for the intended occupants. Parking and congestion on Dunlap Street are already very limited and inadequate parking for staff, service providers, occupants, and visitors will create more problems.
 - No traffic studies have been commissioned to study the traffic patterns/road closures during construction and after operation. Additional traffic and demand for parking from this project will negatively affect the quality of life for residents and the ability of businesses to operate.
 - Due to the extreme concentration of warehouses and other businesses on this street an overly dense project of this nature will prevent these businesses from conducting business and could jeopardize 50 to 60 jobs.
 - 2000 Dunlap Street is zoned Urban Mix. This zoning code strictly prohibits transitional housing of this type. The Urban Mix Zoning was adopted in 2007 to pave the way for housing in this industrial/warehouse without detriment to existing businesses and jobs. Urban Mix Zoning has no reference to PSH, but specifically excludes Transitional Housing of the type the developer wants to put in (#5 and #6) is specifically excluded:
:§ 1401-01-T. - Transitional Housing.
 - SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTION"Transitional housing" means housing designed to assist persons in obtaining skills necessary for independent living in permanent housing, including homes for adjustment and halfway houses. Transitional housing is housing in which:
 - An organization provides a program of therapy, counseling, or training for the residential occupants.
 - The organization operating the program is licensed or authorized by a governmental authority having jurisdiction over operation; and
 - The program is for the purpose of assisting the residential occupants in one or more of the following types of care:
 - Protection from abuse and neglect.
 - Developing skills necessary to adjust to life.
 - Adjusting to living with the handicaps of physical disability.
 - Adjusting to living with the handicaps of emotional or mental disorder or mental retardation.
 - Recuperation from the effects of drugs or alcohol, even if under criminal justice supervision; or
 - Readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release, and probationary programs.

The Dunlap Neighbors do not oppose the mission of providing housing support for our low-income families and brothers and sisters. But we believe this specific project is the wrong project in the wrong place.

We, the residents, property owners, businesses, and employees of the Mohawk Area of OTR and surrounding areas Oppose the 2000 Dunlap Street PSH Development.

1. Name: Kristen Bonavita (kristen@cia-auction.com) on 2022-04-13 19:32:34
Comments:

2. Name: Jeffrey M Luggen (jeffrey.michael23@gmail.com) on 2022-04-13 19:34:50
Comments: 2037 Elm St.

3. Name: Christine Oliver (christine@cia-auction.com) on 2022-04-13 19:38:02
Comments: 3707 Vollmer Place, Cincinnati, OH

4. Name: jeff luggen (jeff@jluggen.com) on 2022-04-13 19:39:30
Comments: 2020 dunlap street

5. Name: Robert Sehlhorst (robertsehlhorst@gmail.com) on 2022-04-13 20:23:45
Comments:

6. Name: Ryan Luggen (ryan@cia-auction.com) on 2022-04-14 18:08:54
Comments:

7. Name: Stuart Schulman (sschulman@dltdelivers.com) on 2022-04-15 16:58:30
Comments: 225 Stark Street Cincinnati, Ohio 45214

8. Name: Joseph M Vallo (jvallo@vallomanagement.com) on 2022-04-15 17:35:55
Comments:

9. Name: Nick Caruso (ncar7623@gmail.com) on 2022-04-15 18:53:51
Comments: I am a resident of Dunlap Street. This is not the right location for this project due to several factors in the immediate area surrounding the proposed location. This is a great project, but the people utilizing the service would be better served if this project was built in a location that doesn't promote and surround them with the very things that likely contributed to their situation.

10. Name: Michael Basch (squirrelweddingfilms@gmail.com) on 2022-04-15 20:05:39
Comments:

11. Name: Alfred J Berger Jr (dsiltd@fuse.net) on 2022-04-15 20:32:30
Comments: Warehousing the poor or the sick is a sick policy

12. Name: Deborah Johnson (djohnson@robinimaging.com) on 2022-04-15 21:09:11
Comments: As co-owner of Robin Imaging Services and resident in The Mohawk Neighborhood, I strongly disagree to add another institutional transitional housing facility where this is proposed. There are many other choices in Cincinnati to better support this need. Those of us in The Mohawk Neighborhood have been working to build affordable

-
13. Name: Carol Ann schulman (gardenroselady@yahoo.com) on 2022-04-15 21:20:26
Comments:
-
14. Name: Kim McCarty (kimhalemccarty@gmail.com) on 2022-04-16 00:27:48
Comments: The placement of this project at 2000 Dunlap is predictably discriminatory and will have a disparate impact on the Disabled and African Americans. It will steer poor, disabled, predominately black people to a poor, predominately black community.
- It is inhumane to provide housing for the targeted population in a low opportunity community that is infested with open-air drug markets, prostitution, chronic blight and uncontrollable crime.
-
15. Name: john valentine (johnv913@gmail.com) on 2022-04-16 01:07:23
Comments: We have had enough of this in our neighborhood!
-
16. Name: Sherri King (sherribarberphotography@gmail.com) on 2022-04-16 03:50:18
Comments:
-
17. Name: Kenneth Klabunde (k.klabunde@gmail.com) on 2022-04-16 11:16:01
Comments:
-
18. Name: Rebecca Klabunde (rebecca.klabunde@gmail.com) on 2022-04-16 11:25:58
Comments:
-
19. Name: Mikey Sorboro (mikey@latenightslice.com) on 2022-04-16 14:33:36
Comments: Business owner in neighborhood. Late Night Slice & Oddfellows
-
20. Name: Hal Lorton (notrollah@gmail.com) on 2022-04-16 21:20:09
Comments:
-
21. Name: Tara Lorton (4holytara@gmail.com) on 2022-04-16 22:34:30
Comments:
-
22. Name: Jerome Luggen (jerome@cia-auction.com) on 2022-04-18 12:38:12
Comments: 2020Dunlap Street
-
23. Name: John Walter (johnwalter@cinci.rr.com) on 2022-04-18 22:55:25
Comments: I am against this project for all the reasons argued in this petition.
-
24. Name: Paul Bauer (bauerp674@gmail.com) on 2022-04-20 15:29:43

-
25. Name: Daniel Bascone (dfb1143@gmail.com) on 2022-04-20 15:41:23
Comments:
-
26. Name: Dale Anderson (daleanderson323@gmail.com) on 2022-04-20 16:13:38
Comments:
-
27. Name: Logan Reynolds (loganpreynolds@gmail.com) on 2022-04-20 16:14:03
Comments:
-
28. Name: Jenny Miller (jenny_miller4@aol.com) on 2022-04-20 17:14:31
Comments:
-
29. Name: Ethan Anost (ethananost2843@yahoo.com) on 2022-04-20 17:23:20
Comments:
-
30. Name: Jasmine Wells (jasmine.kww@gmail.com) on 2022-04-20 17:26:21
Comments:
-
31. Name: Sarah Harlow (sarahwv26@gmail.com) on 2022-04-20 17:32:06
Comments: 216 Klotter Ave
-
32. Name: Renee Miller (thespeckledwren@aol.com) on 2022-04-20 17:32:29
Comments:
-
33. Name: Julie Miller (millerjulie50@yahoo.com) on 2022-04-20 17:35:06
Comments:
-
34. Name: Colin Barge (bargecolin@gmail.com) on 2022-04-20 17:38:50
Comments: This is NOT in the best interest of the neighborhood and will have a negative impact.
-
35. Name: Jennifer Jill Cummins (jenjillj@gmail.com) on 2022-04-20 17:43:14
Comments:
-
36. Name: Evan Cummins (evan.cummins@gmail.com) on 2022-04-20 17:45:21
Comments:
-
37. Name: Blake Baxter (baxter.blake@gmail.com) on 2022-04-20 17:48:09
Comments:
-

38. Name: Kristina Elaine LaScalea-Sehlhorst (tinalascalea@gmail.com) on 2022-04-20 17:55:21
Comments: Exhibit 11
-
39. Name: Caitlin Cummins (cjj.cummins@gmail.com) on 2022-04-20 18:10:16
Comments:
-
40. Name: Joseph Luggen (buckeyemachinery@hotmail.com) on 2022-04-20 18:16:17
Comments:
-
41. Name: David Macejko (overtherhinecigars@gmail.com) on 2022-04-20 18:39:04
Comments: Over the Rhine is Cincinnati's highest crime neighborhood of all kinds. according to Cincinnati Police. I've been a victim. This project will do nothing to mitigate that reality and will likely exacerbate problems with theft, breaking and entering, and violence between Liberty, and McMillan.
-
42. Name: Andy Smith (smith.andrew.lynn@gmail.com) on 2022-04-20 18:54:16
Comments:
-
43. Name: Matt Jacob (mattjjacob@gmail.com) on 2022-04-20 22:57:52
Comments:
-
44. Name: Elliott Culter (eculter@sugarcreek.com) on 2022-04-21 14:34:01
Comments: Signing on behalf of Southern Ohio Holding Organization which owns properties on Mohawk and McMicken.
-
45. Name: Bradley Rusk (ruskb34@gmail.com) on 2022-04-21 15:39:37
Comments:
-
46. Name: Frederick C Ellenberger (fellenberger@cinci.rr.com) on 2022-04-21 15:41:04
Comments:
-
47. Name: Brent Rohr (brent.rohr@gmail.com) on 2022-04-21 15:46:56
Comments:
-
48. Name: Rebecca Restrepo (restreeppo@gmail.com) on 2022-04-21 15:55:30
Comments:
-
49. Name: Carley Atchison (carley.atchison@gmail.com) on 2022-04-21 16:12:45
Comments:
-
50. Name: Liz Yauch (lizebear18@gmail.com) on 2022-04-21 17:00:16
Comments:
-

51. Name: Vincent Harnett (vincent.harnett@gmail.com) on 2022-04-21 21:06:03 Exhibit H
Comments: I am against OTRCH's 2000 Dunlap Street PSH Development
-
52. Name: Ron Rowe (rhrproperties@gmail.com) on 2022-04-21 22:15:08
Comments:
-
53. Name: Patricia Berger (cinti1pa@aol.com) on 2022-04-22 13:04:02
Comments: This will increase insecurity and bad image to an already tainted neighborhood
-
54. Name: James Hautz (jjhautz@gmail.com) on 2022-04-22 13:06:45
Comments:
-
55. Name: Richard Cedar (rdcmole@aol.com) on 2022-04-22 13:19:21
Comments:
-
56. Name: Mary Fox (MARYFOX522@GMAIL.COM) on 2022-04-22 14:13:45
Comments: 522 CONROY ST
-
57. Name: Diego Jordan (arch_terra@hotmail.com) on 2022-04-22 16:21:31
Comments: Wrong proposal. Wrong place for this type of facility.
-
58. Name: Douglas Wainz (wanderlust@fuse.net) on 2022-04-22 16:40:21
Comments:
-
59. Name: Sandy Wainz (cityview@fuse.net) on 2022-04-22 16:41:48
Comments:
-
60. Name: David Reid (hman@h david.com) on 2022-04-22 16:47:43
Comments: We have enough social agencies in our neighborhood!
-
61. Name: Michael Fox (michaeljfox522@gmail.com) on 2022-04-22 17:01:48
Comments:
-
62. Name: Cherie Senger (cherie.senger@gmail.com) on 2022-04-22 21:35:30
Comments:
-
63. Name: Mitul Dadhania (mituldadhania@hotmail.com) on 2022-04-23 11:04:31
Comments:
-
64. Name: Kate Hensler (hensler.ka@gmail.com) on 2022-04-23 22:41:56
Comments:

-
65. Name: Nathan Baugh (nbaughlv@yahoo.com) on 2022-04-24 08:07:47
Comments:
-
66. Name: Molly Kirleis (mfk0220@gmail.com) on 2022-04-24 08:08:21
Comments:
-
67. Name: Craig Herget (craig.herget@gmail.com) on 2022-04-24 20:15:59
Comments: I oppose this project.
-
68. Name: Willim Johnson (BJohnson@RobinImaging.com) on 2022-04-25 12:42:14
Comments: The Mohawk neighborhood is trying very hard to move forward. We have enough mental health and homeless problems now and do not need more.
-
69. Name: steven fink (sfink@bangzoomdesign.com) on 2022-04-26 20:44:36
Comments: I am opposed to this project.
-
70. Name: Alex Dieterle (adieterle@bangzoomdesign.com) on 2022-04-26 21:32:44
Comments: 1415 Central PKWY
-
71. Name: Steve Casino (tamer-boa-0k@icloud.com) on 2022-04-26 22:06:13
Comments: 1415 Central Parkway
-
72. Name: Kimberly Starbuck (kimstarbuck9@gmail.com) on 2022-04-27 02:54:50
Comments:
-
73. Name: Michael Hoeting (MHOETING@GMAIL.COM) on 2022-04-27 19:43:44
Comments:
-
74. Name: Carol Schulte (carolnschulte@gmail.com) on 2022-04-27 19:45:02
Comments:
-
75. Name: Cary Satch Travis (carytravis@gmail.com) on 2022-04-27 23:05:27
Comments:
-
76. Name: Julie Fay (jdfayotr@gmail.com) on 2022-04-29 02:25:45
Comments: Too dense for the location, zoning and clientele served.
-
77. Name: Neil Marquardt (neil.marquardt@gmail.com) on 2022-04-29 12:23:01
Comments: This project makes NO sense at this location. Density issues, parking challenges, safety concerns, property values, putting at-risk people in the middle of this neighborhood are some of my tops concerns.

-
78. Name: Joe Maas (maas2212@gmail.com) on 2022-04-29 18:15:39
Comments: 10750 Mockernut Dr
Harrison. Ohio 45030
-
79. Name: David Berger (davidb@msdf1.com) on 2022-04-30 18:07:16
Comments:
-
80. Name: Nancy P Berger (Nancyb@northernrow.com) on 2022-04-30 20:13:25
Comments: 2567 Queen City Ave
-
81. Name: Josh Quattlebaum (Joshq@northernrow.com) on 2022-05-01 16:58:04
Comments:
-
82. Name: Karen Domine (edenpk2@aol.com) on 2022-05-02 12:41:13
Comments:
-
83. Name: Brenden Douglass (brendend@northernrow.com) on 2022-05-02 13:07:56
Comments: As someone who works in OTR and already deals with the current homeless situation I can see how a new homeless shelter in our neighborhood can negatively effect the company I work for and the guests we accommodate. Moreover, many people visiting Cincinnati come to OTR to enjoy themselves and this potential shelter would reflect poorly on our city
-
84. Name: Cody R Jackson (cjackson@bangzoondesign.com) on 2022-05-02 16:37:30
Comments:
-
85. Name: Alex Hutchins (alexh@northernrow.com) on 2022-05-03 17:33:54
Comments:
-
86. Name: Jonathon Pettit (tungstenx3@hotmail.com) on 2022-06-02 23:18:47
Comments:
-

OPPOSITION PETITION

Exhibit H

STOP OTRCH's 2000 Dunlap Street PSH Development

April 11th, 2022

Over The Rhine Community Housing (OTRCH) of Cincinnati, Ohio has proposed a PSH development, targeted to serve individuals experiencing chronic homelessness and have a history of mental health illnesses and drug and alcohol addiction, at 2000 Dunlap Street in the Mohawk Neighborhood of OTR. This development will consist of a four-story building with (44) studio apartments on a 100' x 100' Lot with zero lot line construction.

Residents, property owners, businesses, and employees of the Mohawk Area of OTR and surrounding areas **OPPOSE THIS PROJECT** for the following reasons:

1. This proposed project is seeking a zoning variance that would permit 44 units on a lot zoned for 14 units. This is three times the zoned density for this lot and results in too many units crammed into a small parcel in a busy, highly congested area that serves low density residential housing, commercial businesses, light industry, entertainment businesses, breweries, bars, night clubs and restaurants. Cincinnati City Council recently voted NO to increase density ensuring that existing zoning restrictions for density remain in place.
2. This project will change the character of our neighborhood by adding another institutional/transitional type housing facility to our neighborhood that already has several, including the Volunteers of America (130) Bed facility for sex offenders and other criminals finishing their sentences, Logan Towers (63) Bed facility for individuals experiencing chronic homelessness with a history of mental health or substance use disorders, OTRCH's Jimmy Heath House, (25) Bed facility for individuals experiencing chronic homelessness. The addition of this project will result in a total of 262 institutional beds in our small pocket neighborhood. Institutional housing will outnumber market rate housing more than 2 to 1. This is NOT affordable housing. This is institutional transitional housing.
3. Placing 44 clients with mental health illnesses and drug and alcohol addiction in a neighborhood with open drug sales and prostitution, gun violence and a plethora of drinking establishments does NOT set up the chronic homeless for success. No more institutional projects need to be shoehorned into our small neighborhood which is trying to evolve from past neglect.
4. Within a 10-minute walk of this project low-income government subsidized housing out numbers market rate housing almost 10 to 1. We support mixed housing, combination of market rate, low income and workforce housing. Workforce housing for people who live, work and generate payroll taxes in our city is what is needed to move the city and our neighborhood forward. Why is government subsidized housing limited to a handful of Cincinnati neighborhoods? The other 52 neighborhoods should be considered to disperse affordable housing throughout Cincinnati.
5. There are absolutely no policies or guarantees in place to ensure that the clients of this facility are actually from this neighborhood or the city. Clients can and will come from nearby cities, other states and regions. This will only increase the workload on the overburdened city services at the expense of the taxpayers of Cincinnati.
6. There are no policies or guidelines in place that will prohibit additional sex offenders from being housed in this project. At last count on April 6th, 2022, there were 62 convicted sex offenders residing at Volunteers of America, 115 W. McMicken, a 1-minute walk from this proposed facility.

7. The zero-lot line construction allows for only two designated parking places and inadequate outdoor space for the intended occupants. Parking and congestion on Dunlap Street are already very limited and inadequate parking for staff, service providers, occupants, and visitors will create more problems.
8. No traffic studies have been commissioned to study the traffic patterns/road closures during construction and after operation. Additional traffic and demand for parking from this project will negatively affect the quality of life for residents and the ability of businesses to operate.
9. Due to the extreme concentration of warehouses and other businesses on this street an overly dense project of this nature will **prevent these businesses from conducting business and could jeopardize 50 to 60 jobs.**
10. 2000 Dunlap Street is zoned Urban Mix. This zoning code strictly prohibits transitional housing of this type. The Urban Mix Zoning, was adopted in 2007 to pave the way for housing in this industrial/warehouse without detriment to existing businesses and jobs. Urban Mix Zoning has no reference to PSH, but specifically excludes Transitional Housing of the type the developer wants to put in (#5 and #6) is specifically excluded:

Transitional Housing		
Programs 1—4	P	
Program 5, 6	—	

: § 1401-01-T. - Transitional Housing.

11. SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTION

"Transitional housing" means housing designed to assist persons in obtaining skills necessary for independent living in permanent housing, including homes for adjustment and halfway houses. Transitional housing is housing in which:

- (a) An organization provides a program of therapy, counseling or training for the residential occupants;
- (b) The organization operating the program is licensed or authorized by a governmental authority having jurisdiction over operation; and
- (c) The program is for the purpose of assisting the residential occupants in one or more of the following types of care:
 - (1) Protection from abuse and neglect;
 - (2) Developing skills necessary to adjust to life;
 - (3) Adjusting to living with the handicaps of physical disability;
 - (4) Adjusting to living with the handicaps of emotional or mental disorder or mental retardation;
 - (5) Recuperation from the effects of drugs or alcohol, even if under criminal justice supervision; or
 - (6) Readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release and probationary programs.

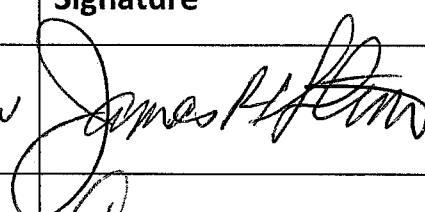
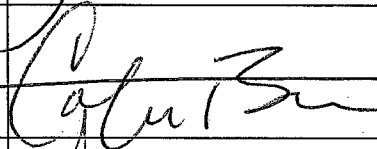
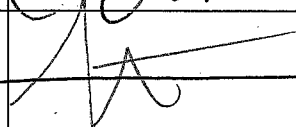
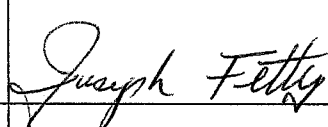
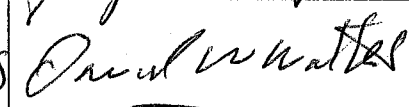


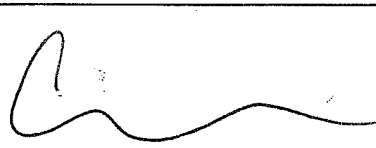
The Dunlap Neighbors do not oppose the mission of providing housing support for our low-income families and brothers and sisters. But we believe this specific project is the wrong Exhibit H project in the wrong place.

We, the residents, property owners, businesses, and employees of the Mohawk Area of OTR and surrounding areas **Oppose the 2000 Dunlap Street PSH Development.**

Name	Signature	Address
MARK GATHERWRIGHT	Mark Gatherwright	2025 ELM ST. 45202
Janet Gatherwright	Janet Gatherwright	2025 Elm St 45202
Juliana Lemen	Juliana Lemen	2023 Elm St 45202
Mike Fitzgerald	Mike Fitzgerald	2023 Elm St 45202
Kyle Stein	Kyle Stein	2023 Elm St 45202
Beth Ali Munzio	Beth Ali Munzio	2023 Elm St 45202
Patricia Greene	Patricia Greene	2023 Elm St 45202
Gerald Manies	Gerald Manies	enabler 2025 Elm
Joanne Farmer	Joanne Farmer	2035 ELM ST #84 45202
Kelly Johnson	Kelly Johnson	1885 1885 Forestview Ct. 45233
Cherie Antorum	Cherie Antorum	1926 Dunlap 45202

The Dunlap Neighbors do not oppose the mission of providing housing support for our low-income families and brothers and sisters. But we believe this specific project is the wrong project in the wrong place. **Exhibit H**

We, the residents, property owners, businesses, and employees of the Mohawk Area of OTR and surrounding areas **Oppose the 2000 Dunlap Street PSH Development.**





Name	Signature	Address
JAMES R. STERN		2020 DUNLAP ST (CENT INDUSTRIAL AUCTIONEERS)
Colm Borge		2031 Dunlap St Cinci 45214
Steven Fink		1908 Dunlap St #2 Cincinnati OH 45214
Joseph V Fetti		242 STARK ST CINT OH 45214
David Walters		260 STARK ST CINC OH 45214
Mamad SHALAS I.		2020 Central Pkwy CIN OH 45214
John Philkovic		235 Stark St. Cincinnati OH 45214
Cosin		2020 Puler St. Cincinnati, OH 45214

Signal
Electrical
Sign
Electrical

The Dunlap Neighbors do not oppose the mission of providing housing support for our low-income families and brothers and sisters. But we believe this specific project is the wrong project in the wrong place.

Exhibit H

We, the residents, property owners, businesses, and employees of the Mohawk Area of OTR and surrounding areas **Oppose the 2000 Dunlap Street PSH Development.**



Name	Signature	Address
CHRIS BURNS		2016 ELM ST. CINCINNATI, OH 45202
Chris Helmers		2023 Elm St. Cincinnati Ohio 45202
Adam Dehn		2023 ELM ST Cincinnati Oh, 45202 Cincinnati
JIM MARTIN		1528 ELM ST CINCINNATI OH 45202

offenders residing at Volunteers of America, 115 W. McMicken, barely a block from this proposed facility.

7. Due to the extreme concentration of warehouses and other businesses on this street an overly dense project of this nature will prevent these businesses from conducting business and could jeopardize 50 to 60 jobs.
8. The zero lot line construction allows for only two designated parking places and inadequate outdoor space for the intended occupants. Parking and congestion on Dunlap Street is already very limited and inadequate parking for staff, service providers, occupants, and visitors will create more problems.
9. No traffic studies have been commissioned to study the traffic patterns/road closures during construction and after operation. Additional traffic and demand for parking from this project will negatively affect the quality of life for residents and the ability of businesses to operate.
10. 2000 Dunlap Street is zoned Urban Mix. This zoning code strictly prohibits transitional housing of this type.

The Dunlap Neighbors do not oppose the mission of providing affordable housing for our low income families and our workforce brothers and sisters. We believe this project is the wrong project in the wrong place.

We, the residents, property owners and businesses of the Mohawk District and surrounding areas
Oppose this Project.

Name	Signature	Address
David Bird		2025 VINE ST.
Denny Dellinger		228 Mohawk St.

Hoffman, Stacey

From: Robert Sehlhorst <robertsehlhorst@gmail.com>
Sent: Monday, October 10, 2022 1:27 PM
To: Hoffman, Stacey
Subject: [External Email] Vote No -2000 Dunlap St. Project

External Email Communication

Dear City Planning Commissioners,

Each and every time the 2000 Dunlap Street Project has come before the neighbors and businesses of this community we have responded with an emphatic NO!

Neighbors and businesses are opposed to this transitional housing. OTR Community Council voted NO. Mohawk Neighborhood CDC does not support this project. HCB has voted to deny this project.

We are strongly opposed to this project for the following reasons.

1. Density- The lot is zoned for 14 units and they are requesting 44 units, more than 3 times permitted zoning. City Council has already voted NO to doubling density. How can you approve increasing density by more than three times the zoned density?
2. This project by definition is Transitional Housing and it is not permitted in Urban Mix Zoning.
3. We have an oversaturation of institutional housing in the Mohawk Neighborhood. This unit will result in over 300 institutional beds in our pocket neighborhood.
4. The Volunteers of America site, which is a 2 minute walk from 2000 Dunlap has 62 sex offenders living there. How many sex offenders will be housed at Dunlap? We never received an answer and there is no limit to how many they can house at this site.
5. Why does the City of Cincinnati continue to place institutional transitional housing in poor black neighborhoods when HUD and numerous studies have outlined the harm this over saturation causes?
6. Placing chronically homeless clients, who are suffering from drug and alcohol addiction and severe mental health issues, in a transitional neighborhood with open gun violence, open drug sales, and open prostitution, defies all logic and decency for the clients and the neighborhood.
7. The funding for this project can easily be transferred and used for an appropriate site that will result in the clients receiving the services they deserve. The Port Authority and the City of Cincinnati can solve this problem and find a lot that will provide adequate indoor and outdoor space in a neighborhood that gives the homeless and the neighborhood a chance for success.

I urge you to vote NO and allow the Mohawk Neighborhood to move forward and reach its full potential.

Respectfully,

Bob

Hoffman, Stacey

From: Robert Sehlhorst <robertsehlhorst@gmail.com>
Sent: Monday, October 10, 2022 1:32 PM
To: Hoffman, Stacey
Subject: [External Email] OTR Community Council Votes to Oppose 2000 Dunlap Street Project
Attachments: 2000 Dunlap - OTRCC letter.pdf

External Email Communication

Dear City Planning Commissioners,

> Please see the attached letter from OTR Community Council indicating the membership's opposition to the 2000 Dunlap Street Project.

>

>>

>>

>

Respectfully,

> Bob



Over-the-Rhine Community Council
P.O. Box 662
Cincinnati OH 45201

May 18, 2022

Doug Owen
Urban Conservator
City of Cincinnati

Re: 2000 Dunlap Application for Certificate of Appropriateness and Variances

Dear Mr. Owen and Members of the Historic Conservation Board,

At our April 25, 2022 Over-the-Rhine Community Council meeting, the Board of Trustees recommended sending a letter of support regarding the Dunlap PSH project, including the project's request for a Certificate of Appropriateness and related variances. But the Membership voted against the Board's recommendation. There were 30 votes in favor and 34 votes in opposition, which means the "opposition" had a majority of votes. The project was presented to the Council on the following dates:

- December 13, 2021 – Board of Trustees
- January 4, 2022 – Economic Development and Housing Committee
- January 10, 2022 – Board of Trustees
- March 1, 2022 – Economic Development and Housing Committee
- March 14, 2022 – Board of Trustees
- March 28, 2022 – Full Council Meeting
- April 5, 2022 - Economic Development and Housing Committee
- April 11, 2022 – Board of Trustees
- April 25, 2022 – Full Council Meeting

Respectfully,

A handwritten signature in black ink, appearing to read "Maurice Wagoner". The signature is fluid and cursive.

Maurice Wagoner
President
Over-the-Rhine Community Council

cc: Mayor Pureval
City Manager John Curp
City Council

Hoffman, Stacey

From: Stuart Schulman <sschulman@dltdelivers.com>
Sent: Monday, October 10, 2022 12:59 PM
To: Hoffman, Stacey
Cc: robertsehlhorst@gmail.com; Carol Ann Schulman
Subject: [External Email] The Historic Conservation Board's decision to deny approval for 2000 Dunlap St Project on the issue of density is being appealed.

You don't often get email from sschulman@dltdelivers.com. [Learn why this is important](#)

External Email Communication

Stacey,

My Wife & I have lived 600 feet from the proposed 2000 Dunlap Street project for 8 years.

It was an empty lot that is now a much needed nicely paved parking lot. The proposal to place a 44 unit homeless shelter on this property goes against everything that has already been decided:

The Cincinnati Historic Conservation Board (HCB) voted unanimously to deny OTR Community Housing's application for a 44 unit for the chronic homeless at 2000 Dunlap Street. The Board denied the zoning variance for density. HCB essentially agreed with what Dunlap Neighbors and others have said. This project is designed to cram 44 units on a 100 x 100 lot zoned for 14 units and it is inappropriate for the lot and the historic district.

My wife & I along with all our neighbors are strongly opposed to this project for the following reasons:

1. Density- The lot is zoned for 14 units and they are requesting 44 units, more than 3 times permitted zoning.
2. The OTR Community Council has voted against this project .
3. We have an oversaturation of institutional housing in the Mohawk Neighborhood. This unit will result in over 300 institutional beds in our pocket neighborhood.
4. The Volunteers of America site, which is a 2 minute walk from 2000 Dunlap has 62 sex offenders living there. How many sex offenders will be housed at Dunlap? We never received an answer.
5. Why does the City of Cincinnati continue to place low income housing in poor black neighborhoods when HUD and numerous studies have outlined the harm that this over saturation causes.
6. Placing clients of a PSH facility in a transitional neighborhood with open gun violence, open drug sales, and open prostitution, defies all logic and decency for the clients and the neighborhood.

Thank you for your consideration,

Stu & Carolann Schulman
 225 Stark Street
 Cincinnati, Ohio 45214

Hoffman, Stacey

From: Jeff Luggen <JEFF@cia-auction.com>
Sent: Tuesday, October 11, 2022 10:58 AM
To: Hoffman, Stacey
Subject: [External Email] 2000 Dunlap Street PSN Opposition

External Email Communication

Stacey

Once again the Mohawk community is being blindsided by the developer of the 2000 Dunlap Street PSH. I can't believe this is happening just a few days after the resounding success of the "Mohawk Walk." This event was put together by the Mohawk Neighborhood CDC, held at Hana playground to celebrate the re-emergence of the neighborhood.

My name is Jeff Luggen. I am part owner and have operated my business for the past 40 years, Cincinnati Industrial Auctioneers, at 2020 Dunlap Street.

I am here to voice my opposition to the 2000 Dunlap Street PSH development, which is a (44) bed institutional project that is targeted to serve individuals experiencing chronic homelessness and have a history of mental health or substance use disorders. This proceeding should not be about the vulnerable occupants of the building, but should be about the Laws and Codes that are presently in place. Hopefully, the Council will consider the significant opposition of the property owners, businesses and neighbors in the immediate neighborhood, as their concerns about this project that have gone unanswered by the developer.

The developer is requesting **Triple Density** from allowable zoning (14) occupants by code to (44) occupants. Far too great of density for this small lot. The building is massive with lot line to lot line constructions and 4-stories high. Only (2) parking places for the staff, residents, counselors, occupants, visitors, maintenance personnel. Where will everyone park? The developer is only providing a small 20' x 20' outdoor area which is too small for the (44) occupants. This outdoor area is located directly adjacent to the garbage dumpster. Outdoor congregation for the occupants will be left to the streets and Hana Playground.

This project will change the character of our neighborhood by adding another institution/transitional type housing facility to our neighborhood that already has several including the Volunteers of America (130) bed re-entry facility for convicted felons. Talbert House/Logan Towers (63) bed facility for individuals experiencing chronic homelessness and that have a history of mental health or substance use disorders, and OTRCH's Jimmy Heath House (25) bed facility for individuals experiencing chronic homelessness.

There is no need for an Emergency Ordinance. This project can be relocated to an appropriate size lot. David Foust, the Multi Housing Director at OHFA, stated "that if the project failed on any issue unrelated to the developer, that the developer could return the L.I.H.T.C. Grant and have the ability to redeem them up to (3) years for another location." This information can be found on page 44 of OHFA's QAP Guideline Package.

The Mohawk residents, businesses and property owners clearly oppose this project. There has been (3) Opposition Petitions, (2) in January w/ over (40) signatures and (1) in April w/ over (100) signatures. In the January hearing at HCB and at the August hearing at HCB the developer was denied the request for variances. At the April meeting of OTR Community Council, they voted to oppose the 2000 Dunlap Street PSH. Now, here we are for a fourth time in front of City Council.

Please listen to the residents, businesses and property owners in the Mohawk neighborhood.

Thanks,
Jeff

Jeffrey L. Luggen, Vice President

CIA Company | Auctions | Acquisitions | Appraisals | Since 1961

513-241-9701 Office | 513-702-4554 Cell | jeff@cia-auction.com

Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

Hoffman, Stacey

From: Jeff Luggen <JEFF@cia-auction.com>
Sent: Tuesday, October 11, 2022 11:10 AM
To: Hoffman, Stacey
Subject: [External Email] Jimmy Heath House Comparison
Attachments: Jimmy Heath House Comparison.pdf

External Email Communication

Hi Stacey,

Here is a short comparison between the Jimmy Heath House and the proposed 2000 Dunlap PSH. In the description from the OTRCH they extolled the Out Door Courtyard and onsite service provided By Greater Cincinnati Behavioral Health Services. As you can see JJH has a much smaller population and a greater area.

Hopefully, the planning commission will take into consideration the small size of the lot and the density of the occupancy.

Thanks,
Jeff

Jeffrey L. Luggen, Vice President
CIA Company | Auctions | Acquisitions | Appraisals | Since 1961
513-241-9701 Office | 513-702-4554 Cell | jeff@cia-auction.com Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

Jimmy Heath House

In 2010, the Jimmy Heath House was opened to serve the longest term homeless individuals in our community. The project is based on the "Housing First" principle, the idea that chronically homeless people can become clinically and socially stable faster when homelessness is eliminated. The project has 25 units of housing, 24 hour front desk staff, a large community room and an outdoor courtyard for resident use. OTRCH partnered with 3CDC on the development of the building and now with Greater Cincinnati Behavioral Health Services (GCB) to provide on-site services. We recently established an Employment Support Program to assist residents overcome barriers to employment.

	Jimmy Heath House	2020 Dunlap Street PSH
Lot Size / Dimensions	95' x 150'	100' x 100'
Lot Square Foot	14,250	10,000
Occupancy Existing / Proposed	25	44
Density Allowed by Code	20.5	14
Actual / Proposed Density	25	44
Density Increase over Code	22%	214%
Density by Square Foot	570	227
Parking Spaces off Street	6	2
Outdoor Area for Occupants	4,000 Sq. Ft. +/-	500 Sq. Ft. +/-
Onstreet Parking	7 Spaces in Front Bldg.	0
Full Time Staff		3?
Articecture	1870's	New

Tax Year
2021 Payable 2022



COUNTY AUDITOR ON-LINE

Exhibit H

Hamilton County Auditor Dustin Rhodes

Online Property Access

< First << Prev Next >> Last > | RETURN TO SEARCH LIST Property 2 of 2

Parcel ID
081-0002-0179-00Address
219 ODEON STIndex Order
Parcel NumberTax Year
2021 Payable 2022

Structure List

Structure Name	Use Code	Finished Sq. Ft.	Year Built
Structure 6	680 CHARITIES,HOSPITALS,RETIR	3,120	1876
Structure 5	680 CHARITIES,HOSPITALS,RETIR	3,581	1870
Structure 4	680 CHARITIES,HOSPITALS,RETIR	1,550	1860
Structure 3	680 CHARITIES,HOSPITALS,RETIR	4,772	1860
Structure 2	680 CHARITIES,HOSPITALS,RETIR	4,712	1860
Structure 1	680 CHARITIES,HOSPITALS,RETIR	4,151	1865

Commercial Appraisal Data

Section	Occupancy	Finished Area (sq. ft.)	Story Height	Stories
Section 1	352 Multiple Res (Low Rise)	1,040	9	1
Section 2	352 Multiple Res (Low Rise)	2,080	9	2

I Want To...

Start a New Search
Email the Auditor
View the Online Help
Auditor's Home

View:

Property Summary
Appraisal Information
Levy Information
Transfer
Value History
Board of Revision
Payment Detail
Tax Distributions
Images
Special Assessment/Payoff
Tax Lien Certificates
CAGIS Online Maps
Aerial Imagery
Owner Names

Print:

Current Page
Property Report

Online Property Access

1st Half 1st Half 2nd Half 2nd Half

Property 2 of 2

Parcel ID:
0810002017300-03Parcel Name:
114 W 1024 STParcel Number:
001 - CINTI CORP CD FL 035Tax Year:
2021 Payable 2022

I Want To...

Start a New Search
Email the Auditor
View the Online Map
Auditor's Home

View:

Property Summary
Appraisal Information
Levy Information
Transfer
Value History
Board of Revision
Payment Detail
Tax Distributions
Images
Special Assessment/Payoff
Tax Lien Certificates
CAGIS Online Maps
Aerial Imagery
Owner Names

Print:

Current Page
Property Report

Payment Information

Tax Overview

Mail Payments to:
Hamilton County Treasurer
136 E. Court Street Room 402
Cincinnati, Ohio 45202

Tax District:
001 - CINTI CORP CD FL 035

Current Owner(s):
OVER-THE-RHINE COMMUNITY HOUSING

Tax Bill Mail Address:
OTRH
114 W 1024 ST
CINCINNATI OH 45202

Tax Lien Pending	No
Tax Lien Sold	No
Full Rate	0.000000
Effective Rate	0.000000
Non Business Credit	0.000000
Owner Occupancy Credit	0.000000
Certified Delinquent Year	
Delinquent Payment Plan	No
1st Treasurer Optional Payment	\$0.00
2nd Treasurer Optional Payment	

Taxable Value

Land	0
Improvements	0
Total	0

Current Year Tax Detail

	Prior Delinquent	Adj. Delinquent	1st Half	Adj. 1st Half	2nd Half	Adj. 2nd Half
Real Estate			\$0.00		\$0.00	
Credit			\$0.00		\$0.00	
Subtotal			\$0.00		\$0.00	
Non Business Credit			\$0.00		\$0.00	
Owner Occupancy Credit			\$0.00		\$0.00	
Homestead			\$0.00		\$0.00	
Sales CR			\$0.00		\$0.00	
Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Interest/Penalty	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Real Estate Paid	\$0.00		\$0.00		\$0.00	
Real Estate Owed	\$0.00		\$0.00		\$0.00	
Special Assess Paid	\$0.00		\$1,148.35		\$1,042.36	
Special Assess Owed	\$0.00		\$0.00		\$0.00	
Total Due	\$0.00		\$1,148.35		\$1,042.36	
Total Paid	\$0.00		\$1,148.35		\$1,042.36	
Unpaid Delq Contract	\$0.00		\$0.00		\$0.00	
Total Owed	\$0.00		\$0.00		\$0.00	

Special Assessment Detail for 55-060 CINCINNATI - Urban Forestry

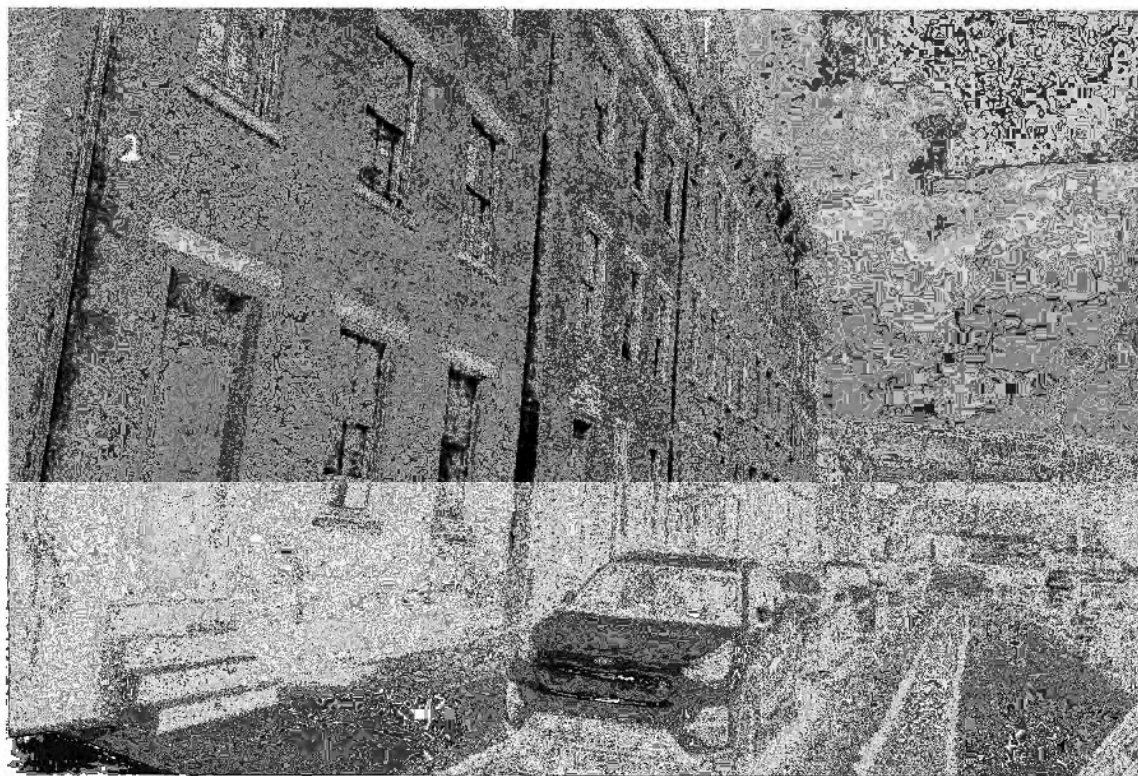
	Prior Delinquent	Adj. Delinquent	1st Half	Adj. 1st Half	2nd Half	Adj. 2nd Half
Charge	\$0.00	\$0.00	\$105.99	\$0.00	\$0.00	\$0.00
Interest/Penalty	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Paid	\$0.00		\$105.99		\$0.00	
Owed	\$0.00		\$0.00		\$0.00	

Special Assessment Detail for 55-385 CINCINNATI - OTR Special Improv Dist

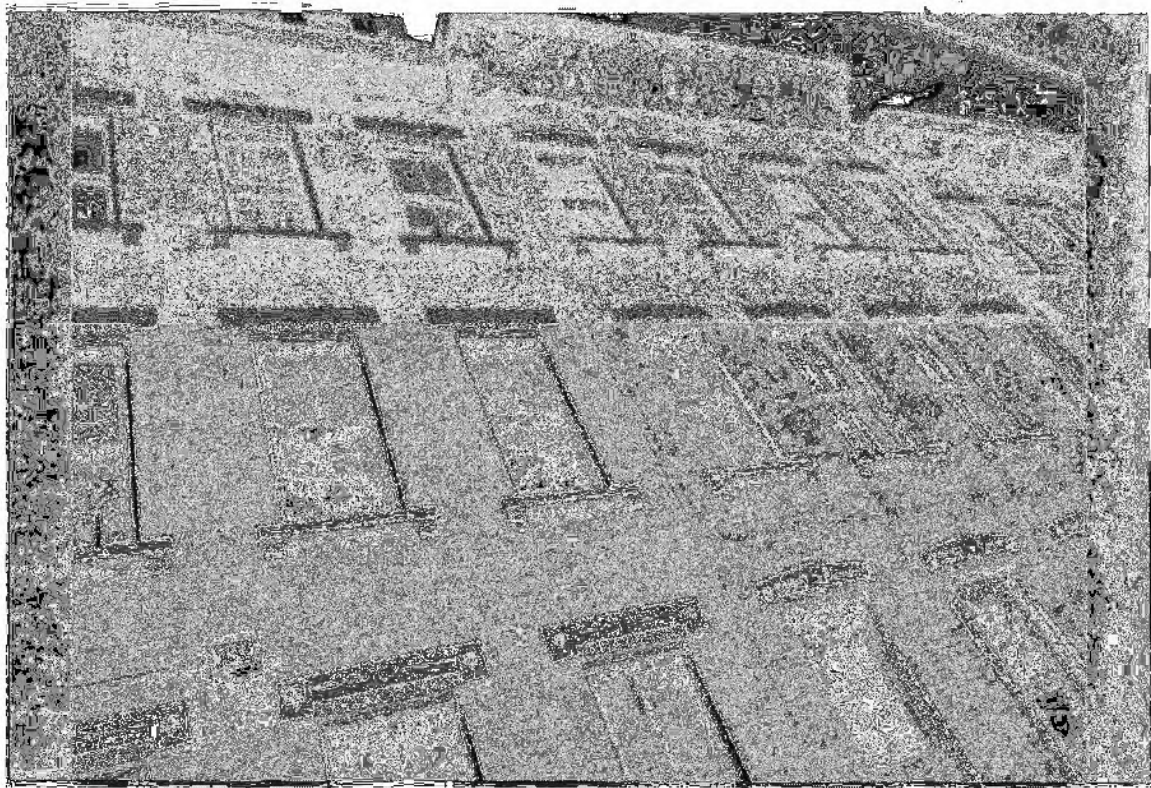
	Prior Delinquent	Adj. Delinquent	1st Half	Adj. 1st Half	2nd Half	Adj. 2nd Half
Charge	\$1,042.36	(\$1,042.36)	\$1,042.36	\$0.00	\$1,042.36	\$0.00
Interest/Penalty	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Paid	\$0.00		\$1,042.36		\$1,042.36	
Owed	\$0.00		\$0.00		\$0.00	

Payment Information for Current And Prior Year

Date	Half	Prior	1st Half	2nd Half	Surplus
6/21/2022	2 - 2021	\$0.00	\$0.00	\$1,042.36	\$0.00
1/31/2022	1 - 2021	\$0.00	\$1,148.35	\$0.00	\$0.00
6/21/2021	2 - 2020	\$0.00	\$0.00	\$1,042.36	\$0.00
1/31/2021	1 - 2020	\$0.00	\$1,148.35	\$0.00	\$0.00
1/31/2019	1 - 2019	\$0.00	\$105.99	\$0.00	\$0.00
1/31/2019	1 - 2018	\$0.00	\$105.99	\$0.00	\$0.00
1/31/2017	1 - 2017	\$0.00	\$95.99	\$0.00	\$0.00
1/31/2017	1 - 2016	\$0.00	\$95.99	\$0.00	\$0.00

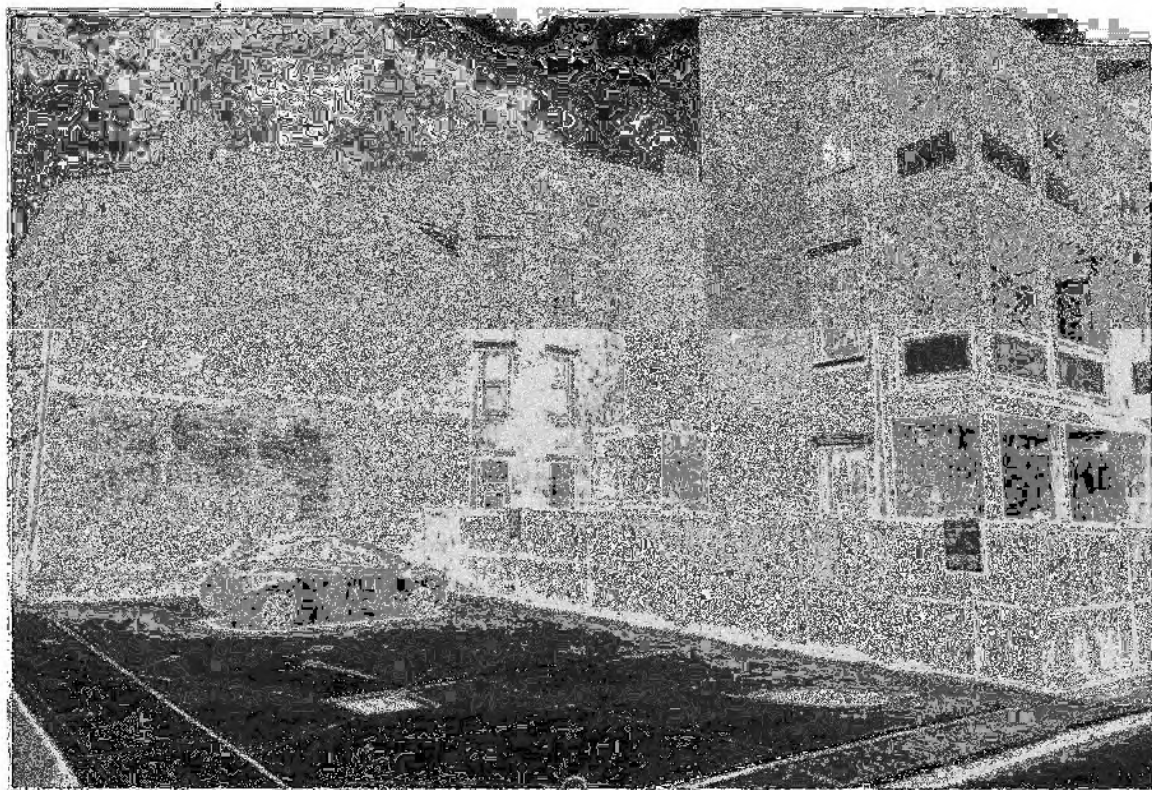


Architecture consistent w/ OTR





Gallery



(6) Off Street Parking Space

COUNTY AUDITOR ON LINE

Hamilton County Auditor David Rhoads

EXHIBIT

Online Property Access

< First << Prev Next >> Last > | RETURN TO SEARCH LIST Property 2 of 2

Parcel ID 081-0002-0179-00 Address 219 ODEON ST Index Order Parcel Number Tax Year 2021 Payable 2022

I Want To...

Start a New Search
Email the Auditor
View the Online Help
Auditor's Home


View:

Property Summary
Appraisal Information
Levy Information
Transfer
Value History
Board of Revision
Payment Detail
Tax Distributions
Images
Special Assessment/Payoff
Tax Lien Certificates
CAGIS Online Maps
Aerial Imagery
Owner Names

Print:

Current Page
Property Report

Property Information

Tax District	001 - CINTI CORP-CINTI CSD	Images/Sketches 
School District	CINCINNATI CSD	
Appraisal Area	01800 - OVER THE RHINE	
Auditor Land Use	680 - CHARITIES, HOSPITALS, RETIR	
Owner Name and Address	Tax Bill Mail Address	
OVER-THE-RHINE COMMUNITY HOUSING 114 W 14TH ST CINCINNATI OH 45202 (call 946-4015 if incorrect)	OTRCH 114 W 14th ST CINCINNATI OH 45202 (Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)	
Assessed Value	Effective Tax Rate	Total Tax
0	0.000000	\$2,190.71
Property Description ODEON ST 0.327 AC		

Appraisal/Sales Summary

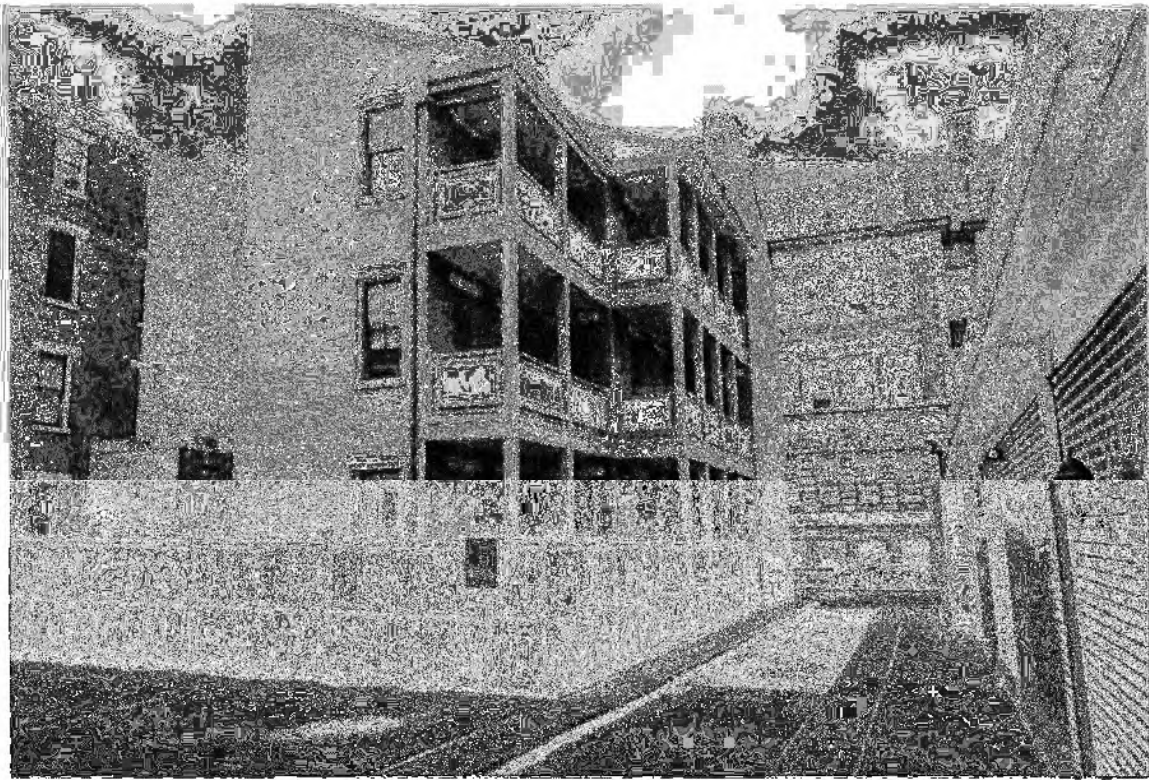
Year Built	1865
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Transfer Date	10/20/2009
Last Sale Amount	\$0
Conveyance Number	
Deed Type	WE - Warranty Deed (EX)
Deed Number	195315
# of Parcels Sold	1
Acres	0.327

Tax/Credit/Value Summary

Board of Revision	No
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	544,120
CAUV Value	0
Market Improvement Value	1,114,670
Market Total Value	1,658,790
TIF Value	0
Abated Value	0
Exempt Value	1,658,790
Taxes Paid	\$2,190.71
Tax as % of Total Value	0.000%

Notes

** 2/2/10 - BOUNDARY SURVEY VOIDING 180 THRU 194-ALL BLDGS MOVED F/VOIDED PARCELS TO #179 FOR 2010



out Door Court yard



[REDACTED]

Sent:
To:
Subject:
Attachments:

[REDACTED]

External Email Communication

Hi Stacey,

Attached please find a chart listing HCB Approved density Variances in OTR 2021.

- 1) The developer is asking for an increase from (14) occupants by code to (44) occupants.
- 2) This triple density is 200% greater than others granted in 2021/2022.
- 3) In 2020/2021 the Board approved (13) density requests totaling (69) units, which is an increase of 5.31 units per request.
- 4) The (3) unit increase is a 465% increase over the aver of 5.31 unit average.
- 5) The average density increase is 382 Sq. Ft./Unit.
- 6) 2000 Dunlap PSH is requesting a 227 Sq. Ft./Unit increase in density. The current code allows 700 Sq. Ft./Unit, which is 3X the increase in density.

Please add this information to the packet of material for the planning commission.

Thanks,
Jeff

Jeffrey L. Luggen, Vice President

CIA Company | Auctions | Acquisitions | Appraisals | Since 1961

513-241-9701 Office | 513-702-4554 Cell | jeff@cia-auction.com

Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

HBC Approved Density Variances in OTR 2021 - 2022 as Provided by Doug Owen										
No.	Staff Report	Case	Address	New Construction /existing	Sq. Ft. / Unit	Notes	Allowed	Approved	% Change	Unit Increase
1		ZH20210028	116 E McMicken	Existing	290	10 units = 290.5 sf/unit (existing 8 units. Allowed 5 units by code)	5	10	100%	5
2		ZH2021069	1120 Broadway	Existing	283	6 units=283 sf/unit (existing 5 units. Allowed 3 units by code)	3	6	100%	3
3		ZH20210083	2025 Vine Street	Existing	232	17 units= 232 sf/unit (vacant, allowed 7 units by code)	7	17	142%	10
4		ZH20210084	222 Mohawk St	Existing	488	5 units= 488 sf./unit (existing 4 units. Allowed 3 units by code)	3	5	67%	2
5		ZH20210118	1608 Elm St	Existing	400	5 units=400 sf/unit (vacant, allowed 4 units by code)	4	5	25%	1
6	B	ZH20210124	1684 Central Parkway	New Construction	312	32 units=312.5sf/unit (allowed 14 by code)	14	32	129%	18
7		ZH20210146	209 Wade St	Existing	495	4 units= 495sf/unit (allowed 3 units by code)	3	4	33%	1
8	A	ZH20210149	1712 Logan Street	New Construction	517	42 units= 517 sf/unit (allowed 31 by code)	31	42	35%	11
9		ZH20210174	1628 Walnut Street	Existing	332	5 units= 332 sf/unit (vacant, allowed 3 units by code)	3	5	66%	2
10		ZH20220025	118 Findlay St	Existing	312	8 units = 312.5 sf/unit (allowed 5 by code)	5	8	60%	3
11		ZH20220026	112-116 W Elder	Existing	301	16 units = 301 sf/unit (allowed 9 by code)	9	16	78%	7
12		ZH20220027	1338 Main St	Existing	389	11 units = 298.6 sf/unit (allowed 6 by code)	6	11	83%	5
13		ZH20220053	100 E. Clifton Av	Existing	624	7 units = 624 sf/unit (allowed 6 by code)	6	7	17%	1
		Totals:			4975		99	0	935%	69

Data for HBC Approved Density Variances in OTR 2021 - 2022 as Provided by Doug Owen

1) Total 69 Unit Approved in (13) Bldg. the Average Approval Increase of 5.31 Units per Request				
2) Total Percentage Increase of Approval is 935% Over (13) Bldgs. The Average Approval Increase per Request is 72%				
3) 2000 Dunlap PSH Asking for an Increase from (14) Units to (44) Units, A 214% Increase.				
4) The (30) Unit Increase is a 465% Increase over the Average of 5.31 Unit Average				
5) The Average Density Increase is 382 Sq. Ft. / Unit.				
6) 2000 Dunlap PSH is Requesting a 227 Sq. Ft. / Unit Increase in Density. The Current Code allows 700 Sq. Ft. / Unit. Which is 3X Increase in Density				

Hoffman, Stacey

From: Jeff Luggen <JEFF@cia-auction.com>
Sent: Tuesday, October 11, 2022 11:49 AM
To: Hoffman, Stacey
Subject: [External Email] Rear Setback
Attachments: 2000 Dunlap Street PSH Setback.pdf

External Email Communication

Stacey,

Attached please find language from Section 1400-27-S, the Cincinnati Municipal Code, that specifically describes setbacks.

Dunlap Street Properties owns the property on the North Boundary of this project. 2008 Dunlap Street. Without Notice changed the lots were switched from an East/West orientation to North/South Orientation. This makes the Northern Border the rear boundary of the property shared with 2008 Dunlap. The Municipal Code Section 1400-24-S discusses Minimum Separation Distance. Section 1400-24-S1 specifically describes the setback question. The district this building is located in is UM (Urban Mix District). It is in an Historic District-Over-the-Rhine overlay district. Residential uses are permitted by Section 1410-05 in UM district to have setbacks of:

- 0/10 (min/max) ft. front yard
- 0/0 ft. side yard
- 10 ft. rear yard set back

If the developer is granted to no rear yard setback it will:

1. Interfere with maintenance to our side of the building.
2. Interferes with our plans for the future development.
3. Excavation along the property may damage the foundation of our building. Our foundation and floor was damaged when the previous building was demolished in 1994.

Thanks,
 Jeff

Jeffrey L. Luggen, Vice President

CIA Company | Auctions | Acquisitions | Appraisals | Since 1961

513-241-9701 Office | 513-702-4554 Cell | jeff@cia-auction.com

Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

Jeff Luggen

From: David Collins <dcollins@preview-group.com>
Sent: Monday, June 20, 2022 2:56 PM
To: Jeff Luggen
Subject: Re: Setback Information

The setback requirements are set up as elements of the zone in which the property is located. This all laid out in the Zoning Code.

https://library.municode.com/oh/cincinnati/codes/code_of_ordinances?nodeId=TI

Administration - City Planning - Cincinnati

The Basics. The City of Cincinnati's zoning laws regulate the use and development of all land within the City of Cincinnati. These laws are a prerequisite for all building permits, but they apply even if a building permit is not required.

www.cincinnati-oh.gov

Section 1400-27-S discusses Minimum Separation Distance. Section 1400-27-S1 specifically describes the setback question. The district this building is located in is UM (Urban Mix District). It is in an Historic District-Over-the-Rhine overlay district.

Residential uses are permitted by Section 1410-05 in a UM district to have setbacks of 0/10 (min/max) ft. front yard, 0/0 ft. side yard, 10 rear yard.

Corner lots have setback criteria in 1400-27-S1 that states:

Vacant Abutting Lots and Corner Lots. When one abutting lot is vacant, the average is of the setback of the abutting non-vacant lot and the required setback for the vacant lot. When the subject lot is a corner lot, the average is of the setback of the abutting non-vacant lot and the required setback of the subject lot.

This is where your argument is founded.

Dave

[REDACTED]

Sent:
To:
Subject:
Attachments:

[REDACTED]

External Email Communication

Hi Stacey,

Attached please find an email from David Foust, Director of Multifamily Housing of Ohio Housing Finance Agency.

He stated in his June 9th email that the 2000 Dunlap Street PSH development can be relocated. He states "On page 44 of the Qualified Allocation Plan you will find information regarding Special Allocations. In short: Special Allocation scenarios may occur if a development is unable to proceed due to the actions of unrelated parties. The developer may apply for a special allocation of credits within three years following the return of their original allocation of competitive tax credits."

Please include this information in the information package for the planning commission.

Thanks,
Jeff

Jeffrey L. Luggen, Vice President

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513-241-9701 Office | 513-702-4554 Cell | jeff@cia-auction.com

Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

We open the doors to an affordable place to call home.

Exhibit H

This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

From: Jeff Luggen <JEFF@cia-auction.com>
Sent: Tuesday, June 7, 2022 11:32 AM
To: Foust, David <DFoust@ohiohome.org>
Subject: 2000 Dunlap Street PSH Project

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to or click the Phish Alert Button if available.

Hi David,

If HCB does not approve the variances for the 2000 Dunlap Street, can OTRCH use the approved funding for another location?

Can you send me a Scoring Criteria for the PSH project?

When will the neighborhood opposition be able to voice their opinion?

Thanks for your help,

Jeff

Jeffrey L. Luggen, Vice President
CIA Company | Auctions | Acquisitions | Appraisals | Since 1961
513-241-9701 Office | 513-702-4554 Cell | jeff@cia-auction.com
Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

Jeff Luggen

From: Jeff Luggen
Sent: Friday, June 24, 2022 6:47 AM
To: Jeff Luggen
Subject: Fwd: 2000 Dunlap Street PSH Project

Sent from my iPad

Begin forwarded message:

From: "Foust, David" <DFoust@ohiohome.org>
Date: June 9, 2022 at 2:36:06 PM EDT
To: Jeff Luggen <JEFF@cia-auction.com>
Subject: RE: 2000 Dunlap Street PSH Project

Jeff,

Sorry for the delay. I was recently out of the office for unexpectedly.

The answer to your first two questions can be found in our QAP:
<https://ohiohome.org/ppd/documents/2022-2023-QAP.pdf>

On page 44 you will find information regarding Special Allocations. In short: Special Allocation scenarios may occur if a development is unable to proceed due to the actions of unrelated parties. The developer may apply for a special allocation of credits within three years following the return of their original allocation of competitive tax credits.

On page 41 you will find the scoring criteria for Service-Enriched Housing.

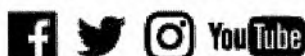
Opponents of a particular development are permitted to speak at the OHFA Multifamily Committee meeting during which the Committee is presented the project in question. As I said before, we do not have a date when this project will be presented to the Multifamily Committee just yet. It will likely be sometime late fall or winter this year when the project is ready to go in front of the committee.



David Foust / Director of Multifamily Housing

Ohio Housing Finance Agency
 57 E Main Street Columbus OH 43215
 Phone 614.387.1646
 Email DFoust@ohiohome.org
www.ohiohome.org

STAY CONNECTED...





2022-2023

Qualified Allocation Plan

V. POST-AWARD AND PROJECT ADMINISTRATION

A. BINDING RESERVATION AGREEMENT

OHFA will send Binding Reservation Agreements to the contact person indicated in the proposal application. OHFA must receive the original Binding Reservation Agreement and Election Statement, a reservation fee equal to 6% of the reservation amount, and any additional documentation indicated in the agreement by the date indicated in the Program Calendar.

B. WAITING LIST

OHFA will place applications that do not receive an award on a waiting list.

C. PRE-PLACED IN SERVICE PROPERTY, OWNERSHIP, AND/OR MANAGEMENT CHANGES

OHFA must approve all development changes and may require new application, processing fee, public notification letters. OHFA may reduce or revoke a reservation of HTC's if changes are made without prior approval or if applicants fail to complete a development as approved.

OHFA may allow the admission of an additional General Partner after HTC award based on a letter from the owner's legal counsel confirming the new General Partner will:

- own no more than 24% of the General Partner shares;
- materially participate in the development;
- gain little or no financial benefit from the development; and
- not count the development toward their experience in future OHFA applications.

D. SPECIAL ALLOCATION

An owner of a development that is unable to proceed may seek a special allocation of HTC's in the current year. An applicant must meet all of the following requirements:

1. The applicant must have received an allocation of Competitive HTC's from OHFA in a previous year. The owner must have returned the allocation or OHFA must have revoked it prior to the required placed-in-service date.
2. The underlying reason for the inability of the development to proceed must relate to actions by unrelated parties that affect the purchase of the site, plan approval or building permit issuance.
3. The applicant must obtain a final legal judgment in favor of the owner, a settlement among the parties (including, but not limited to, HUD, USDA Rural Development, a local government or property owner) that will enable the development to proceed, or other documentation as permitted by OHFA evidencing an imminent resolution.
4. The applicant must complete a current year application. Any monetary damages received that are related to the development, less direct costs of litigation apportioned between damages that are related and unrelated to the development, must be pledged to the development.
5. The request must be submitted no later than three years after the previous allocation was returned or revoked.

[REDACTED]

Sent:
To:
Subject:
Attachments:

[REDACTED]

External Email Communication

Hi Stacey,

Attached please find historical information regarding our building at 2008 Dunlap Street / Colby Alley.

The historically significant portion of the building is located along Colby Alley as explained in the report. It is our belief that this was missed by the initial OTR National and Local Historic District designation. We believe that this is a contributing building and we intend to apply to receive a historic designation. The 2000 Dunlap Street developer has listed this as a non-contributing building, which we feel is incorrect.

Please include this in your paperwork.

Thanks,
Jeff

Jeffrey L. Luggen, Vice President

CIA Company | Auctions | Acquisitions | Appraisals | Since 1961

513-241-9701 Office | 513-702-4554 Cell | jeff@cia-auction.com

Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

2008 Dunlap Street / Colby Alley Building
Cincinnati, Ohio 45214

2008 Dunlap Street is essentially (2) buildings that were built at different times then connected. The newer front half of the building which fronts on Dunlap Street, was constructed in the 1950's. It's block construction with a large garage door. The rear half of the building which fronts on Colby Alley, was built in the early 1900's. There is a unique Cast Iron Façade which faces Colby Alley. Brick construction on the rear and North side. The North side has space for (3) windows with limestone lentils and sills. This building was occupied by the FJ Brinkman Manufacturing Company and the Tri-Kol Manufacturing Company until the 1948. It was used for a machine shop and light manufacturing. On the 1930 Sanborn Insurance Map it was identified as "Machine Shop." Attached please find a report prepared by Digging Cincinnati History, Ann Senefeld. The owners believe this is a contributing building to the historic fabric of OTR. The Owners intend to restore the Colby Alley façade. The North and South walls and windows. Restore the tile coping on the parapet wall roof line. Please see the attached exhibit from Digging Cincinnati History.

We, the Owners, of the 2008 Dunlap building request that HCB does not grant the variance to eliminate the 10' setback. If the setback is eliminated, it will interfere with our future plans of development and the maintenance and repairs of our building. Our foundation and floors were damaged when the 2000 Dunlap Street building was demolished in 1994. Excavation along the property line may damage our foundation again.

Dunlap Street Properties, LLC

2008 Dunlap Street



Report prepared by:

Ann Senefeld

© 2022

All information herein believed accurate but not guaranteed.

Cover Photo – Provided by Client

DEED

GENERAL INDEX

Fees \$1.25

Number 3

Date DEC. 22nd.

19 22.

6th Series

Bk. 28 P. 94

From MINA GERST

To FREDERICK J. BRINKMAN ET AL. Know All Men by These Presents:

That Mina Gerst, only child and sole devisee and heir at law of Wilhelm Guentsch and
 Wilhelmina Guentsch, deceased,

in consideration of One (\$1.00) Dollar and other good and valuable consideration
 to her paid by Frederick J. Brinkman and Charles Brinkman,
 and Convey to the said Frederick J. Brinkman and Charles Brinkman, their heirs, successors and assigns forever,

All that certain parcel of land situated in the County of Hamilton and State of Ohio,
 being in Section 13, Township 3, Fractional Range 2, to-wit:-

All of Lot 26 of James C. Ludlow's Subdivision in Block M of Findley and Garrard's Sub-
 division, same having a frontage of twenty-five (25) feet on the east side of Dunlap Street
 and a depth of one hundred (100) feet to a ten (10) foot alley and being the same premises
 conveyed to Wilhelm Guentsch by deed recorded in Deed Book 422, Page 425, Hamilton County,
 Ohio, Deed Records.

and all the Estate, Title and Interest of the said Mina Gerst,
 either in Law or Equity of, in and to the said premises; Together with all the privileges and appurtenances to the
 same belonging, and all the rents, issues and profits thereof; To have and to hold the same to the only proper use of the said
 Frederick J. Brinkman and Charles Brinkman, their

And the said Mina Gerst

heirs, successors and assigns forever.

for herself and her
 successors, does hereby Covenant with the said Frederick J. Brinkman and Charles Brinkman, their heirs, executors and administrators,

heirs, successors and assigns, that she is the true and lawful owner of the said premises, and
 has full power to convey the same; and that the title so conveyed is Clear, Free and Unincumbered; And further, that she
 does Warrant and Will Defend the same against all claim or claims, of all persons whomsoever;
 Except taxes payable after date hereof which grantees assume and agree to pay.

IN WITNESS WHEREOF, The said Mina Gerst, widow,

who hereby release all rights and expectancy of Dower in the said premises, has hereunto set her
 hand this twenty-second day of December in the year

Signed and acknowledged in presence of

Mina Gerst

A. B. Roessler

Mina Gerst

(24.50 U.S.I.R. Stamps)
 (Cancelled)

The State of Ohio

Be it Remembered, That on this twenty-second day of December, 1922, in the year of our Lord, one thousand nine
 hundred and twenty-two, before me, the subscriber, a Notary Public, in and for said county, personally
 came Mina Gerst, the grantor in the foregoing

Deed, and acknowledged the signing thereof to be her voluntary act and deed
 day and year last aforesaid. A. B. Roessler Notarial

Received for Record DEC. 22nd, A. D. 1922, at 3.02 P. M.
 Notary Public, in and for Hamilton County, Ohio.

Copied by Edw. S. Townsend



2008 Dunlap Street

Address Prior to 1896 - 32 Dunlap Street

Hamilton County Auditor and Recorder Information

Parcel ID: 096-0005-0120-00

Year Built: 1915

Property Description: 2008 DUNLAP ST 25 X 100 LOT 26 JAMES C LUDLOWS SUB

Index to Deeds

INDEX TO 1st SERIES (1789-1859)

466

DEEDS *Blocks M & N Findlay & Garrard's Sub*

GRANTOR	GRANTEE	Book	Page	DESCRIPTION
<i>Findlay Jas</i>	<i>Jeppha D Garrard</i>	<i>47</i>	<i>14</i>	<i>White Block</i>
<i>Garrard Jeppha D</i>	<i>Jas C Ludlow</i>	<i>56</i>	<i>31</i>	<i>Same</i>
<i>Ludlow Jas C per Adam Clemens Rabe</i>	<i>per record</i>	<i>91602</i>	<i>Lot 26 on</i>	<i>Ludlow's plat</i>
<i>... issuing from ...</i>	<i>per record</i>	<i>120</i>	<i>114</i>	<i>Lot 26 on Jordan's plat</i>
<i>Rabe Clemens</i>	<i>Leo Walter</i>	<i>1386</i>	<i>43</i>	<i>" 26 on Ludlow's plat</i>

DB 138/643 destroyed in courthouse fire

INDEX TO 2nd SERIES (1859-1871)

None

INDEX TO 3rd SERIES (1871-1886)

446

DEEDS, BLOCK "M", FINDLAY AND GARRARD'S SUBDIVISION

GRANTOR	GRANTEE	BOOK	PAGE	DESCRIPTION
<i>Walters, G. Heirs, per Sheriff.</i>	<i>Wm. Guritch</i>	<i>422</i>	<i>425</i>	<i>Lot 26.</i>

\$5,830; 1873

INDEX TO 4th SERIES (1886-1903)

None

INDEX TO 5th SERIES (1903-1918)

None

INDEX TO 6th SERIES (1918-1927)

94

DEEDS

Pindley & Garrard's Subd'n Block "M" & "N"

GRANTOR	GRANTEE	Book Page	DESCRIPTION
12/22/22 Greutsch, Wilhelm, Est. of Affidavit as to		1255.560 Lot 26	1255.560 Lot 26
Gerst, Mina 12/22/22 F.J. & C. Brinkman		1279.556 Lot 26 Block M	1279.556 Lot 26 Block M

INDEX TO 7th SERIES (1927-1939)

58

PLAT IN DEED BOOK 88 PAGE 574

DEEDS

LOTS 21 TO 30
LOTS 31 TO 40
BLOCK SQUARE

GRANTOR	GRANTEE	BOOK PAGE	LOT NO.	DESCRIPTION
BRINKMAN, FREDERICK J. & CHARLES JUL 15 1938	Charles Brinkman	1779	43, 26	
BRINKMAN, ROSEN ET AL OCT 15 1938	Charles Brinkman	1793	30, 26	

INDEX TO 8th SERIES (1939-2003)

See Ownership Card

BRINKMAN, FREDERICK J. & CHARLES
BRI-9 96 5 120
2008 DUNLAP ST.
25 X 100 LOT 26
JAS. C. LUDLONS SUB. (9)

DATE
NO. DA. YR.

TRANSFERRED TO PRESENT OWNER

3	15	38	BRINKMAN CHARLES
10	2	43	BAKER, THELMA
4	15	46	BIRCHMAN, ELYRA LOLA
6	13	46	KOLODZIE, WALTER & PAUL TRITICH
12	27	48	NIELANDER, JOSEPH R2
4	19	54	ZIEGLER, DANIEL, ET AL
4	24	62	DUNLAP REALTY
5	16	73	ZIEGLER LINEN & UNIFORM SERVICE CORP.
12	29	76	DONNELSON, EDWARD J. JR
3	30	77	KELLY, LAWRENCE J. & MARY JANE

TAX CODE

BOOK	PLAT	PARCEL	DATE	CUT-UPS	BALANCE	VALUATIONS	CHANGES	CUT-UP OUT OF PARCEL	
NO.	DA.	YR.	PARCEL	FEET OR ACRES	FEET OR ACRES	LAND	BUILDINGS	TOTAL	DOCU. NO.
						850	2030	2880	
						680	2030	2710	
						70	200	270	
						750	2230	2980	
						810	3790	4600	
						810	3790	3790	1957/10/13 off 4 70
						810	3710	3710	1977 F.B.
						810	3710	4520	
						520	4630	5150	
						1360	4510	5870	
						1260	4480	5740	
						1200	4260	5460	
						1290	4970	6260	
						1290	4970	6260	
						1290	7460	8750	
						1290	7460	8750	

REMARKS:

CENSUS TRACT.

SKETCH OF LAND

Form No. 1-1937-250M

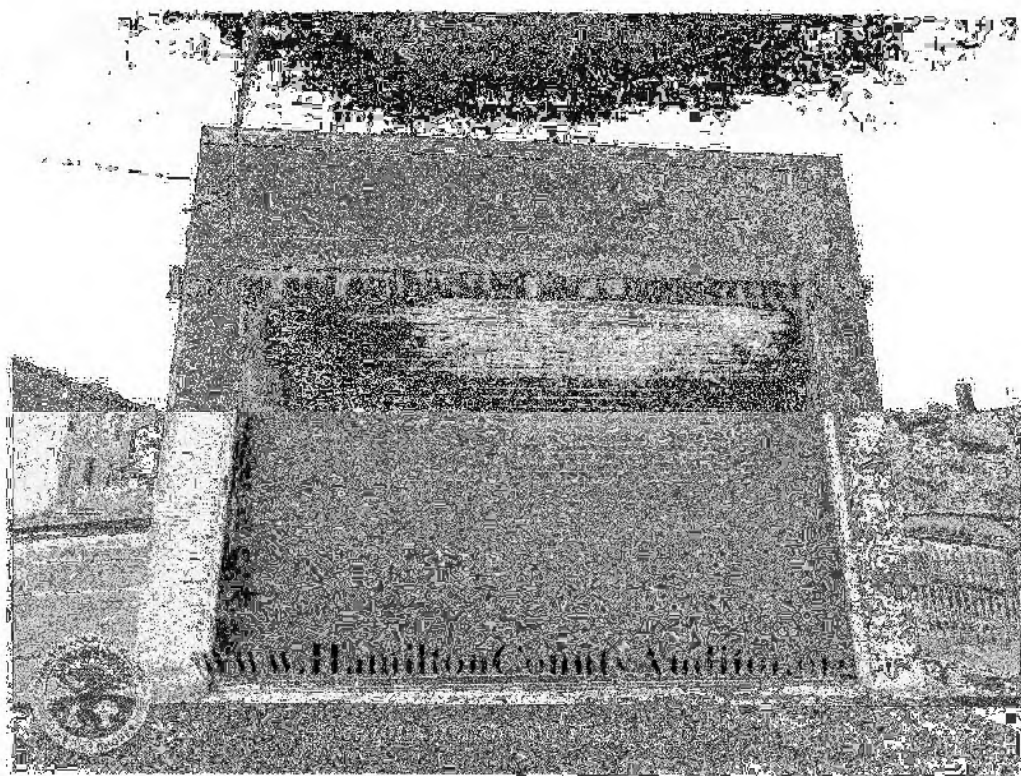
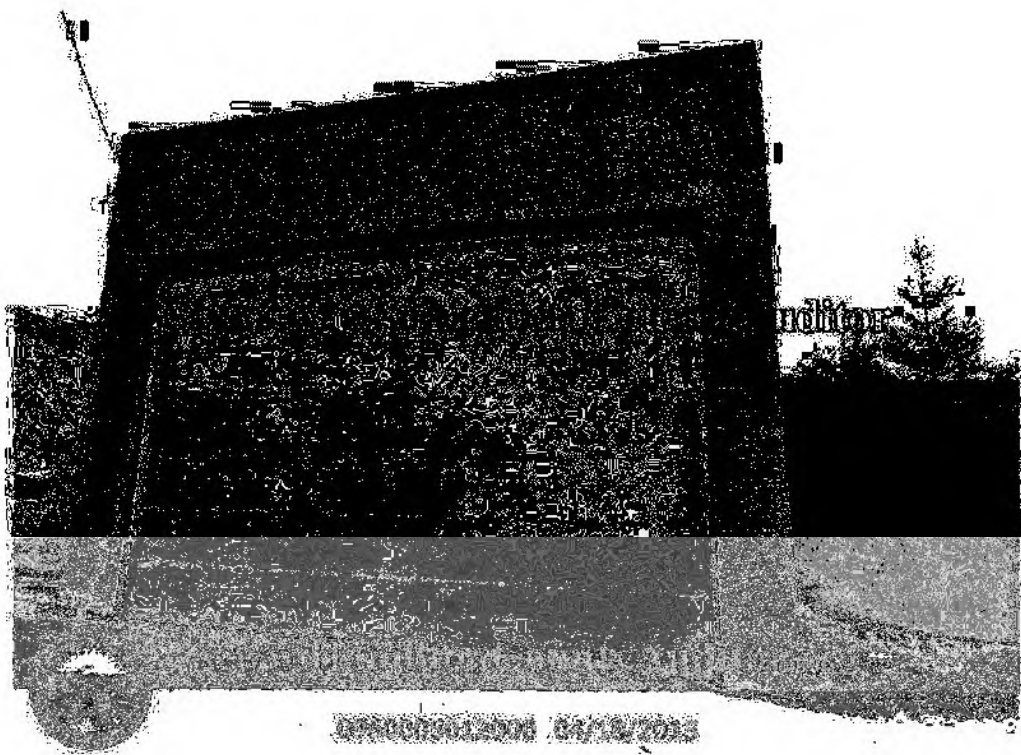
Transfer History – Hamilton County Auditor

Year	Conveyance #	Selling Price	Transfer Date	Previous Owner	Current Owner
2005	30951	27,000	3/25/2005	KELLY LAWRENCE J TR	2008 DUNLAP STREET LLC
2005		0	3/25/2005	KELLY MARY J TR	KELLY LAWRENCE J TR
2003	0	0	4/30/2003	KELLY LAWRENCE J	KELLY MARY J TR
1990	0	0	1/1/1990	KELLY LAWRENCE J & MARY	KELLY LAWRENCE J
1977	0	0	3/1/1977	SEE OWNERSHIP CARD	KELLY LAWRENCE J & MARY

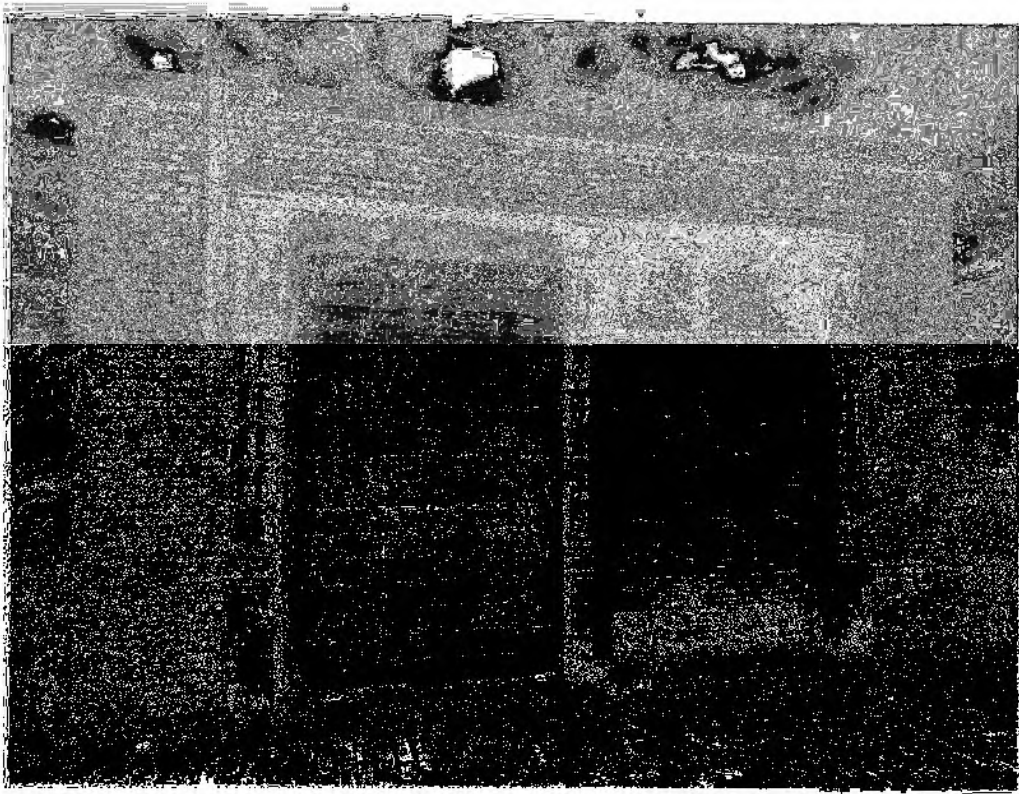
Hamilton County Auditor Photos

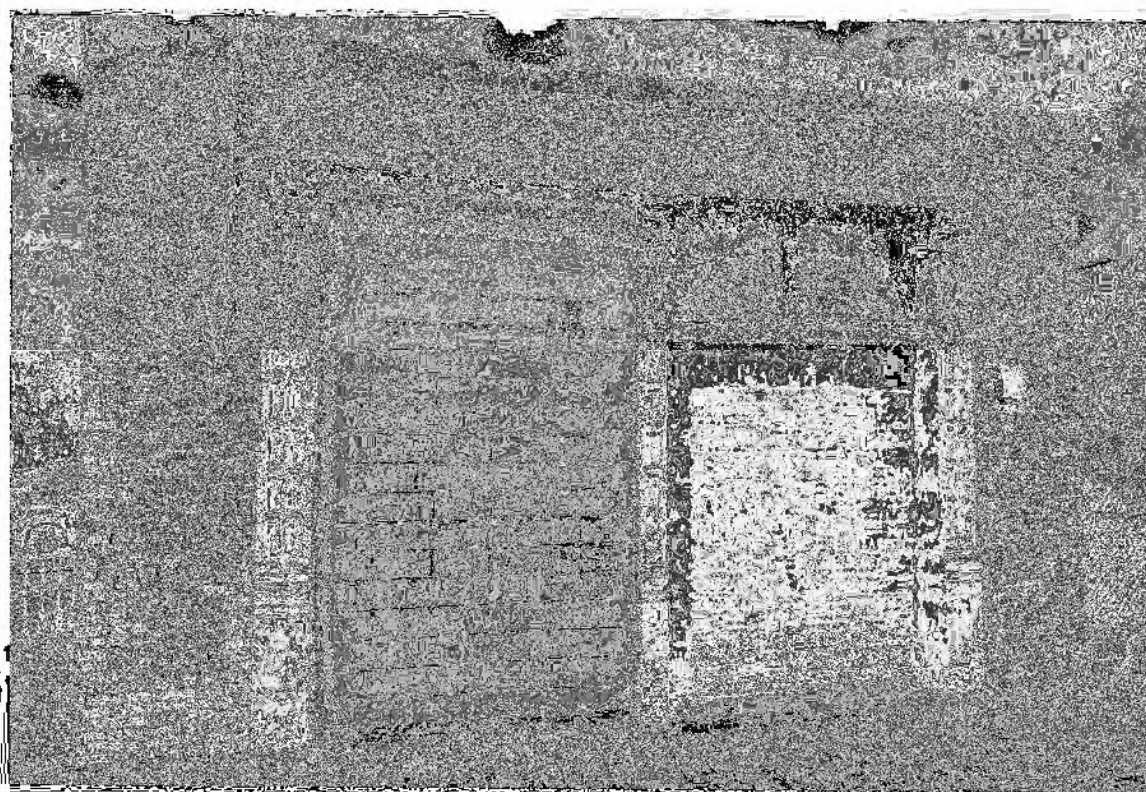
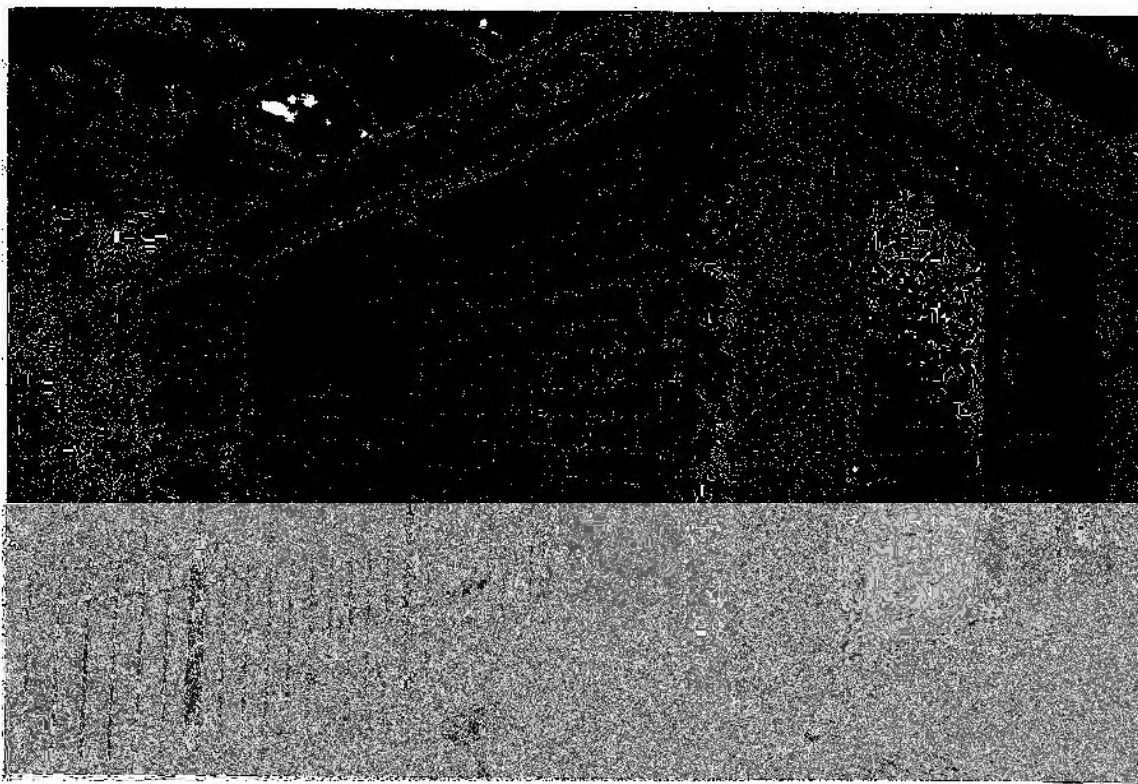


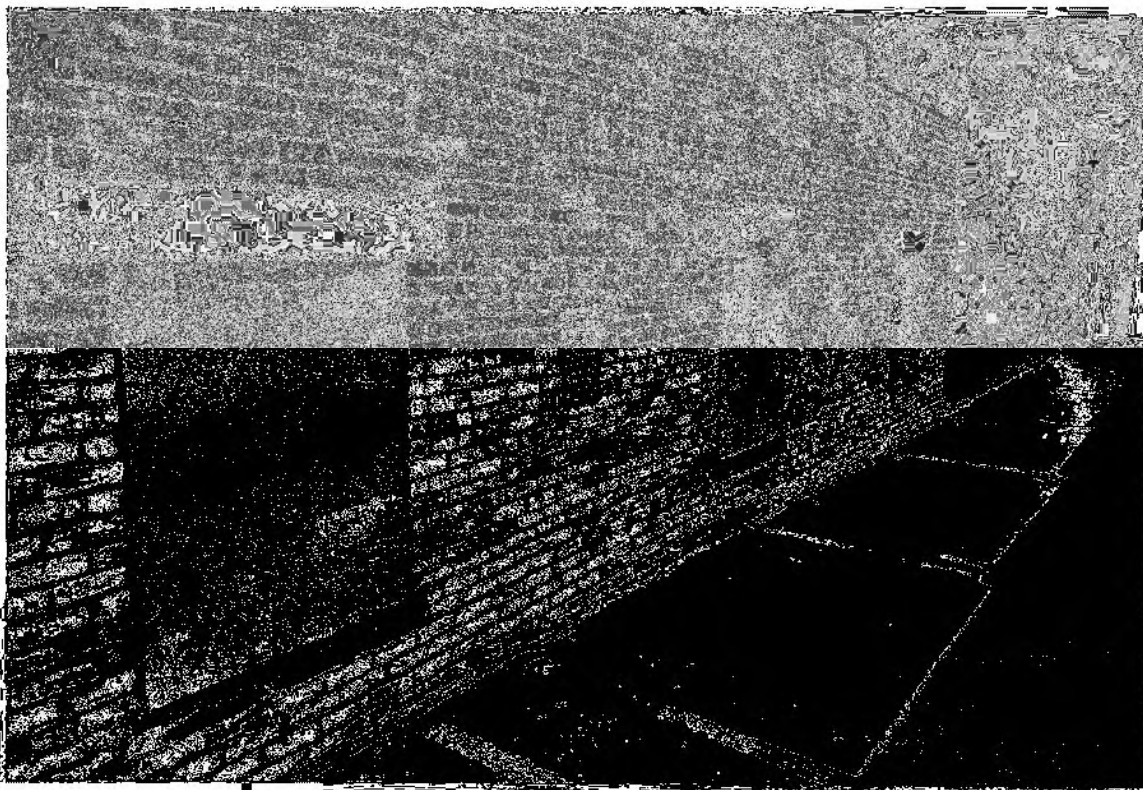
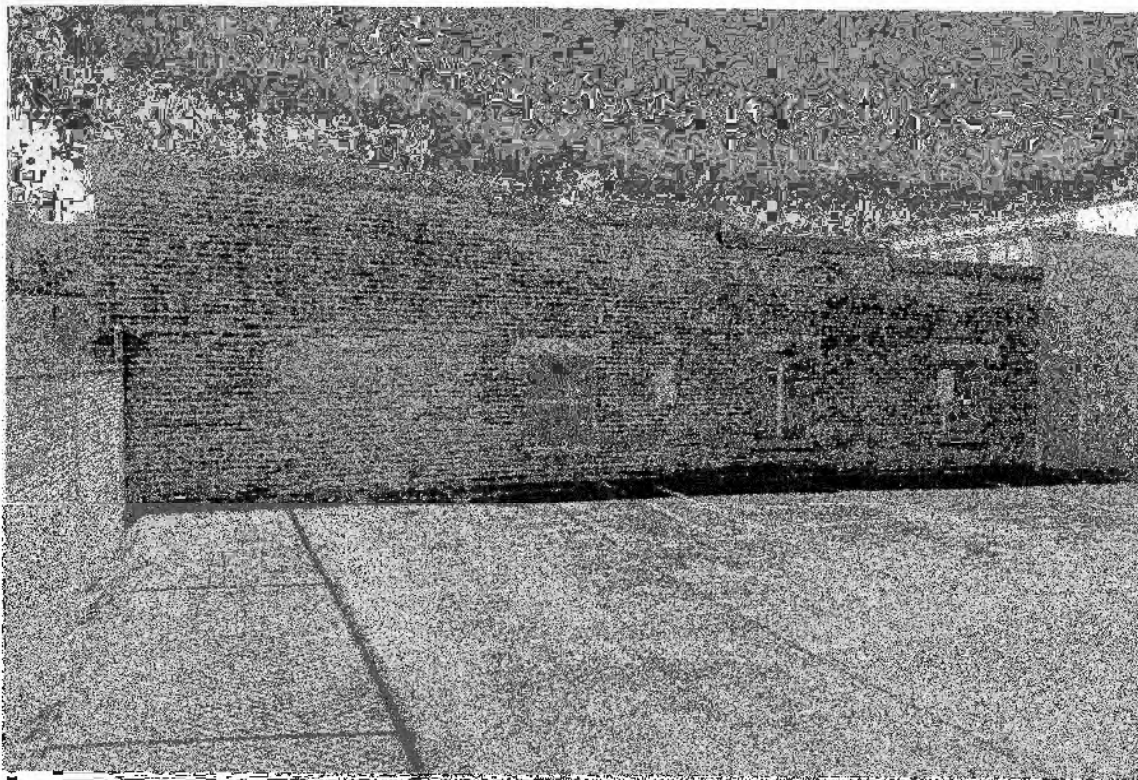
1993



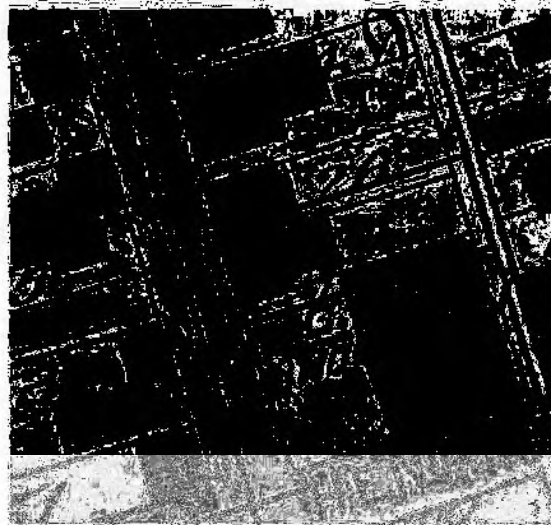
2022 Photos



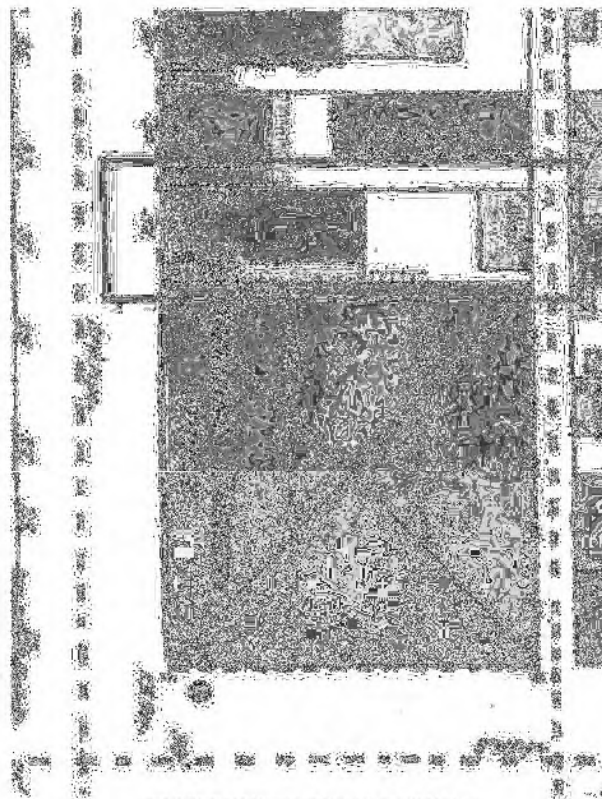




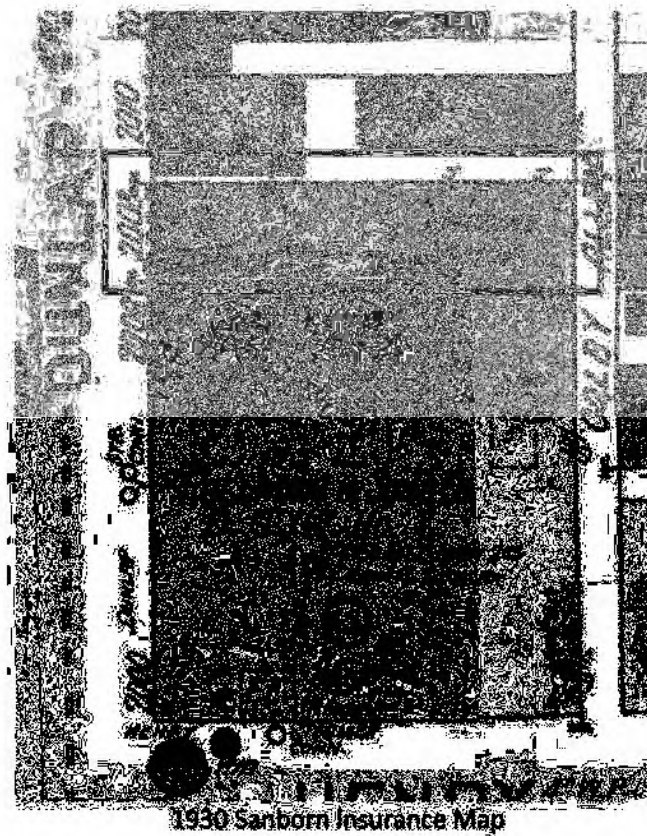
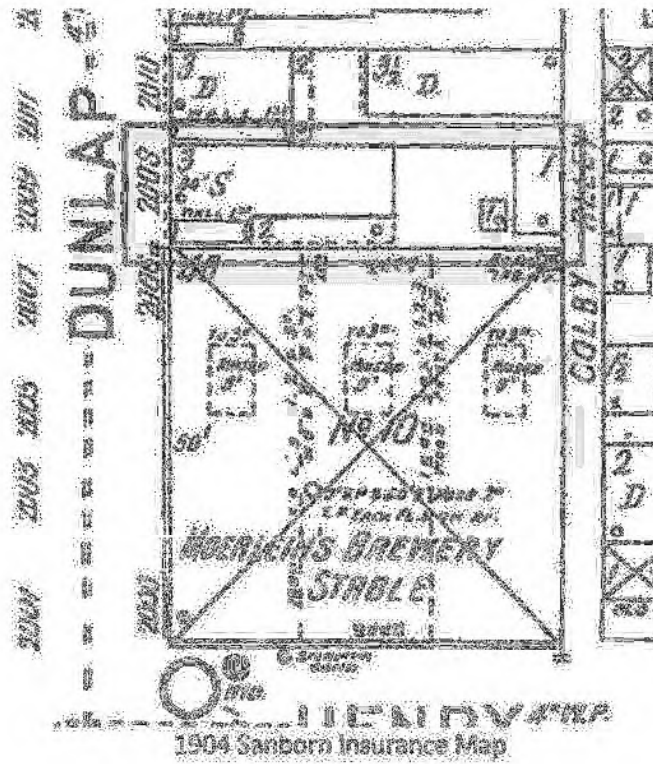
Maps

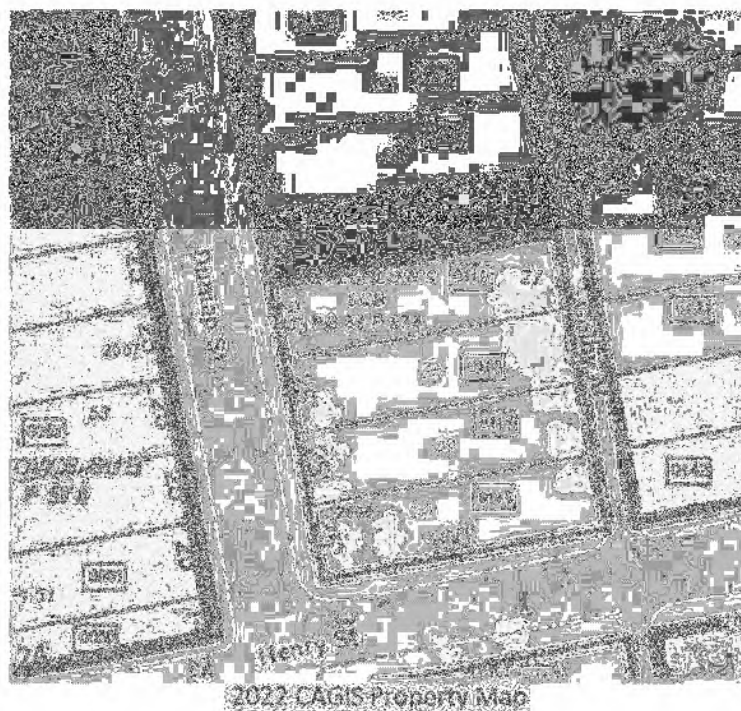
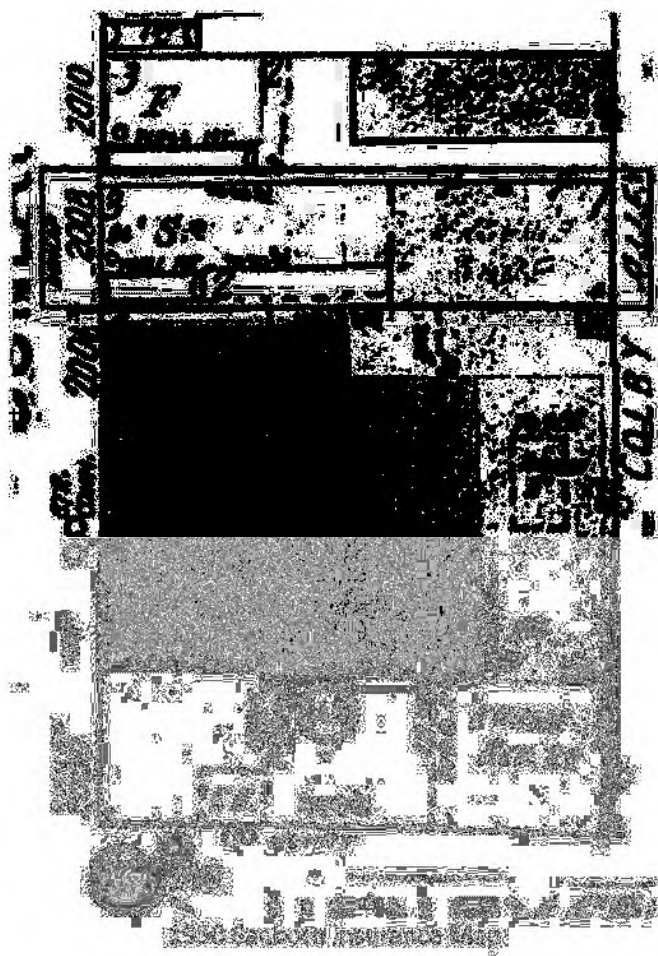


1883-1884, Atlas of the City of Cincinnati, Ohio from official records, private plans & aerial surveys.
Robinson, Fiske & Fideens, Roger H.
Yellow indicates a frame structure. Pink indicates a brick structure.



1891 Sanborn Insurance Map
Yellow indicates a frame structure. Pink indicates a brick structure. Blue indicates a stone structure. Green indicates a wooden special structure.





2022 CAGIS Property Map

City Directories

1850-1851

Walter Valentine, grocer, e. s Dunlap n. of Cooper

1856

Walter Geo. lab. 32 Dunlap

1860

Steckner John, grocery, 32 Dunlap

1865

Ammann Benedict, grocer, 32 Dunlap

Hauch Martin, tanner, h. 32 Dunlap

Jauch Jacob, finisher, h. 32 Dunlap

Schwecke Mrs. E. h. 32 Dunlap

Weiss, lab. h, 32 Dunlap

1870

Conrad Geo. currier, h. 32 Dunlap

Conrad Val. shoe mkr. h. 32 Dunlap

Gradolph Jacob, lab. h. 32 Dunlap

Guentsch Wm, grocery, 32 Dunlap

Jauch Martin, tanner, h. 32 Dunlap

Weis Jacob, lab. h. 32 Dunlap

1875

Flick B. Fred, blksmith, h. 32 Dunlap

Frick Henry, apprentice, bds. 32 Dunlap

Gehring Henry, brewer, bds. 32 Dunlap

Guentsch Millie. bds. 32 Dunlap

Guentsch Wm. grocer, 32 Dunlap

Guitermann Geo. brewer, h. 32 Dunlap

Walter Mary, widow, h. 32 Dunlap

1880

Guentsch Wm. grocery, 32 Dunlap

Noll Geo. butcher, h. 32 Dunlap

Schroeder Geo. blksmith, h. 32 Dunlap

Strunck Fred. jr. tanner, h. 32 Dunlap

Strunck Fred. sr. tanner, h. 32 Dunlap

1885

Gerst August, brewer, h. 32 Dunlap

Guentsch Wm. grocery, 32 Dunlap

Gushurst Frank, butcher, h. 32 Dunlap

Haller Alex, engineer, h. 32 Dunlap

Huller Alex, foreman, 12 Poplar, h. 32 Dunlap

Satzger Edward, mach. hand, h. 32 Dunlap

1890

Gerst August, brewer, h. 32 Dunlap

Goetze Ernst, brewer, h. 32 Dunlap

Guentsch Mrs. Wm. grocery, 32 Dunlap

Schorr Adam, brewer, h. 32 Dunlap

1895

Gerst Minnie, clk. 32 Dunlap

Guentsch Mrs. Wm. grocery. 32 Dunlap

Sauer Anna, tailoress, h. 32 Dunlap

"Lena, wid. John, h. 32 Dunlap nr Henry

Schorr Adam, brewer, h. 32 Dunlap

1900

Guentsch Minnie, (wid. Wm.) grocery, 2008 Dunlap

Haller Catharine, wid. Henry, h. 2008 Dunlap

Sauer Chas. mantelmkr. h. 2008 Dunlap

" Lena, wid. Chas. h. 2008 Dunlap

Weaver Claude C. mach. band, h. 2008 Dunlap

"Howard M. lab. h. 2008 Dunlap

" Murray, lab. h. 2008 Dunlap

1905

Gerst Minnie (wid August) grocery 2008 Dunlap

—Nettie J with The John Shillito Co h 2008 Dunlap

Haller Catharine wid Henry h 2008 Dunlap

Heymann Bernardina wid Alex h 2008 Dunlap

—Jos A lab h 2008 Dunlap

Schwartz John C salesman h 2008 Dunlap

1910

Gerst Alma C clk h 2008 Dunlap

—Augusta E seamstress h 2008 Dunlap

—Minnie (wid August) grocery 2008 Dunlap

—Nettie J with The John Shillito Co h 2008 Dunlap

—Wm A cutter h 2008 Dunlap

Haller Catharine wid Henry h 2008 Dunlap

Laux Chas E driver h 2008 Dunlap

Schott Chas A bartdr h 2008 Dunlap

1915

Gerst Alma C clk h 2008 Dunlap

—Augusta E forelady Merit Cloak & Suit Co h 2008 Dunlap

—Minnie (wid August) grocery 2008 Dunlap

—Wm A cutter h 2008 Dunlap

Haller Catharine wid Henry h 2008 Dunlap

1920

Gerst Alma C clk h 2008 Dunlap
 —Gussie forelady 3d fl n w c 3d and Race h 2008 Dunlap
 Gerst Minnie (wid August) grocery 2008 Dunlap
 —Nettie J with The John Shillito Co h 2008 Dunlap
 —Wm A cutter h 2008 Dunlap
 Haller Mary h 2008 Dunlap

1923

Brinkman F J Mfg Co (Fred J Brinkman) iron work 2008 Dunlap
 Parse David helper h 2008 Dunlap
 Rubner Therese h 2008 Dunlap

1930-1931

Brinkman F J Mfg Co (Fred J Brinkman) Iron work 2008 Dunlap
 Carroll Daniel solicitor h 2008 Dunlap
 Fister Carl h 2008 Dunlap
 —Herbert chauffeur h 2008 Dunlap
 —Michael peddler h 2008 Dunlap

1935

Brinkman F J Mfg Co (Fred J Brinkman & Chas Brinkman) iron work 2008 Dunlap
 Flster Carl h 2008 Dunlap
 -Herbert chauffeur h 2008 Dunlap
 -Michael peddler h 2008 Dunlap
 -Michael P h 2008 Dunlap
 Rubner Mrs Teresa h 2008 Dunlap

1940

2008 Vacant store
 Miller Edgar
 Flster Michl

1945

2008 Vacant store
 Fister Michl

1949

2008 Claycrafters Toy Co

1955

2001-09 Emmert F L Co gra
 2008 Vacant
 20100 Walz Sherman Co

1959

2008 Ziegler Towel Sup (whse)

Cincinnati Enquirer Articles

The F. J. Brinkman Ornamental Iron and Wire Works Company, with a plant on Corwine street, is to be converted into a corporation with a capital of \$10,000, and to be known as The F. J. Brinkman Manufacturing Company. * *

Oct 10, 1909; p. 21

Shop.

BOY—For light shop work. 2008 Dunlap street.

Sep 14, 1924; p. 49

NEW folding wire window box; fine for plants or outside rack; \$1.75 pc. FACTORY, 2008 Dunlap st. 12

Dec 11, 1926; p. 18

ORNAMENTAL WIRE AND IRON WORK. BRINKMAN, F. J., MFG. CO. Ornamental wire and iron work, bank and office railings, etc. 2008 Dunlap. Canal 4416.

Nov 15, 1927; p. 30

NORTHERN LIBERTIES Estate of Frederick J. Brinkman to Charles Brinkman. 25 by 100 feet on east side of Dunlap Street, being Lot 26 in James C. Ludlow's Subdivision. \$1 (tax \$1) PRICE \$111. Call 4416 for Sheriff.

Mar 16, 1938; p. 22

CITY—2008 S. Dunlap st.; 25x100 for storage or mfg. Call Monday bet. 9-12.

Sep 8, 1940; p. 50

2 garages. PA 0127-0010. MOHAWK—2008 Dunlap; store and 10 rooms; workshop 25x50 feet, all brick; 4-family; ideal shop and investment.

Nov 9, 1941; p. 45

MOHAWK—2008 Dunlap; store, middle room and workshop; 25x50, clear floor; 3 flats above; real bargain. PA 3922.

Mar 8, 1942; p. 47

CITY—2008 Dunlap; store, shop 24x50 and 10 rooms; ONLY \$2,900. PA 3922.

Jan 31, 1943; p. 40

PRINTING PRESS, small, with type and type case; pipe dies, two cutters and vice. 2008 Dunlap St.

Jan 16, 1944; p. 48

The Tri-Kol Co., which listed capital at 250 shares of no par stock, has obtained a plant location at 2008 Dunlap St., and is expected to begin operations shortly, Simon L. Leis, company attorney, explained. He declined to give the principals' names.

Jul 18, 1946; p. 15

RECEIVER'S AUCTION

In pursuance to the terms of an order for public sale as entered in the Court of Common Pleas, Hamilton County, Ohio, to us directed.

MONDAY, MAR. 15, 2 P. M. We will offer the chattels in the matter of Case 107052.

The Tri-Kol Manufacturing Co., 2008 Dunlap St. CINCINNATI, OHIO.

Heavy duty metal working machinery, consisting of the following:

THOMAS GEAR PRESS, 60-TON, 6" STROKE.	12x24 SURFACE PLATE.
REID SURFACE GRINDER.	BLACK & DECKER GRINDER.
DO-ALL 14" SAW WITH FILE.	15" BACK-GEARED LATHE, MOTOR DRIVEN.
LARKIN SPOTWELDER, 10 K. V. A.	SET OF MICROMETERS.
MILWAUKEE MILL NO. 18.	12" VERNIER HEIGHT GAUGE.
AURORA UPRIGHT DRILL.	PUNCH PRESS AND MOTOR.
LOGAN 10" LATHE.	DEMAGNETIZER.
SMITH & MILLS SHAPER.	SET REGULATING GAUGES.
PUNCH PRESS.	50-FT. STEEL BENCHES, 5 VISES.
CINCINNATI PED. GRINDER.	FAIRBANKS SCALES.
B. & S. NO. 618 MAGNETIC CHUCK.	TINNER'S OVEN AND TOOLS.
POWER HACK SAW.	HAND SHEARS, LOT OF LACQUER AND THINNER.
AVEY 1/2-INCH DRILL WITH MOTOR.	APPROXIMATELY 8 TONS MISCELLANEOUS STEEL BAR AND COLD-ROLLED AND SHEET METAL.
CORONAIRE 85, GAS HEATERS.	
HEAT-TREATING FURNACE, 7x4 1/2, WITH PYROMETER.	

Terms of Sale, Cash. Inspection Friday, March 12, 1 to 3 P. M.
 Jos. F. Nieman, Receiver, Thorndyke & Becker, Attorneys for Receiver.

OFFICE
317
MAIN ST.



PHONE
MAIN
0817

OFFICE, 317 MAIN ST. PHONE MA 0187.

Mar 7, 1948; p. 2-18

SHERIFF'S SALE

THURSDAY, OCTOBER 21, 1948

AT
2:30 O'CLOCK P. M.

MANUFACTURING BUILDING
2008 DUNLAP STREET,
CINCINNATI, OHIO

SOLD BY ORDER OF COMMON PLEAS COURT. APPRAISED AT \$7,500.
 CAN BE SOLD FOR TWO-THIRDS (2/3) OR \$5,000.

CAN BE SEEN BY APPOINTMENT

THORNDYKE AND BECKER

JOSEPH F. NIEMAN, ATTORNEY.
 805 TEMPLE BAR BLDG. PARKWAY 0794.

Oct 17, 1948; p. 55

For Lease Or Rent, Business A

• 2008 DUNLAP ST.

(Juse one block east Parkway). 1,350 sq ft. with offices. Open shop space rear to alley. Power wired, 40 ft. heavy shop bench for small factory, machine shop, car repairer, paint shop, upholsterer or furniture manufacturing or any small business. Phone Mr. Harris.

MA 0187—9 To 12 Daily

FOR LEASE—New Store Room 25x60

Nov 7, 1948; p. 69

STORE SPACE LEASED.

Leasing of the store and manufacturing space in the building at 2008 Dunlap St. to Claycrafter's Toy Co., was announced last week by the Joseph Harris Co., brokers. Harris also was appointed rental manager of four flats in the building.

Feb 20, 1949; p. 55

CITY—2008 Dunlap, near Parkway; Industrial A; first floor used by manufacturer; high voltage; rear shop 24 by 22 with 3 rooms in front, with four 2-room flats above; income \$1620 year; \$10,000. Mr. Ritter, MA 8570.
JOHN W. CHEEK KI 0790.

Aug 6, 1950; p. 73



Download



Save as... ▾



Edit

Share



2008 Dunlap, near Parkway; In-
A; first floor used by manu-
r; high voltage; rear shop 24 by
h 3 rooms in front, with four
flats above; Income \$1620 year;
0. Mr. Ritter, MA 8570.
JOHN W. CHEEK KI 0790.

0; p. 73

Sent:
To:
Subject:
Attachments:

External Email Communication

Stacey,

Please these add these to the Planning Commission info package. Some may be duplicates submitted by others.

Jeffrey L. Luggen, Vice President

CIA Company | Auctions | Acquisitions | Appraisals | Since 1961

513-241-9701 Office | 513-702-4554 Cell | jeff@cia-auction.com

Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

From: Jeff Luggen <JEFF@cia-auction.com>

Sent: Tuesday, October 11, 2022 4:10 PM

To: Jeff Luggen <JEFF@cia-auction.com>

Subject: FW: Dunlap Neighbors 2000 Dunlap Street P.S.H. Letters of Opposition

Jeffrey L. Luggen, Vice President

CIA Company | Auctions | Acquisitions | Appraisals | Since 1961

513-241-9701 Office | 513-702-4554 Cell | jeff@cia-auction.com

Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

From: Jeff Luggen

Sent: Wednesday, June 8, 2022 1:26 PM

To: Christopher Smitherman <info@smithermanforcommissioner.com>

Subject: FW: Dunlap Neighbors 2000 Dunlap Street P.S.H. Letters of Opposition

Please read below. More info.

Jeffrey L. Luggen, Vice President

CIA Company | Auctions | Acquisitions | Appraisals | Since 1961

513-241-9701 Office | 513-702-4554 Cell | jeff@cia-auction.com

Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

From: Jeff Luggen

Sent: Tuesday, May 3, 2022 2:46 PM

To: Thomas@ohiosenate.gov

Subject: Dunlap Neighbors 2000 Dunlap Street P.S.H. Letters of Opposition

Dear Senator Thomas,

Attached please find the following regarding the 2000 Dunlap Street P.S.H. Development Project.

- 1) Letter from residents and businesses in opposition.
- 2) Letter from (3) attorneys for business and property owners in opposition.
- 3) Signed petitions by residents and business in opposition to the project.

Please review and call should you have any questions.

Thanks,

Jeff Luggen for Dunlap Neighbors

Jeffrey L. Luggen, Vice President

CIA Company | Auctions | Acquisitions | Appraisals | Since 1961

513-241-9701 Office | 513-702-4554 Cell | jeff@cia-auction.com

Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

OPPOSITION PETITION

Exhibit H

STOP OTRCH's 2000 Dunlap Street PSN Development

April 11th, 2022

Over The Rhine Community Housing (OTRCH) of Cincinnati, Ohio has proposed a PSN development, targeted to serve individuals experiencing chronic homelessness and have a history of mental health illnesses and drug and alcohol addiction, at 2000 Dunlap Street in the Mohawk Neighborhood of OTR. This development will consist of a four-story building with (44) studio apartments on a 100' x 100' Lot with zero lot line construction.

Residents and business owners of the Mohawk Neighborhood and surrounding areas **OPPOSE THIS PROJECT** for the following reasons:

1. This proposed project is seeking a zoning variance that would permit **44 units** on a lot zoned for **14 units**. This is **three times** the zoned density for this lot and results in too many units crammed into a small parcel in a busy, highly congested area that serves low density residential housing, commercial businesses, light industry, entertainment businesses, breweries, bars, night clubs and restaurants. Cincinnati City Council recently voted **NO to increase density** ensuring that existing zoning restrictions for density remain in place.
2. This project **will change the character of our neighborhood** by adding another institutional/transitional type housing facility to our neighborhood that already has several, including the Volunteers of America (130) Bed facility for criminals finishing their sentences and sex offenders, Logan Towers (63) Bed facility for individuals experiencing chronic homelessness with a history of mental health or substance use disorders, OTRCH's Jimmy Heath House, (25) Bed facility for individuals experiencing chronic homelessness. **The addition of this project will result in a total of 262 institutional beds in our small pocket neighborhood. Institutional housing will out number market rate housing more than 2 to 1. This is NOT affordable housing. This is institutional transitional housing.**
3. Placing **44 clients with mental health illnesses and drug and alcohol addiction in a neighborhood with open drug sales and prostitution, gun violence and a plethora of drinking establishments does NOT set up the chronic homeless for success.** No more institutional projects need to be shoehorned into our small neighborhood which is trying to evolve from past neglect?
4. Within a 10 minute walk of this project low income government subsidized housing out numbers market rate housing almost 10 to 1. We support mixed housing, combination of market rate, low income and workforce housing that is needed to move the city and our neighborhood forward. Why is government subsidized housing limited to a handful of Cincinnati neighborhoods? The other 52 neighborhoods should be considered to disperse affordable housing throughout Cincinnati.
5. There are absolutely no policies or guarantees in place to ensure that the clients of this facility are actually from this neighborhood or the city. Clients can and will come from nearby cities, other states and regions. This will only increase the workload on the overburdened city services at the expense of the tax payers of Cincinnati.
6. There are no policies or guidelines in place that will prohibit additional sex offenders from being housed in this project. At last count on April 6th, 2022 there were 62 convicted sex

offenders residing at Volunteers of America, 115 W. McMicken, a 1 minute walk from this proposed facility.

7. Due to the extreme concentration of warehouses and other businesses on this street an overly dense project of this nature will prevent these businesses from conducting business and could jeopardize 50 to 60 jobs.
8. The zero lot line construction allows for only two designated parking places and inadequate outdoor space for the intended occupants. Parking and congestion on Dunlap Street is already very limited and inadequate parking for staff, service providers, occupants, and visitors will create more problems.
9. No traffic studies have been commissioned to study the traffic patterns/road closures during construction and after operation. Additional traffic and demand for parking from this project will negatively affect the quality of life for residents and the ability of businesses to operate.
10. 2000 Dunlap Street is zoned Urban Mix. This zoning code strictly prohibits transitional housing of this type.

The Dunlap Neighbors do not oppose the mission of providing housing support for our low income families and brothers and sisters. We believe this project is the wrong project in the wrong place.

We, the residents and businesses of the Mohawk District and surrounding areas **Oppose this Project.**



**McCARTHY
LAW OFFICE**

225 WEST COURT ST • STE 300
CINCINNATI, OH 45202
7595 BRIDGETOWN RD
CINCINNATI, OH 45248
WWW.DANMCCARTHYLAW.COM

DANIEL J. MCCARTHY ATTORNEY AT LAW

513.815.7006 • FACSIMILE 513.721.4268 • MCCARTHY@DANMCCARTHYLAW.COM

January 17, 2022

Via Email: beth.johnson@cincinnati-oh.gov

City of Cincinnati
c/o Beth Johnson, Urban Conservator
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202

Re. *Variance Request re. 2000 Dunlap Street*
Case Number COA2021066

Dear Ms. Johnson:

I represent the City Lofts on Dunlap Condominium Association and I write in opposition to the Application for Zoning Relief submitted by New Republic Architecture. Though a Certificate of Appropriateness ("COA") will be necessary for the proposed project, the applicant has not requested a COA or submitted information such that the Historic Conservation Board ("HCB") can consider the factors set forth in Section 1435 of the City of Cincinnati Zoning Code. The Application for Zoning Relief should be denied because of the negative impact it will have on the neighborhood and surrounding properties, and because the Application itself is incomplete and insufficient.

The City Lofts on Dunlap are located at 1908 Dunlap Street. The proposed project is a few hundred feet away. The City Lofts on Dunlap building contains six condominium units, five of which are owner-occupied (the owner of the only unit that is not owner-occupied lives right around the corner). Though the parcel located at 1908 Dunlap is actually larger than that at 2000 Dunlap (125 x 100 vs 100 x 100), the application seeks to more than triple the current allowed density from 14 units to 44 units by cramming an excessive number of units onto a small parcel. The owners of the City Lofts on Dunlap purchased with the expectation that the City will continue to enforce the Zoning Code and preserve the historic nature of the neighborhood.

Section 1435-05-4 sets forth the requirements for a variance within a Historic District:

Whenever an application is made for a variance...relating to property wholly or partially located within a Historic District or involving a Historic Asset, the Historic Conservation Board exercises the authority granted to the Zoning Hearing Examiner in Chapter 1445 of the Cincinnati Zoning Code. In such cases, the provisions of Chapter 1445, where not inconsistent with the provisions of this chapter, apply to the exercise of the authority prescribed therein.

The Historic Conservation Board may grant such...variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

- (a) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset; or
- (b) Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)–(ff) below. Emphasis added.

The Applicant has the burden to establish that it is entitled to a variance. The City sets a high standard for relief from the Zoning Code, particularly within a historic district. This is because thousands of property owners rely on the Zoning Code and regulations to protect their property interests and values. In this case, the Applicant has not even requested the necessary COA nor attempted to argue that it can meet the high standards for a variance.

Section 1435-05-4 requires a two-step initial analysis. First, the applicant must prove that the variance is not materially detrimental to the public health, safety, and welfare or injurious to neighboring properties. That was not done here. To the contrary, the proposed project is not compatible with the neighborhood, is too large, and would not complement the historic district.

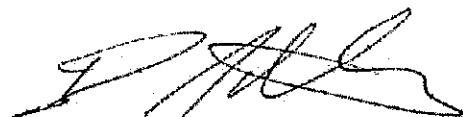
Second, the applicant then must prove the project is necessary and appropriate in the interest of historic conservation (not argued here) OR is necessary to prevent the owner from being denied all economically viable use of the property, taking into account the considerations for a COA under Section 1435-09. The applicant has the high burden to establish that it would be denied the economically viable use of its property.

By trying to take a two-step approach in bifurcating the variance requests from the COA, the applicant failed to include the necessary analysis of whether a variance is necessary under Section 1435-05-4 and whether it would be deprived of the economically viable use of its property. The Zoning Code, in Section 1435-09-2(b) provides specific factors that an applicant can use to establish that a variance is necessary in order to prove that a denial would result in being deprived of the economically viable use of their property. The applicant never attempted to prove an economic hardship and cannot do so.

The variance requirements in Section 1435-05-4 are in addition to the standards set forth in Section 1445-13. The applicant's letter, while ignoring the language in Section 1435-05-4, provided cursory and conclusory statements on the standards set forth in Section 1445-13. Nothing in the application showed that it was necessary to triple the allowable density or that the proposed project is in the public interest. The application was so bereft of details as to make it impossible for a detailed consideration of the variance standards.

Rather than rush through an incomplete application for only part of what is required from the HCB, we request that the Board deny the Application for Zoning Relief. In order to fully consider the scale of the project and how it would impact the historic neighborhood, more information is necessary and the applicant must also obtain a COA. Based on the limited information provided, the proposal is not in the interest of historic conservation and denying the application would not deprive the applicant of all economically viable use of the property.

Sincerely,



Daniel J. McCarthy

ROBERT W. BUECHNER ^{1,2}
 GLORIA S. HAFFER ¹
 EDWARD M. O'CONNELL, JR. ¹
 ROBERT J. MEYERS
 PETER E. KOENIG ¹
 STEPHEN B. HOFFSIS
 DAVID W. BURLEIGH ¹
 BRIAN R. REDDEN
 BRIAN J. HIRSCH ²
 MARK W. JORDAN ¹
 ROBERT J. GEHRING ¹
 BRETT M. RENZENBRINK ¹

BHMK
 BUECHNER HAFFER MEYERS
 & KOENIG CO., LPA

ATRIUM TWO
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 DAVID A. MILLER

¹ ALSO ADMITTED IN KENTUCKY
² ALSO ADMITTED IN FLORIDA
³ ALSO ADMITTED IN INDIANA

OF COUNSEL
 MARK H. LONGENECKER, JR.
 GARY E. HOLLAND, JR. ¹

Direct Dial: (513) 357-4333
 Email: pkoenig@bhmklaw.com

January 14, 2022

sturkey4@gmail.com

David B. Sturkey, Esq.
 City of Cincinnati
 801 Plum Street
 Cincinnati, Ohio 45202

Beth.Johnson@cincinnati-oh.gov

Historic Conservation Board
 c/o Ms. Beth Johnson, AICP
 City of Cincinnati, Urban Conservator
 805 Central Avenue, Suite 500
 Cincinnati, Ohio 45202

Kasandra.Maynes@cincinnati-oh.gov

Ms. Kasandra Maynes
 Office of Administrative Board Cases
 805 Central Avenue, Suite 500
 Cincinnati, Ohio 45202

RE:	Applicant:	New Republic Architecture
	Case No.:	COA2021066
	Subject Property:	2000 Dunlap Street
	Hearing:	January 24, 2022
	My Clients:	Dunlap Street Properties, LLC, and its Affiliated Individuals and Entities

Dear Mr. Sturkey, Ms. Johnson, Ms. Maynes and Members of the Historic Conservation Board:

This firm and the undersigned represent Dunlap Street Properties, LLC, and affiliated individuals and entities ("Clients" or "DSP") in connection with the above-referenced matter. My Clients own properties adjacent to and in the immediate vicinity of 2000 Dunlap Street ("Subject Property") for which New Republic Architecture ("Applicant") requests zoning relief related to density and rear setbacks for a proposed four-story structure with a total of forty-four (44) permanent supportive housing units in the Over-the-Rhine Historic District ("Variance Request").



Historic Conservation Board

January 14, 2022

Page 2

For the reasons set forth herein and those to be presented at the January 24, 2022 Hearing, my Clients oppose the Applicant's Variance Request and respectfully request a denial of the Applicant's application.

1. Background

DSP owns the property where its affiliate Cincinnati Industrial Auctioneers, Inc. ("CIA") conducts its business as a nationwide provider of asset disposition, auction and appraisal services. CIA employs 20 people, and has for the past 50 years conducted about 60 annual auctions nationwide. These auctions have been conducted on behalf of Fortune 500 companies, small businesses, lending institutions, government agencies, and federal and local courts.

CIA has been located at 2020 Dunlap Street since 1980. DSP and its affiliates, including CIA, also own and conduct business operations out of the following additional locations which are adjacent to or in the immediate vicinity of the Subject Property: 2016 through 2034 Dunlap Street, 2008 Dunlap Street, 2001 Elm Street; DSP owns properties at 2036 through 2046 Dunlap Street and (4) lots on McMicken Avenue (collectively hereinafter, the "DSP Properties"). An aerial satellite map reflecting the DSP Properties that will be directly impacted by Applicant's Variance Request is attached hereto as Exhibit 1.

A review of the aerial satellite map also reflects that the DSP Properties are located in the "Brewery District" of historic Over-the-Rhine neighborhood, which is primarily comprised of dining and entertainment venues, industrial, and light, medium, and heavy manufacturing businesses.

In mid-December of 2021, DSP, together with the other residents and businesses in the area, were surprised to learn that the Applicant proposed a development project to be built at the Subject Property, which is a parking lot owned by Over the Rhine Community Housing. The proposal consists of a four-story structure with a total of forty-four permanent supportive housing units for homeless populations (the "Project"). In connection with the Project, on December 10, 2021, Applicant submitted its Application for Zoning Relief ("Application").

A review of the Application reflects the following information relevant to the Historic Conservation Board's ("HCB") consideration of Applicant's Variance Request:

- Base Zoning Classification is identified as "UM – Urban Mix";
- Project identified as a "Non-Residential Project";
- Applicant has not identified any Nature of Relief Requested.

Historic Conservation Board
January 14, 2022
Page 3

Importantly, Applicant describes the proposed Project as follows: "We are proposing a new, 4-story, 44 unit permanent supporting housing project in OTR, on a vacant 100' x 100' lot (emphasis supplied). The project will be built to the lot lines and will require zoning relief for 30 units, as per CZC there is a 700sf/du lot minimum, which would only permit 14 dwelling units. Additionally, the project will require a rear setback variance of 10', as we are seeking a zero [sic] lot line."

Applicant claims the Project is "all residential" and is intended to provide "affordable housing." However, Applicant interchangeably uses the phrases "affordable housing" and "permanent supportive housing," causing confusion and casting doubt on the true purpose of the Project.

Critically, "affordable housing" is a more general term defined by the U.S. Department of Housing and Urban Development as a housing unit that costs the occupant less than 30% of their total income in rent and utilities. "Permanent supportive housing" is different. This term is widely understood to mean housing and support services intended to address the needs of chronically homeless individuals. Therefore, although it is unclear from the Application as to the exact nature of the proposed use of the Subject Property, it appears that the Project is either a "Transitional Housing" use or "Special Assistance Shelter."

"Transitional Housing" can mean different things under the Cincinnati Municipal Code ("CMC" or "Code"). In an Urban Mix ("UM") district, Transitional Housing that includes drug or alcohol rehabilitation services, or criminal justice release programs (*i.e.*, "Transitional Housing Programs 5, 6"), is a prohibited use. Otherwise, it is a permitted use ("Transitional Housing Programs 1-4"). A "Special Assistance Shelter," which is defined as short-term housing for homeless individuals who may also require services, is a conditional use in a UM district.

Because the Application insufficiently defines the nature of the Project, it is presently impossible for DSP to understand the category of the proposed use. This letter assumes that the proposed use is one of the foregoing uses. DSP reserves the right to raise further arguments against the proposed use in the event additional facts come to light concerning the true nature of the proposed use.

By this letter, DSP requests that the defective Application be rejected for the following reasons: (i) the Application is incomplete and inaccurate; (ii) the proposed use is likely a prohibited use in an Urban Mix zoning district; (iii) the Project will be incompatible with the

Historic Conservation Board
January 14, 2022
Page 4

existing neighborhood land uses and demographic; and (iv) application of the *Duncan*¹ factors to the Project supports the conclusion that the Variance Request and related Application must be denied.

II. Legal Argument

A plethora of issues and concerns exist with regard to Applicant's Variance Request and related Application for the Project. One of which is that Applicant has failed to publicly engage the community, law enforcement, emergency medical services, fire protection, transportation, and other governmental agencies in any discussion regarding the intended purpose and scope of the proposed Project. In addition to the lack of community engagement and discussion regarding the Project, the Applicant has not taken steps to ensure that the Project satisfies requisite zoning standards, nor considered the negative impact the proposed Project will have on the Over-the-Rhine community should Applicant be permitted to move forward with the Project as currently planned.

A. The Application Should be Rejected On its Face Because it is Inaccurate and Incomplete.

Applicant's application is both factually inaccurate and incomplete. It classifies the Project as a "Non-Residential Project," but Transitional Housing is a residential use. And its assertion that the Subject Property is vacant is incorrect: it is currently used as a parking lot. Finally, the Applicant completely fails to specify the nature of the relief that it is requesting in Section 4. For all of these reasons, the Application should be rejected out of hand and the Applicant required to resubmit a complete and accurate Application.

B. The Project Would Create a Prohibited Use in an Urban Mix District

Section 1410-05 of the CMC prescribes the land use regulations for an UM district. Regulations are established by category, and among the permitted residential uses under the Code is "Congregate Housing".² At the January 4, 2022 hearing on the Project, Ben Eilerman, representative of the Subject Property Owner, Over the Rhine Community Housing, stated the Project constituted "Congregate Housing" and "permanent supportive housing". Section 1401-01-C19 defines "Congregate Housing" as "[a]partments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents."

¹ *Duncan v. Middlefield*, 23 Ohio St.3d 83, 491 N.E. 2d 692 (1986); Cincinnati Municipal Code §1445-16

² CMC §1410-05.

Historic Conservation Board

January 14, 2022

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"Permanent supportive housing" is not a permitted UM use under the Code. However, it has been stated that permanent supportive housing is purportedly a type of "Transitional Housing," certain categories or "programs" of which are a permitted use under the Code. "Transitional Housing" is defined under the Code as:

"Transitional housing" means housing designed to assist persons in obtaining skills necessary for independent living in permanent housing, including homes for adjustment and halfway houses. Transitional housing is housing in which:

(a) An organization provides a program of therapy, counseling or training for the residential occupants;

(b) The organization operating the program is licensed or authorized by a governmental authority having jurisdiction over operation; and

(c) The program is for the purpose of assisting the residential occupants in one or more of the following types of care:

(1) Protection from abuse and neglect;

(2) Developing skills necessary to adjust to life;

(3) Adjusting to living with the handicaps of physical disability;

(4) Adjusting to living with the handicaps of emotional or mental disorder or mental retardation;

(5) Recuperation from the effects of drugs or alcohol, even if under criminal justice supervision; or

(6) Readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release and probationary programs.

See CMC §1401-01-T.

Under §1410-05, only organizations that provide a program falling under (c)(1) through (c)(4) are recognized as permitted uses in UM districts. Programs that fall under (c)(5) or (c)(6) for recuperation from the effects of drugs or alcohol or readjustment to society while housed

Historic Conservation Board
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under criminal justice supervision, are not permissible land uses in a UM district. A review of the proposed Project materials reflects that it is not a permissible land use on the Subject Property.

Applicant submitted its December 13, 2021 Permanent Supportive Housing Proposal ("PSH Proposal") which includes, among other things, an architectural site plan and various floor plans. Notably, the First Floor Plan reflects an office for a Case Manager, a public kitchen and dining hall, and rooms dedicated to private counseling sessions. *Id.*, p. 3. The Basement Floor Plan identifies additional offices for Case Managers, medical exam spaces, and a trade nurse space. These features indicate that the Project is likely to include drug or alcohol support services and/or post-release services. These programs would fall under categories (c)(5) and/or (c)(6), and thus, the Project would be a prohibited use in a UM district. Because Applicant fails to seek the proper relief for a prohibited use, the Applicant must be denied.

C. The Proposed Use is Incompatible With Surrounding Uses and the Variance Should Be Denied

Despite Applicant's failure to identify on the face of its Application the relief it seeks from the HCB, it is clear from Applicant's Project materials submitted to the HCB, that it seeks an area variance, use variance, and possibly an urban design overlay district permission.

Applicant is proposing construction of a four-story structure on a lot that is not currently vacant, but instead, is a parking lot owned by Over the Rhine Community Housing ("Parking Lot"). The Parking Lot is 100' x 100' and was made into an attractive parking lot by the owners, with fencing, striping, and pay-box in 2018. The Parking Lot creates cash flow for Over the Rhine Community Housing ("Owner") by providing a considerable number of parking spots for those visiting Findlay Market, enjoying the brewery district and entertainment venues, local businesses, neighborhood residents, and more. As it stands, the Owner is making an economically effective use of the Parking Lot without the need for any variances.

Applicant's Project seeks density and rear setback zoning relief. Specifically, the permitted density in a UM district is one (1) unit per 700 square feet of lot area. Based upon the 10,000 sq. ft. specifications, it is zoned for fourteen (14) units. Here, Applicant is proposing construction of 44 units on the 10,000 sf Parking Lot, which equates to a density of one (1) unit per 227 sq. ft. lot area. That is more than *three times* the zoned density.

Additionally, Applicant's PSH Proposal only accounts for two parking spaces. Its proposal states that "over 100 construction and three full time jobs will be created." See Applicant's December 10, 2021 correspondence to Ms. Johnson ("Applicant Correspondence"),

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p. 2. There is no consideration for any additional parking needed for residents, guests, staff or service personnel. Applicant wants to pack 44 studio units that are a mere 450 gross sq. ft. each into its proposed structure.

Applicant's proposal fails to take into consideration that the Subject Property sits on Dunlap Street, which is already very busy with commercial traffic, including heavy duty truck traffic on weekdays and crowded with tourists and customers of the surrounding businesses on the weekends. For example, CIA's large industrial auction headquarters receives shipments of supplies and documents daily related to the operation of their business. The F.L. Emmert Company, a historic spent-grain processing facility, requires a daily steady flow of large semi-tractor trailer access on narrow Dunlap Street.

Other businesses in the area impeded by Applicant's proposed use include the following: Distilleries and Breweries (4), Restaurants and Taverns (4), Night Clubs (2), Axe Throwing Club, Printing Company, Custom Cabinet Manufacturer, Novelty Wholesale Company, Contractor Tool Supply and Repair, Automotive Repair Shops (3), Elevator Repair Company, and Bridal Photographer. Applicant's proposed high-density use of the Parking Lot does not comport with the already high intensity commercial, industrial, manufacturing and retail uses, heavy personal and commercial vehicle traffic and pedestrian traffic in the area. Applicant's density usage will undeniably cause numerous traffic, parking, health, and safety issues for the community.

Applicant's request for a ten (10) foot rear yard setback variance for the Project is equally untenable. Applicant's Correspondence states in pertinent part that, "[t]he Project is generally built to the zero lot line on all sides..." *Id.* This is incorrect. The Project is intended to be built all the way to the zero lot line, purportedly for the sole purpose of creating maximum density at the Subject Property. In fact, in its Correspondence, Applicant states, "[t]he proposed density variance is required in order to create a sufficient density to make the project viable through economies of scale." *Id.* Building to the zero lot line along Colby Alley will severely constrict access to the alley, undoubtedly making ingress and egress challenging for residents and businesses. Additionally, Applicant's failure to confer with the local community regarding the Project also creates the issue that fire, medical, and police services will face great difficulty in trying to gain access in case of emergencies.

Applicant's lack of transparency and community engagement regarding the proposed Project requires, at a minimum, a delay for reasonable consideration of the Variance Request and related Application. While DSP supports inclusion, the bottom line is that the proposed Project is not compatible with the neighborhood today, or as OTR is continuing to develop in the Brewery District. Accordingly, the Variance Request and related Application should be denied.

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D. Application of the *Duncan* Factors to the Project Supports a Denial of the Variance Request and Related Application

Although the Applicant identifies the *Duncan* Factors in its submittal, the Applicant's conclusory statements fail to establish that the Project satisfies the factors.

In Ohio, a set of seven guidelines are prescribed for officials and courts to employ in fairly and equitably considering how to gauge whether a property owner seeking an area variance has encountered practical difficulties in the use of the owner's property. These are informally referred to as the "*Duncan* Factors" and are enumerated in *Duncan v. Middlefield*, 23 Ohio St.3d 83, 491 N.E. 2d 692 (1986). They are codified in CMC §1445-16.

The *Duncan* Factors include, but are not limited to:

(1) whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(2) whether the variance is substantial;

(3) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

(4) whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

(5) whether the property owner purchased the property with knowledge of the zoning restriction;

(6) whether the property owner's predicament feasibly can be obviated through some method other than a variance;

(7) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Application of these *Duncan* Factors to the Project strongly weighs in favor of denying Applicant's Variance Request and Application.



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First, the Owner can make beneficial use of the Subject Property and receive a reasonable return without the Variance Request by continuing to exercise its current use as a Parking Lot for the neighborhood. Applicant incorrectly contends that the "site is currently a vacant parking lot." See Applicant Correspondence, p. 2. However, the Parking Lot yields regular cash flow for the Owner and is expected to continue to do so in the future, particularly in light of the fact that the neighborhood is expanding as an entertainment destination in the Brewery District for locals and tourists alike. Applicant has offered no evidence to show that the Parking Lot is economically unfeasible. Furthermore, the subject Property will remain economically viable if it is redeveloped in accordance with the existing zoning requirements.

Second, the Variance Request is substantial. Not only does Applicant's Project propose construction of 44 studio units, each only a gross 450 sq. ft., into a space that is zoned for one-third of that density, but its setback variance will also unnecessarily compound the already existing, high-intensity commercial and residential traffic in the area. It will also create substantial impediments to accessing Colby Alley, a necessary throughfare for the existing residents, fire department, emergency medical service, and police ingress and egress.

Third, the materials presented by Applicant support a finding that the Variance Request would alter the essential nature of the neighborhood. As set forth above, and as can be seen on the aerial satellite map, it is clear that the properties immediately surrounding the Subject Property consist mainly of commercial buildings, including businesses in the industrial, manufacturing, dining, entertainment, and shopping sectors. Many adjoining property owners and neighbors of the Subject Property have provided their objections to Applicant's Project. They oppose the Variance Request on the grounds that their respective properties would be detrimentally affected by the Project. The Project seeks to provide housing for the homeless population in an otherwise business and entertainment district in the heart of the Brewery District of OTR. If the Project is, in fact, going to provide programs to its residents that fall into categories (c)(5) and (c)(6) of the CMC, placing residents who are vulnerable and confront substantial social and personal challenges, e.g., drug and alcohol addiction or being subject to criminal justice supervision, in a location that derives its identity from large-scale production and retail sale of beer would undoubtedly negatively impact such residents. It would also potentially increase health and safety concerns for the existing residents and visitors.

Notably, in its Correspondence, Applicant states that "[t]he building is all residential, and therefore hours of operation are not relevant." See Applicant Correspondence, p. 2. However, Applicant's statement ignores the fact that placing the aforementioned vulnerable residents in an area that has and continues to add more bars and breweries to the area that are open until 2:00 or 3:00 a.m., is not conducive to providing safe and supportive housing to the homeless population. Additionally, if the Project is "all residential" where will all of the program activities take place?



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Applicant also asserts that the proposed Project "will eliminate blight..." *Id.* "Blight" refers to a property or structure that "exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare."³ The subject property is a well-maintained Parking Lot that was constructed within the past three years and which is regularly used by patrons to the surrounding businesses in the Brewery District. Other than making the blanket, conclusory statement that Project will "eliminate blight," Applicant has failed to provide any evidence to support such a finding of blight. To the contrary, the immediately adjacent buildings are occupied and well-maintained; the Parking Lot and nearby structures are thriving, not blighted.

Fourth, granting the Variance Request would adversely affect the delivery of governmental services such as fire, medical, and police. Applicant proposes building the structure to the lot line, which may severely limit access to Colby Alley, in particular, for these emergency service providers. Additional governmental services may also be negatively impacted by the Variance Request, and requires community discussion and engagement to fully ascertain.

The fifth *Duncan* Factor requires an analysis as to whether the property owner purchased the property with knowledge of the zoning restriction. This factor codifies the well-established self-imposed hardship rule which recognizes that variances are not appropriate where an owner creates the hardship from which the owner seeks a variance. See, e.g., *Klubnik v. Granger Tp. Bd. Of Zoning Appeals*, Ninth Dist. No. 2465-M, 1996 Ohio App. LEXIS 1023 (March 20, 1996). It is clear that the Owner purchased the Subject Property with knowledge of the zoning restriction, and any alleged "hardship" to the Owner in complying therewith, is self-imposed. Here, the Owner seeks to demolish the Parking Lot, which satisfies the requisite zoning restrictions, and instead, construct a 44-unit residential building that provides services to its residents that are not permitted under existing zoning for UM districts. The Owner suggests in the Application that it could construct a 14-unit residential development as a matter of right but argues without evidentiary support that this would not be economically viable. Instead of developing a properly-sized residential development, Owner seeks a development that is *over three times the permitted size*. This is the essence of what the fifth *Duncan* Factor seeks to address. The rationale articulated by the Owner is strictly economic in nature. There are other ways that the Subject Property could be developed in an economically-viable way that would not require a variance. The Owner should pursue those opportunities rather than seek this massive variance. Therefore, this self-imposed, strictly economic hardship must vitiate the Variance Request.

³ See e.g., <https://www.hudexchange.info/faqs/programs/neighborhood-stabilization-program-nsp/program-requirements/eligible-activities/what-is-the-definition-of-a-blighted-structure/>.

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Sixth, the Owner does not have a "predicament," as articulated by *Duncan Factor*. But even if the Owner did, any predicament feasibly can be obviated by maintaining the Subject Property as a Parking Lot, a current and future economically viable use without the need for any variances. In the alternative, the Owner can redevelop the site in accordance with existing zoning requirements. None of the adjoining neighbors dispute that the Owner can continue to use the Subject Property as a Parking Lot as it is currently being used. Alternatively, the Subject Property could be developed under the CMC's UM zone in a way that is similar to surrounding uses, which uses are generally permitted under the Code. The so-called "predicament" exists only because Applicant seeks to use the Subject Property in an entirely new way that is entirely out of scale with surrounding permitted uses and is expressly prohibited by the CMC. Thus, if the Variance Request is denied and the Subject Property continues to be utilized as a Parking Lot, or if it is developed similarly to surrounding uses, there is no "predicament" that needs to be remedied.

Finally, granting the Variance Request would violate the spirit and intent behind the zoning code. The interests of the community, neighborhood, and adjoining property owners would not be served by approval of the Variance Request, and a denial of the Variance Request will not deprive the Owner of a reasonable economic return or beneficial use of the Subject Property. The only way that the "spirit and intent" of the CMC would be upheld in this matter is if the Variance Request is denied. Zoning exists to protect the character and integrity of existing neighborhoods and individual property owners in an area. If Applicant is permitted to construct a four-story, 44-unit, permanent supportive housing structure and destroy much-needed parking in the neighborhood, it would render meaningless the "spirit and intent" of the CMC.

Further, the precedent of such a decision could be severe. If the Variance Request is granted, it could prompt others in OTR to change the nature of their properties and construct cramped housing in overly dense structures for already vulnerable populations. Substantial justice requires that the OTR community, including DSP, be given due consideration in this matter and that the HCB deny the Variance Request.

Applicant's assertion that providing 44 affordable housing units to the homeless population will be "an economic boon to the community" is not true. DSP supports efforts to provide affordable housing to reduce homelessness in the City of Cincinnati, and believes that when it is done correctly, it can help the economic stability of a community by reducing negative impacts that homelessness can have on surrounding businesses. Applicant's Project, however, fails to satisfy or further that goal. Given that the Project is "affordable" housing means that its residents will have little to no disposable income to contribute to an economic boon to the OTR community.



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Upon consideration of the relevant *Duncan* Factors, it is clear Applicant has not encountered the practical difficulties needed to warrant approval of its Variance Request. Accordingly, the HCB must deny the Variance Request and related Application.

III. Conclusion

If the HCB were to grant the Variance Request, it would place the interests of a single property owner over the interests of an entire neighborhood. Accordingly, DSP respectfully requests that the Historic Conservation Board deny Applicant's Variance Request and related Application in order to preserve the character of the neighborhood, uphold the spirit and intent of the Cincinnati Municipal Code, and protect the general welfare of the community of Over-the-Rhine.

Sincerely,

BUECHNER HAFER MEYERS & KOENIG, CO., LPA

By: Peter E. Koenig

1582942

EXHIBIT 1



EXHIBIT 1

Exhibit H



STAGNARO, SABA
& PATTERSON

Jeffrey M. Nye
jmn@sspfirm.com

Direct dial: 513.533.6714
Direct fax: 513.533.2999

January 18, 2022

Historic Conservation Board
Two Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, OH 45202

Re: Case no. COA2021066 – Variances at 2000 Dunlap Street

Dear Board Members:

I represent the F.L. Emmert Company, which opposes the variance requests in this case.

We wish to emphasize at the outset that Emmert does *not* oppose the variances based on the nature of the proposed use (namely, permanent supportive housing). Emmert values the diversity of its neighborhood and views the varied nearby uses as a community asset. Instead, Emmert's concerns are based on the practical problems that the project is likely to cause if approved in its current form.

Emmert is a manufacturer and distributor of animal feed materials and products, supplying pet food and livestock feed companies all over the world. It has operated in Cincinnati since 1881, and has operated in its current location at 2007 Dunlap Street—in five buildings immediately to the west of the subject site—since 1907. Emmert also owns and uses a parcel slightly north of the subject site on the same side of Dunlap as the subject, and leases warehouse space in the building at the southwest corner of the Dunlap & Henry intersection (i.e., diagonal to the subject). An annotated aerial view of the site is attached to this letter.

To the best of Emmert's knowledge, it has operated continuously in this neighborhood longer than any other business. And because of its location, Emmert is the single most likely person or entity to be directly affected by the proposed development.

The nature of Emmert's business means that it both receives and ships large quantities of feed materials in bulk. All or nearly all of those materials are delivered or shipped out in or on grain hoppers, large tank trucks, or other types of tractor trailers, which access Emmert's production facility via Dunlap Street. In fact, a tractor trailer is visible on Dunlap in the Google Maps aerial view of the subject site (attached for reference). As many as twenty such trucks come into or out of Emmert's facility each day.

In addition to the truck traffic along its Dunlap Street production facility, Emmert leases warehouse space at the southwest corner of the Dunlap & Henry intersection. Materials and products are regularly moved between those buildings throughout the day, including along both Dunlap and Henry, via forklifts.

These trucks and forklifts that use Dunlap and Henry are essential to Emmert's business. Emmert is extremely concerned that granting the requested variances—which seek to more than triple the number of permitted units, and to allow lot-line-to-lot-line construction—will interfere with its business operations, and pose safety risks to its employees, construction contractors, and residents of the proposed development. (Again, to be clear—when we speak of “safety risks,” we mean the risks associated with the heavy equipment active in the area. Emmert does *not* have concerns about the nature of the proposed use.)

Dunlap and Henry are each only about 25 feet wide. Not only will a triple-density, lot-line-to-lot-line development produce construction *traffic* on these streets, but also there is a substantial risk that it will require the *closure* of the streets. The added density increases the need for construction activities such as excavation, cement pours, and hoisting with cranes, and the absence of a setback means that activities that normally would occur from within the lot line may have to be performed from the street. Any closure of Dunlap or Henry—even partial, and even temporary—would have a drastic effect on Emmert, whose operations depend on Dunlap and Henry being navigable, and proximity of large construction equipment to forklifts and truck traffic is an accident waiting to happen.

This concern is exacerbated by the fact that the proposed development would reduce available parking. Contrary to the application's statement that the subject site is currently vacant, the site actually contains a 21-space parking lot. Parking is already hard to come by in this area. The subject site is less than 200 feet from the front door of Rhinegeist, for example. The application asserts that the project will create “over 100 construction and three full time jobs.” There are not enough surface spaces in the immediate vicinity to support over a hundred construction jobs, which necessarily will clog Dunlap and Henry and exacerbate the obstruction and safety concerns.

These are the types of factors that weigh against the issuance of a variance. For example, CZC 1445-13(d) directs the Board to consider whether "Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets." Here, they are not. The narrow Dunlap and Henry Streets to the west and south, and the even-narrower (ten feet wide) Colby Alley to the east, are inadequate to accommodate nearly any residential project, and especially one that abuts Emmert's highly trafficked manufacturing facility and warehouse. Section 1445-13(e) and (h) similarly speak of "buffering" and "neighborhood compatibility," which ask whether the proposed use is adequately buffered from neighboring properties or uses, or whether the "proposed work is compatible with the predominant or prevailing land use," respectively. The answer to those questions is also no. The applicant is proposing to build to the lot lines with no buffer of any kind, and a 44-unit residential complex is not compatible with the predominant or prevailing land use that is Emmert's 115-year history at its Dunlap & Henry location. The project also runs the risk of having adverse effects on access to public services, including safety services, *see* CZC 1445-13(j), and despite the application's repeated assertions, the site is not "blighted" and developing it will not help eliminate or avoid blight, *see* CZC 1445-13(k). This is not to say that the overall purpose of the project is not a worthy or important one; but the project simply does not fit, in the most literal sense of that term, in the proposed location.

In addition to the *general* considerations of CZC 1445-13, a variance must be tied to the *specific* property at issue, and a variance is only appropriate if an applicant can satisfy one of the two requirements of CZC 1445-15. Under that section an applicant must show either that "special circumstances or conditions *pertaining to a specific piece of property*" would make a strict application of Code inappropriate, or that a variance "is *necessary for the preservation and enjoyment of a substantial property right* of the applicant possessed by owners of other properties in the same district or vicinity."

There is nothing about this parcel, as such, that makes it unreasonable or inappropriate to apply the zoning code to it. It is not unusually shaped, for example (it is a perfect square); it is not burdened by challenging topography (it is almost perfectly flat); it is not constrained by immovable infrastructure or situated upon unbuildable ground. Nor is there anything about the parcel that makes a variance *necessary*—rather than merely *desirable*—for the owner to enjoy property rights possessed by others. It is a perfectly ordinary parcel that can be put to a huge number of permitted uses.

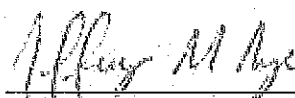
For these reasons, the variance requests are more akin to an application for a zone change, and while zone changes may be appropriate in some circumstances, the

appropriate way to effect them is through legislative action by elected leaders, after community input and public debate, not through an administrative proceeding.

Finally, I wish to reiterate that Emmert, as a long-standing (indeed, apparently the longest-standing) member of this neighborhood, strongly supports community housing, job creation, and diversity in the area. To that end, Emmert intends to continue its dialogue with the project owner and applicant to see whether there might be an alternative way to achieve some mutually desirable goals. But given the type of the variances requested for this particular lot in this specific location, Emmert respectfully requests that the Board deny the application in its current form.

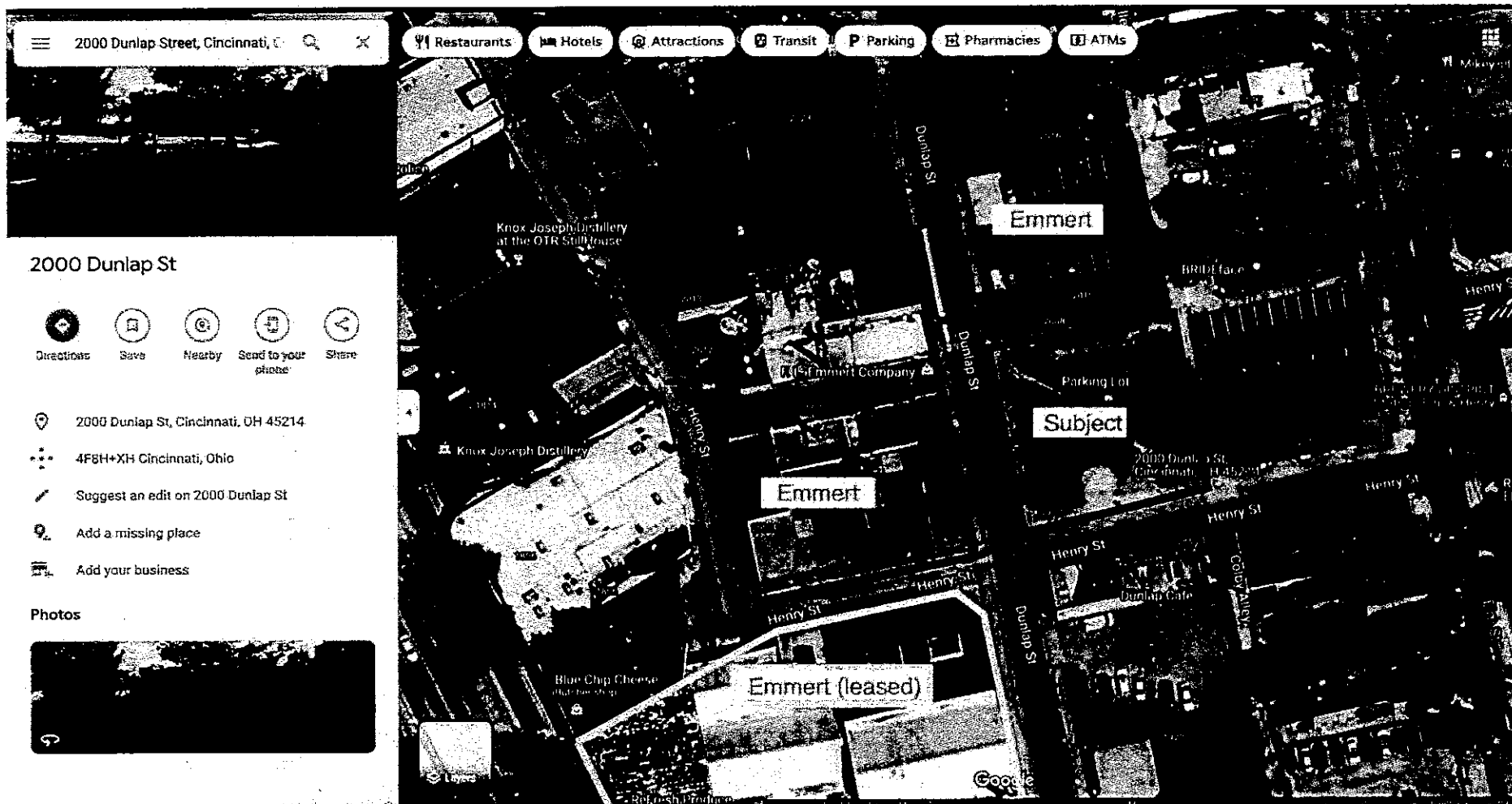
Sincerely,

STAGNARO, SABA
& PATTERSON CO., L.P.A.

A handwritten signature in dark ink, appearing to read "Jeffrey M. Nye", is written over a horizontal line.

Jeffrey M. Nye

JMN/cmw



Beth Johnson
Urban Conservator
City of Cincinnati Historic Conservation Board

Dear Ms. Johnson,

After hearing about the New Republic Architecture proposed project at 2000 Dunlap Street the residents and businesses near that address met to discuss the ramifications of this project. Our group is called Dunlap Neighbors. Our understanding, based on the documentation submitted to HCB, is that the applicant is proposing to build a 44 unit four story structure that will provide permanent supportive housing for the homeless. It is important to note that as of December 29th, 2021 the applicant and OTR Community Housing has made no attempt to publicly engage the community on the purpose of this proposed facility or on the overall design, density or rear setbacks of this structure. The applicant has not brought this before the OTR Community Council or the Mohawk Neighborhood Community Development Corporation. The lack of communication with the community is frankly appalling.

In addition to ignoring the community, the applicant is proposing to construct a 44 unit structure on a lot that is zoned for 14 units. This is more than three times the zoned density. You would be hard pressed to find another structure in the OTR Historic District that has this level of density on such a relatively small plot of land. This project does not fit in with the overall character or appearance of our historic neighborhood.

We formally request that the applicant engage with the community to solicit feedback and guidance on the density and overall design of this structure before they come before the HCB. The businesses and residents that make up the Dunlap Neighbors urge the HCB to vote against these requests for zoning reliefs at the January 24 hearing. The residents and business owners that have signed this letter are united in their opposition to this project.

Respectfully,
Dunlap Neighbors

Dunlap Neighbors Opposed to 2000 Dunlap Street Project

Robert Sehlhorst - OTR Resident
 Kristina Labacka - Sehlhorst : OTR Resident
 Chris Helmers Cincinnati Electrical Repair
 Mike Baich 2609 Elm St
 Daniel Bascone 139 West McMicken Ave.
 Steven Fink 1908 Dunlap Street #2
 BRIAN CONNER - OTR Resident
 Chris Berman 2016 E/M ST.
 Jeff Luggen 2020 Dunlap Street CTN.
 Marko FEE, 1908 Dunlap St, 45214
 Cari Mayan, 2027 DUNLAP ST. 45214 RESIDENT
 Colin Fenn 2031 Dunlap St. 45214
 Fenn Cummins 2031 Dunlap St. 45214
 Ryan Luggen 2020 Dunlap St
 Debra Bellinger 228 Mohawk St. 45214
 Betsy Veltman 1926 Dunlap St 45214

Dunlap Neighbors Opposed to 2000 Dunlap Street Project

nm (NEIL MARSHAMDT)

42 W. McMICKEN AVENUE

1908 Dunlap

y 216 Findlay Street
Jannet Klean

42 W. McMicken Ave

1908 Dunlap

216 Findlay Street

2017 Elm Street

Theresa F. Schubert Rebecca Flobanich

By Peters 2023 Dunlap St

Joey Luggen 324 Mulberry Street

CAROL ANN SCHULMAN - 225 STARIC ST 45214

Dunlap Neighbors Opposed to 2000 Dunlap Street Project

Joseph forelli Joseph forelli 12/30/21
Liz Meard Liz Meard 12/30/2021
Nick Caruso Nick Caruso 12/30/21
Steven Fink A K 12/31/21
CHRIS THOMSON Chris Thomson 1/2/22
Zoraida Thomson Zoraida Thomson 1/2/22
Anna Wendtelli Anna Wendtelli 1/2/22

REPORTS of 1908 DUNLAP.

Dunlap Neighbors Opposed to 2000 Dunlap Street Project

Joseph Maas
Northern Row Brewery

John Walter
524 CONROY
KLOTTER/CONROY RESIDENTS ASSOC.


539 W McMillen

Dunlap Neighbors Opposed to 2000 Dunlap Street Project

VINCENT HARNETT

V. Harnett

529 KLOTTER AVE, CINCINNATI OH

45214

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022

Beth Johnson
Urban Conservator
City of Cincinnati Historic Conservation Board
Two Centennial Place
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202

January 14th, 2022

Dear Ms. Johnson,

This letter is a follow up letter to the January 3rd, 2022 letter that the Dunlap Neighbors submitted to the Historic Conservation Board (HCB). In that letter, signed by thirty- four residents and neighbors, we outlined our opposition to the New Republic 2000 Dunlap Street Project for the Over the Rhine Community Housing. Dunlap Neighbors is an informal group of residents and businesses that formed after we discovered the applicant was planning to construct a 44 unit structure designed to provide supportive permanent supportive housing to homeless people in that location. It is critical to note that virtually every adjacent business and resident and many other nearby businesses and residents are opposed to this project in its present form. We are not opposed to affordable housing. We are opposed to cramming in a 44 unit structure on a 100' x 100' lot zoned for 14 units. In our January 3rd letter we outlined our concerns about the density and setback variances the applicant is seeking. In this letter, signed by members of Dunlap Neighbors, we will outline the many other reasons why this structure is the wrong project in the wrong place at the wrong time.

1. Despite the fact the applicant is seeking to build a structure entirely paid for by public tax dollars and seeking several zoning variances the applicant has not engaged the community about the purpose or overall design of this project. It has NOT been approved or supported by the Mohawk Neighborhood Development Corporation or the OTR Community Council. They have not engaged adjacent residents or businesses and most of the community only learned of this project after they obtained the HCB Notice of Public Hearing card in the mail. We request that you delay rendering a decision on this project until the applicant appropriately engages the community.
2. HUD policy directly opposes the over concentration of low income housing. 2000 Dunlap Street is located to an area of OTR over saturated with low income and other institutional units that would be more effectively located in other mixed neighborhoods. 2000 Dunlap St is located 0.2 miles of 130 bed Volunteers of America facility that houses sex offenders and other convicted individuals serving out their sentence in this halfway house. This project is 0.2 miles from Logan Towers, a 63 bed permanent supportive housing site for the chronic homeless and half a mile from The Jimmy Heath House, a 25 bed housing site for the chronic homeless. There are many other low income housing projects located next to 2000 Dunlap Street that are too numerous to mention. This concentration of institutional supportive housing is dropped into a neighborhood with high poverty. Many of our neighborhood families are poor African-American families that are struggling to raise their children in a neighborhood that is already saturated with institutional housing for the chronic homeless, many of whom are battling mental illness, drug and alcohol addiction and trauma. How are these struggling families going to successfully raise their children in this type of environment?
3. The applicant is proposing to construct a 44 unit structure for the chronic homeless and has stated the clients who will be housed there are individuals that are selected from the Coordinated Referral Entry System. Essentially the clients who will be served by this facility are referred by

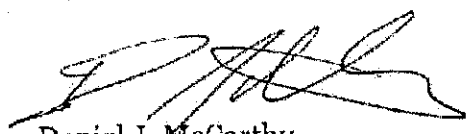
Second, the applicant then must prove the project is necessary and appropriate in the interest of historic conservation (not argued here) OR is necessary to prevent the owner from being denied all economically viable use of the property, taking into account the considerations for a COA under Section 1435-09. The applicant has the high burden to establish that it would be denied the economically viable use of its property.

By trying to take a two-step approach in bifurcating the variance requests from the COA, the applicant failed to include the necessary analysis of whether a variance is necessary under Section 1435-05-4 and whether it would be deprived of the economically viable use of its property. The Zoning Code, in Section 1435-09-2(b) provides specific factors that an applicant can use to establish that a variance is necessary in order to prove that a denial would result in being deprived of the economically viable use of their property. The applicant never attempted to prove an economic hardship and cannot do so.

The variance requirements in Section 1435-05-4 are in addition to the standards set forth in Section 1445-13. The applicant's letter, while ignoring the language in Section 1435-05-4, provided cursory and conclusory statements on the standards set forth in Section 1445-13. Nothing in the application showed that it was necessary to triple the allowable density or that the proposed project is in the public interest. The application was so bereft of details as to make it impossible for a detailed consideration of the variance standards.

Rather than rush through an incomplete application for only part of what is required from the HCB, we request that the Board deny the Application for Zoning Relief. In order to fully consider the scale of the project and how it would impact the historic neighborhood, more information is necessary and the applicant must also obtain a COA. Based on the limited information provided, the proposal is not in the interest of historic conservation and denying the application would not deprive the applicant of all economically viable use of the property.

Sincerely,



Daniel J. McCarthy

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022

other clients in homeless shelters. This system is administered by Strategies to End Homeless Organization. This entry system is designed to select those individuals who exhibit the greatest need due to severe mental illness, addiction and past trauma. The applicant is proposing to house these 44 clients in a neighborhood with open prostitution and drug sales, elevated gun violence and a plethora of drinking establishments. These struggling individuals will be housed in units that are roughly 300 square feet with no outside space to gather and recreate and breath fresh air. Does any reasonable person at the end of the day believe that this type of unit is setting up the clients or the neighborhood families and businesses for success?

4. Where will these clients come from? Will they come from City of Cincinnati, Hamilton County, or the state of Ohio? A similar 57 bed institutional facility for the chronic homeless is located at 821 Ezzard Charles Drive. According to Cincinnati Police Department 2021 data this address had 110 calls for service, 23 mental health, 14 report calls, 31 disorderly/trespassing, 3 weapons and 39 Other calls. Since there is no system in place to ensure that the clients of 2000 Dunlap Street are City of Cincinnati residents, the generous tax payers of this city, county and state will be paying for the services that these struggling individuals will invariably need and deserve.
5. The use of this proposed structure has not been correctly presented by the applicant. According to the building code classification of occupancies, this is an Institutional User Group, not housing. This use is only conditionally permitted in the Urban Mix Zone. Housing for people recovering from certain issues including drug and alcohol abuse, criminal history, sex abuse recovery programs are specifically not permitted in the Urban Mix Zone.
6. This proposed project is in direct contrast to the stated goal of creating a mixed income neighborhood in OTR. Unlike other projects, such as 3CDC's Willkommen, this unit contains no mixed use residents and is exclusively low income.
7. The applicant has not conducted a traffic or parking survey to indicate how this project will affect nearby residents and businesses that operate on Dunlap Street. The current use of 2000 Dunlap Street is a paved parking lot that was properly built and permitted and it provides desperately need parking. This project only proposes two parking spots. Where will visitors, staff, deliveries park? How will this affect the intersection of Henry and Dunlap Streets that receives a total of 35-50 tractor trailer loads each business day?

We write this letter with a sympathetic heart for our homeless brothers and sisters who are in need of housing and services. We also write this letter with a clear understanding that this unvetted project fails to establish an environment where the proposed residents of this facility and the neighborhood families and businesses can be successful. We respectfully urge the HCB to delay a decision on this project until the community has been engaged and their questions answers.

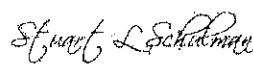


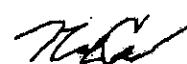
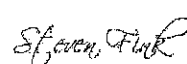
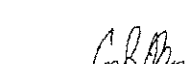
Respectfully,

Dunlap Neighbors

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<i>Robert Seihorst</i>	Robert Seihorst	2019 Elm Street	robertseihorst@gmail.com Resident	01/13/2022
<i>Denny Dellinger</i>	Denny Dellinger	228 Mohawk St.	dennyd.dellinger@gmail.co resident and home owner	01/13/2022
<i>Jeffrey Luggen</i>	Jeffrey Luggen	2037 Elm St.	jeffrey.michael23@gmail.c Property Owner	01/13/2022
<i>Ryan Luggen</i>	Ryan Luggen	2020 Dunlap St	ryluggen@gmail.com Employed	01/17/2022
<i>John Walter</i>	John Walter	524 Conroy Street	johnwalter@cinci.rr.com Resident, owner of Klotter Properties	01/14/2022
<i>Joseph M. Vallo</i>	Joseph M. Vallo	20 W Elder St, Unit 2	jvallo@vallomanagement.c Resident, Property Owner	01/17/2022
<i>Joseph Luggen</i>	Joseph Luggen	2001 Elm Street	joe@cia-auction.com Employee of Cincinnati Industrial Auctioneers	01/13/2022
<i>M. David Berger</i>	M. David Berger	108 Henry Street	davidb@msdf1.com property Owner	01/14/2022

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	Stuart L. Schulman	225 Stark Street Cincinnati Ohio 45214	sschulman@dltdelivers.co Resident m	01/13/2022
	Fede	1908 Dunlap St	agostino.fede@gmail.com Resident	01/13/2022
	Neil Marquardt	1908 Dunlap Street, #3 Cincinnati, OH 45214	neil.marquardt@gmail.com Owner	01/14/2022
	Nicholas Caruso	1908 Dunlap St Unit 1E Cincinnati, OH 45214	ncar7623@gmail.com Resident	01/14/2022
	Steven Fink	1908 Dunlap St. Unit 2 Cincinnati, OH 45214	sfink@bangzoomdesign.co Resident m	01/13/2022
	Cory Mangas	2027 Dunlap st Cincinnati, Ohio 45214	Cory@themockbee.co / Employed m	01/13/2022

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<i>David G Bird</i>	David Bird	2014 Ohio Av.	dabird6711@yahoo.com	self	01/13/2022
<i>Michael Basch</i>	Michael Basch	2009 Elm Street	squirrelweddingfilms@gmail.com	self	01/14/2022
<i>Mark Gatherwright</i>	Mark Gatherwright	2035 Elm Street	qcn2025@yahoo.com	Resident	01/14/2022
<i>Kenneth Klabunde</i>	Kenneth Klabunde	2017 Elm Street	k.klabunde@gmail.com	Resident	01/16/2022
<i>Karen Domine</i>	Karen Domine	2526 cleinview ave	edenpk2@aol.com	employee	01/13/2022
<i>Jenny Miller</i>	Jenny Miller	2029 Dunlap Street	Jkmcincinnati@gmail.com	resident	01/13/2022
<i>Logan Reynolds</i>	Logan Reynolds	2029 Dunlap	loganpreynolds@gmail.com	resident	01/13/2022
<i>Julie Miller</i>	Julie Miller	2027 Dunlap Street	millerjulie50@yahoo.com	resident	01/14/2022
<i>Carol Ann Schulman</i>	Carol Ann schulman	225 Stark Street	gardenroselady@yahoo.com	Resident	01/13/2022

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022



Hal Lorton

1830 Race St
Cincinnati, Ohio 45202

notrollah@gmail.com

Resident

01/17/2022

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022

<i>Mary Fox</i>	Mary Fox	522 Conroy Street	Maryfox522@gmail.com	Resident	01/17/2022
<i>Vincent Harnett</i>	Vincent Harnett	529 Klotter Avenue	vincent.harnett@gmail.com	Resident	01/17/2022
<i>James J Hautz</i>	James J Hautz	439 Klotter Ave. Cincinnati, Ohio 45214	jjhautz@gmail.com	Resident	01/17/2022
<i>Frederick Charles Ellenberger</i>	Frederick c. Ellenberger	550 W. McMicken Ave, Cincinnati OH 45214	fellenberger@cinc.rr.com	Resident, Self Employed	01/16/2022

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
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<i>Kristina LaScalea-Schilhorst</i>	Kristina LaScalea-Schilhorst	2019 Elm Street	tinalascalea@gmail.com	resident	01/13/2022
<i>Jerome A. Luggen</i>	Jerome A. Luggen	2020 Dunlap Street	jerome@cia-auction.com	resident	01/14/2022
<i>John Philhower</i>	John Philhower	235 State St.		Business Owner	1/17/2022
<i>Joseph Feltz</i>	Joseph Feltz	262 STATE			
<i>Mohammad Shalash</i>	Mohammad Shalash	2020 State St.			1/17/22
<i>Chris Helmers</i>	Chris Helmers	2023 Elm St			1/17/22
<i>Mike Fitzgerald</i>	Mike Fitzgerald	2023 Elm St			1/17/22
<i>Beth DiMuzio</i>	Beth DiMuzio	2023 Elm St			1/17/22
<i>Chris Burns</i>	Chris Burns	2016 Elm St			1/17/22
<i>Jeffrey L. Luggen</i>	Jeffrey L. Luggen	2020 Dunlap	CIA		1-17-22

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Guy Peters By Peter 2023 Dunlap St. glipeters@yahoo.com business 1/17/22

January 3, 2022

Beth Johnson, Urban Conservator

Re: 2000 Dunlap Street request for variances

It has been brought to the attention of the Mohawk Neighborhood CDC Board of Trustees that here is a pre-hearing for zoning variances preliminary to a development project at Dunlap and Henry Streets.

For the following reasons, we ask you to adhere to the current zoning criteria and do NOT grant the variances.

1.) There has been no outreach or community engagement within the Mohawk area of the Brewery District of OTR.

- Additionally, during the development of the Mohawk Area Plan (2016-2021) with The City's Planning Department, all property owners were informed by direct mail, and invited to participate in the plan's development.
 - Notifications were sent to property owners numerous times throughout the development of the plan.
 - Residential development is addressed in the plan with consensus on single and two-family homes on vacant lots within the district.
 - The property owner of 2000 Dunlap Street did not participate or express any specific residential use or density needs for the other participants to consider for this lot.

2.) If the 100'x100' lot were redeveloped for residential use, the Urban Mix zoning allows up to 14 residential units, with required rear setback of 10'. By Urban Mix standards this is appropriate as a maximum. To more than triple the number of residential units to 44 is a threat to the safety of the proposed residents and to the existing long-term industries.

- Urban Mix zoning was carefully designed and enacted a decade ago to safeguard existing industrial, processing, warehousing and commercial uses within the neighborhood district, while facilitating compatible adjacent development.
- 2000 Dunlap Street is in the heart of the Urban Mix zoning district. This 100' x 100' was made into a parking lot by the owners, with fencing, striping, and pay-box in 2018. It currently creates cash flow for the existing owners while serving the surrounding residences, businesses and industry.
- The Urban Mix zoning protection of density and setback, designed specifically for this area, must be retained for the purpose of the existing businesses and zoning protection.
 - The surrounding businesses include a large historic spent-grain processing facility (serving the breweries for well over 100 years!) that requires a daily steady flow of large semi-tractor trailer access on the existing narrow Dunlap Street;
 - A large industrial auction house that brings in used or surplus large equipment for reconditioning and reuse;
 - A decades-old bar/restaurant, multifamily residential, single and 2-family residential
 - Several other historic buildings that are vacant and in need of redevelopment.

3.) While apparently not under consideration today, there is no listing for "Permanent Supportive Housing" under Urban Mix. "Transitional Housing" designed to (5.) assist persons recuperating from the effects of drugs, alcohol, even if under criminal justice supervision; or (6.) readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release and probationary programs is not permitted within the residential populations allowable in the Urban Mix zoning.

Respectfully submitted,


Julie Fay, Chair, Board of Trustees

Mohawk Neighborhood Community Development Corporation

513-260-8434 jdfayotr@gmail.com

From: Kenneth Klabunde
Sent: Monday, January 3, 2022 4:08 PM
To: Conservator, Urban
Cc: Rebecca Klabunde
Subject: [External Email] 2000 Dunlap St Project

External Email Communication

Good afternoon, Beth.

My wife and I own the historic home at 2017 Elm Street. I am writing to let you know that we are deeply concerned about the zoning variances being requested for the proposed 2000 Dunlap St project in our neighborhood (nearly adjacent to our home).

We have diligently worked within the zoning and historic guidelines for our property, along with our neighboring friends and businesses. These zoning requirements are in place for excellent reasons and help to ensure a balanced, diverse, and thriving community for everyone.

The incredibly high unit density, along with minimal setbacks, being requested by this project does not appear to have the dignity and best interest of potential residents, or our community as a whole, in mind.

Please kindly consider our opposition to the approval of this project.

Sincerely,
Kenneth and Rebecca

Kenneth and Rebecca Klabunde
2017 Elm Street
Cincinnati, OH 45202
k.klabunde@gmail.com
rebecca.klabunde@gmail.com
317-432-1826 *Kenneth's cell*
317-849-2333 *Rebecca's cell*

17 January 2022

Beth Johnson
Urban Conservator
City of Cincinnati
805 Central Avenue | Suite 500
Cincinnati, OH 45202

Beth,

We would like to express our strong opposition to the proposed project at 2000 Dunlap Street.

First, every existing resident and business owner in this neighborhood has gone through a strict process to ensure our proposed developments were a good fit. We followed this process closely at 42 W. McMicken Avenue (our primary residence) and again with our proposed housing at 216 Findlay Street. We played by all the rules – including variance, historic considerations, appropriateness, etc. – and the guidance provided by your team in good faith. Our expectation is that the proposed OTRCH project is held to a similar standard when it comes to considering code variances. This is an ill-conceived project, cramming 44 people into small living quarters with no outdoor space surrounded by at least four bars serving alcoholic beverages, which was proposed just before the holidays without any advanced warning nor engagement with the neighborhood.

Second, in stark contrast to the letters of support (from constituents who live outside the neighborhood), we take issue with OTRCH's property management for a host of reasons. OTRCH manages a row of recently renovated apartments that sit on Clifton Avenue, roughly 50 feet "above" our plot. A few examples of OTRCH's mismanagement include:

- OTRCH repeatedly rejected all accountability for a collection of tree roots, clearly on their property, that were causing significant damage to one of our exterior walls. We spent nearly \$20,000 on legal fees before OTRCH finally accepted responsibility and did the right thing by removing the trees and fixing our wall.
- Residents – including kids – routinely throw objects into our backyard. Recently, a rollerblade was hurled from fifty feet above us, nearly striking Lauren in the head. In the past few months we found iPads, toys, food, and other household items that have been thrown into our backyard. Despite direct communication with the director of OTRCH on several occasions, we continue to see objects thrown into our backyard (sometimes directly at us).
- Two dogs were tied up on the OTRCH property for well over a year. According to the director of OTRCH, pets are not permitted at this property yet they were not removed for over a year. These dogs were left to suffer in freezing temperatures in the winter and extremely hot conditions in summer. Instead of handling their dog's waste responsibly, the owners threw their dogs' fecal matter directly into our backyard. This problem was eventually handled, months after we reached out to OTRCH.

- Trash cans are always strewn about Clifton Street on the back end of our property. There are over a dozen trash cans and OTRCH does nothing to manage the routine maintenance of trash.

So, while we consider the other significant components of this decision (variance and appropriateness) we feel strongly that we should also discuss other factors, too. We find it hard to accept that OTRCH will manage the proposed project on 2000 Dunlap Street any better than they manage their multi-family units on Clifton Street.

We are strongly opposed to this project and look forward to participating in next steps.

Regards,

Neil Marquardt (m = 513.257.5133)

Lauren Klar (m = 859.801.3658)

42 West McMicken Avenue (primary home)

1908 Dunlap Street, 3rd Floor (owners)

216 Findlay Street (owners)

From: Evan Cummins
Sent: Wednesday, December 22, 2021 2:24 PM
To: Johnson, Beth
Subject: [External Email] 2000 Dunlap Street Proposed Zoning Relief

External Email Communication

Hi Beth,

I'm writing in regards to the proposed zoning relief for 2000 Dunlap Street, Cincinnati Ohio. I have a number of areas of concern in regards to how this building will fit in to the historical context of the surrounding neighborhood, but most specifically, as the owner of 2032 Dunlap Street, I am concerned about the overall height of the building. None of the buildings on Dunlap street are the same height as this building and while they may be 4 stories, the fourth story is often an attic area with small windows (not a full story). The majority of the buildings are 2-3 stories. When I purchased and had my house renovated, I built a rooftop deck to see the surrounding historic neighborhood. If this building were to be built in its current form, it would block any views I have and would block the nice views I have now (already adding to the dreary view of the building across the street). While they have proposed that this would not do any harm to property values, this would certainly harm my property value. I am the first person to have bought a historic home (post-renovation) on Dunlap street and would like to see this trend continue, but am afraid that if buildings that do not fit the architectural spirit of the neighborhood are allowed in, it will decrease property values and discourage further conservation and revitalization efforts.

Additionally, parking is already major issue on the street given the increase in popularity of current bars and the addition of e-19 and OTR Stillhouse. Our street is unique in that it has many commercial businesses so there are semis on the street constantly. The removal of this parking lot would further congest parking, and potentially add congestion from residents or friends of residents. Add on top of this the increased traffic from the FCC Stadium and our street has nearly become undrivable on the weekends (which is a significant change from when I moved here 2 years ago).

I am not against the spirit of this project, I just think the proposed project as it currently stands will have an adverse impact on a neighborhood and street that are still currently struggling to revitalize.

Thank you for your consideration.

Thanks,
Evan Cummins

2031 Dunlap Street
Cincinnati, Ohio 45214

From: czeetom@aol.com
Sent: Tuesday, December 28, 2021 8:56 PM
To: [Conservator, Urban](#)
Subject: [External Email] 2000 Dunlap Street, OTR - Proposal to Build 44-Unit Dwelling

External Email Communication

To Whom It May Concern,

It recently came to the attention of my wife and I that there is a proposal to build a 4-storey, 44-unit structure, on the site at 2000 Dunlap Street. We have lived at 1908 Dunlap Street since 2008 and do not believe this is the right location for such a project. We plan to oppose the project at each and every opportunity.

Respectfully,

Chris Thomson
City Lofts on Dunlap
Unit 5
1908 Dunlap Street
Cincinnati, OH 45214

From: edenpk2@aol.com
Sent: Thursday, December 30, 2021 1:42 PM
To: [Johnson, Beth](#)
Subject: [External Email] Dunlap new construction with no parking

External Email Communication

In my view point there are many other alternatives that would provide more bang for the buck. The need for low income housing is huge. I do not think the density is good for anyone. Parking is already a challenge.

Eden Park Realtors
Karen Domine Broker
513 281-7888 476-6739

X

From: Steven Fink
Sent: Friday, January 14, 2022 2:45 PM
To: Johnson, Beth
Subject: [External Email] Dunlap Street

External Email Communication

Hi Beth,

My name is Steven Fink and I have a condo at 1908 Dunlap Street. I purchased it in 2019 and have been remodeling since that time, and it is finally finished. I have lived in Clifton for 15 years, and own a business that is located on Central Parkway (right in front of the FCC Stadium). I wanted to have a downtown place of residence because of all the excitement happening in the area. I chose Dunlap Street for my condo because it is close to lots of entertainment, like Findlay Market and Reingeist. I feel safe walking with my kids and wife around that area. Now, with the news about 2000 Dunlap Street, I am getting very concerned about the future. I have lived in big cities, like Philadelphia, and have first hand understanding what happens with homeless shelters open on a street where people reside. The streets become dangerous, and mentally ill people walk the streets during the day, and are unpredictable related to violence and actions. I was really hoping that Dunlap, which is already transitional, was going to only bring in more businesses and living that was in line with the economic growth of OTR. I have personally invested a lot in my condo, with the anticipation that the close proximity was going to offer even better things, and not a homeless shelter of 44 beds that is zoned for 14. I have friends who were considering living close to me, who also own businesses and would help make that street and area more tourist friendly. Overall, a homeless shelter like this one will deter this growth. There must be other areas that are not so close to residences like 1908 Dunlap and entertainment that are better fits for this shelter? I'm not expert on zoning, etc., but I am just a professional person who wants to see this city grow and become more beautiful and pleasant - that is why I own 1415 Central Parkway, and purchased 1908 Dunlap Street #2 - to enjoy the expansion of OTR and the positives of Cincinnati. The plans for 2000 Dunlap Street will certainly set me back, and others who want that area to be safe, pedestrian friendly, and a place to walk with your family and friends.

Thanks,

Steven Fink
Bang Zoom Design, Ltd.
1415 Central Parkway
Cincinnati, OH 45214

work: 513-487-4583
cell: 513-477-9527
email: sfink@bangzoomdesign.com
skype: bzfkink

website: www.bangzoomdesign.com

From: Mikey Sorboro
Sent: Tuesday, January 18, 2022 1:13 PM
To: Johnson, Beth
Cc: Bryce Ungerott
Subject: [External Email] Opposition to OTR Community Housing Project

External Email Communication

Beth,

I'd like to add our name and business to the opposition of the New Republic Community Housing Project that is being proposed in OTR. As property and business owners, we share the belief that our business and property value will be very negatively affected. We are not opposed to affordable housing, but this project, as proposed will not benefit the area, nor it's residents, business owners or property owners.

Thank you for reading and let me know if I can share my opposition in any other way.

Mikey Sorboro

Chief Experience Officer

LNS Restaurant Group

Mikey's Late Night Slice/Oddfellows Liquor Bar/Sacred Palm/High Horse Vegan Pizza



From: Jeffrey Luggen
Sent: Tuesday, January 4, 2022 3:35 PM
To: Johnson, Beth
Subject: [External Email] Project at 2000 Dunlap St.

External Email Communication

Dear Ms. Johnson,

I am writing this letter in strong opposition to the proposed Over the Rhine Community Housing Project at 2000 Dunlap St.

I work at Cincinnati Industrial Auctioneers at 2020 Dunlap St., I also purchased 2037 Elm. St. in 2018 with the plans to rehab the property and make it my home. I had architectural drawings made and planned to invest more than \$750,000 in the property. While I have hit some snags due to the COVID-19 Pandemic and increased material and construction costs I still have hopes to someday move forward. I likely will not move forward if this project is approved. Here are some of my reasons for opposing this project.

- **Parking** - The project calls for only (2) parking spaces, where are the residents, their visitors, facility employees and service providers going to park? Parking in the area is already stressed and Emmert Grain has constant truck traffic, this will only further decline the situation.
- **Zero lot line** – I have several issues with this.
 - There is no outdoor space for the residents, are they supposed to spend all of their time inside?
 - The building is designed to be built all the way back to Colby Alley, this will limit access up the alley, not only for individual use but for contractors and emergency vehicles.
- **Density** – Again, several issues.
 - The letter from the architect says this will create (3) full time jobs, how is this sufficient to manage a facility of this size 24/7?
 - Dunlap is already a busy street, with trucks and employees of Emmert Grain and Cincinnati Industrial Auctioneers, the condos at 1920 and the apartments at 2027/2029 it will strain a traffic zone that is already difficult to navigate.
 - Each of the 44 units are supposed to be about 450 Sq. Ft. is this appropriate enough space for a person to live, especially with no outdoor leisure space?
- **Appearance** – This is a modern building will stick out like a sore thumb amongst the historically preserved buildings of the Brewery District.
- **Neighborhood** – Due to the proximity to Findlay Market and Rhinegeist this neighborhood has become an entertainment/commercial area more so than residential.

Thank you for your time, please consider my concerns above when ruling on this project, feel free to contact me via email or phone.

Regards,

Jeffrey M. Luggen

Contact: 513-708-9071, Jeffrey.Michael23@gmail.com

Employee: 2020 Dunlap St.

Property Owner: 2037 Elm St.

X

X

From: Gregory Wilson
Sent: Saturday, January 8, 2022 8:26 AM
To: Johnson, Beth
Subject: [External Email] Re: 2000 Dunlap

External Email Communication

Beth: I am not an adjacent property owner, but i have been contacted two times regarding joining objections to approval of this project prior to additional vetting taking place. There must be something to this although I do not do this type of work so I have no expertise.

I am familiar with the site and I must say it does not look appropriate for a zero lot line high density residential project.

I can't attend the meeting but I wanted to express my feelings about this. I would suggest additional study and neighborhood dialogue take place before approval.

Best regards,

Greg

Gregory R. Wilson Co.

Attorney at Law
1411 Sycamore Street
Cincinnati, Ohio 45202
(513) 352-5858
Fax (513) 823-2891*
wilson1010@aol.com

-----Original Message-----

From: Gregory Wilson <wilson1010@aol.com>
To: beth.johnson@cincinnati-oh.gov <beth.johnson@cincinnati-oh.gov>
Sent: Thu, Dec 16, 2021 9:28 am
Subject: Re: [External Email] Request for Application Packet Filed by Others

Thanks so much!!!!

Greg

Gregory R. Wilson Co.

Attorney at Law
1411 Sycamore Street
Cincinnati, Ohio 45202
(513) 352-5858
Fax (513) 823-2891*
wilson1010@aol.com

-----Original Message-----

From: Johnson, Beth <beth.johnson@cincinnati-oh.gov>
To: Gregory Wilson <wilson1010@aol.com>
Sent: Thu, Dec 16, 2021 8:50 am
Subject: RE: [External Email] Request for Application Packet Filed by Others

Beth Johnson
Urban Conservator
805 Central Ave., Suite 500
Cincinnati, Ohio 45202

Dear Ms. Johnson,

I am Jeffrey Luggen, Vice President and partner in Cincinnati Industrial Auctioneers, Inc. CIA is a nationwide provider of Industrial Auction and Appraisal services. We use our buildings for our offices and warehousing operations. We have been located at 2020 Dunlap Street in OTR since 1980. CIA employs 20 people.

CIA and the neighboring businesses ship and receive goods on a daily basis. We can attest to the fact that Dunlap is a busy street with commercial traffic on weekdays. On the weekends the area is crowded with tourists and customers of the surrounding businesses. High density usage is not a good fit for the area.

We have seen the neighborhood go through many changes over the past 40 years, reaching a low point around 2001. Prostitutes and drug dealers took over the streets. Slowly, north OTR began to change for the better. In recent years the neighborhood has experience a resurgence. Private citizens are renovating homes and new businesses are opening. A welcomed change.

At present, Elm Street north of Findlay Market is an "entertainment district" with breweries, bars, restaurants, businesses and low-density housing. Dunlap Street from Findlay Street north is occupied by commercial businesses, a Tavern, low density housing, a public park and a public swimming pool. High density occupancy housing is a poor fit for the area.

In mid-December, we were surprised to hear that a building is planned for 2000 Dunlap Street. The project will require numerous variances to the

building and zoning codes. The building does not appear to conform with the existing land use in the neighborhood.

The "High-Density Variance" will change the density from (14) units for the lot size to a high-density usage of (44) units, over a 200 percent increase above the code. This density usage will cause numerous traffic, parking, health and safety issues for the community.

The "No Set Back Variance" gives the developer the ability to build from "lot line to lot line" for the sole purpose of creating density at the site. The plans only allow two spaces for parking, not enough to accommodate residents, guests, staff or service personnel. The plans have no outdoor space for the residents to congregate. These necessities will be left to the surrounding streets to fulfill.

Building to the "lot line" along Colby Alley will constrict the access to the alley making ingress and egress difficult for the residents. This constriction will make it difficult for the Fire and Police Departments to gain access in case of emergencies.

No information has been given to the community regarding the development, or its effects on the neighborhood. We hope that the city will hear the residents' concerns and not grant these variances. The developer should adhere to the exiting code.

Respectfully,
Cincinnati Industrial Auctioneers, Inc.
Jeffrey L. Luggen
Vice President

From: Zee Thomson
Sent: Wednesday, December 29, 2021 3:23 PM
To: Conservator, Urban
Subject: [External Email] 2000 Dunlap St Proposal

External Email Communication

Beth,

My name is Zoraida 'Zee' Thomson and I've lived at 1908 Dunlap St, Unit 5 for over 13 years. I'm writing to state my disapproval of the proposed project at 2000 Dunlap St. The area has worked hard to get where it is now and this proposal would kill the current vibe.

Please reconsider approving this proposal for the good and continued growth and vibrancy of the neighborhood.

Sincerely,

Zee Thomson

Sent from the all new AOL app for iOS

From: johnwalter@cinci.rr.com
Sent: Monday, January 17, 2022 3:02 PM
To: Johnson, Beth; urban.conservator@cincinnati-oh.gov/boards
Subject: [External Email] 2000 Dunlap Street Project Input
Attachments: Dunlap and Henry Parking Lot- 1-15-22 mid-afternoon.jpg
 Dunlap Parking 1-15-2022 mid-afternoon.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

External Email Communication

To whom it may concern-

I moved to and invested in OTR in 1984 and still live and run my business in the Mohawk area of OTR. I have provided leadership to a loose knit group of Mohawk neighbors referred to as the Klotter Conroy Residents Association over the past 30 years. The last decade has been very encouraging as multiple business establishments have located north of Findlay Market on Elm and West McMicken bringing vibrancy and increased public safety to Mohawk. Access to parking has been key to the success of these businesses since most of their customer base drives in from outside of OTR. The 20-car parking lot that will be eliminated by this project and the added unknown number of cars owned by the residents of 2000 Dunlap will decimate the available parking for patrons of these Mohawk businesses and Mohawk residents.

Referencing Page 2 of the Zoning Letter under "Blight", the applicant says this proposed building will eliminate blight and refers to the newly done, nicely landscaped and lit parking lot a source of blight. This in my opinion is intellectually dishonest and couldn't be further from the truth. The attached picture was taken mid-day 1-15-22 of the parking lot full of patrons of the Mohawk businesses. It is important to note that a paid parking lot turns over frequently during a busy weekend day. The 20 spots equate to some multiple of 20 in terms of Mohawk business patrons. The second attached picture shows Dunlap at the same time with no available parking spots all the way up to West McMicken. The availability of parking gets much worse during Rhinegeist and Findlay Market events and in the warmer season.

Please take the parking issue into consideration when ruling on this project. I have also signed the Dunlap Neighbors letter opposing the 2000 Dunlap project.

Thank you for your consideration,
 John Walter
 Klotter Properties
 524 Conroy Street
 Cincinnati, Ohio 45214
 513-519-9551

Hoffman, Stacey

From: Joe Vallo <jvallo@vallomanagement.com>
Sent: Monday, October 10, 2022 4:59 PM
To: Hoffman, Stacey
Cc: Bob Sehlhorst (robertsehlhorst@gmail.com)
Subject: [External Email] Opposition to 2000 Dunlap

External Email Communication

Hello, Ms. Hoffman,

Like many others living and working in our Dunlap and Findlay Market neighborhood, I am very much opposed to the 2000 Dunlap Street Project. For the good of our neighborhood, I ask that the Council vote down this project.

Respectfully,
Joe Vallo
20 W Elder Street

Joe Vallo
President



Vallo Management Services

jvallo@vallomanagement.com

513-760-8873

Hoffman, Stacey

From: Christine Oliver <christine@cia-auction.com> on behalf of Info <info@cia-auction.com>
Sent: Tuesday, October 11, 2022 4:32 PM
To: Hoffman, Stacey
Cc: Jerome Luggen
Subject: [External Email] RE: CASE NUMBER: COA2022032
Attachments: MX-5070N_20220613_104806.pdf

You don't often get email from info@cia-auction.com. [Learn why this is important](#)

External Email Communication

Ms. Hoffman,

On behalf of Jerome Luggen, please see attached letter in opposition of the 2000 Dunlap Street project. Jerome has owned property on Dunlap Street since the early 80's. This letter was previously submitted on prior hearings.

Regards,

Jerome A. Luggen, President

CIA Company | Auctions | Acquisitions | Appraisals | Since 1961

513-241-9701 Office | 513-702-4555 Cell | Jerome@cia-auction.com

Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

Dunlap Street Properties LLC
2020 Dunlap Street, Cincinnati, OH 45214

June 10, 2022

Doug Owen
Urban Conservator
805 Central Ave., Suite 500
Cincinnati, Ohio 45202

Via Email Only

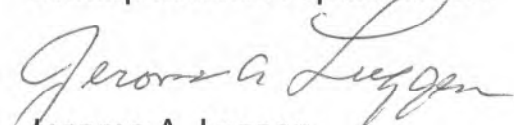
Dear Mr. Owen,

My company owns the building at 2008 Dunlap Street under the name 2008 Dunlap Street LLC. The building directly North of the 2000 Dunlap Street PSH development. As the owner of the adjacent property, I am entitled to a 10' setback, the entire length of the boundary line. I have no intention of relinquishing my right to a setback.

I own the adjacent building across Colby alley at 2001 Elm Street. Both of my buildings are one-story high. This 45' high structure will dwarf both of my one-story buildings and it will look odd and out of place.

I strongly urge HCB to deny the setback variances and to make the developer to adhere to the code.

Yours Truly,
Dunlap Street Properties LLC


Jerome A. Luggen
Partner

[REDACTED]

Sent:
To:
Subject:

[REDACTED]

[REDACTED]

External Email Communication

Hi Stacey,

Consistent with the previous hearings, I am opposed to the 2000 Dunlap Street project due to the density variance request.

Thanks,
Ryan

Ryan L. Luggen, *Business Development Executive*

CIA Company | Auctions | Acquisitions | Appraisals | **Since 1961**

513-241-9701 Office | 513-910-6320 Cell | ryan@cia-auction.com

Mailing Address: 2020 Dunlap St., Cincinnati, Ohio 45214

[REDACTED]

Sent:
To:
Subject:

[REDACTED]

[REDACTED]

External Email Communication

Ms. Hoffman -

As an OTR resident I'm strongly opposed to issuing a variance to allow the proposed project at 2000 Dunlap Street to move forward. The variance that is being requested is excessive for the footprint and use of the land. Additionally, I believe the city needs to spread out transitional housing throughout the city as opposed to concentrating it in a small subsection of the city that is already dealing with high levels of prostitution, drug use, and crime. The OTR Community Council voted down this project and I think the planning commission needs to respect all the voices of the community members + organizations who oppose this project.

Thank you for your consideration,

Nate Baugh
608 Conroy St.
Cincinnati, OH 45214

Hoffman, Stacey

From: Bill Johnson <bjohnson@robinimaging.com>
Sent: Wednesday, October 12, 2022 7:57 AM
To: Hoffman, Stacey
Subject: [External Email] Opposed to Dunlap project

You don't often get email from bjohnson@robinimaging.com. [Learn why this is important](#)

External Email Communication

Ms. Hoffman,

I would like to express my opposition to the housing project on Dunlap. The density is way too high, and we do not need anymore offenders in this area. We have been working hard for the past few years to clean up problems in this area. The last thing we need is a large concentration of them brought in from the outside.

Bill Johnson
Robin Imaging
General phone 513-381-5116
Direct phone 513-763-7783

Hoffman, Stacey

From: David Bird <dabird6711@yahoo.com>
Sent: Wednesday, October 12, 2022 8:05 AM
To: Hoffman, Stacey
Subject: [External Email] 2000 Dunlap St

You don't often get email from dabird6711@yahoo.com. [Learn why this is important](#)

External Email Communication

City Council / Planning Commission

Im writing over concerns about the proposed project at 2000 Dunlap St. This proposed project just wont seem to go away, Its more than clear the neighbors families and businesses in the neighborhood do not want or need this. It has been denied and voted down by the OTR council and the Mohawk district as well as the Historic Conservation Board. Please stand with the citizens taxpayers and voters in the neighborhood who are strongly opposed to this.

Thank You. Resident David Bird
2025 Vine St.

Hoffman, Stacey

From: Rebecca Klabunde <rebecca.klabunde@gmail.com>
Sent: Wednesday, October 12, 2022 8:40 AM
To: Hoffman, Stacey
Cc: Kenneth Klabunde
Subject: [External Email] 2000 Dunlap Street

You don't often get email from rebecca.klabunde@gmail.com. [Learn why this is important](#)

External Email Communication

Good morning, Stacey.

We are Kenneth and Rebecca Klabunde and we own the home at 2017 Elm Street in Cincinnati, less than 200 feet from the proposed project at 2000 Dunlap Street, Cincinnati. We are writing to you today to ask you to please not fund this project and to share with you our deep concerns about the current proposal.

It is our understanding that this project is intended to bring about much needed housing for some of the most vulnerable folks in our community, but upon closer inspection, we feel that this project is NOT suited to meet the needs of these individuals and could potentially bring about more harm than good to our community at large. Please consider the following points:

1. A small lot (100' x 100') is simply insufficiently sized to hold 44 homes. This is extremely dense, goes WELL beyond the zoning restrictions for our neighborhood, and does not offer enough living space for 44 human beings to live with dignity. We can do better than this.
2. This proposal removes every bit of "green space" from the existing property - including a number of maturing trees that greatly contribute to our neighborhood's beautification and sense of well being. Many of the folks who will be housed here are battling mental illness and depression - exposure to nature (fresh air, Vitamin D, etc) will be very important to their stabilization and recovery. The proposal does now include a (small) (walled-in) courtyard, but we feel it is, again, insufficient for 44 human beings to live with dignity.
3. The proposed plan allows for only 2 parking spaces. This is comically insufficient for the staff and residents of such a large undertaking and doesn't come close to meeting its own needs. Dedicated parking should be allocated to security, medical teams, administrators, and residents/guests. And when considering the area at large, (while parking is always difficult in urban areas) our neighborhood serves as the main source of parking for visitors to our many popular breweries and restaurants, new businesses that are bringing about jobs and economic progress, and the MANY visitors to Cincinnati's beloved Findlay Market. To lose the parking spaces in the lot at 2000 Dunlap would drive foot traffic to another area and potentially shutter existing business. Economic setbacks to our budding community would not help us help these potential residents to live with dignity.
4. There is no policy in place that assures our community that the residents chosen for this development will even be from our area. This means that the folks living on our own streets could easily be passed over for housing because it's more profitable to house citizens from another city, or state, or region. (Additionally, please note that any tenants who are unable to pay their rent, will likely be evicted onto our streets and only ADD to the number of chronically homeless individuals for whom our community is already caring.) *The men and women that we see on a daily basis, the ones we know by name, are our priority - it's important to us that we care for them. They, too, are our neighbors and a housing project in our own backyard should absolutely care for its own.*

We appreciate that the City Planning Commission is committed to its 11 "Guiding Principles" that make up Plan Cincinnati - one of which is to "develop a culture of health embodied by thriving residents". Our desire is the same, and so we ask you to please consider helping us by not funding the proposed 2000 Dunlap project as it stands now. A much more reasonable project should be proposed - one that takes into account the things listed above and any other concerns that members of our community would like to have the opportunity to share. Those of us who live and work in this small pocket of OTR would be happy to meet with you and discuss ways to bring about dignified housing (as well as other needed community services) for those whom this project is intended to serve. We love our little neighborhood, and we want to see it be a safe, welcoming home for all.

Thank you for your consideration,
Kenneth and Rebecca Klabunde

--

Rebecca Klabunde

Hoffman, Stacey

From: Casey <caseyhenn31@gmail.com>
Sent: Wednesday, October 12, 2022 8:44 AM
To: Hoffman, Stacey
Subject: [External Email] City Planning Commission - Mohawk Neighborhood Development

You don't often get email from caseyhenn31@gmail.com. [Learn why this is important](#)

External Email Communication

Hi Stacey,

Good morning- simply writing to oppose the development on Dunlap/Mohawk Neighborhood.

Regards,
Casey

Hoffman, Stacey

From: johnwalter@cinci.rr.com
Sent: Wednesday, October 12, 2022 9:58 AM
To: Hoffman, Stacey
Subject: [External Email] 2000 Dunlap Input to CPC

External Email Communication

Honorable Cincinnati Planning Commission Members,

I have lived and operated my business in the Mohawk area of OTR since 1984. I currently serve as OTRCC trustee and secretary. I strongly oppose the use and density of the 2000 Dunlap Project. My personal thoughts follow:

I have witnessed an extreme lack of substantive community engagement by the developer. The developer has attended numerous OTRCC meetings but has been tone deaf to the very real concerns of the surrounding community.

The project is incompatible with Mohawk's Urban Mix District, which specifically does not allow transitional housing Program 5 and 6. This project by any objective measure is transitional housing. Site selection for this project seemed like a matter of convenience for the developer to meet the state's early February site control requirement, at the expense of the Mohawk community over the coming decades.

At the January 10th OTRCC BOT meeting I asked OTRCH representatives the following question: How will residents be selected for occupancy in this facility? My understanding of their answer follows: All referrals are through the "Coordinated Entry System" run by Strategies to End Homelessness. Individuals are assessed on needs related to mental illness, substance abuse, and past trauma in their lives. Those that are deemed to be in the most need get highest priority for PSH throughout the area. This selection process along with the stated definition of Congregate Housing that "support services are not required as would be with Transitional Housing" is very troubling from our Mohawk neighborhood standpoint. There appears to be no requirement for residents that sadly suffer from these demons to be under any medical care or supervision. The concern is magnified due to this project's extremely high density and lack of quality outdoor space where residents could realistically spend their idle time.

I would like to conclude my remarks on the reason I stated at the beginning, that this project is incompatible with Mohawk. Mohawk is in transition but still has a significant presence of illegal drug sales and prostitution. The potential interaction between 2000 Dunlap residents and this surrounding illegal activity is genuinely concerning. This project is surrounded by an emerging entertainment district in OTR. Venues including the new Stillhouse, Northern Row, the Rhinegeist, Dunlap Café, Late Night slice Pizza, an axe throwing venue, the on-going \$30M redevelopment of three historic brewery buildings at McMicken and Stonewall, the Mohawk Theater under redevelopment and Findlay Market itself. Hanna Park only one block away is used frequently by African American families for birthday parties and family gatherings. The potential for economic growth in the Findlay Market/ Mohawk area of OTR is in its infancy and this project would be a big setback for businesses and residents and for the overall OTR economy moving forward.

Thank you for your consideration,

John Walter

524 Conroy

Cincinnati, Ohio 45214

Hoffman, Stacey

From: DavidB@northernrow.com
Sent: Wednesday, October 12, 2022 11:33 AM
To: Hoffman, Stacey
Subject: [External Email] Letter against appeal for zoning variance on 2000 Dunlop street
Attachments: Dunlop St 44 unit letter against appeal .docx

You don't often get email from davidb@northernrow.com. [Learn why this is important](#)

External Email Communication

Mrs. Hoffman,

Please review my letter in support of maintaining the existing zoning decision against granting a density variance for the 2000 Dunlap St. Project. Feel free to contact me if you seek any additional information from me.

Best regards,

David Berger
Business Owner
Northern Row Brewery & Distillery
111 West McMicken Ave.
Cincinnati, Ohio 45202
513-673-6689 cell

Dear Stacie Hoffman,

As one of the owners of Northern Row Brewery & Distillery in Over the Rhine Cincinnati. I am contacting you to express my deep concern for a project that is being pushed into our immediate neighborhood by OTRCH which proposes to build a 44-unit housing project for transitional housing. I ask that you not overturn the current ruling on this matter. Our neighborhood is already saturated with similar facilities and my direct neighbor houses over 100 beds for transients and sex offenders being released into our community.

Our neighborhood is in a delicate Revitalization, and we have made great strides bringing in private investment to develop small businesses and affordable housing. This proposed project flies directly in the face of what our neighborhood wants, and furthermore is asking for variances to the existing zoning and building rules that we all must live by.

Our Brewery was entirely funded privately, and the City made it a terrible experience proposed for the entire permitting process. This project is funded by tax dollars and is seemingly getting the green light to do whatever they want to do. They will not generate tax dollars for the city, nor will they bring beneficial services to our residents. At some point we must take a hard look at why the city and state have such an appetite to fund and grant exceptions to projects that will not benefit growth of our city and tax base.

This project is specifically asking for a density of 44 units compared to 14 units allowed by regulation. They are not requiring their residents to be from the neighborhood or even our city! The unit are certainly institutional and putting more at-risk residents in an entertainment district is not going to help them recover from their issues.

We are in an urban mix zoning area which does not permit transitional housing of this type in our neighborhood. We are fighting as a community to combat an increase in open gun violence, prostitution and drug use that has been increasing. Adding an additional 44 people with drug and alcohol histories is not a good plan for neighborhood success.

Our patrons come from all over the city and region, with safety concerns and a sense of welcoming being essential to the many businesses, residents and Findlay market. Please consider opposing funding of this project in the Dunlop resident's community.

I am happy to discuss this in much more detail and can bring in many of the surrounding neighbors and businesses if that would be of interest to you.

Thank you for your consideration in this matter, and feel free to reach out by email or my cell phone below.

Best regards,
David Berger
Northern Row Brewery & Distillery
111 West McMicken Ave.
Cincinnati, Ohio 45202
513-673-6689 cell

Hoffman, Stacey

From: Vincent Harnett <vincent.harnett@gmail.com>
Sent: Wednesday, October 12, 2022 1:36 PM
To: Hoffman, Stacey
Subject: [External Email] Opposition to 2000 Dunlap Street OTR PSH Project

You don't often get email from vincent.harnett@gmail.com. [Learn why this is important](#)

External Email Communication

Hi Stacey,

I am a resident in Northwest OTR near 2000 Dunlap Street OTR - I am opposed to the 2000 Dunlap St PSH Project.

This part of OTR still has its share of problems (gun violence, open drug sales, and open prostitution) and adding another institutional PSH will not benefit this neighborhood or its prospective residents.

Best Regards,
Vincent

Hoffman, Stacey

From: Deb Johnson <djohnson@robinimaging.com>
Sent: Wednesday, October 12, 2022 1:58 PM
To: Hoffman, Stacey
Subject: [External Email] Concern: 44 dwelling units 2000 Dunlap

You don't often get email from djohnson@robinimaging.com. [Learn why this is important](#)

External Email Communication

Stacey:

Please add my comments against building a 44 residential unit structure on a relatively small piece of land on 2000 Dunlap Street.

My husband and I have a business called Robin Imaging in the Mohawk Neighborhood and reside nearby.

We have been diligently working for years to re-build this fragile place.

"The reality" is that we have been fighting prostitution, drugs, vandalism, and shootings with the support of the Cincinnati Police Department.

We also worked for five years to build a Mohawk Neighborhood Plan that was ultimately approved by the City.

It makes sense to offer a safer place to live to people who need supportive housing.

It is unreasonable to squeeze 44 units into a space that might fit 14 units and call it a healthy environment.

This area has a cluster of low-income housing, a rehabilitative center for sex offenders, and abandoned buildings. The builder could choose a more appropriate place in Cincinnati that is mixed-income, has fewer abandoned buildings, and lower crime to support their residents.

Thank you for putting my concerns forward.

Deb Johnson

Deborah Johnson, PhD
Co-owner, Robin Imaging Services
Gallerist, The Mohawk Gallery



www.robinimaging.com
(513) 381-5116
2106 Central Parkway
Cincinnati, OH 45214

Hoffman, Stacey

From: Denny Dellinger <dennyd.dellinger@gmail.com>
Sent: Wednesday, October 12, 2022 2:04 PM
To: Hoffman, Stacey
Subject: [External Email] Proposed development at 2000 Dunlap St.
Attachments: Institutional use groups Ohio Building Code (3).pdf

External Email Communication

Dear Planning Commission Members

The proposed development at 2000 Dunlap St. has been consistently misrepresented as a residential use group.

The Ohio Building Code clearly defines a building with the features designed in the building and the declared use of the building as an Institutional use group. The proper classification as an Institutional use group of this type is not a permitted use in the Urban Mix zoning district.

The attachment is an excerpt of the Ohio Building Code. The building proposed by OTRCH is clearly not an apartment building, as described. The building department could confirm this use group if asked.

Denny Dellinger, AIA
228 Mohawk St.
Cincinnati, OH 45214
513-739-5770



307.6 High-hazard Group H-4. Buildings and structures containing materials that are health hazards shall be classified as Group H-4. Such materials shall include, but not be limited to, the following:

Corrosives
Highly toxic materials
Toxic materials

307.7 High-hazard Group H-5. Semiconductor fabrication facilities and comparable research and development areas in which hazardous production materials (HPM) are used and the aggregate quantity of materials is in excess of those listed in Tables 307.1(1) and 307.1(2) shall be classified as Group H-5. Such facilities and areas shall be designed and constructed in accordance with Section 415.10.

307.8 Multiple hazards. Buildings and structures containing a material or materials representing hazards that are classified in one or more of Groups H-1, H-2, H-3 and H-4 shall conform to the code requirements for each of the occupancies so classified.

SECTION 308 **INSTITUTIONAL GROUP I**

308.1 Institutional Group I. Institutional Group I occupancy includes, among others, the use of a building or structure, or a portion thereof, in which care (*personal, custodial, or medical*) or supervision is provided to persons who are or are not capable of self-preservation without physical assistance or in which persons are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Institutional occupancies shall be classified as Group I-1, I-2, I-3 or I-4.

Exception: *Ambulatory care facilities and outpatient clinics shall be classified as Group B.*

308.2 Definitions. The following terms are defined in Chapter 2:

CARE FACILITY.

CUSTODIAL CARE.

DETOXIFICATION FACILITIES.

FOSTER CARE FACILITIES.

HOSPITALS AND PSYCHIATRIC HOSPITALS.

INCAPABLE OF SELF-PRESERVATION.

MEDICAL CARE.

NURSING HOMES.

PERSONAL CARE SERVICE.

308.3 Institutional Group I-1. *Except as provided in Sections 308.3.2 and 308.3.3, Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16 persons, excluding staff, who reside in a supervised environment, receive care and are capable of self-preservation. This group shall include, but not be limited to, the following:*

Alcohol and drug centers
Assisted living facilities
Congregate care facilities
Group homes
Halfway houses
Residential board and care facilities
Social rehabilitation facilities

308.3.1 Occupancy conditions. *Buildings of Group I-1 shall be classified as one of the occupancy conditions specified in Section 308.3.1.1 or 308.3.1.2.*

308.3.1.1 Condition 1. *This occupancy condition shall include buildings in which all persons receiving care who, without any assistance, are capable of responding to an emergency situation to complete building evacuation.*

308.3.1.2 Condition 2. *This occupancy condition shall include buildings in which there are any persons receiving care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.*

308.3.2 Six to 16 persons receiving care. *A care facility housing not fewer than six and not more than 16 persons receiving care shall be classified as Group R-4.*

308.3.3 Five or fewer persons receiving care. *A care facility with five or fewer persons receiving care shall be classified as Group R as provided in Section 310.*

308.4 Institutional Group I-2. *Except as provided in Section 308.4.2, Institutional Group I-2 occupancy shall include buildings and structures used for care for more than five persons who are incapable of self-preservation for more than 24 hours. This group shall include, but not be limited to, the following:*

Foster care facilities
Detoxification facilities

Hospitals

Nursing homes

Psychiatric hospitals

308.4.1 Occupancy conditions. Buildings of Group I-2 shall be classified as one of the occupancy conditions specified in Section 308.4.1.1 or 308.4.1.2.

308.4.1.1 Condition 1. This occupancy condition shall include facilities that provide care but do not provide emergency care, surgery, obstetrics or in- patient stabilization units for psychiatric or detoxification, including but not limited to nursing homes and foster care facilities.

308.4.1.2 Condition 2. This occupancy condition shall include facilities that provide care and could provide emergency care, surgery, obstetrics or in- patient stabilization units for psychiatric or detoxification, including but not limited to hospitals.

308.4.2 Five or fewer persons receiving care. A *care* facility with five or fewer persons *incapable of self-preservation* receiving care shall be classified as *Group R* as provided in Section 310.

308.5 Institutional Group I-3. *Except as provided in Section 308.5.2,* Institutional Group I-3 occupancy shall include buildings and structures that are inhabited by more than five persons who are under restraint or security. A Group I- 3 facility is occupied by persons who are generally incapable of self-preservation due to security measures not under the occupants' control. This group shall include, but not be limited to, the following:

Correctional centers

Detention centers

Jails

Prerelease centers

Prisons Reformatories

308.5.1 Occupancy conditions. Buildings of Group I-3 shall be classified as one of the occupancy conditions specified in Sections 308.5.1.1 through 308.5.1.5 (see Section 408.1).

308.5.1.1 Condition 1. This occupancy condition shall include buildings which free movement is allowed from sleeping areas, and other spaces where access or occupancy is permitted, to the exterior via means of egress without restraint. A Condition 1 facility is permitted to be constructed as

Group R.

308.5.1.2 Condition 2. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas and any other occupied smoke compartment to one or more other smoke compartments. Egress to the exterior is impeded by locked exits.

308.5.1.3 Condition 3. This occupancy condition shall include buildings in which free movement is allowed within individual smoke compartments, such as within a residential unit comprised of individual sleeping units and group activity spaces, where egress is impeded by remote-controlled release of means of egress from such a smoke compartment to another smoke compartment.

308.5.1.4 Condition 4. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Remote-controlled release is provided to permit movement from sleeping units, activity spaces and other occupied areas within the smoke compartment to other smoke compartments.

308.5.1.5 Condition 5. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Staff-controlled manual release is provided to permit movement from sleeping units, activity spaces and other occupied areas within the smoke compartment to other smoke compartments.

308.5.2 Five or fewer persons secured or restrained. Buildings containing five or fewer persons who are being secured or restrained shall be classified as part of the primary occupancy.

308.6 Institutional Group I-4. Except for Type A or Type B Family Daycares facilities and except as provided in Sections 308.6.1 through 308.6.4, Institutional Group I-4 occupancy shall include buildings and structures occupied by more than five persons of any age who are capable of self-preservation with limited physical assistance or incapable of self-preservation, who receive care for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care

Child day care

Hoffman, Stacey

From: J Fay <jdfayotr@gmail.com>
Sent: Wednesday, October 12, 2022 2:21 PM
To: Hoffman, Stacey; Kellam, Caroline
Subject: [External Email] 2000 Dunlap, Letter to Planning Commission.
Attachments: Letr.b 2210.2000Dunlap.docx

External Email Communication

Stacey and Caroline,

Attached is a letter to be submitted to the Planning Commission regarding 2000 Dunlap Street. Mohawk Neighborhood CDC (MNCDC) is NOT in favor of this proposed warehousing scale project of 44 units on a lot zoned for 14 units.

Caroline, as you recall, the owners did not participate in the Mohawk Area Plan , undertaken from 2016 to 2020 (2021) and there was no expression of a need for triple density in an Urban Mix lot for the 2 categories not included in that definition. It seems that new terms have been introduced and stretched (congregate) to take advantage of some newly available funds, and without prior community involvement.

Thanks for your help with our plan. Please pass this letter on to the Planning Commission!

Sincerely,
Julie Fay
MNCDC
513-260-8434

October 12, 2022. Dear Planning Commission, (January 3, 2022, June 16, 2022. Dear Urban Conservator and HRB,)

Re: 2000 Dunlap Street request for variances

Neighbors would be interested in working with the developer toward a mutually agreeable (14-18 unit) affordable housing development.

The Mohawk Neighborhood CDC Board of Trustees, without preliminary knowledge of the 2000 Dunlap project, were informed of the pre-hearing for zoning variances preliminary to a development project at Dunlap and Henry Streets. For the following reasons, we ask you to adhere to the current zoning criteria and do NOT grant the variances.

1.) There has been no outreach or community engagement within the Mohawk area of the Brewery District of OTR.

- Additionally, during the development of the **Mohawk Area Plan (2016-2021) with The City's Planning Department**, all property owners were informed by direct mail, and invited to participate in the plan's development.
 - Notifications were sent to property owners numerous times throughout the development of the plan.
 - Residential development is addressed in the plan with consensus on single and two-family homes on vacant lots within the district.
 - The property owner of 2000 Dunlap Street did not participate or express any specific residential use or density needs for the other participants to consider for this lot.

2.) If the 100'x100' lot were redeveloped for residential use, the Urban Mix zoning allows up to 14 residential units, with required rear setback of 10'. By Urban Mix standards this is appropriate as a maximum. To more than triple the number of residential units to 44 is a threat to the safety of the proposed residents and to the existing long-term industries.

- Urban Mix zoning was carefully designed and enacted a decade ago to safeguard existing industrial, processing, warehousing and commercial uses within the neighborhood district, while facilitating compatible adjacent development.
- 2000 Dunlap Street is in the heart of the Urban Mix zoning district. This 100' x 100' was made into a parking lot by the owners, with fencing, striping, and pay-box in 2018. It currently creates cash flow for the existing owners while serving the surrounding residences, businesses and industry.
- The Urban Mix zoning protection of density and setback, designed specifically for this area, must be retained for the purpose of the existing businesses and zoning protection.
 - The surrounding businesses include a large historic spent-grain processing facility (serving the breweries for well over 100 years!) that requires a daily steady flow of large semi-tractor trailer access on the existing narrow Dunlap Street;
 - A large industrial auction house that brings in used or surplus large equipment for reconditioning and reuse;
 - A decades-old bar/restaurant, multifamily residential, single and 2-family residential
 - Several other historic buildings that are vacant and in need of redevelopment.

3.) For further consideration, there is no listing for "Permanent Supportive Housing" under Urban Mix. "Transitional Housing" designed to (5.) assist persons recuperating from the effects of drugs, alcohol, even if under criminal justice supervision; or (6.) readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release and probationary programs is not permitted within the residential populations allowable in the Urban Mix zoning. This project is NOT congregate housing, similar to sorority and fraternity houses.

Neighbors would be interested in working with the developer toward a mutually agreeable affordable housing project !

Respectfully submitted, Board of Trustees, Mohawk Neighborhood Community Development Corporation
Julie Fay, Chair, 513-260-8434 jdfayotr@gmail.com

Hoffman, Stacey

From: Mikey Sorboro <Mikey@latenightslice.com>
Sent: Wednesday, October 12, 2022 2:23 PM
To: Hoffman, Stacey; Bryce Ungerott
Subject: [External Email] Opposition to 2000 Dunlap St. Project

You don't often get email from mikey@latenightslice.com. [Learn why this is important](#)

External Email Communication

Stacey,

As a business and property owner in the area, I'd like to voice my opposition to the 2000 Dunlap St. Project. We have been heavily invested in the area since 2018 and have struggled getting through the pandemic. A project like this would make survival in the area even more difficult and perhaps impossible. Our neighborhood has overcome a lot over the years and we ask for the opportunity to continue to thrive. This project will severely hinder that ability and we are very opposed to it.

Thank you for your time,

Mikey Sorboro

Founder

LNS Restaurant Group

Mikey's Late Night Slice/Oddfellows Liquor Bar/Sacred Palm/High Horse Vegan Pizza



Hoffman, Stacey

From: Kimberly Starbuck <kimstarbuck9@gmail.com>
Sent: Wednesday, October 12, 2022 2:52 PM
To: Hoffman, Stacey
Subject: [External Email] 2000 Dunlap

You don't often get email from kimstarbuck9@gmail.com. [Learn why this is important](#)

External Email Communication

Dear City of Cincinnati Planning Commission,

I am writing to ask you to vote against the project being presented by OTRCC to expand the amount of units allowable at 2000 Dunlap St. A large density of homeless housing will have negative impact on this transitional neighborhood. There are already facilities within a half mile radius of this address that house or give support to homelessness people. Concentrations of any troubled demographic does not support diversity of a healthy growing neighborhood.

Deny placing high density of housing for people with addictions, mental health, sex crimes and chronic problems in the northern OTR Mohawk district, or any one area of our city. Hannah Park is a block north and as a place where families with children will enjoy the pool and playground. Do not approve a high density of residents that may escalate crime problems that are already present. Give this neighborhood the opportunity to create a more stable and diverse economic development.

Deny placing high density of housing for people with addictions, mental health, and chronic problems in the northern OTR Mohawk district or any one area of our city. This project has already been denied by HCB with much consideration to usage and the well being of this community. Please uphold the decision to deny this project from being built and the will of the community.

Vote against the changes to zoning that is a bad fit for this community

Thank you,

Kimberly Starbuck

1739 Elm St Apt 2
Cincinnati, OH 45202
513-309-0191

Hoffman, Stacey

From: Kristina LaScalea-Sehlhorst <tinalascalea@gmail.com>
Sent: Wednesday, October 12, 2022 3:36 PM
To: Hoffman, Stacey
Subject: [External Email] Opposition To 2000 Dunlap St Project

You don't often get email from tinalascalea@gmail.com. [Learn why this is important](#)

External Email Communication

Dear Planning Commission,

My name is Tina LaScalea and I live within 400 feet of the proposed project at 2000 Dunlap Street. As a mother and grandmother I and the vast majority of my neighbors and nearby businesses are strongly opposed to this project. Our neighborhood is over saturated with institutional housing. We have 62 registered sex offenders residing at the Volunteer of America site, which is a two minute walk from this site. There is absolutely no guarantee that additional sex offenders will not be housed on Dunlap and there are no guarantees that the clients that will be housed are from this city, state, or region. The tax payers of this city will be left holding the bag.

They are requesting 44 units on a lot zoned for 14. Everyone else has to play by the rules, why don't the developers do the same? Placing chronically homeless folks who are drug and alcohol addicted and suffering from serious mental health issues in the middle of a struggling neighborhood with open drug sales, open prostitution and crime and gun violence makes no sense. Why does our city continue to place institutional housing in poor black neighborhoods? I urge you to vote no.

Respectfully,

Tina LaScalea

Hoffman, Stacey

From: Lauren Klar <laurenklar@gmail.com>
Sent: Wednesday, October 12, 2022 3:54 PM
To: Hoffman, Stacey
Subject: [External Email] Against the 2000 Dunlap St Project

You don't often get email from laurenklar@gmail.com. [Learn why this is important](#)

External Email Communication

Hi Stacey,

I am sending a brief note as a neighbor and multiple property owner very near to 2000 Dunlap St to express my strong stance against the poorly thought out project, which goes against the standards the rest of us having been living by in the neighborhood.

It would be a giant step backwards with 1) historical guidelines (I'd expect many more appeals from the rest of us who have all played by the rules and spent money to do so!), 2) parking (all those hopefully coming to support the facility), and frankly 3) expected quality of life and support that is expected to be at such a facility (no real outdoor area, no real on site staff, etc).

I have also lost trust in OTRCH and Mary Rivers to effectively manage their properties and be good neighbors - unresponsive, slow to action without chasing, and a "call the police on our tenants" mentality. I can't imagine them even trying to manage the proposed property let alone any programs there!

Thank you
Lauren Klar

Hoffman, Stacey

From: neil marquardt <neil.marquardt@gmail.com>
Sent: Wednesday, October 12, 2022 3:56 PM
To: Hoffman, Stacey
Subject: [External Email] I oppose the 2000 Dunlap Street Project

You don't often get email from neil.marquardt@gmail.com. [Learn why this is important](#)

External Email Communication

Hello Stacey,

My wife and I live at 42 West McMicken Avenue, about three blocks away from the proposed development at 2000 Dunlap Street. We vehemently oppose this project and have done so from the very beginning. I first moved to this neighborhood in 2007 and still own the condo that I purchased fifteen years ago at 1908 Dunlap Street, one block south of the proposed project. In addition to the very important issue of density, I am concerned that this project is very flawed in many ways. Cramming 44 people into a small space with very little room for services to take care of them just doesn't feel like a recipe for success. My understanding is that the lot was originally zoned for fourteen people. Additionally, our neighborhood is now home to nearly a dozen restaurants and bars, none of which seem to be a good fit for the population that would live at 2000 Dunlap Street.

As you may know, OTRCH and New Republic Architects surprised the Mohawk Neighborhood with this project in early December, 2022. There were no conversations, no advanced notice, no stakeholder input... Out of the blue, OTRCH just announced this project at an HCB meeting and tried to make it happen with no input from those of us who have lived here for years and decades; additionally, the architectural plans were flawed from the start and the entire project hasn't been well thought-out from the very beginning. The residents and businesses of the Mohawk Neighborhood have been working to build our community for a long, long time and something like this project has the potential to impact each one of us.

On a personal note, the argument that OTRCH is a good community partner and will work hard to ensure this project's success simply isn't true. We live next to an OTRCH apartment building that sits above us on a hill (Clifton Street). We've had numerous horrible experiences with the residents of this building and OTRCH management has done nothing to try to be a good neighbor. The residents routinely throw items (including glass bottles) into our back yard; this summer, one of the residents hurled a rollerblade at my wife, nearly hitting her in the head. We reached out to Mary Rivers immediately and she's been promising to take some action for over three months, including erecting a fence to block residents from throwing objects at us. None of this has happened.

As residents and small businesses in the Mohawk Neighborhood, we've been very vocal over the last ten months in pushing back on the project at 2000 Dunlap. I remain unwavering in my opposition to this project. Thank you for reading my letter and strongly considering our opposition.

Best regards,

Neil Marquardt
(m) 513.257.5133

Hoffman, Stacey

From: Jessica D. Gibson <jdg@finneylawfirm.com>
Sent: Thursday, October 13, 2022 8:33 AM
To: Hoffman, Stacey
Cc: Christopher P. Finney
Subject: [External Email] 2000 Dunlap Notwithstanding Ordinance
Attachments: 2022.10.12 CIA Letter in Opp.Final.pdf

You don't often get email from jd@finneylawfirm.com. [Learn why this is important](#)

External Email Communication

Dear Ms. Hoffman,

Attached please find our letter regarding the 2000 Dunlap Notwithstanding Ordinance. The exhibits were too large to transmit by email, but they are all available for download at this link: <https://www.dropbox.com/s/4s7f55lpcmenpbq/All%20Exhibits.pdf?dl=0>

Please let me know if you have any issues viewing the attached or accessing the exhibits.

Thank you!

Jessica D. Gibson, Esq.
 FINNEY LAW FIRM, LLC
 4270 Ivy Pointe Boulevard, Suite 225
 Cincinnati, Ohio 45245
 Office: 513.943.5677
 Fax: 513.943.6669
jd@finneylawfirm.com
www.finneylawfirm.com



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4270 Ivy Pointe Boulevard, Suite 225, Cincinnati, OH 45245

October 13, 2022

Christopher P. Finney, Esq.

Direct Dial: (513) 943-6655

Fax: (513) 943-6669

Chris@FinneyLawFirm.com

VIA ELECTRONIC MAIL

Ms. Stacey Hoffman, Senior City Planner
 Department of City Planning and Engagement
 805 Central Ave,
 Cincinnati, OH 45202

Stacey.Hoffman@cincinnati-oh.gov

**RE: 2000 DUNLAP STREET, CINCINNATI, OH 45214
 NOTWITHSTANDING ORDINANCE
 HEARING ON JUNE 24, 2022**

Dear Ms. Hoffman:

This firm has been retained to represent Dunlap Street Properties, LLC and Cincinnati Industrial Auctioneers, Inc. (collectively, "CIA") in connection with the proposed Notwithstanding Ordinance (the "Ordinance") related to the property located at 2000 Dunlap Street, Cincinnati, OH 45214 (the "Property") pending before the members of the City Planning Commission (the "Commission.") For the reasons set forth below, the Commission should not recommend the adoption of the Ordinance.

I. BACKGROUND

The Property is located in Over-the-Rhine in the Urban Mixed-Use Zone, just down the street from CIA headquarters located at 2020 Dunlap Street, and near additional properties owned by CIA including 2016 through 2034 Dunlap Street, 2008 Dunlap Street, 2001 Elm Street, 2036 through 2046 Dunlap Street, and four (4) lots on McMicken Avenue (the "CIA Properties.") An aerial satellite map illustrating the CIA Properties located near or adjacent to the Property is attached hereto as **Exhibit A**.

CIA has deep seeded roots in Over-the-Rhine, operating on 2020 Dunlap Street since 1980, nearly 40 years. CIA employs 20 people and conducts its business as a nationwide provider of asset disposition, auction and appraisal services on behalf of Fortune 500 companies, small businesses, lending institutions, government agencies, and federal and local courts. The proposed project involving the Property has been a hotly contested issue in Over-the-Rhine beginning on or about December 2021 and continuing through the present, nearly a year later. The citizens opposing the project have been characterized as "NIMBYs" and racists, when the opposition

comes from a place of concern about the fact that there is already a concentration of low-income housing in this neighborhood and the nonconformity of the project with the zoning code, rather than a place of animosity. Hundreds of Over-the-Rhine (“OTR”) community members have signed petitions opposing the proposed project. See Exhibit B. Even the Over-the-Rhine Community Council opposes the proposed project. See Exhibit C.

On or about mid-December 2021, CIA and its neighbors learned of the first application (COA2021066) for zoning relief submitted in connection with the Property, on behalf of Over-the-Rhine Community Housing (“OTRCH” or “Applicant,”) which requested a density variance over **three** times the permitted density in an Urban Mixed-Use (“UM”) Zone and a rear setback variance to build to the zero-lot line of the Property. Inappropriately, the first application failed to contain a request for a Certificate of Appropriateness for a coordinated review of the Project as required by CZC § 1445-11 (c).¹ A hearing was held on January 24, 2022 (the “Jan. Hearing”) before the Board and continued to a later date, pending the submission of a request for a Certificate of Appropriateness.

This request was submitted nearly *five months* later on May 12, 2022 (COA2022032,) and a second hearing on this matter has been set for June 24, 2022 (the “June Hearing.”) Hereinafter, application No. COA2021066 and COA2022032 shall collectively be referred to as the “Application.” The proposed building to be constructed in connection with the Application shall be referred to as the “Project.” This matter began to be heard at the June Hearing, however it was continued to August 8, 2022 (the “August Hearing.”) One issue that arose at the June Hearing was the question of the Property’s use, which is a relevant factor to be considered when determining whether or not to grant a variance.

However, the Historic Conservation Board (the “Board”) refused to hear evidence disputing the classification of Property’s use, claiming it was a matter that had already been decided to be “Congregate Housing” by the Zoning Administrator, and thus irrelevant to the Application. This firm filed a Motion for Reconsideration between the June Hearing and the August hearing to ask that the Board reconsider its decision to exclude the evidence related to use because (i) the issue of whether the proposed use of the Property is congregate housing had not been decided (ii) the proposed use of the Property is a relevant factor to be considered by the Board

¹ *Coordinated Review and Approval of Applications.* Whenever, in addition to a variance, special exception or conditional use pursuant to this chapter, the applicant also requires another decision by the examiner, the applicant **must** simultaneously file all other required applications. All required notices must include reference to the request for all required examiner approvals.

when deciding whether or not to grant a zoning variance, and (iii) the proposed use of the Property is impermissible transitional housing.² A copy of this motion is attached hereto as **Exhibit D**.

At the August Hearing, despite denying CIA the opportunity to present evidence disputing the Property's use, the Board permitted extensive testimony as to why the Property's use *supports* the granting of the requested variances and certificate of appropriateness. As a result of the August Hearing, the Board (i) denied the Motion for Reconsideration, (ii) granted the certificate of appropriateness, (iii) granted the rear yard setback variance, and (iv) denied the density variance.

Now, the City of Cincinnati City Council seeks to usurp the authority of the Board and the Commission to modify the City of Cincinnati Zoning Code (the "Code") only as it relates to this single parcel of land to suit the Project.

II. THE PROPOSED ORDINANCE DOES NOT SATISFY THE REQUIREMENTS OF SECTION 111-5 OF THE CINCINNATI MUNICIPAL CODE ("CMC.")

Cincinnati Municipal Code ("CMC") sets forth considerations the City Council most consider when determining whether or not to grant a "Notwithstanding Ordinance." The Commission should recommend that the City Council does not adopt the Ordinance because it fails to meet the requirements and considerations of CMC §111-5.

a. There are no practical difficulties created by following existing legislative and administrative procedures to warrant the submission of the Ordinance.

From the outset, the procedure provided for under §111-5 CMC provides an applicant relief from existing legislative and administrative procedures when the existing procedures create "practical difficulties." Two alleged practical difficulties appear to be:

...to enable the development activities on the Property to commence at the earliest possible time, so as to improve the welfare of the Over-the-Rhine community, and the people of the City of Cincinnati at the earliest possible, and to take advantage of the availability of time-sensitive Low-Income Housing Tax Credits.

(Ordinance Section 9.) These practical difficulties do not exist and/or were created by the Applicant. First, the OTR community, including the Community Council, does *not* support the Project. One hundred and ten residents of Over-the-Rhine signed a petition opposing the project. See **Exhibit B**. Forty-eight letters were submitted to the Board in opposition of the Project. See **Exhibit E**. Pertinently, one of these opposition letters was from OTR Community Council. See

² The final decision of the Board states that the Motion for Reconsideration sought the "...Board to determine whether OTRCH proposed a proper use of the Property under the Cincinnati Zoning Code." (Board Decision Dated September 27, 2022 at 8.) This statement is inaccurate, the Motion for Reconsideration asked the Board to "...reconsider its decision **not to hear evidence** of the proposed use of the Property made at the June 27, 2022 hearing." (Dunlap Street Properties, LLC and Cincinnati Industrial Auctioneer, Inc.'s Motion for Reconsideration at 1, emphasis added.)

Exhibit C. Thus, the welfare of the OTR community will not be improved by a Project they oppose.

Second, the Low-Income Housing Tax Credits at issue here are tax credits provided for by the Ohio Housing Finance Agency (“OHFA,”) specifically the “Competitive 9% HTC” credits (the “Tax Credits.”) The OTRCH applied for these credits, notwithstanding the fact it *knew* that a significant zoning variance would need to be obtained. The OTRCH has owned and operated the Property since on or about May 13, 1992 when the Property was donated to the OTRCH by the Trustees of General Electric Pension Trust. *See* the conveyance fee statement attached hereto as **Exhibit F.**³ Yet, the OTRCH has waited *thirty* years to develop the Property into a new use requiring a density and setback variance.

Furthermore, the OTRCH has maintained throughout the relevant proceedings that the density and setback variances are necessary to reach the 44 residential units in order to qualify for the Tax Credits, however there is no such requirement for any specific number of residential units to qualify for the Tax Credits. *See* **Exhibit H** OHFA Document Submission Requirements. Additionally, the Tax Credits are not time sensitive, as the OTRCH has three years to resolve issues preventing a development from proceeding by receiving a “Special Allocation” of returned and/or revoked Tax Credits from the OHFA. *See* the correspondence from the David Foust of the OHFA attached hereto as **Exhibit I.**

b. The proposed Ordinance is inconsistent with the purpose of the Code and the Urban-Mixed zoning district in violation of CMC §111-5.

The UM zoning district permits congregate housing and certain types of transitional housing but prohibits other types of transitional housing. The Ordinance seeks a declaration that the Project will be deemed permissible “congregate housing” notwithstanding the fact that it appears to be impermissible “transitional housing.” Therefore, the Ordinance is inconsistent with the purpose of the Code and the UM zoning district. Congregate housing is defined under the Zoning Code as:

Apartment and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents.

CZC § 1401-01-C19. Transitional housing, on the other hand, is defined as:

...housing designed to assist persons in obtaining skills necessary for independent living in permanent housing, including homes for adjustment and halfway houses. Transitional housing is housing in which: (a) An organization provides a program of therapy, counseling or training for the residential occupants; (b) The organization operating the program is licensed or authorized by a governmental authority having

³ The grantee was “Race Street Tenant Organization Co-Operative,” an organization that merged with Over-the-Rhine Housing Network to form the OTRCH on or about March 30, 2006. *See* the merger certificate attached hereto as **Exhibit G.**

jurisdiction over operation; and (c) The program is for the purpose of assisting the residential occupants in one or more of the following types of care: (1) Protection from abuse and neglect; (2) Developing skills necessary to adjust to life; (3) Adjusting to living with the handicaps of physical disability; (4) Adjusting to living with the handicaps of emotional or mental disorder or mental retardation; (5) Recuperation from the effects of drugs or alcohol, even if under criminal justice supervision; or (6) Readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release and probationary programs.

Transitional housing (5) and (6) are prohibited uses in the UM zone. Over the past year, the Applicant has insisted that there has been a final decision of the zoning administrator that the Project, as proposed, will be permitted congregate housing. This is simply not true; no *final* decision of a zoning administrator has been rendered on this issue. Additionally, a review of the documents submitted for the Project demonstrates that the Project will actually be transitional housing (5) or (6). Specifically, the Project's floorplans include several rooms for "private counseling," "case manager," and "visiting nurse" which are services inconsistent with the types of services offered in congregate housing, communal dining, recreational activities, social activities, transportation services, and more consistent with transitional housing (5) and (6) which offer services for the recuperation from the effects of drugs or alcohol. Furthermore, there was testimony at the June Hearing that the residents *would* be individuals recovering from the effects of drug and alcohol.

In fact, in a "Housing Project Updates" presentation by the Department of Community & Economic Development, the Project (sometimes referred to as "Dunlap PSH") applied for funding that services "non-congregate shelter development and affordable multi-family rental housing." **Exhibit J** at 24, emphasis added. However, CIA was prohibited from further exploring this evidence at the various hearings before the Board, notwithstanding the fact the Board permitted *extensive* testimony regarding the Property's use from supporters of the Project.

i. The proposed Ordinance does not foster convenient, harmonious and workable relationships among land uses as required by CMC §111-5(c).

Additionally, the Project does not foster convenient, harmonious, and workable relationships among the neighboring land uses. Specifically, the Project will be for residential living units on a street where CIA and F.L. Emmert Company operate. Both businesses are an industrial/commercial use and require daily shipments, often by large trucks or semi-trucks, creating consistent loud noises and pollution on Dunlap, making it ill-suited for residential dwellings. A video of a typical day on Dunlap Street can be found at <https://www.dropbox.com/s/z2ldh6yp6o7wxu2/Dunlap%20Street%20Video.MOV?dl=0> and is incorporated by reference herein as **Exhibit K**.

Further, the blocks around the Property are predominantly commercial properties, including four (4) distilleries and breweries, four (4) restaurants and taverns, two (2) nightclubs, an axe throwing club, a printing company, a cabinet manufacturer, a novelty wholesale company,

tool supply and repair, three (3) automotive repair shops, an elevator repair company, and a bridal make-up/photography salon.

- ii. The proposed Ordinance will cause congestion in the public streets by failing to provide adequate off-street parking violation of CMC §111-5(l).*

The Project will cause a significant amount of congestion in the public streets, as only two parking spots will be created by the Project. See Exhibit L. The Project will create 44 dwellings and require several employees to manage the Property, as evidenced by the fact the Project will contain twelve (12) “dedicated program” offices. See Exhibit L. Testimony was given at the Jan. Hearing by Mr. Bob Carbon, on behalf of the Applicant, that no traffic impact study related to the Project has been conducted. The Applicant seems to assume that the residents will not have vehicles – notwithstanding the fact that the architecture plans seem to include “bike parking,” which are vehicles that will use and occupy the surrounding streets, not to mention the fact the Project will have twelve employee offices.

- iii. The proposed Ordinance will cause excessive population densities and overcrowding in violation of CMC §111-5(h).*

The Ordinance will create a density variance on the Property that is over three times the permitted density. The Cincinnati Zoning Code (“CZC”) §1410-07 provides that 14 residential units may be constructed on the Property, as it is a 100 ft by 100 ft lot.⁴ The Ordinance will permit 44 residential units. This Commission, and City Council, rejected increasing the density of the UM zone earlier this year when the ordinance entitled “Removal of Density Restrictions from Zoning Code” was before the Commission and City Council.

- iv. The proposed Ordinance does not provide adequate open space for light, air, and fire safety as required by CMC §111-5(i).*

The Project will create 44 residential units crammed into a 100 ft by 100 ft lot and provide virtually no open space for light or air. The only open space for the residents is a first-floor courtyard that will be approximately 30 ft by 30 ft. See Exhibit L. Additionally, the residential units themselves are extremely small, being only approximately 520 square feet (approx. 33 ft by 15.75 ft.) See Exhibit L. Thus, it is reasonable to assume that residents of these small units in particular need open space, to escape the confines of their tiny apartment units. A single 30 ft by 30 ft would not adequately serve the residents.

Furthermore, at the August Hearing before the Board, a representative of the Applicant testified that the Applicant had not performed any fire safety studies. Specifically, the area of concern is the space along Colby Alley, which will be rendered inaccessible by fire department trucks if the Project is permitted to build to the zero lot-line.

⁴ CZC§1410-07 permits 1 unit per 700 sq. ft., the Property is 10,000 sq. ft, thus the permitted number of units would be approximately 14.

III. THE PROPOSED ORDINANCE DOES NOT FOLLOW THE DEVELOPMENT OVERLAY PLANS.

The Ordinance cites a few quotes of the various development plans that cover the Property, the Over-the-Rhine Comprehensive Plan (2002,) Brewery District Master Plan (2013,) Mohawk Area Plan (2021,) and Plan Cincinnati (2012) (collectively, the “Plans,”) however, these quotes must not be viewed in a vacuum. A review of the Plans shows that the Project and the Ordinance does *not* follow the priorities outlined therein, principally because (i) there is significant concern of parking in OTR, (ii) the outline of appropriate areas for residential development does NOT include the Property, and (iii) the Plans want *mixed* income development, not just affordable housing.

First, the Plans have a major concern for the availability of parking in OTR. The Over-the-Rhine Comprehensive Plan (2002) (“OTR Plan”) states “[p]roviding parking throughout OTR is critical to the vitality of all neighborhood business enterprises, especially Findlay Market, as well as to the viability of existing and new housing opportunities.” (OTR Plan at 19.) The creation of additional parking was outlined as goals for the Economic Development of OTR and to support Transportation in OTR. (OTR Plan at 22.) Parking was also a noted concern in the Brewery District Master Plan (2013) (“Brewery Plan”) and the Mohawk Area Plan (2021) (“Mohawk Plan.”) (Brewery Plan at 65, Mohawk Plan at 31.) The Property is currently being used as a surface parking lot. So not only will the Project *eliminate* available parking in OTR, as discussed above, the density of the Project along with the staff members will dramatically *increase* the need for parking in this area. The Project will create 44 dwellings and require several employees to be managed, as evidenced by the fact the Project will contain twelve (12) “dedicated program” offices.⁵ Additionally, testimony was given at the Jan. Hearing by Mr. Bob Carbon, on behalf of the Applicant, that no traffic impact study related to the Project has been conducted.

Second, the Plans specifically note areas for residential development. The OTR Plan notes several areas, taking up nearly half of OTR, that should be “housing focusing areas.” (OTR Plan at 61.) The Property is not located in any of these “housing focusing areas.” Two residential developments were also outlined in the Mohawk Plan, the Property is not located in either of them. (Mohawk Plan at 40.) The Mohawk Plan further suggests that residential units should be located above commercial businesses. (Mohawk Plan at 30.) The Brewery Plan suggests that if there will be residential development around the Property, it should be *medium* density. (Brewery Plan at 54.) The Project will create an extremely dense residential living facility that is over **triple** the permitted density of the Property. Additionally, the Brewery Plan states that appropriate residential properties would be properties that service professionals who may live and work in the same building. (Brewery Plan at 47.)

Finally, the Plans emphasize the need for mixed income, and that affordable housing should *not* be concentrated into one neighborhood area of Cincinnati. Plan Cincinnati (2012) calls for an even distribution of affordable housing throughout the City. (Plan Cincinnati at 172.) The OTR Plan provides that a key housing recommendation is “a balanced housing stock” and that the

⁵ See Exhibit L.

Ms. Stacey Hoffman
October 13, 2022
Page 8 of 8

recommendation aims to "...not create new low-income housing in neighborhoods that are already over saturated with affordable housing." (OTR Plan at 7, 45, and 49.) However, low income-housing has been concentrated in OTR. Specifically, already existing within a mile of the Property are the following low income-housing projects:

- Logan Towers/Talbert House which has approximately 63 units/beds;
- Jimmy Heath House with approximately 25 units/beds;
- Recovery Hotel with approximately 20 units/beds;
- Buddy's Place with approximately 20 units/beds;
- Volunteers of America with approximately 130 units/beds; and
- Nannie Hickston House with approximately 12 units/beds.

A map displaying the proximity of these low-income housing projects to the Property is attached hereto as **Exhibit M**. As can be plainly seen, there is beginning to be an over-saturation of low income-housing in OTR.

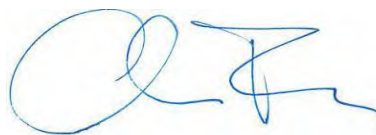
IV. CONCLUSION

This matter was extensively briefed before the Board, and the Board decided that the triple density variance was not supported by the Application or the law. The legislature should not disturb the finding of its executive agency, specifically appointed to term these types of matters. Additionally, the requested density and the proposed use of the Property is not supported by the various applicably development plans.

Therefore, for all the reasons set forth herein, the Commission should not recommend the adoption of the Ordinance. In further support of this statement, CIA is submitted all exhibits it sought to present at the Jan. Hearing, June Hearing, and August Hearing, which are attached hereto as **Exhibit N**.⁶

Sincerely,

FINNEY LAW FIRM, LLC



Christopher P. Finney

cc: Jessica D. Gibson. Esq.
Mr. Jeff Luggen

⁶ Some of the documents included in **Exhibit N** may be duplicative of various exhibits mentioned in this letter.

Hoffman, Stacey

From: Alfred Berger <dsiltd@fuse.net>
Sent: Thursday, October 13, 2022 3:07 PM
To: Hoffman, Stacey
Subject: [External Email] Planning Commission Meeting

You don't often get email from dsiltd@fuse.net. [Learn why this is important](#)

External Email Communication

Dear Stacey,

See the below attached letter to Beth Johnson regarding the Dunlap proposal at 2000 Dunlap St. in Over The Rhine. I will be out of town during the planning meeting meeting but my feelings regarding this project are the same. I strongly believe that this project still is completely opposed to our Strategic Plan delineated for this area. Please convey my feelings to the Planning commission.

Regards,

Alfred J. Berger, Jr.

Historic Limited Liability Co LLC

Alfred J. Berger .Jr

Sole Member

Beth Johnson

Urban Conservator

City of Cincinnati Historic Conservation Board

Two Centennial Place

805 Central Avenue, Suite 500

Cincinnati, Ohio 45202

January 14th, 2022

Dear Ms. Johnson,

This letter is a follow up letter to the January 3rd, 2022 letter that the Dunlap Neighbors submitted to the Historic Conservation Board (HCB). In that letter, signed by thirty- four residents and neighbors, we outlined our opposition to the New Republic 2000 Dunlap Street Project. Dunlap Neighbors is an informal group of residents and businesses that formed after we discovered the applicant was planning to construct a 44 unit structure designed to provide supportive permanent supportive housing to homeless people in that location. It is critical to note that virtually every adjacent business and resident and many other nearby businesses and residents are opposed to this project in its present form. We are not opposed to affordable housing. We are opposed to cramming in a 44 unit structure on a 100' x 100' lot designed for 14 units. In our January 3rd letter we outlined our concerns about the density and setback variances the applicant is seeking. In this letter, signed by members of Dunlap Neighbors, we will outline the many other reasons why this structure is the wrong project in the wrong place at the wrong time.

1. Despite the fact the applicant is seeking to build a structure entirely paid for by public tax dollars and seeking several zoning variances the applicant has not engaged the community about the purpose or overall design of this project. It has NOT been approved or supported by the Mohawk Neighborhood Development Corporation or the OTR Community Council. They have not engaged adjacent residents or businesses and most of the community only learned of this project after they obtained the HCB Notice of Public Hearing card in the mail.. We request that you delay rendering a decision on this project until the applicant appropriately engages the community.
2. HUD policy directly opposes the over concentration of low income housing. 2000 Dunlap Street is located to an area of OTR over saturated with low income and other institutional units that would be more effectively located in other mixed neighborhoods. 2000 Dunlap St is located 0.2 miles of 130 bed Volunteers of America facility that houses sex offenders and other convicted individuals serving out their sentence in this halfway house. This project is 0.2 miles from Logan Towers, a 63 bed permanent supportive housing site for the chronic homeless and half a mile from The Jimmy Heath House, a 25 bed housing site for the chronic homeless. There are many other low housing projects located next to 2000 Dunlap Street that are too numerous to mention. This concentration of institutional supportive housing is dropped into a neighborhood with high poverty. Many of our neighborhood families are poor African-American families that are struggling to raise their children in a neighborhood that is already saturated with institutional housing for the chronic homeless, many of whom are battling mental illness, drug and alcohol addiction and trauma. How are these struggling families going to successfully raise their children in this type of environment?
3. The applicant is proposing to construct a 44 unit structure for the chronic homeless and has stated the clients who will be housed there are individuals that are selected from the Coordinated Referral Entry System. Essentially the clients who will be served by this facility are referred by other clients in homeless shelters. This system is administered by Strategies to End Homeless Organization. This entry system is designed to select those individuals who exhibit the greatest need due to severe mental illness, addiction and past trauma. The applicant is proposing to house these 44 clients in a neighborhood with open prostitution and drug sales, elevated gun violence and a plethora of drinking establishments. These struggling individuals will be housed in units that are roughly 300 square feet with no outside space to gather and recreate and breath fresh air. Does any reasonable person at the end of the day believe that this type of unit is setting up the clients or the neighborhood families and businesses for success?
4. Where will these clients come from? Will they come from City of Cincinnati, Hamilton County, or the state of Ohio? A similar facility administered by applicant, OTR Community Housing, is located at 821 Ezzard Charles Drive. This 57 bed unit is designed to house the chronic homeless. According to Cincinnati Police Department 2021 data this address had 110 calls for service, 23 mental health, 14 report calls, 31 disorderly/trespassing, 3 weapons and 39 Other calls. Since there is no system in place to ensure that the clients of 2000 Dunlap Street are City of Cincinnati residents, the generous tax payers of this city, county and state will be paying for the services that these struggling individuals will invariably need and deserve.

5. This proposed project is in direct contrast to the stated goal of creating a mixed income neighborhood in OTR. Unlike other projects, such as 3CDC's Willkommen, this unit contains no mixed use residents and is exclusively low income.

6. The applicant has not conducted a traffic or parking survey to indicate how this project will affect nearby residents and businesses that operate on Dunlap Street. The current use of 2000 Dunlap Street is a paved parking lot that was properly built and permitted and it provides desperately need parking. This project only proposes two parking spots. Where will visitors, staff, deliveries park? How will this affect the intersection of Henry and Dunlap Streets that receives a total of 35-50 tractor trailer loads each business day?

We write this letter with a sympathetic heart for our homeless brothers and sisters who are in need of housing and services. We also write this letter with a clear understanding that this unvetted project fails to establish an environment where the proposed residents of this facility and the neighborhood families and businesses can be successful. We respectfully urge the HCB to delay a decision on this project until the community has been engaged and their questions answers.

Respectfully,

Dunlap Neighbors

Dear Ms, Johnson

I and others have presented the City with the plan later adopted by the City as the Development plan for the Over the Rhine plan. In this plan the treatment of mixed housing groups is clearly defined. The proposed development does not fit the plan but follows the former replaced practice of warehousing of the homeless. Please be sensitive to those who take their volunteer time to develop plans and strategies to improve our City and our treatment of those less fortunate than ourselves.

Regards,

Alfred J. Berger, Jr.

Gregory R. Wilson

1400 Sycamore Street LLC

1411 Sycamore Street
Cincinnati, Ohio 45202
(513) 352-5858
Fax (513) 823-2891*

*Note updated fax
number

October 17, 2022

VIA EMAIL ONLY stacey.hoffman@cincinnati-oh.gov
Stacey Hoffman, Esq.
Senior City Planner
Department of City Planning and Engagement

Re: Notwithstanding Ordinance Proposed for Subverting HCB Determination
Denying Zoning Variance for New Construction at 2000 Dunlap Street,
Cincinnati, Ohio 45214; Hearing Date Friday October 21, 2022

Dear Mr. Hoffman:

Please convey the following public comment to the City Planning Commission to be considered as part of their deliberations on the above matter. Separately, I may also request permission to express these comments at the scheduled hearing. Thank you in advance for your cooperation.

I am an attorney practicing in OTR and also a property owner of a multi family dwelling at 1400 Sycamore Street. I represent several other property owners in OTR on general business matters but I am not engaged with regard to the matter being heard on October 21, 2022. With respect to that matter I am before you as a citizen of the City with a long time commitment to the success of OTR. I thank you in advance for considering my comments.

I do not have any specific expertise in zoning, land use, architecture, or historic building guidelines. So, I speak to you as a layman.

Notwithstanding the foregoing, I have observed the undertakings of the HCB and the City Planning Commission for more than 25 years. I have had many hundreds of conversations with my neighbors, colleagues, and clients regarding the development process in Cincinnati and while most all of these conversations are positive with respect to the mission of the HCB or the Planning Commission, I think I can say confidently that it is generally accepted that there is the appearance that there are applied different standards of review and approval by the City depending upon who is the applicant, who is in support or opposed to the project, and what is the nature of the activity that is to be housed in the project. This public perception may be entirely wrong or there may be some truth in it. I just do not know. But, I am sure that there is that public

perception. In this case, there is reported to be a “developer fee” to the proponent of \$1,350,000.00, which is said to be funded without restriction by OHFA, and that creates an additional negative perception as to the motivation of the parties.

The most recent action by the developer in this matter, seeking a “Notwithstanding Ordinance” after the proper authorities have weighed in at considerable deliberation and effort on the part of all, will jeopardize the perception of integrity of the development process.

I urge that the Planning Commission rejects support for the Notwithstanding Ordinance.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'J. M. L.', followed by a long horizontal line.



STAGNARO, SABA
& PATTERSON

Jeffrey M. Nye
jmn@sspfirm.com

Direct dial: 513.533.6714
Direct fax: 513.533.2999

October 19, 2022

Ms. Stacey Hoffman, Senior City Planner
Department of City Planning and Engagement
805 Central Avenue
Cincinnati, OH 45202
stacey.hoffman@cincinnati-oh.gov

Re: Notwithstanding ordinance for 2000 Dunlap Street; October 21, 2022
agenda item #3

Dear Ms. Hoffman:

I represent the F.L. Emmert Company. Emmert is a manufacturer and distributor of animal feed materials and products, supplying livestock feed and pet food companies all over the world. It has operated in Cincinnati since 1881, and has operated in its current location at 2007 Dunlap Street—in five buildings immediately to the west of the subject site—since 1907. Emmert also owns and uses a parcel slightly north of the subject site on the same side of Dunlap as the subject, and leases warehouse space in the building at the southwest corner of the Dunlap & Henry intersection (i.e., diagonal to the subject). You have received a written submission from Emmert's Vice President, Elizabeth Maier, but I offer these additional comments.

Emmert does not oppose the nature of the proposed use at 2000 Dunlap, but does oppose the use of a notwithstanding ordinance, for three principal reasons.

First, §111-5 of the Municipal Code stresses that notwithstanding ordinances should be used sparingly, and that Council's expressed preference is to use normal legislative procedures for zoning issues. That section *requires* applicants for a notwithstanding ordinance to submit a written "statement outlining all of the practical difficulties created by following existing legislative and administrative procedures." There is no such statement in the record, as far as we are aware.

Following established legislative procedures is important because zoning and land-use issues have major impacts on existing residents. They therefore deserve careful and deliberative consideration. As Elizabeth Maier's letter points out, a major construction project with zero setbacks cannot help but obstruct the streets on which Emmert relies for its operations (which have been in this location for well over a century). Emmert welcomes growth and change in its neighborhood, which looks very different today than it did in 1907—but sudden and massive change is disruptive to the point of being catastrophic. Using normal legislative procedures to study the location and neighborhood would permit a considered, long-term, big-picture solution to changing conditions on the ground, rather than a one-off shoot-from-the-hip patch that is necessarily part of a notwithstanding ordinance.

Second, notwithstanding ordinances are traditionally used primarily for very minor modifications to zoning maps (e.g., allowing on one parcel the construction of one double-family residence where single-family is otherwise permitted; extending an existing zone by one parcel; permitting artwork in rights of way) or for *reducing* intensity of uses (e.g., converting multifamily dwellings into office space, which is only occupied part of the day). Notwithstanding ordinances traditionally are not used for (and should not be used for) creating entirely new single-parcel zones enclosed entirely within other existing zones. That is what this notwithstanding ordinance would do.

Third, §111-5 also indicates an aversion to the use of notwithstanding ordinances when neighborhood community councils do not support the proposed ordinance. Here, both the Mohawk Neighborhood Council and the OTR Community Council oppose the notwithstanding ordinance.

Emmert urges the Commission to deny the notwithstanding ordinance and to instead utilize normal legislative and administrative procedure to conduct an appropriate review of land-use and zoning policies.

Please allow me to make two additional points. As Emmert explained in correspondence, testimony, and argument in the HCB proceedings (I've attached copies of my letters to the HCB), Emmert has no objection to the nature of the proposed use at 2000 Dunlap, but Emmert has significant concerns about safety and the continuity of its operations.

To be clear, Emmert's safety concerns are not related to who the tenants of the proposed development would be. The safety concerns relate to the fact that Dunlap and Henry streets are heavily trafficked by large trucks (Emmert's facility alone seeks over a

hundred tractor trailers or hopper truck movements each week to deliver materials or ship out products), forklifts (moving goods between production and storage facilities on Dunlap), and other equipment. Emmert continues to stress that tripling the number of permitted housing units on a parcel directly across from this facility (where Emmert has been operating for well over a century) is a recipe for disaster.

Emmert's operational concerns relate to the threat to its business posed by the obstruction of Dunlap or Henry Streets during any construction. Emmert operates around the clock at or near its capacity. Being forced to cease operations even for a day would have catastrophic effects on not only Emmert, but on the feed and food supply chain that Emmert serves.

For these reasons, if the Commission is inclined to recommend approval of the notwithstanding ordinance despite the absence of any explanation for why normal legislative and administrative procedures prevent practical difficulties and despite the absence of community council support, Emmert respectfully requests that the Commission recommend the adoption of two additional conditions.

First, the Commission should require the facility to be flipped across the north-south axis. The proposed site plan has the pedestrian entrance of the building on the southwest corner of the lot, at the intersection of Dunlap and Henry. This is immediately adjacent to the heaviest truck, forklift, and equipment traffic. It is unsafe to force residents and pedestrians to enter the building at that location. The safer location for the entrance is on the southeast corner of the site.

Second, the Commission should impose a condition that construction not impede traffic on Dunlap and Henry. Emmert certainly believes that OTRCH and its contractor have every intention of attempting to not impede traffic. But best intentions aren't legally enforceable and give Emmert no recourse if in fact the roads are blocked. Only by including that mandatory condition will Emmert have any ability to force Dunlap and Henry to remain open.

Subsequent to the prior hearing on the variances, the applicant advised Emmert that if a building permit was issued, the applicant intended to ask construction contractors to submit a plan for maintaining traffic on Dunlap and Henry during construction.

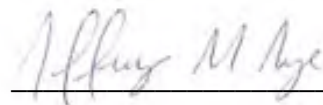
Planning Commission
Re: Notwithstanding ordinance for 2000 Dunlap Street
October 19, 2022
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Emmert appreciates this effort, but to date is not aware of any specific plans that it (or the Board) can evaluate. Emmert therefore requests that if the Board grants any of the applications, then it impose an additional condition that the applicant submit and comply with a plan that ensures that construction does not impede traffic on Dunlap and Henry.

Thank you for your consideration of these issues. We look forward to seeing you on October 21.

Sincerely,

STAGNARO, SABA
& PATTERSON CO., L.P.A.

A handwritten signature in dark ink, appearing to read "Jeffrey M. Nye", is written over a horizontal line.

Jeffrey M. Nye

JMN/cmw



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January 18, 2022

Historic Conservation Board
Two Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, OH 45202

Re: Case no. COA2021066 – Variances at 2000 Dunlap Street

Dear Board Members:

I represent the F.L. Emmert Company, which opposes the variance requests in this case.

We wish to emphasize at the outset that Emmert does *not* oppose the variances based on the nature of the proposed use (namely, permanent supportive housing). Emmert values the diversity of its neighborhood and views the varied nearby uses as a community asset. Instead, Emmert's concerns are based on the practical problems that the project is likely to cause if approved in its current form.

Emmert is a manufacturer and distributor of animal feed materials and products, supplying pet food and livestock feed companies all over the world. It has operated in Cincinnati since 1881, and has operated in its current location at 2007 Dunlap Street—in five buildings immediately to the west of the subject site—since 1907. Emmert also owns and uses a parcel slightly north of the subject site on the same side of Dunlap as the subject, and leases warehouse space in the building at the southwest corner of the Dunlap & Henry intersection (i.e., diagonal to the subject). An annotated aerial view of the site is attached to this letter.

To the best of Emmert's knowledge, it has operated continuously in this neighborhood longer than any other business. And because of its location, Emmert is the single most likely person or entity to be directly affected by the proposed development.

The nature of Emmert's business means that it both receives and ships large quantities of feed materials in bulk. All or nearly all of those materials are delivered or shipped out in or on grain hoppers, large tank trucks, or other types of tractor trailers, which access Emmert's production facility via Dunlap Street. In fact, a tractor trailer is visible on Dunlap in the Google Maps aerial view of the subject site (attached for reference). As many as twenty such trucks come into or out of Emmert's facility each day.

In addition to the truck traffic along its Dunlap Street production facility, Emmert leases warehouse space at the southwest corner of the Dunlap & Henry intersection. Materials and products are regularly moved between those buildings throughout the day, including along both Dunlap and Henry, via forklifts.

These trucks and forklifts that use Dunlap and Henry are essential to Emmert's business. Emmert is extremely concerned that granting the requested variances—which seek to more than triple the number of permitted units, and to allow lot-line-to-lot-line construction—will interfere with its business operations, and pose safety risks to its employees, construction contractors, and residents of the proposed development. (Again, to be clear—when we speak of “safety risks,” we mean the risks associated with the heavy equipment active in the area. Emmert does *not* have concerns about the nature of the proposed use.)

Dunlap and Henry are each only about 25 feet wide. Not only will a triple-density, lot-line-to-lot-line development produce construction *traffic* on these streets, but also there is a substantial risk that it will require the *closure* of the streets. The added density increases the need for construction activities such as excavation, cement pours, and hoisting with cranes, and the absence of a setback means that activities that normally would occur from within the lot line may have to be performed from the street. Any closure of Dunlap or Henry—even partial, and even temporary—would have a drastic effect on Emmert, whose operations depend on Dunlap and Henry being navigable, and proximity of large construction equipment to forklifts and truck traffic is an accident waiting to happen.

This concern is exacerbated by the fact that the proposed development would reduce available parking. Contrary to the application's statement that the subject site is currently vacant, the site actually contains a 21-space parking lot. Parking is already hard to come by in this area. The subject site is less than 200 feet from the front door of Rhinegeist, for example. The application asserts that the project will create “over 100 construction and three full time jobs.” There are not enough surface spaces in the immediate vicinity to support over a hundred construction jobs, which necessarily will clog Dunlap and Henry and exacerbate the obstruction and safety concerns.

These are the types of factors that weigh against the issuance of a variance. For example, CZC 1445-13(d) directs the Board to consider whether “Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets.” Here, they are not. The narrow Dunlap and Henry Streets to the west and south, and the even-narrower (ten feet wide) Colby Alley to the east, are inadequate to accommodate nearly any residential project, and especially one that abuts Emmert’s highly trafficked manufacturing facility and warehouse. Section 1445-13(e) and (h) similarly speak of “buffering” and “neighborhood compatibility,” which ask whether the proposed use is adequately buffered from neighboring properties or uses, or whether the “proposed work is compatible with the predominant or prevailing land use,” respectively. The answer to those questions is also no. The applicant is proposing to build to the lot lines with no buffer of any kind, and a 44-unit residential complex is not compatible with the predominant or prevailing land use that is Emmert’s 115-year history at its Dunlap & Henry location. The project also runs the risk of having adverse effects on access to public services, including safety services, *see* CZC 1445-13(j), and despite the application’s repeated assertions, the site is not “blighted” and developing it will not help eliminate or avoid blight, *see* CZC 1445-13(k). This is not to say that the overall purpose of the project is not a worthy or important one; but the project simply does not fit, in the most literal sense of that term, in the proposed location.

In addition to the *general* considerations of CZC 1445-13, a variance must be tied to the *specific* property at issue, and a variance is only appropriate if an applicant can satisfy one of the two requirements of CZC 1445-15. Under that section an applicant must show either that “special circumstances or conditions *pertaining to a specific piece of property*” would make a strict application of Code inappropriate, or that a variance “is *necessary for the preservation and enjoyment of a substantial property right* of the applicant possessed by owners of other properties in the same district or vicinity.”

There is nothing about this parcel, as such, that makes it unreasonable or inappropriate to apply the zoning code to it. It is not unusually shaped, for example (it is a perfect square); it is not burdened by challenging topography (it is almost perfectly flat); it is not constrained by immovable infrastructure or situated upon unbuildable ground. Nor is there anything about the parcel that makes a variance *necessary*—rather than merely *desirable*—for the owner to enjoy property rights possessed by others. It is a perfectly ordinary parcel that can be put to a huge number of permitted uses.

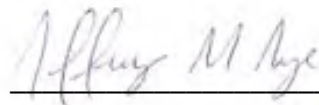
For these reasons, the variance requests are more akin to an application for a zone change, and while zone changes may be appropriate in some circumstances, the

appropriate way to effect them is through legislative action by elected leaders, after community input and public debate, not through an administrative proceeding.

Finally, I wish to reiterate that Emmert, as a long-standing (indeed, apparently the longest-standing) member of this neighborhood, strongly supports community housing, job creation, and diversity in the area. To that end, Emmert intends to continue its dialogue with the project owner and applicant to see whether there might be an alternative way to achieve some mutually desirable goals. But given the type of the variances requested for this particular lot in this specific location, Emmert respectfully requests that the Board deny the application in its current form.

Sincerely,

STAGNARO, SABA
& PATTERSON CO., L.P.A.

A handwritten signature in cursive script, appearing to read "Jeffrey M. Nye", is written over a horizontal line.

Jeffrey M. Nye

JMN/cmw





STAGNARO, SABA
& PATTERSON

Jeffrey M. Nye
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Direct dial: 513.533.6714
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June 16, 2022

Historic Conservation Board
Two Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, OH 45202

Re: Cases COA2022032 and COA2021066 – Certificate of appropriateness and
variances at 2000 Dunlap Street

Dear Board Members:

I represent the F.L. Emmert Company. This letter is submitted in response to the recent application for a certificate of appropriateness (or “COA”) in case COA2022032. The hearing on that case is consolidated with an earlier application for two variances in case COA2021066. I submitted on behalf of Emmert a letter dated January 18 and presented argument at the January 24 hearing on the variance case. This letter is submitted in addition to, not in place of, that letter and those arguments.

Emmert has only a limited objection to the structure as proposed in the COA application. That objection relates to the orientation of the “main entrance” and parking lot of the structure.

This letter addresses two preliminary matters, then discusses Emmert’s objection to the COA application, and concludes with some additional discussion of the applicant’s variance requests.

A. The COA cannot be granted if the variances are denied.

At the risk of stating something obvious, the COA application is based on a proposed design that incorporates the variances applied for in case COA2021066. If those variances are not granted, the structure for which the COA is sought would not be in compliance with the Zoning Code and, ipso facto, would not be “appropriate” for the

historic district. In that event, the certificate of appropriateness must be denied. (This letter will return to the variances below.)

B. With respect to the COA, the Board should focus not on the *design* of the building (to which Emmert does not object) but rather on the *fit* of the building in the neighborhood.

While the application is focused on whether the proposed structure meets the standards in Part B of the Guidelines, the Board must not overlook Part A.

The Zoning Code incorporates the “Revised Over-The-Rhine Historic District Conservation Guidelines” to govern the COA application. *See* CZC 1435-07-2-C. Those Guidelines include a set of “Specific Guidelines” in Parts B-1 through B-9 that are, in essence, a set of *design principles*. They set out rules for the composition, materials, roof type, window organization, etc., of a proposed structure.

F.L. Emmert does not have any particular objection to the proposed structure’s adherence to those design principles.

But those design principles are only the means by which to achieve the *purposes* that are described in the “Intent and General Guidelines” section in Parts A-1 through A-4.

Of particular relevance to this case is the instruction in part A-3 of the “New Construction” Guidelines that “The Historic Conservation Board’s review of new construction will focus on the design compatibility with the surrounding contributing structures.” The Board is specifically directed to, and must, consider the “balanc[e]” of “the programmatic needs of the applicant with how well the design relates to the neighboring buildings” in the area. In other words, the Board is not supposed to look at merely the type of roof, the color of brick, and how the windows are arranged. The Board is also specifically —indeed, *primarily*—supposed to “focus on” the proposed structure’s relation to the existing buildings in the area, and must make sure the proposed structure is “compatib[le]” with the existing neighborhood.

C. If the proposed structure is built, it must be reoriented to better fit the neighborhood.

As the Board knows from the testimony at the January 24 hearing on case COA2021066 (which has been consolidated with case COA2022032), the neighboring buildings are largely not only commercial or industrial in appearance, but also

commercial or industrial in operation. It would not be appropriate to build a residential structure with the main resident ingress and egress (and the only parking lot) immediately adjacent to these existing uses.

Emmert owns the property immediately to the west of the subject (the address is 2007 Dunlap Street), where it operates its facility that manufactures animal feed materials and products for distribution to pet food and livestock feed companies all over the world. Emmert also leases the property on the southwest corner of Dunlap and Henry. This is sometimes known as the "Delhi Foods" building. (Its mailing address is 1800 Central Parkway, which is on the opposite side of the building.)

The nature of Emmert's business means that a large number of tractor trailers, hopper trucks, tank trucks, or other large equipment operates on Dunlap Street. Approximately 20 such trucks come into or out of the production facility every day; sometimes more. The Delhi Foods building is warehouse space, and materials and products are regularly moved between it and the production facility throughout the day, mainly via forklift. Other companies nearby operate other commercial or industrial businesses on Dunlap Street. The Board heard testimony from some of them at the earlier hearing, and may hear more in the COA case as well.

As Emmert explained in its January 18 letter, and argued to the Board at the January 24 hearing in the variance case, Emmert has no objection to the nature of the applicant's proposed use of the property, but has very serious safety concerns about the compatibility of the proposed structure in this specific location. Emmert does not believe that the safety implications of putting a 44-unit building alongside a busy corridor of heavy equipment have been fully considered.

Emmert's concern is exacerbated, not ameliorated, by the proposed design of the structure. According to the application letter (see §II-6 at page 3) and the site plan and elevations (Exhibit D to the application), the applicant is proposing to put a storefront-style "front entrance" at the southwest corner of the site. The site plan and elevations additionally show that the applicant is proposing to put a small parking lot on the northwest corner of the site. (The application letter states on page 1 that the parking lot is on the "northeast" corner, but this appears to be a typographical error.)

By proposing to place the front entrance and the parking lot on Dunlap Street, the applicant is putting them in direct proximity to where a large number of trucks and forklifts are currently operating. That is not an appropriate "balance" between the proposed structure and how it "relates to the neighboring buildings." It is not safe—not

for Emmert and its employees or vendors, and not for the applicant's prospective residents.

Emmert therefore asks the Board (if it grants the variances) to require the applicant to mirror the structure across the north-south axis of the property. In other words, if the structure is built, the main entrance should be on the *southeast* side of the building, and the parking lot should be on the *northeast* side of the building. That orientation would make the site safer for both Emmert and the prospective residents of the building, and would be closer to the appropriate "balance" with existing buildings and their uses.

Emmert submits that this orientation would also make the site more attractive to residents. The southeast corner of the site roughly faces east on Henry Street, looking toward Elm Street about 135 feet away. While residents may approach the building from any direction, it seems most likely that they will tend to approach the site on Henry, coming from Elm. Elm is one of the City's main streets, and it has both the streetcar and multiple Metro lines, not to mention regular private vehicular traffic. Residents would seem to be less likely to approach the site from either Dunlap Street, which (at just 25 feet wide) has no public transportation and much less private vehicular traffic, or from the west on Henry (which does not continue through to Central Parkway). Orienting the structure so the main entrance faces the direction from which residents are most likely to approach is the most sensible design even if not for the safety concerns described above.

Moving the parking lot from the northwest corner to the northeast corner is the most sensible choice for all the same reasons. The lot would be accessible through Colby Alley, which runs along the eastern edge of the site.

Emmert raised this "orientation" issue informally with the applicant prior to and after the June 8 pre-hearing, and understands that the applicant is looking into the feasibility of it. Emmert appreciates that effort. As of the date this letter is prepared, the applicant has not advised as to whether it intends to adopt this change.

D. The COA application does not justify the variances.

Because the COA application includes additional argument relating to the variances, Emmert will speak to them here. Emmert wishes to add three points to those it already made in the companion case.

1. The tail must not wag the dog.

One possible objection to Emmert's request to re-orient the building as a condition of a COA is that Colby Alley is not wide enough to accommodate a parking lot on the northeast corner of the site, or that it is not wide enough to accommodate public services like trash removal. (The trash bin is planned to be within the parking area, per the site plan in Exhibit D to the COA application.)

Emmert believes that any such objection would be incorrect. Colby Alley already serves the small amount of other residential traffic from the properties at 2013 Elm and 2015 Elm. (Despite their address and frontage on Elm, their curb cuts are on Colby Alley.) The proposed lot is only for two or three cars, and would not overload Colby. (It is worth repeating that Emmert's objection to placing the lot on the northwest corner isn't that Dunlap Street will become inundated with cars from this site once the project is completed. The objection is that the Board should take all reasonable steps to put a buffer between the parking lot and the existing truck and forklift traffic for safety reasons.)

But assuming for the sake of argument that Colby Alley cannot accommodate either the traffic or the trash removal, then the appropriate response is to deny the variance request under which the applicant seeks permission to build to the rear lot line. With respect to parking, the applicant could obviate any concern about Colby Alley by complying with the Zoning Code and including the required rear yard, which it could then use to aid ingress and egress via Dunlap if necessary. (The required rear yard is 10 feet. *See* CZC 1410-07 ("Building Form and Location"). A "yard" is simply the space between a "building" and the lot line. *See* CZC 1401-01-Y. A driveway is not a "building," *see* CZC 1401-01-B11, and thus is permitted within the rear yard. *See also* CZC 1410-07 ("Vehicle Accommodation—Driveways and Parking"; Driveway Restrictions: "None").)

With respect to trash removal, the Zoning Code explicitly states that it is not within the public interest to grant a variance if it affects the delivery of public services. *See* CZC 1445-13(j). The Board in January expressed its preference and exercised its discretion to consider the variances and the COA together. It should do exactly that—and should not grant a variance that would then box the neighborhood into an inappropriate COA. If it's impossible to place the parking lot on the northeast corner because the setback variance was granted, then the solution is to deny the setback variance, not to place the parking lot in an inappropriate location.

Again, to be absolutely clear—using the rear yard to accommodate ingress and egress via Dunlap is less preferable to Emmert because using Colby Alley is safer, and the Board should require the applicant to put the parking lot on the east side of the structure for that reason. But if Colby Alley is unusable, then the next best solution is to keep the required setback and use it to make the site safer at Dunlap. The COA cannot be the tail that wags the dog.

2. The site has no “special circumstances or conditions” that justify a variance.

Among the justifications offered for the variances in the COA application is the assertion (in §III-1, at page 7) that there are “practical difficulties” that warrant the granting of the variances.

The arguments made in support of the “practical difficulties” argument are wrong and should be rejected for reasons discussed extensively at the January 24 hearing,¹ but the Board should not lose sight of an even more significant problem with this argument.

The “practical difficulties” analysis is the second part of a two-part conjunctive test, and the applicant has not satisfied the other part of the test.

That test is contained in CZC 1445-15(a), which says that a variance may be granted if: “Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties.” Before even getting to the “practical difficulties” analysis, an applicant for a variance must first show that there are “special circumstances or conditions pertaining to [this] specific piece of property.” The “practical difficulties” must be directly caused by (or “ow[ed] to”) those special circumstances or conditions of the specific property at issue.

¹ One argument raised in the COA application that was not (to the best of Emmert’s recollection) raised at the variance hearing is the claim (on page 9) that a variance should be granted because the applicant acquired the property before the existing zone was implemented. That is a red herring. Pre-existing *uses* can be grandfathered in after zone changes. Pre-existing *ownership* does not exempt property owners from the Zoning Code when they are adopting a new use for a property.

The applicant fails that part of the test. The subject site has no special circumstances or conditions. It is perfectly square. It is almost perfectly flat. It has no characteristics of distinction, except perhaps for its perfect ordinariness.

As a matter of law under the Zoning Code, it is ineligible for variances because it lacks any “special circumstances or conditions.” Or to put it non-categorically, even if there are “practical difficulties,” they are not the result of any “special circumstances or conditions pertaining to [this] specific piece of property.”

If property qualifies for a variance, then every property in the City qualifies for a variance, and the Zoning Code’s restrictions are not requirements at all—they are just suggestions that can be dispensed with at the Board’s discretion. That is not how the law works.

3. City Council, not this Board, makes zoning policy and zone changes.

The applicant is effectively asking the Board to make a zone change. The COA application argues (at page 8) that the Board should grant variances because the Zoning Code’s requirements are “entirely unreasonable” for OTR.

It is the exclusive purview of City Council—not the applicant, and not this Board—to determine what zoning requirements are reasonable. A variance is not a tool to correct what an applicant (or anyone else) perceives as errors of judgment in zoning laws. That is not Emmert’s contention or interpretation of zoning principles—that is black-letter law from the Ohio Supreme Court’s holding in *Consolidated Management, Inc. v. Cleveland* (1983), 6 Ohio St.3d 238, 240 (“variances are not authorized to change zoning schemes or to correct errors of judgment in zoning laws”).

The applicant actually makes this same argument or request a second time in a roundabout way. It argues (in the last full paragraph on page 8) that a density variance should issue because “the Board has granted much larger variances to other properties.” Variances are not—or at least are not supposed to be—precedential. The reason is the same as the one described in the prior section of this letter: variances must be granted based on the specific parcel at issue and the special circumstances or conditions applicable to that parcel. Unless a variance was previously granted on this same parcel, any other variances are simply not relevant.

If it were otherwise, then this Board would effectively be amending the Zoning Code by granting the variances in this case (and indeed the variances in all cases). If

“the Board has granted other variances” were a ground to grant every variance, then the Board would have no choice but to grant the same density and setback variances to every parcel adjoining the subject site—and then every parcel adjoining those parcels, and every parcel adjoining *those* parcels, and on and on, until every parcel in the City has received a variance and the Zoning Code is barely a hint of anyone’s memory.

Fundamentally, arguments that existing zones are “unreasonable” or that these variances should be granted because other variances were granted, are arguments about whether this Board should make zoning policy, or whether City Council makes zoning policy.

The answer to that question cannot be seriously debated. This Board carries out City policy—it does not make it. Again, that is not Emmert’s view of how the law should work. It is the express holding of the Ohio Court of Appeals that governs Cincinnati, in the case of *Vandervort v. Sisters of Mercy* (1st Dist. 1952), 97 Ohio App. 153, 156-57 (explaining that “the determination of whether regulatory rules shall be enacted and their nature is a matter of policy confided by the Constitution to the law-making department of government; that is, the General Assembly for the state, and the council for the villages”; “the authority thus confided cannot be delegated,” and so only a City Council can establish policy and change zones).

Any argument that the policy is “unreasonable,” or wrong for any other reason, must have no purchase here. The Board must follow the policy set by City Council through the duly enacted ordinances that compose the Zoning Code, and must follow the Ohio courts’ pronouncements about the limited purpose of variances and the jurisdiction of the Board.

4. If the Board grants the variances, it should impose a condition that ensures street access is not impeded.

Finally, to return to an issue raised at the January 24 hearing, in addition to its safety concerns Emmert is worried about the effect that an over-dense, no-setback construction project will have on its ability to operate its business. Emmert fears that the projected 100 construction jobs, not to mention construction equipment, will interfere with the trucks and forklifts that deliver, move, and haul materials and goods.

Subsequent to the prior hearing on the variances, the applicant advised Emmert that if a building permit was issued, the applicant intended to ask construction

contractors to submit a plan for maintaining traffic on Dunlap and Henry during construction.

Emmert appreciates this effort, but to date is not aware of any specific plans that it (or the Board) can evaluate. Emmert therefore requests that if the Board grants any of the applications, then it impose an additional condition that the applicant submit and comply with a plan that ensures that construction does not impede traffic on Dunlap and Henry.

E. Conclusion

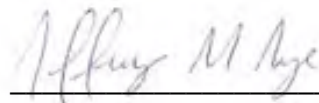
Emmert does not oppose the nature of the applicant's proposed use for the property, but the parcel has no special circumstances or conditions that warrant granting a variance, and in any event the variances requested are so substantial as to amount to a request for a zoning change, which this Board cannot grant.

If the Board nevertheless grants one or both variances, or if it grants the COA (with or without variances), it should impose the additional conditions (1) that the applicant submit and comply with a construction plan that does not impede traffic on Dunlap and Henry Streets, and (2) that the applicant relocate the main entrance and the parking lot to the east side of the structure.

We appreciate the Board's attention to these cases and look forward to seeing you on June 27.

Sincerely,

STAGNARO, SABA
& PATTERSON CO., L.P.A.

A handwritten signature in dark ink, appearing to read "Jeffrey M. Nye", is written over a horizontal line.

Jeffrey M. Nye

JMN/cmw

October 16, 2022

City Planning Commission

RE: Dunlap PSH Project

Dear Members of City Planning Commission,

I am writing in support of Over-the-Rhine Community Housing's 44-unit Dunlap PSH Project which will be addressed at your meeting on October 21st. I am a 50-year resident of Over-the-Rhine and board member of Over-the-Rhine Community Housing (OTRCH). We have an asset, the experience and motivation to build affordable housing for our sisters and brothers suffering from chronic homelessness. We are offering a solution to a big need in our neighborhood. As a community-based developer, let us do what we do best. Your vote of confidence will help us convince City Council that we need this "Notwithstanding Ordinance" to move this project forward.

We all have an opportunity to embrace those who have the hardest obstacles in finding stable housing. We will be demonstrating love in action. That's the kind of neighborhood and city I want to live in, one whose arms are open to the most vulnerable.

We recently lost a dear sister, Ms. June Alexander. I am calling out her name, for even through her many health struggles, she used the power of her voice and words to frequent committee meetings over Zoom to support affordable housing, most recently this particular project. She knew from her own experience of homelessness, how critical it is to have stable housing. Vice Mayor Jan-Michele Kearney, even spoke of her as our local Fannie Lou Hamer. Like Fannie Lou Hamer, Ms. June was sick and tired about housing injustices. She spoke out to hold our system accountable, that every person poor and homeless has the right to decent affordable housing. Give us the boost we need to get it built; we have the needed funding. I am lucky to have an apartment to call home, let's make it possible for 44 people in great need to have a place to call home, too.

Sincerely,

Bonnie Neumeier

Bonnie Neumeier

O-T-R Resident and OTRCH Board Member

10 W. 14th Street #3

Cincinnati, OH 45202.

Cincinnati City Planning Commission
City of Cincinnati
805 Central Ave.
Suite 700
Cincinnati, OH 45202

October 18, 2022

RE: Dunlap + Henry PSH

City Planning Commission Members:

We are writing to express our support of Over-the-Rhine Community Housing's project at 2000 Dunlap, appearing before you at the Planning Commission hearing on October 21, 2022. We understand that Over-the-Rhine Community Housing (OTRCH) is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

We believe that the design of the building addresses the OTR Design Guidelines and that the scale, placement, massing, and density of the building are appropriate for the neighborhood. The building is contemporary yet respectful of the urban context and works well as a background building to the larger built environment. We also believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH and the design team remain committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is necessary for successful development in our city.

Cincinnati is in dire need of affordable housing, and Dunlap + Henry PSH (2000 Dunlap) will provide safe and affordable housing for those who need it most, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. This project will offer a full range of programming specifically designed to meet the needs of the new residents and will help stabilize and improve their lives.

Dunlap + Henry PSH will help our neighbors get off the streets and allow them to access permanent housing and resources. If this project doesn't move forward, the issue of homelessness will not simply go away. The people who will be living in the proposed community are already our neighbors. This site is an ideal location as it will allow the homeless residents of OTR to live and grow in a safe environment that's in an area they consider their home base.

This project will overall create a safer and healthier environment for our community. The project will turn a surface parking lot into a high value space that not only serves neglected residents of OTR but will bring life and purpose to an underutilized area of our urban environment.

OTRCH has demonstrated success throughout the neighborhood, specifically with Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, however, those fears have gone unrealized. In turn, JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can live together in harmony.

We urge you to approve the Dunlap + Henry PSH project, based on the points outlined in this letter above. This project will provide safe and affordable housing for underserved demographic while fostering equitable growth in the OTR neighborhood.

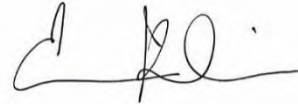
Sincerely,
New Republic Architecture



Graham Kalbli, AIA, LEED AP
Principal



Greg Albright, AIA
Director of Operations



Erin Kline
Registered Architect



Kara Vujanovich
Project Designer



Josh Pedoto, AIA
Registered Architect



Brandon Dalessandro
Project Designer



Meghan Jones
Project Designer



Jim Gelis, AIA, LEED AP
Senior Project Manager



Nadja Stowasser
Designer



Sam Burgess
Designer



Ryan Minnich
Designer



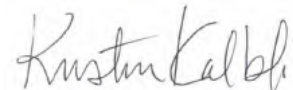
Lindsey Sullivan
Solutions Strategist



Madison Bucchi
Designer



Bob Carbon
Project Manager



Kristin Kalbli
Communications Consultant



Heath Horn
Project Designer



Rose Schelly
Designer



Matt Mattone
Designer



To Whom it May Concern,

I am writing to express support for the notwithstanding ordinance for 2000 Dunlap St. that will provide 44 units of permanent supportive housing for people experiencing homelessness in the Over-the-Rhine neighborhood. The project aligns with the needs of the community by providing:

1. Safe, dignified housing support for those most vulnerable at a time where street homelessness is on the rise
2. Affordable Housing that is close to amenities and transit access, not isolated or concentrated in a low-opportunity area.
3. Collaborative, community-centered development effort between 3CDC, Strategies to End Homelessness, Greater Cincinnati Behavioral Health Services, Corporation for Supportive Housing, Cincinnati Health Network, Greater Cincinnati Homeless Coalition, LISC, Greater Cincinnati Foundation, Model Group and many more neighbors
4. A Housing First model that rapidly ends homelessness, is cost-effective, and positively impacts quality of life and community functioning.

OTRCH has a history of integrating affordable housing seamlessly into the neighborhood in a way that has not negatively impacted property values or safety to surrounding residents.

The need for quality affordable housing for those most vulnerable is extremely high right now. This project is fully funded and ready to break ground, which has taken incredible time and resources to complete. Without your support, the project will not move forward. I ask that you help be a part of the solution and support the notwithstanding ordinance for 2000 Dunlap St.

Sincerely,

Rosemary's Babies Co.
Change the Outlook for Teen Parents
4439 Reading Road Suite 107
Cincinnati, Ohio 45229
Phone: 513.813.TEEN (8336)
Cell: 513.290.5995
Email: rosemarysbabies.cincy@gmail.com
Website: www.rosemarysbabies.co

Thank you for your support & Staying Connected:

Hoffman, Stacey

From: Cincinnati City Planning
Sent: Tuesday, October 18, 2022 3:21 PM
To: Hoffman, Stacey
Subject: FW: [External Email] Dunlap PSH

From: Janet Allen-Reid <janetallenreid@gmail.com>
Sent: Tuesday, October 18, 2022 3:06 PM
To: Cincinnati City Planning <planning@cincinnati-oh.gov>
Subject: [External Email] Dunlap PSH

You don't often get email from janetallenreid@gmail.com. [Learn why this is important](#)

External Email Communication

To Whom it May Concern:

I am writing in support of the Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that OTRCH is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This Housing First model rapidly ends homelessness, is cost-effective, and positively impacts quality of life and community functioning for the most vulnerable members of our community! This project will offer a full range of services meant to stabilize and improve lives.

OTRCH has a 25-year history of providing well operated supportive housing throughout our neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can live together.

This project will give 44 people the chance to have a home and live with dignity. We should all be proud to do everything we can to support this beautiful opportunity for more affordable housing.
Please step up and support Dunlap PSH.

Sincerely,

Janet Allen Reid
1824 Elm St #2
Cincinnati, OH 45202

DATE

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together.

Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,

David Elkins
3628 Darwin
Cincinnati Ohio 45202

10/18/2022

Re: Dunlap PSH

To Whom it May Concern:

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This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

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Sincerely,

Jessica A. Mount

Jessica A. Mount
Compliance Director
Found House Interfaith Housing Network

Hoffman, Stacey

From: Cincinnati City Planning
Sent: Tuesday, October 18, 2022 5:14 PM
To: Hoffman, Stacey
Subject: FW: [External Email] Dunlap Permanent Supportive Housing

From: Koehler, Jason (koehlejn) <koehlejn@mail.uc.edu>
Sent: Tuesday, October 18, 2022 4:55 PM
To: Cincinnati City Planning <planning@cincinnati-oh.gov>
Subject: [External Email] Dunlap Permanent Supportive Housing

You don't often get email from koehlejn@mail.uc.edu. [Learn why this is important](#)

External Email Communication

10/18/22

To Whom it May Concern:

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Sincerely,

Jason Koehler
140 Picketts Charge
Fort Thomas, KY 41075

10/19/2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

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Sincerely,

Nikhil Parail
3827 Paxton Avenue Apt. 823
Cincinnati, OH 45209

Hoffman, Stacey

From: Kate <cantlok@gmail.com>
Sent: Tuesday, October 18, 2022 8:07 PM
To: Cincinnati City Planning
Subject: [External Email] Dunlap PSH

You don't often get email from cantlok@gmail.com. [Learn why this is important](#)

External Email Communication

DATE: 10-18-2022

Re: Dunlap PSH

To Whom it May Concern:

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Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,

Name: Rob and Kate Cantlon
Address : 1629 Peaslee Avenue Cincinnati, 45224-2019

Hoffman, Stacey

From: Chris Heckman <heckman@gmail.com>
Sent: Tuesday, October 18, 2022 5:42 PM
To: #COUNCIL; Cincinnati City Planning
Cc: beilerman@otrch.org; Kristen Myers
Subject: [External Email] Please support Notwithstanding Ordinance for the Dunlap PSH project by OTRCH
Attachments: Tony_Minter_Findlay.JPG; Heckman Dunlap Support - October 2022.docx

Some people who received this message don't often get email from heckman@gmail.com. [Learn why this is important](#)

External Email Communication

Dear City Council and City Planning Commission -

I'm a resident of and business owner in OTR. Today is my birthday, the kids are home and we're about to have dinner, but I need to finish this first for Tony. Tony has been chronically homeless due to health struggles, having been a former neighbor. Everyone deserves stability in housing, which is why we fully support the Dunlap Permanent Supportive Housing project by OTRCH. We need more projects like these, especially in the walkable urban basin. The diversity of residents in OTR needs an intentional public balance to market forces. Please find my letter of support attached. Blessings!

Chris Heckman
Kristen Myers (CC'd)
Otto & Flora
1526 Elm Street

October 18, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap Street. Our family has lived within a block of similar-sized supportive housing, Jimmy Heath House, for over three years. Please listen to why we support another project nearby. I also own a business at 111 W. McMicken Ave, within two blocks of the proposed Dunlap site; I know that this area needs more residential units.

OTRCH has demonstrated success throughout the neighborhood. Similar concerns were raised prior to the Jimmy Heath House opening in 2010. Our family parks in front of JHH on Odeon Street (which has over 50 units in basically the same footprint as what is proposed for Dunlap). Barely any of the residents own cars so parking *has never been* an issue. Odeon Street is perhaps the safest street in OTR, with a door attendant 24/7 and bright lights at their entrance. Surrounding property values have only increased. Market rate housing has been built adjacent to their property since operations began. JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can together in harmony.

The city is in *dire need* of affordable housing. This project will serve those who are most in need of affordable housing, the chronically homeless. Having lived in OTR for the past 13 years, I've come to know several friends who are chronically homeless. Tragically, some have passed. Programming in this project has been designed to meet their needs. This project will offer a full range of services meant to stabilize and improve their lives and others like them.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

I have seen the design of the proposed building. The scale, placement, massing, and density, of the building are appropriate for the neighborhood, and I think it looks great! I believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

Bottom line – everyone deserves a home. The placement is critical, near transit options that don't force them to own a car. The diversity of residents in OTR needs an intentional public balance to market forces. Thank you for your consideration.

Sincerely,
Chris Heckman, Kristen Myers (CC'd), Otto & Flora
1526 Elm Street
Cincinnati, OH 45202



Tony Minter

October 19, 2022

Re: Dunlap PSH

To Whom it May Concern:

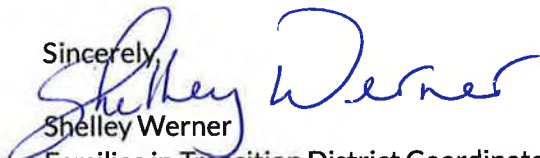
I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

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Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,



Shelley Werner

Families in Transition District Coordinator
Erlanger Elsmere Schools
4161 Witley St.
Cincinnati, OH 45223

Hoffman, Stacey

From: Cincinnati City Planning
Sent: Wednesday, October 19, 2022 9:12 AM
To: Hoffman, Stacey
Subject: FW: [External Email] Over-the-Rhine Community Housing

From: Chris Werner <nostyle77@yahoo.com>
Sent: Wednesday, October 19, 2022 9:08 AM
To: Cincinnati City Planning <planning@cincinnati-oh.gov>
Subject: [External Email] Over-the-Rhine Community Housing

You don't often get email from nostyle77@yahoo.com. [Learn why this is important](#)

External Email Communication

October 19, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together.

Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,

Chris

Chris Werner
4161 Witley Street
Cincinnati, OH 45223

10/19/2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

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Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,

Keirsten White
3253 Vine St #2
Cincinnati Ohio 45220

10/19/2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

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Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,
Molly Simpson
2818 Erie Ave



Housing Opportunities Made Equal

2400 Reading Road, Suite 118
Cincinnati, Ohio 45202

Phone: 513-721-4663
Fax: 513-721-1642
www.homecincy.org

October 19, 2022

City of Cincinnati Planning Commission
planning@cincinnati-oh.gov

City Council Members
CityCouncil@cincinnati-oh.gov

Re: Support for Dunlap Permanent Supportive Housing

To Whom it May Concern:

Housing Opportunities Made of Equal of Greater Cincinnati (HOME) writes in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. The proposed project is a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness. HOME is a nonprofit fair housing organization working to eliminate unlawful housing discrimination. We work to advocate and enforce housing regulations for all protected classes and promote stable, integrated communities.

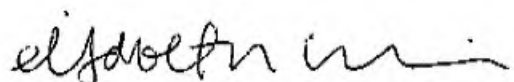
Cincinnati has a severe shortage of affordable housing. Many recent studies in the City of Cincinnati and Hamilton County point out the shortage of affordable housing units and the need for more resources for affordable housing, particularly for the lowest-income brackets (households with incomes 0-30% of the Area Median Income). This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Along with providing housing, the project incorporates supportive services that meet the needs of those residents leaving chronic homelessness and offers the greatest likelihood for long-term success for new residents. This type of supportive housing helps address the needs of at-risk populations, including people with disabilities.

The 2019 Fair Housing Assessment for Cincinnati and Hamilton County notes at-risk populations like people with disabilities are experiencing significant housing challenges and the most overt housing discrimination. The report also notes a lack of resources to serve those needs. The Dunlap project proposed by Over-the-Rhine Community Housing specifically addresses these needs and would provide both housing and support services to chronically homeless individuals, many of whom have disabilities. The Fair Housing Assessment includes specific goals to support agencies doing affordable housing development and agencies that provide supportive housing services, both of which are provided by Over-the-Rhine Community Housing. Further, the Fair Housing Assessment also includes a goal of elected and appointed officials throughout Hamilton County, including the City of Cincinnati, to weigh in and support housing projects that support protected classes, especially given the difficulty of development and community opposition.

Over-the-Rhine Community Housing has a track record of success in affordable housing development, including success with similar permanent supportive housing projects like with the Jimmy Heath House. This example shows that this type of development and project can work successfully with the residents and community members.

HOME supports the proposed project at 2000 Dunlap Street. We see the tremendous need for projects like this that provide safe, quality and affordable housing for the lowest-income population and chronically homeless individuals, as well as protected class populations. Thank you for your consideration.

Sincerely,



Elisabeth Risch.
Executive Director

Housing Opportunities Made Equal, Inc. is a 501(c)(3) nonprofit organization.



10/19/2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together.

Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,

Querida Gyimah
4108 Wood St,
Cincinnati, OH 45212



FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

To Whom it May Concern,

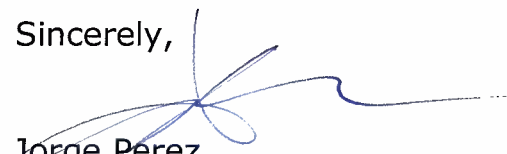
I am writing to express support for the notwithstanding ordinance for 2000 Dunlap St. that will provide 44 units of permanent supportive housing for people experiencing homelessness in the Over-the-Rhine neighborhood. The project aligns with the needs of the community by providing:

1. Safe, dignified housing support for those most vulnerable at a time where street homelessness is on the rise
2. Affordable Housing that is close to amenities and transit access, not isolated or concentrated in a low-opportunity area.
3. Collaborative, community-centered development effort between 3CDC, Strategies to End Homelessness, Greater Cincinnati Behavioral Health Services, Corporation for Supportive Housing, Cincinnati Health Network, Greater Cincinnati Homeless Coalition, LISC, Greater Cincinnati Foundation, Model Group and many more neighbors
4. A Housing First model that rapidly ends homelessness, is cost-effective, and positively impacts quality of life and community functioning.

OTRCH has a history of integrating affordable housing seamlessly into the neighborhood in a way that has not negatively impacted property values or safety to surrounding residents.

The need for quality affordable housing for those most vulnerable is extremely high right now. This project is fully funded and ready to break ground, which has taken incredible time and resources to complete. Without your support, the project will not move forward. I ask that you help be a part of the solution and support the notwithstanding ordinance for 2000 Dunlap St.

Sincerely,



Jorge Perez
President/CEO

October 19, 2022

RE: Dunlap PSH Letter of Support

To Whom it May Concern:

We are writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. It is our understanding that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

OTRCH has done many projects within the historic district of OTR, and I believe they will handle the design of this with the same level of care, within the oversight and approval of the Historic Conservation Board. We agree with the scale and size of the project, as it is usually not economically feasible to develop a smaller project.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. Our understanding is that programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. We at Urban Sites are in support of the balance of housing needed in the urban core, and believe OTRCH has proven itself a long-time advocate in the OTR neighborhood.

Sincerely,



Tim Westrich
VP, Affordable Housing

October 19, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap Street. This project is meant to build 44 units of permanent supportive housing for people experiencing chronic homelessness.

Housing is a healthcare issue.

As a visiting nurse who has served many people with limited means in low-income communities such as Over-the-Rhine, Walnut Hills, Avondale, Evanston, and other neighborhoods I have witnessed how a person's housing affects their overall health. I have also served people of adequate to more than adequate means in communities such as Indian Hill, Kenwood, Madeira, and others.

People living in substandard housing experience too many issues in their lives that deflect or distract them from focusing on their health and continue experiencing their health challenge for longer periods of time or get worse. Those living in adequate housing, whether subsidized or not, are able to focus on their health and tend to return to a healthy state sooner.

In addition to having worked with patients as a visiting nurse, I have worked most recently in inpatient psychiatry. Many people experiencing homelessness also struggle with issues of mental health. It can be a vicious cycle being both homeless and struggling with mental health challenges. Over-the-Rhine Community Housing's ongoing collaboration with Greater Cincinnati Behavioral Health as part of their permanent supportive housing model is an example of their ability to care for the whole person to help them reach their goals.

Over-the-Rhine Community Housing has a very successful model of permanent supportive housing in their Jimmy Heath House on Odeon Street. Please allow them to use their property on Dunlap Street to meet the needs of our neighbors with the greatest challenges.

Sincerely,

Michael Flood

Michael Flood, RN

10 W 14th Street #3
Cincinnati, OH 45202-7504

Hoffman, Stacey

From: Cincinnati City Planning
Sent: Wednesday, October 19, 2022 1:24 PM
To: Hoffman, Stacey
Subject: FW: [External Email] OTR Community Housing Dunlap St.

From: Susan Carlson <scarlsoncincinnati@gmail.com>
Sent: Wednesday, October 19, 2022 1:15 PM
To: Cincinnati City Planning <planning@cincinnati-oh.gov>
Subject: [External Email] OTR Community Housing Dunlap St.

You don't often get email from scarlsoncincinnati@gmail.com. [Learn why this is important](#)

External Email Communication

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together.

Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,

Susan Carlson
1641 Rolling Hills Drive

Cincinnati, Ohio. 45215

--



BEN CARLSON-BERNE
SCHOLARSHIP FUND

Susan Carlson and Phil Berne

Founders

bcbscholarship.org

(513)410-0681

Jennifer Arens
1702 Kinney Avenue
Cincinnati, OH 45207

October 19, 2022

Re: Dunlap PSH

To the members of the Cincinnati Planning Commission and City Council:

As a city resident doing community-focused work in Over-the-Rhine for the past eight years, I am writing to voice my enthusiastic support of Over-the-Rhine Community Housing's project, Gloria's Place, at 2000 Dunlap St.

This is an extraordinary and desperately needed project. It is a model for how cities ought to be solving homelessness and pursuing equitable development. Gloria's Place will serve Cincinnati's most vulnerable residents who too often fall through the cracks in our system. It will do this by way of an evidence-based, best practice that centers human dignity, offers permanence, fosters community, and saves public money. This project is already competitively funded and deeply supported by neighbors, community members, public officials, and every organization in Cincinnati that has direct and robust expertise in providing affordable housing and preventing homelessness. The developer at the helm, Over-the-Rhine Community Housing, is simply the highest quality affordable housing developer in our city, with the deepest experience and the best track record. OTRCH has successfully done the hardest housing work in our city for decades, and for 12 years has operated the Jimmy Heath House by the same Housing First model proposed for Gloria's Place; Jimmy Heath House is a testament to what our city is capable of when we act smartly and justly with our resources.

The fact that approval for this ideal project currently hinges on a "Notwithstanding Ordinance" is evidence of our city's failure to center equity in our public policies. This project offers deep, crucial, public benefits that must be expressly named and valued in our assessments of land use and historic preservation. I believe, truly, in the importance of democratic process and public engagement, but I also know with certainty that our city government must be proactive if we are to become a more equitable place to live. If projects like this can be doomed by technicalities and zoning procedures that prohibit any meaningful discussion of housing affordability, or by tired NIMBYist fears stemming from racism and classism, then our progress toward equity is doomed as well.

Your vote on this project is your opportunity to contribute to the real solutions to homelessness, and to advance our city another step towards equity. Please do not waste it!

Sincerely,

Jennifer Arens



October 19, 2022

Re: Dunlap PSH

City Planning Commission:

I am writing in support of Over-the-Rhine Community Housing project at 2000 Dunlap St. It is my understanding that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

LISC is the nation's leading community development organization. In collaboration with local groups, we help identify priorities and challenges and help formulate comprehensive strategies to address them. At LISC Greater Cincinnati, we are a leading organization in helping community residents transform neighborhoods by working with cities, residents, nonprofit organizations, and key public and private partners to create affordable housing, support neighborhood economic development, help families reach financial stability, and sustain social capital.

As Executive Director of LISC Greater Cincinnati, my team and I are leading a broadly inclusive initiative called Housing Our Future that is working within multiple channels to ensure that in the near future everyone in Cincinnati and Hamilton County will have access to a safe, affordable place to call home in a community of their choice. The Housing Our Future initiative outlines the *goal of producing 2,000 units of affordable housing each year, for the next 10 years*, in order to address the unit gap alongside interventions in raising wages and increasing household stability. The Steering Committee leading the Housing Strategy's development agreed that the 2,000 units to be produced annually should serve households with incomes at or below 60% of the Area Median Income.

Cincinnati is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness and programming in this project has been designed to meet the needs of those residents. This project will also offer a full range of services meant to stabilize and improve the lives of new residents.

Sincerely,

A handwritten signature in black ink that reads "Kristen Baker". The signature is fluid and cursive.

Kristen Baker

Executive Director

10/19/2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

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Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Elliott', with a long horizontal flourish extending to the right.

Elizabeth Elliott
Program Director
Shelterhouse



October 19, 2022

Re: Dunlap PSH

To Whom It May Concern,

I am writing to support Over-the-Rhine Community Housing's (OTRCH) project at 2000 Dunlap. I understand that OTRCH is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

We, the Intercommunity Justice and Peace Center (IJPC), are a nonprofit in Over-the-Rhine that believes in supporting all of the residents of our community, especially the most vulnerable among us. Cincinnati is in dire need of affordable housing and this project will directly meet that need for the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can live together in harmony. So much good will come from the Dunlap PSH project.

Many have spoken about the need for more affordable housing; this is your opportunity to act on those words by voting to support this much-needed project!

Sincerely,

Allison Reynolds-Berry, MSW
Executive Director

215 E. Fourteenth Street, Cincinnati, OH 45202
phone: 513.579.854 website: IJPCcincinnati.org

IJPC Founding Sponsors: Congregation of St. Joseph, Sisters of Charity of Cincinnati, Sisters of Mercy, Sisters of Notre Dame de Namur, Sisters of St. Francis, Oldenburg. **IJPC Sponsors:** Anawim Community, Bellarmine Chapel, Cincinnati Friends Meeting, Cincinnati Mennonite Fellowship, Comboni Missionaries, Congregation of Divine Providence, Dominican Sisters of Hope, Franciscan Sisters of the Poor, Franciscans - St. John the Baptist Province, Glenmary Home Missioners, Hyde Park Community United Methodist Church, Mount Auburn Presbyterian Church, New Jerusalem Community, Sisters of Notre Dame of Covington, St. John Unitarian Universalist Church, Ursulines of Brown County, and Ursulines of Cincinnati.

marcc

“...to forgo the luxury of separate ways when a common path can be found...”

Metropolitan Area Religious Coalition of Cincinnati

2400 Reading Road, Suite 201B
Cincinnati, Ohio 45202
Phone 513.978.0086

Email: marcc@marcconline.com
Web: www.marcconline.com

American Baptist Churches, USA

Archdiocese of Cincinnati

Association of Unity Churches

Baptist Ministers Conference
of Cincinnati and Vicinity

Cincinnati Islamic Community Center

Diocese of Southern Ohio (Episcopal)

Disciples of Christ – SW Ohio

Interdenominational Ministers Alliance
Of Greater Cincinnati

JCRC of The Jewish Federation

Ohio River Valley District
(United Methodist Church)

Presbytery of Cincinnati

Religious Society of Friends

Unitarian Universalist Council
of Greater Cincinnati

United Church of Christ
Southwest OH- Northern KY Association

Volunteers of America
Of Ohio and Indiana

The Reverend Thomas Barnes
President

Robert Ehrsam

Vice President

Ro-Ellen Sinkewich

Vice President

Elizabeth Brown

Secretary

Tyrone Jackson

Assistant Secretary

Margaret A. Fox
Executive Director

Alexx Rouse

Office & Technology Manager

October 19, 2022

Planning Commission
City of Cincinnati
Cincinnati, OH

Re: Dunlap Permanent Support Housing Project

Dear Members of the Cincinnati Planning Commission,

The Metropolitan Area Religious Coalition of Cincinnati supports the Over-the-Rhine Community Housing's project at 2000 Dunlap Street, all 44-units that provide permanent supportive housing. The Dunlap Street PSH project responds to a dire need in our metropolitan area, that will provide housing for those experiencing homelessness.

MARCC is an interfaith coalition of denominations that works to improve public policy and in the process civic discourse. In the fifty plus year history of MARCC, its' members have identified homelessness and the need for affordable housing as a social concern priority for at least half of that history. PSH is one of the best remedies to chronic homelessness and provides safe and affordable housing. This city is in desperate need of affordable housing. This project will offer wrap around services to stabilize and improve the lives of new residents.

The Jimmy Heath House was the first permanent supportive housing project to be built in Cincinnati and by Over-the-Rhine Community Housing. MARCC served on the Advisory Board for the Jimmy Heath House, following its opening. We were so impressed by the residents and staff that MARCC held one of its monthly Delegate Council meetings there. The day before our meeting Cincinnati experienced a snowstorm. That did not deter MARCC delegates. They showed up, were given a tour and listened to a presentation by JHH staff. All attendees were impressed and supportive. In fact, we all concluded that there was a need for more PSH.

To make the Dunlap PSH project work financially, it must include at least 44-units. Words are empty unless decisions and actions are taken to make them a reality. This Planning Commission has an opportunity to make affordable housing a reality for individuals who experience chronic homelessness. MARCC strongly urges the Planning Commission to vote for this project! Vote for the Not-Withstanding Ordinance.

Respectfully Submitted,

Margaret A. Fox
Executive Director

Hoffman, Stacey

From: Cincinnati City Planning
Sent: Wednesday, October 19, 2022 2:11 PM
To: Hoffman, Stacey
Subject: FW: [External Email] Support for OTRCH's Dunlap Project

From: Georgine Getty <georgine@ourdailybread.us>
Sent: Wednesday, October 19, 2022 2:10 PM
To: Cincinnati City Planning <planning@cincinnati-oh.gov>
Cc: Mary B. Rivers <mburke@otrch.org>
Subject: [External Email] Support for OTRCH's Dunlap Project

You don't often get email from georgine@ourdailybread.us. [Learn why this is important](#)

External Email Communication

Dear Planning Commission,

I am writing in support of Over-the-Rhine Community Housing's (OTRCH) project at 2000 Dunlap St. I understand that OTRCH is proposing a 44-unit permanent supportive housing project that will provide housing for those in our community experiencing chronic homelessness.

I am the Executive Director of Our Daily Bread soup kitchen. For 37 years, we have provided home-cooked meals to people in need from our location at the corner of Race and Elder – near the proposed Dunlap site. I feel there has never before been a greater need for permanent supportive housing. Prior to COVID, 52% of our guests were homeless and now 70% of guests report that they are homeless. Our meal numbers also remain significantly higher (11%) than they were prior to COVID and 41% of our guests report that it is now harder for them to find food than it was before COVID.

A housing project of the scale presented would really help address this need. In addition, we know that OTRCH provides quality, wrap-around services for their residents, helping them to become stable and productive members of their community.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people experiencing chronic homelessness.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

I believe in this project and know several of our guests who would benefit from this housing. It would be such a relief to know that, instead of camping outdoors or sleeping in doorways, these men and women would have a safe place to call home.

Please contact me if you would like any additional information.

Sincerely,

Georgine Getty
, Executive Director
OUR DAILY BREAD
SOUP KITCHEN & SOCIAL CENTER
Serving Up Stability & Hope Since 1985

1730 Race Street
Cincinnati, OH 45202
(513) 621-6364 x 13

www.ourdailybread.us



STAGNARO, SABA
& PATTERSON

Jeffrey M. Nye
jmn@sspfirm.com

Direct dial: 513.533.6714
Direct fax: 513.533.2999

January 18, 2022

Historic Conservation Board
Two Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, OH 45202

Re: Case no. COA2021066 – Variances at 2000 Dunlap Street

Dear Board Members:

I represent the F.L. Emmert Company, which opposes the variance requests in this case.

We wish to emphasize at the outset that Emmert does *not* oppose the variances based on the nature of the proposed use (namely, permanent supportive housing). Emmert values the diversity of its neighborhood and views the varied nearby uses as a community asset. Instead, Emmert's concerns are based on the practical problems that the project is likely to cause if approved in its current form.

Emmert is a manufacturer and distributor of animal feed materials and products, supplying pet food and livestock feed companies all over the world. It has operated in Cincinnati since 1881, and has operated in its current location at 2007 Dunlap Street—in five buildings immediately to the west of the subject site—since 1907. Emmert also owns and uses a parcel slightly north of the subject site on the same side of Dunlap as the subject, and leases warehouse space in the building at the southwest corner of the Dunlap & Henry intersection (i.e., diagonal to the subject). An annotated aerial view of the site is attached to this letter.

To the best of Emmert's knowledge, it has operated continuously in this neighborhood longer than any other business. And because of its location, Emmert is the single most likely person or entity to be directly affected by the proposed development.

The nature of Emmert's business means that it both receives and ships large quantities of feed materials in bulk. All or nearly all of those materials are delivered or shipped out in or on grain hoppers, large tank trucks, or other types of tractor trailers, which access Emmert's production facility via Dunlap Street. In fact, a tractor trailer is visible on Dunlap in the Google Maps aerial view of the subject site (attached for reference). As many as twenty such trucks come into or out of Emmert's facility each day.

In addition to the truck traffic along its Dunlap Street production facility, Emmert leases warehouse space at the southwest corner of the Dunlap & Henry intersection. Materials and products are regularly moved between those buildings throughout the day, including along both Dunlap and Henry, via forklifts.

These trucks and forklifts that use Dunlap and Henry are essential to Emmert's business. Emmert is extremely concerned that granting the requested variances—which seek to more than triple the number of permitted units, and to allow lot-line-to-lot-line construction—will interfere with its business operations, and pose safety risks to its employees, construction contractors, and residents of the proposed development. (Again, to be clear—when we speak of “safety risks,” we mean the risks associated with the heavy equipment active in the area. Emmert does *not* have concerns about the nature of the proposed use.)

Dunlap and Henry are each only about 25 feet wide. Not only will a triple-density, lot-line-to-lot-line development produce construction *traffic* on these streets, but also there is a substantial risk that it will require the *closure* of the streets. The added density increases the need for construction activities such as excavation, cement pours, and hoisting with cranes, and the absence of a setback means that activities that normally would occur from within the lot line may have to be performed from the street. Any closure of Dunlap or Henry—even partial, and even temporary—would have a drastic effect on Emmert, whose operations depend on Dunlap and Henry being navigable, and proximity of large construction equipment to forklifts and truck traffic is an accident waiting to happen.

This concern is exacerbated by the fact that the proposed development would reduce available parking. Contrary to the application's statement that the subject site is currently vacant, the site actually contains a 21-space parking lot. Parking is already hard to come by in this area. The subject site is less than 200 feet from the front door of Rhinegeist, for example. The application asserts that the project will create “over 100 construction and three full time jobs.” There are not enough surface spaces in the immediate vicinity to support over a hundred construction jobs, which necessarily will clog Dunlap and Henry and exacerbate the obstruction and safety concerns.

These are the types of factors that weigh against the issuance of a variance. For example, CZC 1445-13(d) directs the Board to consider whether “Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets.” Here, they are not. The narrow Dunlap and Henry Streets to the west and south, and the even-narrower (ten feet wide) Colby Alley to the east, are inadequate to accommodate nearly any residential project, and especially one that abuts Emmert’s highly trafficked manufacturing facility and warehouse. Section 1445-13(e) and (h) similarly speak of “buffering” and “neighborhood compatibility,” which ask whether the proposed use is adequately buffered from neighboring properties or uses, or whether the “proposed work is compatible with the predominant or prevailing land use,” respectively. The answer to those questions is also no. The applicant is proposing to build to the lot lines with no buffer of any kind, and a 44-unit residential complex is not compatible with the predominant or prevailing land use that is Emmert’s 115-year history at its Dunlap & Henry location. The project also runs the risk of having adverse effects on access to public services, including safety services, *see* CZC 1445-13(j), and despite the application’s repeated assertions, the site is not “blighted” and developing it will not help eliminate or avoid blight, *see* CZC 1445-13(k). This is not to say that the overall purpose of the project is not a worthy or important one; but the project simply does not fit, in the most literal sense of that term, in the proposed location.

In addition to the *general* considerations of CZC 1445-13, a variance must be tied to the *specific* property at issue, and a variance is only appropriate if an applicant can satisfy one of the two requirements of CZC 1445-15. Under that section an applicant must show either that “special circumstances or conditions *pertaining to a specific piece of property*” would make a strict application of Code inappropriate, or that a variance “is *necessary for the preservation and enjoyment of a substantial property right* of the applicant possessed by owners of other properties in the same district or vicinity.”

There is nothing about this parcel, as such, that makes it unreasonable or inappropriate to apply the zoning code to it. It is not unusually shaped, for example (it is a perfect square); it is not burdened by challenging topography (it is almost perfectly flat); it is not constrained by immovable infrastructure or situated upon unbuildable ground. Nor is there anything about the parcel that makes a variance *necessary*—rather than merely *desirable*—for the owner to enjoy property rights possessed by others. It is a perfectly ordinary parcel that can be put to a huge number of permitted uses.

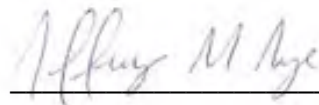
For these reasons, the variance requests are more akin to an application for a zone change, and while zone changes may be appropriate in some circumstances, the

appropriate way to effect them is through legislative action by elected leaders, after community input and public debate, not through an administrative proceeding.

Finally, I wish to reiterate that Emmert, as a long-standing (indeed, apparently the longest-standing) member of this neighborhood, strongly supports community housing, job creation, and diversity in the area. To that end, Emmert intends to continue its dialogue with the project owner and applicant to see whether there might be an alternative way to achieve some mutually desirable goals. But given the type of the variances requested for this particular lot in this specific location, Emmert respectfully requests that the Board deny the application in its current form.

Sincerely,

STAGNARO, SABA
& PATTERSON CO., L.P.A.

A handwritten signature in cursive script, appearing to read "Jeffrey M. Nye", is written over a horizontal line.

Jeffrey M. Nye

JMN/cmw



October 19, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

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Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,

Robert Goeller, LSW
4138 Hamilton Ave
Cincinnati, OH 45223



NEWTOWN POLICE DEPARTMENT

Colonel Thomas W. Synan Jr.
Chief of Police



3536 Church St.
Newtown, Ohio 45244
513-561-7697 Main / 513-561-7506 Fax
tsynan@villageofnewtown.com

10/19/2022

Re: Dunlap PSH

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Sincerely,

Col. Thomas W. Synan Jr.
Chief of Police
Newtown Police Department

Hamilton County Addiction Response Coalition
Steering Committee- Interdiction

October 19, 2022

Re: Dunlap PSH

Dear Cincinnati Planning Commission:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

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Sincerely,



Alex Kuhns

Chief Operating Officer

Shelterhouse

411 Gest St.

Cincinnati, OH 45203

akuhns@shelterhousecincy.org

10/19/2022

Re: Dunlap PSH

To Whom it May Concern:

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Sincerely,
Debbie Brooks

Executive Vice President
YWCA Greater Cincinnati
898 Walnut Street
Cincinnati, OH 45202

October 19, 2022

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Sincerely,
Linda M. Goldenhar, PhD
420 Wood Ave
Cincinnati, OH 45220

Hoffman, Stacey

From: Cincinnati City Planning
Sent: Wednesday, October 19, 2022 5:22 PM
To: Hoffman, Stacey
Subject: FW: [External Email]

From: Bea Broder-Oldach <bhbroder@gmail.com>
Sent: Wednesday, October 19, 2022 5:05 PM
To: #COUNCIL <#COUNCIL@cincinnati-oh.gov>; Cincinnati City Planning <planning@cincinnati-oh.gov>
Subject: [External Email]

Some people who received this message don't often get email from bhbroder@gmail.com. [Learn why this is important](#)

External Email Communication

October 19, 2022
Re: Dunlap PSH
To Whom it May Concern:

I have been a friend and volunteer chaplain of the community at The Jimmy Heath House since it opened in 2010. My involvement as a community member and stake holder in Over-the-Rhine began in 2001, when I became a member of St. Francis Seraph Church on Vine Street. Since then, I have been involved in the fabric of the life of this neighborhood through engagement in the religious, cultural, business and street community. **I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St.** I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

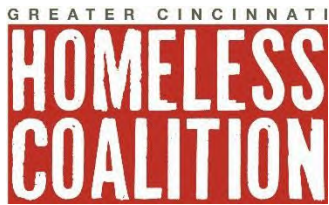
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Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to fully support this much needed project.

Sincerely,

Rev. Bea Broder-Oldach D. Min, BCC
8476 Denallen Drive
Cincinnati. OH 45255



October 19, 2022

RE: 2000 Dunlap PSH Project

To Whom It May Concern:

On behalf of our approximately sixty member organizations throughout the City of Cincinnati, I am writing in strong support of Over-the-Rhine Community Housing's (OTRCH) planned development at 2000 Dunlap. In Cincinnati, we are short more than 28,000 affordable homes. As a result, thousands of Cincinnatians are either living in shelters, outdoors or bouncing from couch to bridge, to car to couch, etc. This lack of affordable housing has continued for so long and had such a pervasive effect on peoples' lives, that eventually for many, their experience of homelessness becomes chronic and long lasting.

The experience of homelessness is traumatic and has long-term effects. In our community in 2021, we know of more than 152 people who died early because of homelessness. Their average age was 52. There are many more people we do not know about. In the last decade, we lost more than 1000 people to homelessness. These are just the people we know about.

Those opposing this development say it would be too dense for the location. They say this will have a negative impact on the area and that it will be detrimental to people that would live in this new development. Let's be clear, those opposing this development simply do not want people who have experienced homelessness and are dealing with disabilities, which includes, but is not limited to mental illness and addiction, to live near themselves or their businesses. Generally, in Over-the-Rhine, people, organizations and businesses are supportive of increased density. Increased density makes sense for sustainability, and it matches the history of our neighborhood. Those opposing are not truly concerned with zoning or density. They wish to stop a certain group of people from living at 2000 Dunlap.

The proposed development at 2000 Dunlap would be Permanent Supportive Housing, as defined by the Department of Housing and Urban Development (HUD). To qualify for such housing, a person must have a confirmed disability. Per federal fair housing law, which is enforced by HUD, it is illegal to discriminate against a person or persons who have a disability.

I hope you will see through what the opposition is saying and to see it for what it really is: an attempt to discriminate and exclude a specific group of people. We call on you to support people in desperate need of this housing.

Sincerely,

A handwritten signature in blue ink, appearing to read "JS", written over a horizontal line.

Josh Spring LSW

Executive Director

Greater Cincinnati Homeless Coalition

117 EAST 12TH STREET | CINCINNATI OH | 45202 | 513.421.7803 | CINCIHOMELESS.ORG

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10/19/2022

Re: Dunlap PSH

To Whom it May Concern:

YWCA Greater Cincinnati is writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. We understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

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Sincerely,
Debbie Brooks

Debbie Brooks

Executive Vice President
YWCA Greater Cincinnati
898 Walnut Street
Cincinnati, OH 45202



4138 Hamilton Avenue
Cincinnati, OH 45223

513.761.1480
caracole.org

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October 19, 2022

Re: Dunlap PSH

Dear City Councilmembers and
Cincinnati Planning Commission

Caracole is Cincinnati's comprehensive HIV service organization, positively changing lives in the fight against HIV/AIDS through prevention, housing, and care. We work closely with Over-the-Rhine Community Housing (OTRCH) to find safe, affordable, accessible housing for clients who need housing support and have found them a top quality neighbor, partner and housing provider for some of our most vulnerable citizens.

I am writing in support of OTRCH project at 2000 Dunlap St. I understand that OTRCH is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

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Sincerely,

Linda Seiter/rls

Linda Seiter
Chief Executive Officer

10.20.2022

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Sincerely,

alexis aghotte
3628 Darwin Ave.
Cincinnati, Ohio, 45211



Chief Executive Officer
Russell Winters

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Marcia Spaeth

Frank Harkavy
(1926 – 2003)

DATE

Re: Dunlap PSH

To Whom it May Concern:

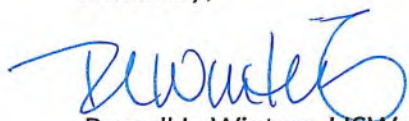
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Russell L. Winters, LISW-S
Chief Executive Officer

10/20/22

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Having more affordable housing available for our most vulnerable citizens will improve the health of our city. Doing work in the ER, I have seen first-hand the detrimental effect that chronic homelessness can have on one's health. Through the addition of affordable housing projects, we can work to reduce the high level of homelessness that we have been seeing here in Cincinnati.

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Sincerely,

Makenna Kaufhold
UC College of Medicine
Medical Student Class of 2026

October 20, 2022

Re: Dunlap PSH

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Sincerely,

Eugene Cho
3031 Eden Ave, Apt 439
Cincinnati, OH 45219

Contact Center
1512 Elm Street First Fl
Cincinnati, Ohio 45202
513-996-0377

ORGANIZING IS PEOPLE WORKING TOGETHER TO GET THINGS DONE

October 20, 2022

Re: Dunlap PSH

To Whom It May Concern:

Greetings!

Contact Center is a membership based community organization that is located close to the Jimmy Heath House in Over-the-Rhine. One of our members lives at the Jimmy Heath House so I am very aware of how JHH has helped him to overcome chronic homelessness. JHH stabilized his living conditions as well as his overall health, removing the extreme stress individuals undergo who are homeless on the streets of Cincinnati. JHH provides not only affordable housing but medical care that has been a lifesaver for him.

I want to emphasize that his stable housing at JHH along with receiving supportive care has significantly improved both his medical and mental health. I also want to emphasize just how extremely stressful and deleterious to mental health it is to live on the streets without a place to call home. JHH is saving human lives like our friend and member, and the Dunlap PSH would help save many more human lives like his here in our city in a similar manner.

We urge you to support Over-the-Rhine Community Housing's Dunlap PSH. More places like this are urgently needed in Cincinnati now!

Sincerely,

Lynn Williams

Lynn Williams,
Contact Center
Lead Organizer

10/20/2022

Re: Dunlap PSH

To Whom it May Concern:

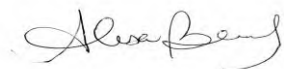
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Sincerely,

A handwritten signature in cursive script, appearing to read "Alisa Berry".

Alisa Berry
Executive Director
Cornerstone Renter Equity

Thursday, Oct 20, 2022

Re: Dunlap PSH

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I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can live together.

Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,

Minister Blyth Barnow
334 Moull St,
Newark OH 43055

Hoffman, Stacey

From: Kevin Hassey <kevinhassey1@gmail.com>
Sent: Thursday, October 20, 2022 2:52 PM
To: Cincinnati City Planning
Cc: Mary B. Rivers; Roseann Hassey
Subject: [External Email] Dunlap street project

[You don't often get email from kevinhassey1@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

External Email Communication

Dear Planning Commission Members,

I write to convey thoughts regarding the Dunlap street project.

I think there is a concern that such a project creates challenges to the neighborhood. That is brings people who create an unsafe environment.

We live very close to the Jimmy Heath house in OTR, which is of similar use. We have no issues with the Jimmy Heath House and are glad to have it in the neighborhood.

Best,

Kevin Hassey
217 W 15 th st

January 21, 2022

Douglas Owen
Urban Conservator
City of Cincinnati

Re: 2000 Dunlap
Case Number: COA2022032

Dear Mr. Owen and Members of the Historic Conservation Board,

I am writing to support the Over-the-Rhine Community Housing (OTRCH) application for zoning variance for their project at 2000 Dunlap Street. I understand that OTRCH is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness. Cincinnati Center City Development Corp. (3CDC) feels there is a critical need for this type of housing in our community as a means to serve the people who are in desperate need of the support and services this project can provide. Our organization is uniquely positioned to provide perspective on this topic, as we not only develop of market-rate and affordable housing in the neighborhood but also oversee the GeneroCity 513 program, which employs five social service outreach workers whose goal is to help individuals who are panhandling or homeless get connected with the services they need, such as permanent housing.

3CDC understands that there are neighbors close to the project site who have expressed concerns about parking, outdoor space, density and other issues regarding how this project might impact the immediate area. Jimmy Health House, a 25-unit project located on Odeon Street that was completed in 2010, experienced similar concerns from neighbors during its planning process. Today, Jimmy Heath House provides evidence that if done right, this type of project can address these concerns and provide a positive impact on the neighborhood. 3CDC is ready and willing to work with OTRCH and the concerned neighbors to reach a mutually acceptable solution to allow this project to move forward. We believe all parties involved are committed to this neighborhood, and to supporting the individuals who would be served by this permanent supportive housing, and we are confident this important project can be completed while addressing the concerns that have been presented.

Sincerely,



Adam Gelter
Executive Vice President

6/24/2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have seen the design of the proposed building and I find it attractive. The scale, placement, massing, and density, of the building are appropriate for the neighborhood. I believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the Jimmy Heath House opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can live in together in harmony.

Sincerely,



Arlene Nolan
Executive Director
Shelterhouse
411 Gest Street, Suite 1
Cincinnati, OH 45203

June 15, 2022

Re: Dunlap PSH

To Whom it May Concern:

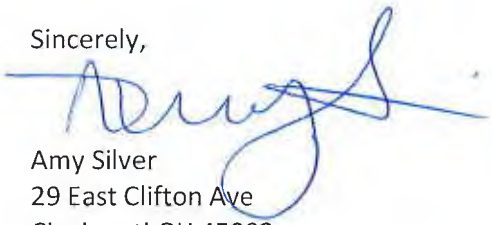
I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have participated in most of the community meetings regarding this project and I find the scale, placement, massing, and density of the building are appropriate for our neighborhood. OTRCH has been a strong community partner in our neighborhood and are continuing to do so with this current project.

OTRCH has been active at our Over-the-Rhine Community Council meetings and has been forthcoming with their plans for the project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Our cities need for projects like this cannot be overstated.

Sincerely,



Amy Silver
29 East Clifton Ave
Cincinnati OH 45202.
513-562-0240

June 6th 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I believe the placement, massing, and density, of the building are appropriate for the neighborhood. I know OTRCH to be competent in taking any appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with my community of Northside on multiple occasions; they've consistently provided honest and thorough answers to questions we've had in regard to their project in our neighborhood. This experience leaves me confident that OTRCH is committed to an ongoing dialog with stakeholders, close to the Dunlap St project, who may have interest in the design of this building. Based on the experiences Northside has been subjected to with other developers, we can testify this honest and transparent engagement is what's needed when development is done in our city.

Cincinnati is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. It's been so refreshing to learn this project will offer a full range of services meant to stabilize and improve the lives of new residents.

Lastly, I know OTRCH to have demonstrated success specifically with its Jimmy Heath House on Odeon Street. Although, I understand, similar concerns were raised prior to the JHH opening in 2010, not only have those fears gone unrealized, but JHH has provided a positive impact on that neighborhood and has been a model of how people of all different background can live in together in harmony.

Sincerely,



Briana Moss (bree)
President, Northside Community Council



4138 Hamilton Avenue
Cincinnati, OH 45223

513.761.1480
caracole.org

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June 23, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's (OTRCH) project at 2000 Dunlap St. I understand that OTRCH is proposing a 44-unit permanent supportive housing project that will serve those experiencing chronic homelessness.

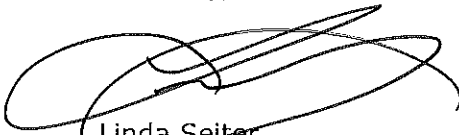
I have seen the design of the proposed building and I find it a great fit for the neighborhood. The scale, placement, massing, and density of the building are appropriate. I believe OTRCH has taken the right steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked. I believe that OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city. I have seen firsthand the honorable, honest and transparent way in which OTRCH operates. They are currently set to start a project in my neighbor which I totally support.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of these residents. This project will offer a full range of services that will stabilize and improve the lives of the residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with the Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010. Those fears have not materialized and JHH has provided a positive impact on the neighborhood and has been a model of how people of all incomes can coexist.

Sincerely,



Linda Seiter
CEO

Ben Eilerman

From: Mary B. Rivers
Sent: Wednesday, June 15, 2022 8:32 AM
To: Ben Eilerman
Cc: Andy Hutzal
Subject: FW: OTRCH Dunlap project

From: Katie Pflum <katiepflum@gmail.com>
Sent: Wednesday, June 15, 2022 8:29 AM
To: douglas.owens@cincinnati-oh.gov
Subject: OTRCH Dunlap project

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those in our community experiencing chronic homelessness.

I have seen the design of the proposed building and I find the design, scale, and density of the building are appropriate for the neighborhood. OTRCH has taken all appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

The city of Cincinnati desperately needs more housing for people experiencing chronic homelessness. Without the immediate efforts of organizations such as OTRCH we are only going to see a larger crisis arise in the city that will create even greater problems for everyone living,

working, and playing in Over The Rhine as well as surrounding neighborhoods.

I have now lived in OTR for seven years and I can state unequivocally that having neighbors such as residents living in OTRCH housing (i.e. Jimmy Heath House, Recovery Hotel) as well as The Joseph House which is directly across the street from my home has been a VERY positive experience. My negative experiences have ALL involved individuals who are roaming the streets with no place to go, no bathroom (hence urinating and defecating on the streets and alleys), essentially no stability in their lives.

Any opposition to an important and essential project such as the 2000 Dunlap Street project is tragically shortsighted and misguided during this time of economic uncertainty.

Regards,

Catharine J. Pflum
1529 Republic Street
Cincinnati, OH 45202
513-673-7446

--

June 3, 2022

Re: Dunlap Permanent Supportive Housing Project

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's (OTRCH) project at 2000 Dunlap St. I understand that OTRCH is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

The City of Cincinnati has a significant need for more affordable housing units, particularly for our most vulnerable residents. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of wrap around services designed to stabilize and improve the lives of new residents.

Cincinnati Development Fund has participated in many of OTRCH's successful housing development projects, and we value their long-standing commitment to the neighborhood.

Sincerely,



Joe Huber
President & CEO

June 15, 2022

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap Street. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

After seeing the design of the proposed building, I find its scale, placement, massing, and density appropriate for the neighborhood. To the best of my knowledge OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

As a Federally Qualified Health Center providing health care services to those experiencing homelessness we realize the importance of housing. Statistics consistently show us how a person's health is positively affected by a stable housing situation. We recognize the continuing need for housing in our city. This project will reach those who are most in need of affordable housing, the chronically homeless. We are excited to hear how this project has been designed to meet the needs of those residents leaving chronic homelessness and that it will offer a full range of services meant to stabilize and improve the lives of new residents.

Cincinnati Health Network has partnered with OTRCH in many ways including providing health care services at its Jimmy Heath House (JHH) on Odeon Street. The JHH is an excellent example of OTRCH successfully operating in the neighborhood. When JHH was being developed in 2010 there were concerns like what is being presented regarding the Dunlap project. Those concerns have gone unrealized with the JHH providing a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

We hope that you look favorably on Over-the-Rhine Community Housing's project at 2000 Dunlap Street. We support this project and believe in this organization's efforts to support those experiencing homelessness.

Sincerely,



Brian VanderHorst, CEO
Cincinnati Health Network



Contact Center
1512 Elm Street First Floor
Cincinnati, Ohio 45202
513-996-0377

ORGANIZING IS PEOPLE WORKING TOGETHER TO GET THINGS DONE

June 15, 2022

Re: Dunlap PSH

To Whom It May Concern,

Contact Center, a local membership based non-profit in Over-the-Rhine, is in strong support of Over-the-Rhine Community Housing's project at 2000 Dunlap Street. This will be a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

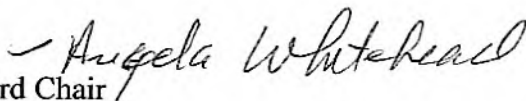
Contact Center has already witnessed how residents of the Jimmy Heath House, a similar housing program near our location, is helping formerly homeless individuals turn their lives around with stable and supportive housing.

Without the human essential of housing, people without homes can quickly disintegrate into acute depression on the streets. The Jimmy Heath House is turning lives around for the better and we know that the Dunlap Project will also value and assist human lives in the same manner. *Each person, including those who are chronically homeless, is of value as a human life, and each person deserves to have a place to call home.*

We urge you to support the Dunlap Project to give more homeless people in our community a place to call home with supportive services on location.

Sincerely,

Angela Whitehead,
Contact Center Board Chair





Greater Cincinnati
**Behavioral
Health Services**

Our Work is Life Changing

George Wright
Board President/Chair

June 14, 2022

Jeff O'Neil
President/CEO

To Whom it May Concern:

Administrative Office
1501 Madison Rd.
Cincinnati, OH 45206
513-354-5200
TTY 513-569-4727
FAX 513-354-7115

www.gcbhs.com

Equal Opportunity Employer

I am writing in support of Over-the-Rhine Community Housing's (OTRCH) project at 2000 Dunlap Street. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have seen the design of the proposed building and I find the scale, placement, massing and density of the building are appropriate for the neighborhood. I believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when developments are done in our city.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing; the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised in the development of the Jimmy Heath House in 2010. Not only have those fears gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can successfully live together in our communities.

Sincerely,

Jeff O'Neil
President & CEO
Greater Cincinnati Behavioral Health Services



June 14, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's development at 2000 Dunlap Street on the corner of Henry Street in OTR. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those in our community experiencing chronic homelessness.

Our city has a critical need of more affordable housing units. This project will provide safe, clean, and affordable housing for the most vulnerable in our City. It is for people experiencing chronic homelessness. 100% of the men and women moving into these apartments will be coming out of chronic homelessness. Placing chronically homeless individuals in permanent support housing is a Win-Win. It dramatically improves their quality of life and it save us all valuable resources by avoiding costly police and fire runs with individuals that are most often chronically ill.

I understand OTRCH met with the community on several occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed whenever development is done within our city.

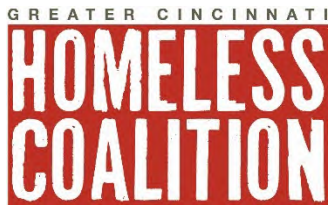
OTRCH has demonstrated track record of success throughout OTR. It developed the Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010 but none of those fears have been realized. JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony. Greater Cincinnati Foundation was pleased to provide grant support for the JHH development.

I urge your approval of their requests in order to develop the Dunlap PSH project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ellen M. Katz', with a large, stylized loop at the end.

Ellen M. Katz,
President and CEO



June 23, 2022

RE: 2000 Dunlap PSH Project

To Whom It May Concern:

On behalf of our approximately sixty member organizations through the City of Cincinnati, I am writing in strong support of Over-the-Rhine Community Housing's (OTRCH) planned development at 2000 Dunlap. In Cincinnati, we are short more than 28,000 affordable homes. As a result, thousands of Cincinnatians are either living in shelters, outdoors or bouncing from couch to bridge, to car to couch, etc. This lack of affordable housing has continued for so long and had such a pervasive effect on peoples' lives, that eventually for many, their experience of homelessness becomes chronic and long lasting.

The experience of homelessness is traumatic and has long-term effects. In 2021, in our area, we had more than 152 people die young because of homelessness. Their average age was 52. In the last decade, we lost more than 1000 people to homelessness. These are just the people we know about.

I wish to be direct; those who are opposing this development say it would be too dense for the location. They say this will have a negative impact on the area and that it will be detrimental to people that would live in this new development. Let's be clear, we all know, that in reality, those opposing this development simply do not want people who have experienced homelessness and are dealing with disabilities, which includes, but is not limited to mental illness and addiction to live near themselves or their businesses. Generally, in Over-the-Rhine, people, organizations and businesses are supportive of increased density. Increased density makes sense for sustainability, and it matches the history of our neighborhood. Those opposing are not truly concerned with zoning or density. They wish to stop a certain group of people from living at 2000 Dunlap.

The proposed development at 2000 Dunlap would be Permanent Supportive Housing, as defined by the Department of Housing and Urban Development (HUD). In order to qualify for such housing, a person must have a confirmed disability. Per federal fair housing law, which is enforced by HUD, it is illegal to discriminate against a person or persons who have a disability.

I am confident the HCB is savvy enough to see through what the opposition is saying and to see it for what it really is: an attempt to discriminate and exclude a specific group of people. Don't vote in such a way that would uphold their indefensible position.

Sincerely,

A handwritten signature in blue ink, appearing to read "JS", written over a blue line.

Josh Spring LSW

Executive Director

Greater Cincinnati Homeless Coalition

117 EAST 12TH STREET | CINCINNATI OH | 45202 | 513.421.7803 | CINCIHOMELESS.ORG

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Housing Opportunities Made Equal

2400 Reading Road, Suite 118
Cincinnati, Ohio 45202

Phone: 513-721-4663
Fax: 513-721-1642
www.homecincy.org

June 28, 2022

Re: Support for Dunlap Permanent Supportive Housing

To Whom it May Concern:

Housing Opportunities Made of Equal of Greater Cincinnati (HOME) writes in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. The proposed project is a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness. HOME is a nonprofit fair housing organization working to eliminate unlawful housing discrimination. We work to advocate and enforce housing regulations for all protected classes and promote stable, integrated communities.

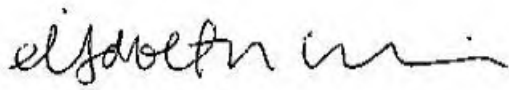
Cincinnati has a severe shortage of affordable housing. Many recent studies in the City of Cincinnati and Hamilton County point out the shortage of affordable housing units and the need for more resources for affordable housing, particularly for the lowest-income brackets (households with incomes 0-30% of the Area Median Income). This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Along with providing housing, the project incorporates supportive services that meet the needs of those residents leaving chronic homelessness and offers the greatest likelihood for long-term success for new residents. This type of supportive housing helps address the needs of at-risk populations, including people with disabilities.

The 2019 Fair Housing Assessment for Cincinnati and Hamilton County notes at-risk populations like people with disabilities are experiencing significant housing challenges and the most overt housing discrimination. The report also notes a lack of resources to serve those needs. The Dunlap project proposed by Over-the-Rhine Community Housing specifically addresses these needs and would provide both housing and support services to chronically homeless individuals, many of whom have disabilities. The Fair Housing Assessment includes specific goals to support agencies doing affordable housing development and agencies that provide supportive housing services, both of which are provided by Over-the-Rhine Community Housing. Further, the Fair Housing Assessment also includes a goal of elected and appointed officials throughout Hamilton County, including the City of Cincinnati, to weigh in and support housing projects that support protected classes, especially given the difficulty of development and community opposition.

Over-the-Rhine Community Housing has a track record of success in affordable housing development, including success with similar permanent supportive housing projects like with the Jimmy Heath House. This example shows that this type of development and project can work successfully with the residents and community members.

HOME supports the proposed project at 2000 Dunlap Street. We see the tremendous need for projects like this that provide safe, quality and affordable housing for the lowest-income population and chronically homeless individuals, as well as protected class populations. Thank you for your consideration.

Sincerely,



Elisabeth Risch
Executive Director

Housing Opportunities Made Equal, Inc. is a 501(c)(3) nonprofit organization.





June 15, 2022

Re: Dunlap PSH

To Whom It May Concern,

I am writing to support Over-the-Rhine Community Housing's (OTRCH) project at 2000 Dunlap. I understand that they are proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

We, the Intercommunity Justice and Peace Center (IJPC), are a nonprofit in Over-the-Rhine that believes in supporting all of the residents of our community, especially the most vulnerable among us. Cincinnati is in dire need of affordable housing and this project will directly meet that need for the chronically homeless. With programming in this project specifically designed to meet the needs of those residents leaving chronic homelessness, they are thoughtfully planning for all phases of success. It will offer a full range of services to both stabilize and improve the lives of new residents.

We are grateful for the support OTRCH gives the community and the way they bring experience and expertise to this project. They have met with concerned community members at least eight times to thoroughly answer questions about the project. They are committed to ongoing dialogue with stakeholders and provide needed transparency to promote trust and demonstrate honest development practices.

I believe OTRCH has taken appropriate steps to assure the new building integrates with the existing community. They have demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Though similar concerns were raised prior to JHH opening in 2010, JHH has provided a positive impact on the neighborhood and it has been a model of how people of all different backgrounds can live together in harmony.

Sincerely,

Allison Reynolds-Berry, MSW
Executive Director

215 E. Fourteenth Street, Cincinnati, OH 45202
phone: 513.579.854 website: IJPCcincinnati.org

IJPC Founding Sponsors: Congregation of St. Joseph, Sisters of Charity of Cincinnati, Sisters of Mercy, Sisters of Notre Dame de Namur, Sisters of St. Francis, Oldenburg. **IJPC Sponsors:** Anawim Community, Bellarmine Chapel, Cincinnati Friends Meeting, Cincinnati Mennonite Fellowship, Comboni Missionaries, Congregation of Divine Providence, Dominican Sisters of Hope, Franciscan Sisters of the Poor, Franciscans - St. John the Baptist Province, Glenmary Home Missioners, Hyde Park Community United Methodist Church, Mount Auburn Presbyterian Church, New Jerusalem Community, Sisters of Notre Dame of Covington, St. John Unitarian Universalist Church, Ursulines of Brown County, and Ursulines of Cincinnati.

April 19, 2022

Over-the-Rhine Community Housing
114 W. 14th Street
Cincinnati, OH 45202



Dear Ashleigh and Ben,

The Infill Committee of the Over-the-Rhine Foundation appreciates the open dialogue and design conversations for this project. We support your design proposal for a new infill building at Dunlap and Henry for affordable housing.

Graciously,

A handwritten signature in blue ink, appearing to read "Danny Klingler".

Danny Klingler
Co-Chair
Infill Committee

A handwritten signature in blue ink, appearing to read "Jennifer Lemasters-Wirtz".

Jennifer Lemasters-Wirtz
Co-Chair
Infill Committee

Ben Eilerman

From: Mary B. Rivers
Sent: Wednesday, June 15, 2022 1:04 PM
To: Ben Eilerman
Subject: FW: Dunlap PSH

From: Janet Allen-Reid <janetallenreid@gmail.com>
Sent: Wednesday, June 15, 2022 11:57 AM
To: douglas.owen@cincinnati-oh.gov
Subject: Dunlap PSH

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

June 15, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that OTRCH is proposing a 44-unit permanent supportive housing project that will provide housing for those in our community experiencing chronic homelessness.

I have been to several of the 8 community meetings where OTRHC presented the design for the building and answered questions. Each time I went to a meeting they acknowledged concerns and showed ways they could address them. And each time offered to meet with anyone who would like to talk more about the design. I appreciate their willingness to be transparent and to engage the community.

I believe the design fits our neighborhood in scale and placement. I think OTRCH has worked hard and succeeded in their efforts to design a building that fits in visually to the current community. I like the design.

Cincinnati is in desperate need of more affordable housing. The Dunlap project will provide not only affordable homes, but support services to help stabilize and improve the lives of chronically homeless men and women in our community.

OTRCH has done an amazing job over many years in our community developing affordable housing. In 2010, the Jimmy Heath House on Odeon St. opened. There had been similar concerns in the neighborhood prior to the JHH opening. Those fears were never realized

and in fact, the neighborhood has thrived and is a great example of how people of many different backgrounds can live together in harmony.

I live quite near the Dunlap project. I park off of Colby Alley which borders the proposed building. I will wholeheartedly welcome it and our new neighbors to OTR!

Sincerely,

Janet Allen Reid
1824 Elm St.
Cincinnati, OH 45202

Ben Eilerman

From: June Alexander <missjuneart@gmail.com>
Sent: Monday, June 13, 2022 3:02 AM
To: Ben Eilerman
Subject: Dunlap project

Caution! This message was sent from outside your organization.

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June 13 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing (OTRCH) is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

These days it is hard to find good, safe, and effective housing for a lot of people. So imagine how difficult that is, especially for people who have special needs. I know because I'm a senior citizen with mental health issues and physical limitations. First, the designs and drafts for the building look great. Someone passing by would think it is just another apartment building. As far as being appropriate for the neighborhood; I was looking at a condo listed for sale on Zillow on Dunlap- OTRCH's proposed designs looked a lot better than what was listed or what I saw in the area on google maps.

Second, OTRCH has met with the community and provided honest and thorough answers to questions asked about this project. I know they have addressed community members' concerns because, as a member of community council I have heard them. Furthermore, Cincinnati Metropolitan Housing Authority has OTRCH ranking as the most committed and thoughtful landlords in this city.

When I first came to this community in the early 2000's, I heard about these developers directly from their PR person at that time. According to her these developers were going to do something about chronic homelessness so this neighborhood would be a family friendly place. I'm from the deep south; I know racist sweet talk when I hear it. Here it is 2022 and my suspicions were correct. "Family Friendly" and "All American" are codes for "not in my backyard" and "whites only." Fortunately, there are champions for social justice like OTRCH who know those codes as well. It seems to me OTRCH has proven they know what they're doing. Consider the success with its other housing projects with Community Matters and Tender Mercies. All the while developing housing throughout this neighborhood. Then there is the success of the Jimmy Heath House! That alone should be *enough said*.

Sincerely,

June P. Alexander
1440 Pleasant Street
Cincinnati, OH 45202

Ben Eilerman

From: Mary B. Rivers
Sent: Wednesday, June 15, 2022 10:18 AM
To: Ben Eilerman
Subject: FW: Upcoming Dunlap Project at HCB

Ben,
I didn't see this on your list.
Mary

-----Original Message-----

From: Kevin Hassey <kevinhassey1@gmail.com>
Sent: Monday, June 13, 2022 1:10 PM
To: douglas.owen@cincinnati-oh.gov
Cc: Mary B. Rivers <mburke@otrch.org>; Roseann Hassey <rvhassey@gmail.com>
Subject: Upcoming Dunlap Project at HCB

Dear Doug,

I am writing to share my support for the proposed OTRCH project on Dunlap Street.

My wife Roseann and I live in OTR by the Jimmy Heath House. We have experienced no issues and are delighted to have the Jimmy Heath House in the neighborhood.

I believe some concerns were raised about impact on home values. I think that some of the highest home values in OTR are near the Jimmy Heath house. I don't think Jimmy Heath House has had any impact on home values.

Lastly, but most importantly, the audience being served by such a project critically needs the housing and support services that the Dunlap project would provide.

I urge HCB to support the project.

Best,

Kevin Hassey

217 W 15th Street



June 23, 2022

DONALD P. KLEKAMP
COMMUNITY LAW
CENTER BUILDING

215 East Ninth Street
Suite 500
Cincinnati, Ohio
45202

Telephone
(513) 241-9400
(800) 582-2682

Facsimile
(513) 241-0047

Re: Dunlap Street Supportive Housing
Over-the-Rhine Community Housing

To Whom It May Concern:

I am writing in support of Over-the-Rhine Community Housing's planned development of affordable supportive housing in Northside at 2000 Dunlap Street. The proposed 44-unit housing development will be a very good step in addressing the critical housing needs of Cincinnati's less fortunate people. The housing also will be an enhancement to the Dunlap Street area.

OTRCH is a leading nonprofit housing provider in Ohio and has an exceptionally positive record for developing and managing housing. As an example, several years ago, OTRCH developed the Jimmy Heath Housing on Odeon Street in Over-the-Rhine. Jimmy Heath House is a supportive housing development and has successfully provided excellent housing for over a decade. The Dunlap PSH will be just as successful.

Recent analysis of housing in Cincinnati shows the critical need for the type of housing the Dunlap PSH will provide. The 2020 Housing Our Future plan shows the huge gap in affordable housing in our community and the need for much more such housing. Dunlap PSH will be a small but important step in addressing the need.

Thank you for your consideration of this very important proposal.

Sincerely,

John E. Schrider, Jr.
Director
Attorney at Law
(513) 362-2851

LEGAL SERVICES IN

Brown County
Butler County
Clermont County
Clinton County
Hamilton County
Highland County
Warren County

JES/sb
Enclosure





LEGAL AID SOCIETY OF
SOUTHWEST OHIO, LLC
AN AFFILIATE OF THE LEGAL AID SOCIETY OF GREATER CINCINNATI

June 16, 2022

DONALD P. KLEKAMP
COMMUNITY LAW
CENTER BUILDING

215 East Ninth Street
Suite 500
Cincinnati, Ohio
45202

Telephone
(513) 241-9400
(800) 582-2682

Facsimile
(513) 241-0047

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap Street. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have seen the design of the proposed building and I find the scale, placement, massing, and density of the building are appropriate for the neighborhood. I believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised in the development of the Jimmy Heath House in 2010. Not only have those fears gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live together in harmony.

Sincerely,

Nicholas J. DiNardo
Managing Attorney

LEGAL SERVICES IN

Brown County
Butler County
Clermont County
Clinton County
Hamilton County
Highland County
Warren County





Saint Francis

SERAPH MINISTRIES

Caring for Community | Advancing Change

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap Street. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have seen the design of the proposed building and I find the scale, placement, massing, and density of the building are appropriate for the neighborhood. I believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised in the development of the Jimmy Heath House in 2010. Not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

Sincerely,

Mary Pat Raupach
Executive Director



June 23, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have seen the design of the proposed building and I find it attractive. The scale, placement, massing, and density, of the building are appropriate for the neighborhood. I believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

Sincerely,

Paul Haffner
President & CEO



June 7, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing project at 2000 Dunlap St. It is my understanding that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

LISC is the nation's leading community development organization. In collaboration with local groups, we help identify priorities and challenges and help formulate comprehensive strategies to address them. At LISC Greater Cincinnati, we are a leading organization in helping community residents transform neighborhoods by working with cities, residents, nonprofit organizations, and key public and private partners to create affordable housing, support neighborhood economic development, help families reach financial stability, and sustain social capital.

As Executive Director of LISC Greater Cincinnati, my team and I are leading a broadly inclusive initiative called Housing Our Future that is working within multiple channels to ensure that in the near future everyone in Cincinnati and Hamilton County will have access to a safe, affordable place to call home in a community of their choice. The Housing Our Future initiative outlines the *goal of producing 2,000 units of affordable housing each year, for the next 10 years*, in order to address the unit gap alongside interventions in raising wages and increasing household stability. The Steering Committee leading the Housing Strategy's development agreed that the 2,000 units to be produced annually should serve households with incomes at or below 60% of the Area Median Income.

Cincinnati is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness and programming in this project has been designed to meet the needs of those residents. This project will also offer a full range of services meant to stabilize and improve the lives of new residents.

Sincerely,

A handwritten signature in black ink that reads "Kristen Baker". The signature is fluid and cursive.

Kristen Baker

Executive Director

June 16, 2022

Re: Dunlap PSH

To Whom It May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

We understand the concerns of the neighbors who have disagreed with the density and location, but we believe there is a great need for affordable housing in Cincinnati's core and the 44-unit building is generally consistent with the surrounding community.

We have seen the success OTRCH has had at Jimmy Heath House, with good management and staffing—and that gives us the best indicator that they can do the same here for our chronically homeless urban core community members. Like Jimmy Heath House, the management and services make all the difference in an important project like this that is desperately needed.

We have invested tens of millions of dollars in mixed use and mixed income development within blocks of the proposed site, including our office, and we believe with OTRCH's commitment to the services for their residents and strong management, it can be a positive addition to the community.

Sincerely,



Bobby Maly

CEO

The Model Group |

June 14, 2022

To Whom it May Concern:

I am writing in full support of Over-the-Rhine Community Housing's project at 2000 Dunlap Street. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. According to the 2021 Gap report from the National Low-income Housing Coalition report the City of Cincinnati has 81,297 extremely low-income renters and renters and 31,180 extremely low income units. Cincinnati just like the rest of the country must develop low-income housing units to if the city is to maintain itself as a livable city for all residents

This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street and has been a model of how people of all different background can live in together in harmony and transition into meaningful communities.

As a former resident of Over-the- Rhine Community Housing, I know how much the stable supportive community basis programs can assist its residents in achieving success. My role as an advisor to 4 Presidents and the opportunity to become a national leader on the issue of homelessness would not be possible without the empowering compassionate services provided by the staff, board, and residence of Over-the Rhine Community Housing. I urge you to approve this project so that other who face life challenges can receive the shelter and care that is a constant in all programs operated by this amazing agency

Sincerely,

Donald H. Whitehead Jr.

Donald H, Whitehead Jr.
Executive Director
National Coalition for the Homeless
2201 P. Street Washington DC. 20037

Historic Conservation Board
City of Cincinnati
805 Central Avenue, Suite 500
Cincinnati, OH 45202

June 16, 2022

RE: Dunlap + Henry PSH

Honorable Board Members:

We are writing to express our support of Over-the-Rhine Community Housing's project at 2000 Dunlap, appearing before you on Monday June 27, 2022. We understand that Over-the-Rhine Community Housing (OTRCH) is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

We believe that the design of the building addresses the OTR Design Guidelines and that the scale, placement, massing, and density of the building are appropriate for the neighborhood. The building is contemporary yet respectful of the urban context and works well as a background building to the larger built environment. We also believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH and the design team remain committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is necessary for successful development in our city.

Cincinnati is in dire need of affordable housing, and Dunlap + Henry PSH (2000 Dunlap) will provide safe and affordable housing for those who need it most, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. This project will offer a full range of programming specifically designed to meet the needs of the new residents and will help stabilize and improve their lives.

Dunlap + Henry PSH will help our neighbors get off the streets and allow them to access permanent housing and resources. If this project doesn't move forward, the issue of homelessness will not simply go away. The people who will be living in the proposed community are already our neighbors. This site is an ideal location as it will allow the homeless residents of OTR to live and grow in a safe environment that's in an area they consider their home base.

This project will overall create a safer and healthier environment for our community. The project will turn a surface parking lot into a high value space that not only serves neglected residents of OTR but will bring life and purpose to an underutilized area of our urban environment.

OTRCH has demonstrated success throughout the neighborhood, specifically with Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, however, those fears have gone unrealized. In turn, JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can live together in harmony.

We urge you to approve the Dunlap + Henry PSH project, based on the points outlined in this letter above. This project will provide safe and affordable housing for underserved demographic while fostering equitable growth in the OTR neighborhood.

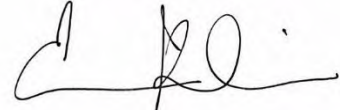
Sincerely,
New Republic Architecture



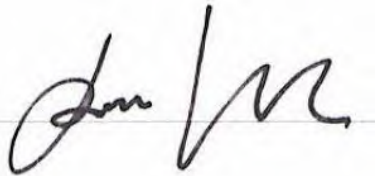
Graham Kalbli, AIA, LEED AP
Principal



Greg Albright, AIA
Director of Operations



Erin Kline
Registered Architect



Kara Vujanovich
Project Designer



Josh Pedoto, AIA
Registered Architect




Brandon Dalessandro
Project Designer



Megan Jones
Project Designer



Jim Gelis, AIA, LEED AP
Senior Project Manager



Nadja Stowasser
Designer



Sam Burgess
Designer



Ryan Minnich
Designer



Lindsey Sullivan
Solutions Strategist



Madison Bucchi
Designer

OUR DAILY BREAD

SOUP KITCHEN & SOCIAL CENTER

1730 RACE ST.
CINCINNATI, OH 45202
P. (513) 621-6364
F. (513) 621-3513
WWW.OURDAILYBREAD.US

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Abdullah Muhammad, *Kitchen Coordinator*
Michael Tolbert, *Custodian/Dishwasher*
Cameron Williams, *Bag Check Coordinator*
Kenosha Jackson, *Security*

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Pamela Lewis, *Social Worker*

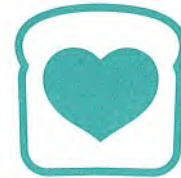
OUR FOUNDER

Cookie Vogelpohl
In Loving Memory, 1941-2016

SERVING UP STABILITY & HOPE

ESTD

1985



June 13, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's (OTRCH) project at 2000 Dunlap St. I understand that OTRCH is proposing a 44-unit permanent supportive housing project that will provide housing for those in our community experiencing chronic homelessness.

I am the Executive Director of Our Daily Bread soup kitchen. For 37 years, we have provided home-cooked meals to people in need from our location at the corner of Race and Elder – near the proposed Dunlap site. I feel there has never before been a greater need for permanent supportive housing. Prior to COVID, 52% of our guests were homeless and now 70% of guests report that they are homeless. Our meal numbers also remain significantly higher (11%) than they were prior to COVID and 41% of our guests report that it is now harder for them to find food than it was before COVID.

A housing project of the scale presented would really help address this need. In addition, we know that OTRCH provides quality, wrap-around services for their residents, helping them to become stable and productive members of their community.

I have seen the design of the proposed building and I find it attractive. The scale, placement, massing, and density, of the building are appropriate for the neighborhood. I believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

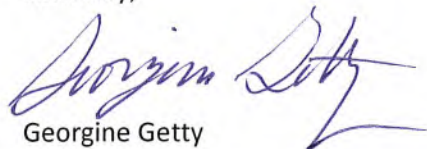
This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people experiencing chronic homelessness. One hundred percent of the men and women moving into these apartments will be coming out of chronic homelessness. While each resident will sign a year's lease for their apartment, support services and support will be provided. This project will offer a full range of services meant to stabilize and improve the lives of residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

I believe in this project and know several of our guests who would benefit from this housing. It would be such a relief to know that, instead of staying in camps or in crowded shelters, these men and women would have a safe place to call home.

Please contact me at georginegetty@ourdailybread.us or 513-621-6364, ext. 13 if you would like any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Georgine Getty", with a stylized flourish at the end.

Georgine Getty
Executive Director
Our Daily Bread
1730 Race Street
Cincinnati, OH 45202



June 15, 2022

Re: 2000 Dunlap PSH

To Whom It May Concern:

We, the staff and board at Peaslee Neighborhood Center, write to support the Over-the-Rhine Community Housing (OTRCH) development project at 2000 Dunlap. We understand that they are proposing a 44-unit permanent supportive housing development that will provide housing for those experiencing chronic homelessness.

Peaslee has served the Over-the-Rhine community for more than 37 years, and we share a great deal of history and purpose with Over-the-Rhine Community Housing. OTRCH's affordable housing development is absolutely essential to the wellbeing of our community, and their work represents a gold standard for equitable development in our city.

The Jimmy Heath House (JHH), which serves as a model for the Dunlap PSH project, is a tremendous asset to the city of Cincinnati. Its "housing first" approach is the kind of smart, compassionate, and comprehensive response that is so desperately needed within systems that too often fail to meet the most basic needs of shelter and wellness for vulnerable Cincinnatians. Prior to the JHH opening in 2010, similar concerns were raised. Not only have those fears gone unrealized, but JHH has provided a positive impact on the neighborhood and been a model of how people of all different backgrounds can live in together in harmony. Given the opportunity to expand this kind of deep service to our community, our City should offer its support without hesitation.

Speaking from Peaslee's experience and knowledge of equitable development policy, we'd also like to emphasize that the housing units to be developed by this project are the most needed and most difficult units to produce, even without the wrap-around services that will be included for residents. These units provide housing at price points where our city has massive deficits. If Cincinnati is to be an equitable city, projects like this must be a top priority.

Thank you for your time and consideration.

Jennifer Summers, Executive Director
Peaslee Neighborhood Center
215 E 14th Street
Cincinnati, OH 45202

Restoring Health, Transforming Lives

The mission of the Center for Respite Care is to provide quality, holistic medical care to people experiencing homelessness who need a safe place to heal, while assisting them in breaking the cycle of homelessness.

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Services generously provided by Cincinnati Health Network

1615 Republic Street

Cincinnati, OH 45202

Mailing Address:

P.O. Box 141301

Cincinnati, OH 45250

Phone (513) 621-1868

Fax (513) 621-1872

www.centerforrespitecare.org

June 16, 2022

To: The Honorable Historic Conservation Board of the City of Cincinnati
II Centennial Plaza
5th Floor
805 Central Avenue
Cincinnati, Ohio 45202
(sent by e-mail to: Mr. Douglas Owen, Acting Urban Conservator
douglas.owen@cincinnati-oh.gov)

Re: Letter in Support of the Dunlap PSH Project at 2000 Dunlap Street
COA2022032

The *Center for Respite Care* strongly supports the *Over-the-Rhine Community Housing's* request to construct a four story, 44 apartment, congregate housing facility at 2000 Dunlap Street.

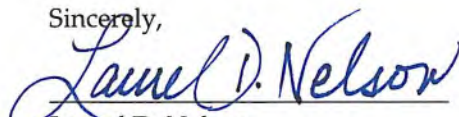
The goal of this project is to provide stable housing to those that are experiencing chronic homelessness coupled with on-site case management services. The Mission of *Over-the-Rhine Community Housing* closely aligns with our Mission.

The *Center for Respite Care* is located at 1615 Republic Street within the St. Anthony Center. We are a 20 bed, 24-hour facility providing medical and nursing care to sick people experiencing homelessness to promote effective healing. Our clients receive quality medical care and assistance in breaking the cycle of homelessness. We have a 77% success rate in placing our clients into stable housing upon their medical discharge. However, finding stable housing is a constant challenge for us. The Dunlap PSH Project would provide an opportunity for our clients to continue their life in stable housing.

The proposed facility has a single entrance, with a staffed 24-hour front desk, which will enhance security for both the residents and the immediate neighborhood.

The *Center for Respite Care* joins with other organizations, such as the Greater Cincinnati Behavioral Health Services, 3CDC, the Greater Cincinnati Homeless Coalition, Strategies to End Homelessness, the Cincinnati Health Network, and others to strongly encourage the Historic Conservation Board's approval of the Dunlap PSH Project.

Sincerely,


Laurel D. Nelson
CEO


Damian Billy
Board Chair
city of
CINCINNATI 

Ben Eilerman

From: Roger G. Auer <AuerRG@elderhs.net>
Sent: Wednesday, June 15, 2022 1:31 PM
To: Ben Eilerman
Subject: FW: Dunlap PSH

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From: Roger G. Auer
Sent: Wednesday, June 15, 2022 1:30 PM
To: douglas.owen@cincinnati-oh.gov
Subject: Dunlap PSH

June 15, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am very excited to hear about the Housing project at 2000 Dunlap St. OTRCC has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon St. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears gone unrealized, but JHH has provided a positive impact ON THE NEIGHBORHOOD and has been a model of how people of all different backgrounds can live together in harmony.

Sincerely
Roger G Ayer
5130 Boomer Rd
Cinti. Ohio 45247

June 16, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's (OTRCH) project at 2000 Dunlap St. I understand that OTRCH is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have attended a community council meeting where OTRCH has met with the community and provided honest and thorough answers to questions asked about this project. I believe OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can live in together in harmony.



Sincerely,

Steve Smith
1800 Race St

June 16, 2022

Mr. Owens:

I am writing in support of Over-the-Rhine Community Housing's (OTRCH) project at 2000 Dunlap Street. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

My organization, Strategies to End Homelessness leads a coordinated community effort to end homelessness in Greater Cincinnati. We also oversee funding from the U.S Department of Housing and Urban Development's Continuum of Care for the Homeless Program for Hamilton County/Cincinnati. One of the primary uses of such funds is to support Permanent Supportive Housing programs.

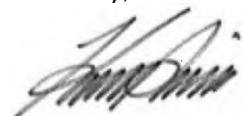
Cincinnati is in dire need of affordable housing, and this project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of homelessness, primarily from shelter or off the streets. Programming in this project has been designed to meet the needs of people leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

I have seen the design of the proposed building and believe the scale, placement, massing, and density of the building are appropriate for the neighborhood. I also understand the OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community, and that OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. And, after 24 years of working with OTRCH, I know that they, as always, remain committed to ongoing dialog with stakeholders who may interest in any of their buildings, which includes the design and operations of this Dunlap Street building. OTRCH understands as well as anyone that such honest and transparent engagement is what is needed when development is done in our city.

OTRCH has demonstrated success throughout the neighborhood, and specifically with the Jimmy Heath House (JHH) on Odeon Street. Many of the exact same concerns were raised in the development of the Jimmy Heath House in 2010, and those fears went unrealized. In fact, the Jimmy Heath House provides a positive impact on the neighborhood and is a model of how people of different backgrounds can live in together.

If you have any questions about our support, or the extensive need within our homeless services system, for projects like Dunlap Street please contact me at 513-263-2788 or kfinn@end-homelessness.org.

Sincerely,



Kevin Finn
President/CEO





Chief Executive Officer
Russell Winters

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Frank Harkavy
(1926 – 2003)

June 8, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have seen the design of the proposed building and I find it attractive. The scale, placement, massing, and density, of the building are appropriate for the neighborhood. I believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

I am familiar with OTRCH's long history of community engagement and their dedication to making OTRCH a place where all are welcome. OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. This type of honest and transparent engagement is what is needed when development is done in our city.

This city is in dire need of affordable housing. Our shortage of affordable housing has been well documented with 1,000 people experiencing homelessness on any given night. This project reaches the most vulnerable among us - the chronically homeless. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

Sincerely,

Russell L. Winters, LISW-S
Chief Executive Officer



June 8, 2022

RE: Dunlap PSH Letter of Support

To Whom it May Concern:

We are writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. It is our understanding that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

OTRCH has done many projects within the historic district of OTR, and I believe they will handle the design of this with the same level of care, within the oversight and approval of the Historic Conservation Board. We agree with the scale and size of the project, as it is usually not economically feasible to develop a smaller project.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. Our understanding is that programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. We at Urban Sites are in support of the balance of housing needed in the urban core, and believe OTRCH has proven itself a long-time advocate in the OTR neighborhood.

Sincerely,



Tim Westrich
VP, Affordable Housing

6.15.2022

Subject: 2000 Dunlap, Permanent Supportive Housing

To Whom it May Concern:

I am a resident of OTR and am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap Street.

This Over-the-Rhine Community Housing (OTRCH) project includes 44 units of Permanent Supportive Housing — a much needed development for those in our community experiencing chronic homelessness.

I have seen the detailed design plans and believe the scale and materials are appropriate and respective of the surrounding area.

Additionally, with regard to the Density Variance being requested, if they built the allowed 14 units, but made them all multi-tenant units (eg 3-bedroom units), they would not need a variance to accommodate roughly the same number of residents (or more). As such, the density variance seems appropriate, and they have accomplished this without making an over-sized building.

I know OTRCH met with the community on numerous occasions, and I was part of multiple of those meetings, including those with the OTR Community Council and its various committees. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people experiencing chronic homelessness — but who also need the wrap-around services provided by this proposal.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street — where neighbors are supportive.

Sincerely,
Victoria Leavitt
1514 Race Street, #3
Cincinnati, OH 45202

YWCA IS ON A MISSION

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Penny Pensak
Francie Pepper
Digi Schueler
Patricia Mann Smitson

June 24, 2022

Re: Dunlap PSH

To Whom it May Concern:

YWCA Greater Cincinnati is writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. We understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

We have seen the design of the proposed building and find it attractive. The scale, placement, massing, and density, of the building are appropriate for the neighborhood. We believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

This city is in dire need of affordable housing. YWCA Greater Cincinnati is extensively involved in finding solutions to end the affordable housing crisis in our community and we believe this project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but, JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

Please join us in supporting OTRCH and their continued efforts to make a positive impact surrounding homelessness and affordable housing in Cincinnati, OH.

Sincerely,

Debbie Brooks

Debbie Brooks
YWCA Executive Vice President
dbrooks@ywcacin.org



Downtown Center
898 Walnut Street
Cincinnati, Ohio 45202

P 513.241.7090
F 513.241.7231

ywcacincinnati.org

eliminating racism
empowering women
ywca
Greater Cincinnati

June 6, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap Street. This project is meant to build 44 units of permanent supportive housing for people experiencing chronic homelessness.

Housing is a healthcare issue.

As a visiting nurse who has served many people with limited means in low-income communities such as Over-the-Rhine, Walnut Hills, Avondale, Evanston, and other neighborhoods I have witnessed how a person's housing affects their overall health. I have also served people of adequate to more than adequate means in communities such as Indian Hill, Kenwood, Madeira, and others.

People living in substandard housing experience too many issues in their lives that deflect or distract them from focusing on their health and continue experiencing their health challenge for longer periods of time or get worse. Those living in adequate housing, whether subsidized or not, are able to focus on their health and tend to return to a healthy state sooner.

In addition to having worked with patients as a visiting nurse, I have worked most recently in inpatient psychiatry. Many people experiencing homelessness also struggle with issues of mental health. It can be a vicious cycle when being both homeless and struggling with mental health challenges. Over-the-Rhine Community Housing's ongoing collaboration with Greater Cincinnati Behavioral Health as part of their permanent supportive housing model is an example of their ability to care for the whole person to help them reach their goals.

Over-the-Rhine Community Housing has a very successful model of permanent supportive housing in their Jimmy Heath House on Odeon Street. Please allow them to use their property on Dunlap Street to meet the needs of our neighbors with the greatest challenges.

Sincerely,

Michael Flood

Michael Flood

10 W 14th Street #3
Cincinnati, OH 45202-7504

June 14, 2022

Re: Dunlap Permanent Supportive Housing

Dear Ms. Johnson and Members of the Historic Conservation Board,

I am writing in support of zoning variance for the Permanent Supportive Housing (PSH) project at 2000 Dunlap Street piloted by Over-the-Rhine Community Housing (OTRCH). The city is in vital need of the 44-units the project seeks to create. Few people contest the dire housing situation in our city. Homelessness is an emergency; because of our 28,000-unit deficit, 152 individuals lost their lives.

The Permanent Supportive Housing model provides real, lasting relief for homelessness. Every unit of the Dunlap PSH project will become a home for a person experiencing chronic homelessness, meeting their crucial human right. Generations to come will benefit from the same housing-first approach of the project, creating a lasting impact on the city under the experienced hand of OTRCH, an adept organization already doing excellent work with the Jimmy Heath House. This proof-of-concept, a PSH development of 25 units of clearly illustrates the impact of its scaled-up successor, the Dunlap PSH project.

The exciting potential of the Dunlap PSH project has not gone unnoticed. The project beat out forty-five other low-income housing projects in Ohio for an award of \$1,000,000 in Tax Credits from the Ohio Housing Finance Agency, a clear recognition and acknowledgement of the potential and significance of the project. Numerous other individuals and organizations have expressed their own enthusiasm for this comprehensive resource for suffering individuals. Historic Conservation is of great value to the city, but OTR was historically formatted as a dense-housing neighborhood, so the development fits with its historic design. Moreover, this city is and should be people-first, just as the Dunlap PSH project is designed to be. I hope you will support the variance for this necessary alleviation of a rampant crisis.

Sincerely,

Andrew Ghastine

June 9, 2022

RE: Dunlap PSH Project
Case No. COA 2022032

To Whom It May Concern,

I am a long time resident of Over-the-Rhine and Resident Board Secretary of Over-the-Rhine Community Housing. I urge you to support our proposed 44-unit permanent supportive housing project at Dunlap and Henry Streets in Over-the-Rhine. It will serve persons experiencing chronic homelessness, which is a big need in our neighborhood and city. I often hear people complaining and/or frustrated about encountering people homeless on our streets. This is a humane and dignified solution that warrants your support. This use is permitted.

I have attended both the Economic Development and Housing Committee and General Membership meetings of our Over-the-Rhine Community Council. OTRCH gave excellent presentations, answered questions, and offered to meet with anyone who was interested in hearing more about our plans. We offered tours of Jimmy Heath House so that neighbors can better understand the model we will be using at the Dunlap PSH site. As a long time member of our Community Council, it is disheartening to witness the attitude of NIMBYISM, now present at our meetings. I have seen persons drop off of our Community Council because of the racial and economic biases that are expressed about those most vulnerable and marginalized in our neighborhood. I believe there is more support for this project than can be understood or expressed by one close vote taken at a membership meeting.

I am excited about the design and how it wraps services around the people who will be living there. We all, both businesses and residents have a great opportunity to demonstrate love in action, rather than fear that keeps us separated from those we think are so different than ourselves. We can expand our hearts to welcome people in greatest need. OTRCH has been awarded LIHTC for this project. We are so close to making this project come to fruition. Your affirmative vote will help us on that positive trajectory.

Sincerely,
Bonnie Neumeier
bonsunflower@gmail.com
Resident of Over-the-Rhine
Resident Board Secretary of OTRCH
10 W. 14th Street
Cincinnati, OH 45202

June 10, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap Street. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have seen the design of the proposed building. The scale, placement, massing, and density, of the building are appropriate for the neighborhood, and I think it looks great! I believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

This city is in dire need of affordable housing. We have lived within one block of Jimmy Heath House for over three years, and we need more of these projects! I also own a business at 111 W. McMicken Ave, within two blocks of the proposed Dunlap site; I know that this area needs more residential units. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood. Similar concerns were raised prior to the Jimmy Heath House opening in 2010. Our family parks in front of JHH (which has over 50 units); barely any of the residents own cars so parking has *never been* an issue. Odeon Street is perhaps the safest street in OTR, with a door attendant 24/7 and bright lights at their entrance. Property values have only increased. Market rate housing has been built adjacent to their property since operations began. JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can together in harmony.

Bottom line – it is better to have needs met than to see my homeless neighbors remain at risk. They deserve to be right next to transit options that don't force them to own an expensive car. They don't have or need much, which is why so many units work well. Thank you for your consideration.

Sincerely,
Chris Heckman
1526 Elm Street
Cincinnati, OH 45202



June 17, 2022

To Whom it May Concern:

CSH, Corporation for Supportive Housing, fully supports Over-the-Rhine Community Housing's project at 2000 Dunlap Street. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have seen the design of the proposed building and I find the scale, placement, massing, and density of the building are appropriate for the neighborhood. Tax credit funded supportive housing projects in Ohio tend to scale significantly larger than the proposed Dunlap project with 60 or more units. The Over-the-Rhine development team has taken great care to create a design that fits the architectural standards and density of the Over the Rhine neighborhood. It is this attention to context and detail that speaks to their well-deserved positive reputation in the field.

CSH is a national non-profit that partners with local communities to create and operate high performing supportive housing, a critical housing intervention for those experiencing homelessness. Hundreds of supportive housing projects have been sited across Ohio that have proven to be a long-term asset for their local neighborhoods and communities a large; quality design and materials coupled with affordability and intensive services provides the foundation for supportive housing and its residents to be good neighbors.

OTRCH is a trusted affordable and supportive housing developer and operator. Their property Jimmy Heath House (JHH) on Odeon Street experienced similar community concerns in 2010. Not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

Sincerely,

Director, CSH Ohio

June 17th, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have seen the design of the proposed building and I find it attractive. The scale, placement, massing, and density, of the building are appropriate for the neighborhood. I believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Oden Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can together in harmony.

Sincerely,

David McDonald
261 W. McMicken Ave. Apt 22
Cincinnati, OH 45214

DATE 5/31/22

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I spend a great deal of time in OTR and would love to support finding better solutions for those experiencing chronic homelessness. I feel this issue has reflected poorly on the City of Cincinnati which in turn has a negative impact on my business. I feel that OTRCH project is a tangible solution to this issue that would be well received.

Sincerely,
Ryan Doan
Deeper Roots Coffee Partner
2108 Colerain Ave
Cincinnati, OH
45214

6/17/2022

Re: Dunlap PSH

To Whom it May Concern:

Please allow me to introduce myself, Edward Slater. I am a homeowner in Over the Rhine and work for the Center for Respite Care located at Liberty and Republic Streets. I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

My work over the years with several agencies working to end homelessness has taught me that the city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different backgrounds can together in harmony.

Sincerely,

Edward J. Slater
1420 Main Street Unit 2F
Cincinnati, Ohio 45202

St. Francis Seraph Catholic Church 1615 Vine St. Cincinnati, OH 45202

June 14, 2022

Re: Dunlap PSH

To whom it may concern:

I am writing in support of the Over-The-Rhine Community Housing's project at 2000 Dunlap St. I have participated in several meetings where this 44-unit permanent supportive housing project has been presented. The goal, of course, is to provide housing for those experiencing chronic homelessness.

"Chronic homelessness" is what I see daily around St. Francis Seraph Church. I witness the many people coming for services at St. Anthony Center. If only more of these people had a place to live!

In my frequent neighborhood walks, I pass through the intersection on Dunlap where OTRCH is proposing to build this housing. I know it as mainly industrial, but not far from other services and residents. Given the track record of the Jimmy Heath House on Odeon Street and the acceptance of this communal living house by the other residents, I feel the neighbors around the Dunlap property will also be able to adjust to these new neighbors.

Housing is such a critical need in our city. Here we have an organization with a proven track record, a piece of property already owned by OTRCH and a very good plan for housing that should be an asset to the area. People of various backgrounds really can live together and have a sense of harmony in a neighborhood.

I have heard objections. I think OTRCH has tried to address those concerns. I honestly believe the greater good of helping people have housing should be the priority for all of us in OTR.

Sincerely,

Fr. Al Hirt, OFM
Pastor, St. Francis Seraph Church
Home address: 1723 Pleasant St.

6/16/2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

As the co-chair to the Over-the-Rhine Foundation's Infill Committee, I have reviewed almost every new construction project proposed in the district for the last five years. Our committee also worked directly with the architect of this proposed project, and they went to great lengths to accommodate our recommendations and made significant changes and improvements. The scale, placement, massing, and density, of the building are appropriate for the neighborhood. This project is a strong example of good design, particularly for a constrained budget.

Outside of design matters, our city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. OTRCH continues to be an engaged community partner and has demonstrated success throughout the neighborhood.

Please support the equitable growth of our district and support this project's construction.

Sincerely,

Jennifer LeMasters Wirtz

Jennifer G. LeMasters Wirtz

Supervising Architect, Sr. Project Manager
AIA, PMP, LEED AP BD+C, ENV SP

1720 Pleasant Street
Cincinnati, OH 45202

M+ 1 513-703-8553

June 16th, 2022

Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have seen the design of the proposed building and I find it attractive. The scale, placement, massing, and density, of the building are appropriate for the neighborhood. I believe OTRCH has taken appropriate steps to assure the new building maintains the social and visual contexts of the existing community.

OTRCH has met with the community on at least eight occasions and provided honest and thorough answers to questions asked about this project. OTRCH remains committed to an ongoing dialog with stakeholders who may have interest in the design of this building. This type of honest and transparent engagement is what is needed when development is done in our city, which I might add most developers do not meet with the community anywhere close to the extent that OTRCH has.

This city is in dire need of affordable housing! There are many people being displaced throughout the city and being priced out of Cincinnati. Just this week an article was released saying that Cincinnati is #4 in the nation for most expensive rent. As a resident of the neighborhood and teacher at Rothenberg (the Cincinnati Public neighborhood school) I have seen many neighbors and students displaced. The topic of homelessness is discussed on a daily basis at Rothenberg. We as a neighborhood and city need to do better. The Dunlap project proposed by OTRCH takes into account those in our city, those who are chronically homeless and are in dire need of affordable housing. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

Sincerely,

Jennifer Scheiderer

49 East Clifton Ave,
Cincinnati, Ohio 45202

6/16/2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

Sincerely,
Molly Simpson
2818 Erie Ave. Cincinnati, OH 45208

June 16, 2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over-the-Rhine Community Housing is proposing a 44-unit permanent supportive housing project.

My name is Ronjean Jackson. I live with Over-the-Rhine Community Housing and have lived in the Carries Place permanent supportive housing program since 2015. My housing helps me in more ways than just a roof over my head. I get support with employment, educational needs; support for whatever I need. There is truly help for whatever I need. This is a close neighborhood.

Downtown is a convenient and walkable place to live. This is a good area for a Permanent supportive housing program because people are already here, and they need this housing. There needs to be more permanent supportive housing in this neighborhood.

Sincerely,

Ronjean Jackson
East Clifton Ave, Cincinnati OH 45202
513-953-0053

6/27/2022

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

Everyone needs safe, decent, stable housing. All people have worth and for the most vulnerable people in America, people with mental illness, chronic health conditions, histories of trauma, and other struggles — a home helps them to get adequate treatment and start on the path toward recovery. Supportive Housing combines affordable housing with supportive services that help individuals who face the most complex challenges to live with stability, autonomy, and dignity.

Many people mistakenly think that the folks who need supportive housing are substance abusing derelicts, but according to data collected in 2021 by the Cincinnati/ Hamilton County Continuum of Care, more than half (51%) of our local homeless population is 35 years or younger, dispelling that myth.

Evidence based research has shown that supportive housing is a highly effective strategy that combines affordable housing with intensive coordinated services to help people struggling with addictions, disabilities, and chronic physical health/mental health issues which in turn reduces the homeless population.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, the chronically homeless. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents leaving chronic homelessness. This project will offer a full range of services meant to stabilize and improve the lives of new residents.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together in harmony.

Sincerely,
Sheila Quarles, LSW
1616 Race
Cincinnati, OH 45202

Hoffman, Stacey

From: Cincinnati City Planning
Sent: Thursday, October 20, 2022 4:09 PM
To: Hoffman, Stacey
Subject: FW: [External Email] OTRCH 2000 Dunlap Street

From: Carolyn Yorio <carolynyorio@gmail.com>
Sent: Thursday, October 20, 2022 4:06 PM
To: #COUNCIL <#COUNCIL@cincinnati-oh.gov>; Cincinnati City Planning <planning@cincinnati-oh.gov>
Subject: [External Email] OTRCH 2000 Dunlap Street

Some people who received this message don't often get email from carolynyorio@gmail.com. [Learn why this is important](#)

External Email Communication

Hello City Council and Planning Commission members,

I am reaching out to voice my support for Over-the-Rhine Community Housing's 2000 Dunlap Street project. Our community desperately needs more supportive housing for people who have been homeless. Our neighbors who have experienced homelessness are up against many barriers that cause continued housing instability, especially the lack of affordable housing in Cincinnati. This project would add 44 units that would both be affordable and offer onsite support to ensure the residents are successful in staying housed.

OTRCH has a track record of providing high-quality services to our most vulnerable community members. They offer housing that reflects the dignity of those who live there. The compassionate services they offer foster improved mental and physical health. OTRCH's Jimmy Heath house faced opposition prior to opening, but this program has had great success in changing residents' lives and is a valuable part of our community. The Dunlap Street project will do the same: provide a home for people in desperate need and become an asset to our community at large.

Carolyn Yorio
513-332-8868
1629 Brandon Ave 45230

Hoffman, Stacey

From: Cincinnati City Planning
Sent: Friday, October 21, 2022 8:10 AM
To: Hoffman, Stacey
Subject: FW: [External Email] strong support of "Gloria's Place". proposed development

From: Julie Murray <julimurray@aol.com>
Sent: Thursday, October 20, 2022 6:31 PM
To: Cincinnati City Planning <planning@cincinnati-oh.gov>
Subject: [External Email] strong support of "Gloria's Place". proposed development

You don't often get email from julimurray@aol.com. [Learn why this is important](#)

External Email Communication

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a **additional development** that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together.

Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,
Julie M Murray
Clifton Heights

October 20, 2022

Re: Dunlap PSH

Dear Cincinnati Planning Commission,

I write in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. and to urge you to approve the project.

As you know, this proposed 44 unit project is permanent supportive housing using the "Housing First" model. OTRCH, in collaboration with 3CDC and other partners, was an early advocate and developer of such housing. Its Jimmy Heath House on Odeon has been something of a model in our area.

Like the Dunlap project, it had opposition about its location and its mission. But OTRCH is a good manager of the project and, true to the values of the housing first model, it has provided much needed housing stability and services to chronic homeless residents. This is well known need that we have the chance to meet.

We have to take advantage of good opportunities like this when the stars align. The project is sound, proposed by a good organization, good buy in by many partners in the community, funding in place. It does not satisfy everyone. What project does.

I urge you to find a way to support his project. To do otherwise is to fail to serve a need when there is a way to do so. Please do not let the perfect be the enemy of the good.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Diskin". The signature is fluid and cursive, with a large initial "J" and a stylized "D".

Jonathan Diskin

1322 Apjones St.
Cincinnati, OH 45223

Hoffman, Stacey

From: Cincinnati City Planning
Sent: Friday, October 21, 2022 8:11 AM
To: Hoffman, Stacey
Subject: FW: [External Email] Housing

From: Fred Cook <fcpots@yahoo.com>
Sent: Thursday, October 20, 2022 9:05 PM
To: Cincinnati City Planning <planning@cincinnati-oh.gov>
Subject: [External Email] Housing

You don't often get email from fcpots@yahoo.com. [Learn why this is important](#)

External Email Communication

October 19, 2022

Re: Dunlap PSH
To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together.

Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,

Fred Cook

6835 Ross Road

Oregonia, Ohio 45054



**College of Medicine
Department of Family and Community Medicine
Division of Medical Student Education**

University of Cincinnati Academic Health Center
PO Box 670582
Cincinnati, OH 45267-0582

MSB 4110
Eden Avenue & Albert B. Sabin Way
Phone: (513) 558-4020
Fax: (513) 558-3440

10/21/22

Re: Dunlap PSH

To Whom it May Concern:

I am a physician with the University of Cincinnati Department of Family and Community Medicine and serve as the medical director for Cincinnati Health Network's Healthcare for the Homeless program. For the past 12 years I have been coming to OTRCH Jimmy Heath House providing medical care to residents. From that vantage point I have seen the intense medical needs of those who are chronically homeless and how a permanent supportive housing program can help to improve the outcomes for these patients. Also over these years I have witnessed how our patients who are homeless on the streets are experiencing more trauma, getting older and having more chronic health conditions.

With that in mind, I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together.

Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project!

Sincerely,

Joseph Kiesler, MD, 3576 Outlook Avenue, Cincinnati, OH 45208

A handwritten signature in black ink, appearing to read 'Joe Kiesler'.

Joseph Kiesler, MD, Professor of Family Medicine



Hoffman, Stacey

From: Cincinnati City Planning
Sent: Friday, October 21, 2022 10:50 AM
To: Hoffman, Stacey
Subject: FW: [External Email] Dunlap PSH Letter of Support

From: Meili Clark <meiliclarck20@gmail.com>
Sent: Friday, October 21, 2022 10:43 AM
Subject: [External Email] Dunlap PSH Letter of Support

You don't often get email from meiliclarck20@gmail.com. [Learn why this is important](#)

External Email Communication

Oct 21, 2022

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that OTRCH is proposing a 44-unit permanent supportive housing project serving those experiencing chronic homelessness.

I believe our city urgently needs more affordable housing and this project reaches those who need it most. 100% of the people entering this housing program will be coming out of chronic homelessness and the services provided here will meet their unique needs, stabilize their lives, and give them the best chance to stay housed—and off the streets—for the long haul.

This type of project/program is tough to pull together. OTRCH has demonstrated success in this work throughout the neighborhood—specifically with its Jimmy Heath House (JHH) on Odeon Street. Though there was some fear about the project when it was proposed, JHH has changed many lives and been a positive asset to the neighborhood since it opened in 2010. I trust OTRCH to foster and manage this project with the same care it has elsewhere.

Many have spoken about the need for more affordable housing—this is your opportunity to act on those words by voting to support this much needed project! I'm a former OTR resident that cares deeply about this neighborhood and supports this project 100%. Let's make it happen!

Sincerely,
Meili Clark
4219 Kirby Ave
Cincinnati, OH 45223
(330) 607-9524

10/21/22

Re: Dunlap PSH

To Whom it May Concern:

I am writing in support of Over-the-Rhine Community Housing's project at 2000 Dunlap St. I understand that Over the Rhine Community Housing is proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

This city is in dire need of affordable housing. This project reaches those who are most in need of affordable housing, people who have experienced chronic homelessness. One hundred percent of the men and women entering this housing program will be coming out of chronic homelessness. Programming in this project has been designed to meet the needs of those residents. This project will offer a full range of services meant to stabilize and improve lives.

OTRCH has demonstrated success throughout the neighborhood and specifically with its Jimmy Heath House (JHH) on Odeon Street. Similar concerns were raised prior to the JHH opening in 2010, not only have those fears have gone unrealized, but JHH has provided a positive impact on the neighborhood and has been a model of how people of all different background can live in together.

Many have spoken about the need for more affordable housing, this is your opportunity to act on those words by voting to support this much needed project! I work at a national organization and see the "Not in my backyard" mentality, literally all over the country, when it comes to providing much needed social services and support for people who are experiencing homelessness. Please use this opportunity to stand up, stand out, and recognize that this is everyone's backyard, including those experiencing homelessness.

Sincerely,
Billy Golden
6301 Savannah Avenue
Cincinnati, OH 45224

1706 CPW LLC
2692 MADISON RD SUITE N1, #210
CINCINNATI, OH 45208

1814 CENTRAL LLC
456 MILTON STREET
CINCINNATI, OH 45202

1905 ELM LLC
1209 SYCAMORE STREET
CINCINNATI, OH 45202

1923 ELM LLC
30 W 3RD STREET
CINCINNATI, OH 45214

2001 ELM STREET PROPERTIES LLC
2020 DUNLAP STREET
CINCINNATI, OH 45214

2008 DUNLAP STREET LLC
2008 DUNLAP STREET
CINCINNATI, OH 45214

2037 ELM LLC
2020 DUNLAP STREET
CINCINNATI, OH 45214

BEST PROPERTIES
2025 ELM STREET
CINCINNATI, OH 45202-4910

BONA COMMERCIAL PROPERTIES LTD
3455 OXFORD TERRACE
CINCINNATI, OH 45220

BREWERY DISTRICT PROPERTIES LLC
24 HERITAGE CT
CINCINNATI, OH 45241

CENTRY LLC
5925 ORCHARD HILLS LN
CINCINNATI, OH 45252

CINCINNATI ELECTRICAL
REPAIR COMPANY LLC
2023 ELM STREET
CINCINNATI, OH 45202-4910

CUMMINS, EVAN
2031 DUNLAP STREET
CINCINNATI, OH 45214

DAVIS, CRYSTAL
1921 ELM STREET
CINCINNATI, OH 45210

DEAN, DAVID
4812 WICKLOW DR
MIDDLETOWN, OH 45042

DEAN, NORMAN & NATHAN
214 FINDLAY STREET
CINCINNATI, OH 45202

DUNLAP STREET PROPERTIES LLC
2020 DUNLAP STREET
CINCINNATI, OH 45214

ED & JOAN HUBERT FAMILY
FOUNDATION INC
1209 SYCAMORE STREET
CINCINNATI, OH 45202

FETTE, GREGORY MICHAEL
1908 DUNLAP STREET, #5
CINCINNATI, OH 45214

FINDLAY MARKET LOFTS LLC
26 E 6TH STREET, UNIT 802
CINCINNATI, OH 45202

FINK, STEVEN
1908 DUNLAP STREET, #2
CINCINNATI, OH 45214

FIGIELLI, JOSEPH &
ELIZABETH MEARA
1908 DUNLAP STREET, #1W
CINCINNATI, OH 45214

FORMOSA, ANGELO TR
1908 DUNLAP STREET, #1E
CINCINNATI, OH 45214

FRATERNAL ORDER OF POLICE
QUEEN CITY LODGE NO 69
1900 CENTRAL PKWY
CINCINNATI, OH 45214

FRED BERGER & SON LLC
2575 QUEEN CITY AVE
CINCINNATI, OH 45238

GATHERWRIGHT, MARK
2025 ELM STREET
CINCINNATI, OH 45202

GHA & C PROPERTIES LLC
101 W FOURTH STREET
CINCINNATI, OH 45202

HAMILTON COUNTY BOARD
OF COMMISSIONERS
138 E COURT STREET, ROOM 603
CINCINNATI, OH 45202

KALADIN LLC
PO BOX 340380
COLUMBUS, OH 43234

KIMBERLY R STARBUCK TRUST
1739 ELM STREET, #2
CINCINNATI, OH 45202

KLABUNDE, KENNETH & REBECCA 2017 ELM STREET CINCINNATI, OH 45202	LALLY, MARK 169 WARNER STREET CINCINNATI, OH 45219	LNS VENTURES LLC 1312 NEIL AVE COLUMBUS, OH 43201
MARQUARDT, NEIL 1908 DUNLAP STREET, #3 CINCINNATI, OH 45214	MARQUARDT, NEIL & LAUREN KLAR 42 WEST MCMICKEN AVE CINCINNATI, OH 45202	MARTIN, ALEXANDER 1398 DUNLAP STREET, #4 CINCINNATI, OH 45214
MCDOWELL, DARYL 5050 PREBBLE BROOK DR ENGLEWOOD, OH 45322	MCMICKEN AVE PROPERTIES LLC 508 MASEFIELD DR PLEASANT HILL, CA 94523	NEWCHI HOLDINGS LLC 139 W MCMICKEN STREET CINCINNATI, OH 45202
NORTH RHINE LIMITED PARTNERSHIP 114 W FOURTEENTH STREET CINCINNATI, OH 45202	NWAMU, ONUORAEGUNAM 137 W MCMICKEN AVE CINCINNATI, OH 45202	OTR A D O P T INC 1311 VINE STREET CINCINNATI, OH 45202
OTRENTALS LLC 24 HERITAGE CT CINCINNATI, OH 45241	PAVED PROPERTIES LLC 324 READING RD CINCINNATI, OH 45202	RACE STREET TENANT ORGANIZATION COOPERATIVE 114 W 14TH STREET CINCINNATI, OH 45202
RHINEGEIST PROPERTIES LLC 1910 ELM STREET CINCINNATI, OH 45202	SCHMIDT PROPERTIES LTD 2016 ELM STREET CINCINNATI, OH 45202	SEHLHORST, ROBERT & KRISTINA 2019 ELM STREET CINCINNATI, OH 45202
SELBY SERVICE / ROXY PRESS INC 2020 ELM STREET CINCINNATI, OH 45202	SQUIRREL PROPERTIES LLC 856 EAGLES KNOLL CT CINCINNATI, OH 45255	STC HEALTH GROUP OTR LLC 3540 BLUE ROCK RD CINCINNATI, OH 45239
TWO GS & A J LLC 1926 DUNLAP STREET CINCINNATI, OH 45202	UPPER DECK PROPERTIES LLC PO BOX 11674 CINCINNATI, OH 45211	VIELHAUER, BRYAN 2111 KINDEL AVE CINCINNATI, OH 45214
VOA-ORV PROPERTY CO INC 1063 CENTRAL AVE CINCINNATI, OH 45202	WILBUR-ELLIS NUTRITION LLC 345 CALIFORNIA STREET 27TH FL SAN FRANCISCO, CA 94104	Over-the-Rhine Community Council PO Box 662 Cincinnati, OH 45201

November 8, 2022

Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

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.

Motion to Approve: Ms. Kearney

Ayes:

Mr. Eby

Ms. Kearney

Seconded: Ms. Sesler

Mr. Samad

Ms. Sesler

Mr. Stallworth

Mr. Weber

THE CITY PLANNING COMMISSION

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