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June 13, 2026

# Public Concerns about the proposed "Westline" Development Project by LDG on the site of the former Western Hills Sports Mall.

1. **Public engagement was unfairly limited and inadequate**.

The city planning staff unfairly limited community engagement to only the Westwood neighborhood even though the boundary of the city's West Price Hill neighborhood is only 400 feet from the development site. In addition, the boundary for Hamilton County's Green Township is within a similar distance. The lack of outreach and engagement with these other city and county jurisdictions has resulted in an incomplete public record and inadequate due diligence by the city and planning commission.

Given that the funding sought by the developer involves federal tax credits awarded by the state of Ohio, broader outreach, and greater public engagement, than what has occurred in this case, is appropriate and necessary to ensure that the broader goals of the LIHTC program are met.

2. **No Traffic Impact Study was Performed despite the history of serious traffic problems in close proximity to the development site.**

The city's planning staff and city Department of Transportation& Engineering determined that a traffic study of the development's impact on traffic and pedestrian safety was not necessary. The basis for not conducting a traffic study was a questionable assertion that a small sports mall that occupied the site four years ago, generated more traffic than the proposed development with 167 housing units and close to 200 parking spots. The city offered no data or analysis to support their assertion.

In addition, the city failed to consider the need for a safety study even though there was a hit and run, pedestrian fatality near the development site within the past year.

Also, the students of Western Hills University High School — located at 2144 Ferguson Road, less than a quarter mile from this site — have been forced to design their own pedestrian safety campaign to address dangerous traffic conditions on the very street this development would intensify, making the city's decision to waive a traffic impact study not just negligent, but indefensible.

The commission did not even inquire about the lack of a traffic safety study. It became clear during the meeting that the decision-making of the commission was being driven by a deadline, not the full due diligence necessary to consider the suitability of the proposed project for that specific site.

The decision-making was being driven by a June 8th deadline for the developer to submit a 4% LIHTC application. The developer told the commission that the project was contingent on obtaining a LIHTC award and if they missed the deadline they would be on “potential standby for next year.”

3. **The Proposed Site Is Already Federally Designated as Distressed — This Award Would Deepen Concentration, Not Reduce It**

The proposed Westline development at 2323 Ferguson Avenue is located in HUD-designated Qualified Census Tract 39061010900, confirming the site meets federal criteria for concentrated poverty : either a poverty rate of 25% or more, or 50% or more of households earning below 60% of Area Median Income.

Awarding LIHTC and Bond Gap Financing here directly contradicts OHFA’s own Neighborhood Opportunity Index and census tract limiter, which exist to prevent exactly this outcome. OHFA must disclose how many LIHTC units already exist in tract 39061010900 before making any award. Adding 167 subsidized units to a federally designated distressed tract is not affordable housing investment , it is the entrenchment of poverty with public dollars.

4. **The developer’s own financial contingency is a disqualifying admission.**

The developer stated on the record that the entire project is contingent on receiving the LIHTC award. OHFA’s underwriting guidelines require projects to demonstrate financial viability and capacity independently of a single funding source.

A developer who publicly admits the project dies without this specific award is telling OHFA their pro forma has no resilience, which is an underwriting red flag, not a qualification.

5. **LDG’s development portfolio concentration in distressed markets is a pattern OHFA should evaluate.**

OHFA’s threshold review includes developer experience and capacity standards. LDG is a prolific LIHTC developer with a documented pattern of siting projects in low-opportunity, high-poverty urban tracts across multiple states.

OHFA has discretion to evaluate whether a developer’s portfolio pattern aligns with Ohio’s stated housing goals. A developer who consistently targets Qualified Census Tracts across their portfolio is not advancing opportunity , they are optimizing for the path of least resistance to credits, at the expense of the communities bearing the concentration.

6. **Greater clarity is needed concerning LDG's history of property management complaints**.

One of the planning commissioners asked LDG about recent reports of poor living conditions and poor property management at an LDG development in Louisville, but there was no further examination of LDG's overall history of complaints about its property management and poor living conditions at its properties.

A news report by a television station in Louisville about LDG, for example, had the headline: " 'Complete nightmare' | Louisville renters in affordable housing voice concerns over living conditions."

LDG told the commission that it had reformed its property management and that was the extent of the commission's examination of the issue. There was no further examination for the record about the extent of LDG's property management problems and the number of "problem properties" in its portfolio. That is another serious gap in the due diligence by the city and planning commission.

7. **The Planning Commission Chairman acknowledged that the Commission felt pressured to approve the development**.

The meeting of the planning commission was scheduled just one work day before the LIHTC June 8th deadline.

As noted above, the absence of a traffic impact study is particularly troubling because it is one of the principal concerns raised by residents. But requiring such a study would almost certainly have delayed the approval process and potentially affected the developer's LIHTC application schedule. That leaves the public wondering whether the need to meet the LIHTC deadline outweighed the need to fully evaluate the project's impacts on West Price Hill and Green Township.

In closing remarks, the Chairman essentially admitted that, absent the application deadline, the Commission would have sought greater input from the community, but the commission felt pressured to decide the matter that day. His remarks are quoted here:

> There have been several times in my tenure on the Planning Commission where we are put in a position when we have to make decisions based on certain time frames and I think sometimes that's unavoidable, but in instances where it is not it would be nice not to have that pressure as part of the decision and sometimes it can be avoided and other times it can't and I just feel like saying that because I

> think ultimately what we are saying here today that we are, I mean, we are all in favor of this type of project and we appreciate the investment in the city but we do think there are times for the community to be heard and to be able to have more input than I think might end up happening here only because of the shortened timeframe based on the pressure we felt in terms of needing to get this finalized for the LIHTC application.

LIHTC deadlines are established for the benefit of developers and investors. However, those deadlines should not become a basis for shortening public review, limiting community engagement, or discouraging additional analysis of traffic, infrastructure, public safety, or neighborhood impacts.

8. **Concerns were expressed about adding to the density of the neighborhood, which already suffers the consequences of being one of the most densely populated neighborhoods in the city.**

In addition to traffic safety, other concerns included unknown impacts on 6 local schools that are already experiencing substantial stress related to overcrowding and social service needs of the students, as well the increased demand for city services, including calls for police and fire, for which there is already an overwhelming demand.

Calls for service in the neighborhood include drug overdoses, trespassing at nearby homeless encampments, and residents routinely report prowlers who vandalize and steal from cars practically every night. Among all Walmart stores nationwide, the store located across Ferguson Ave. from the development site, is reportedly the Walmart store with the greatest loss due to theft in the country.

None of those concerns were addressed by the planning commission and there was no examination of potential mitigation strategies for the neighborhood, except for the installation of a fence around the development and lighting to keep out and deter the type of crimes and social distress plaguing the rest of the neighborhood.

The chairman was quoted in the Cincinnati Business Courier that, “Development like this needs to happen in our city. I disagree with the density argument” against the project.

**9. The commission went into Executive Session when they could not agree on how to proceed on the approval of the Planned Development.**

The Commission was asked to consider two applications submitted concurrently by LDG: a zone change for the site and the approval of the Planned Development. The zone change was approved by the commission but must go before the city council for final approval, which will likely occur at the council's sole meeting in August.

However, the commission was also being asked to approve the Planned Development itself. The commission's decision on the Planned Development would be final. City council approval was not required. The commission discussed the implications of not approving the Planned Development that day. The discussion went on for over 30 minutes.

Over half of the planning commission members made remarks sympathizing with the West Price Hill residents and the importance of their involvement in the process. Statements were made by the commissioners trying to map a path forward to give the resident of West Price Hill a greater opportunity to provide input on the proposal. When no resolution was reached in the open session, the chairman called for an executive session.

When the commission returned from the executive session, the rest of the meeting was pro forma, and the Planned Development was unanimously approved. After the executive session, the concerns that had been expressed earlier by the commissioners about the lack of engagement of the West Price Hill community, were dropped and no longer discussed.

The commission members should be asked whether the "pressure," later admitted to by the Chairman, was the reason they agreed to approve the Planned Development.

In our view, it was improper for the planning commission to allow the developer's problem in meeting the LIHTC application deadline to override the legitimate concerns raised by the West Price Hill residents, including the flawed and inadequate public engagement.

It is especially concerning that, by its approval of the Planned Development, the planning commission chose the developer's need to meet a funding deadline over an important traffic safety impact study.

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