



August 8, 2026

Memorandum For: Cincinnati City Council

A handwritten signature in blue ink that reads "Todd J. Zinser".

From: Todd J Zinser

Subject: Letter from LDG's Counsel re: Westline Flats

I previously provided Council with a briefing paper raising concerns about the process surrounding the proposed Westline Flats development at 2323 Ferguson Road. I am writing to bring to your attention our subsequent review of a July 17, 2026, letter from counsel for the developer concerning the financing of the project. I have attached the letter for your review.

The July 17 letter deserves attention because it revisits an issue that figured prominently in the Planning Commission's June 5 consideration of the project: the June 8 deadline for a Low-Income Housing Tax Credit (LIHTC) application.

In their letter, the attorney emphasizes that LDG expressed uncertainty during the June 5 hearing about whether Planning Commission approval was necessary to meet the June 8 deadline. The letter cites statements made at the hearing that LDG did not know whether the approval would be sufficient or necessary for the application.

Those statements, however, should be considered in the context in which they were made. During the June 5 hearing, the uncertainty surrounding the deadline was not presented as a reason for the Commission to delay. To the contrary, it was presented as a reason to act that day. In substance, the developer's position was that it could not be certain whether approval was required by June 8 and therefore sought approval on June 5 rather than risk jeopardizing its financing application.

That distinction is important because the Chairman subsequently acknowledged at the close of the meeting that the Commission felt "pressured" by the deadline. If the attorney's July 17 letter correctly characterizes LDG's posture during the hearing, why did the Planning Commission nevertheless feel pressured to act?

There is another important development disclosed in the July 17 letter. LDG states that it ultimately decided not to pursue the 4% Ohio LIHTC award associated with the June 8 deadline, citing both ambiguity in the application requirements and the "tight turnaround" following the

Planning Commission hearing. Instead, LDG now intends to pursue a different financing program, with an anticipated application in 2027.

The purpose of this memo is not to question LDG's decision to change its financing strategy. Rather, it is to ask Council to consider what the July 17 letter tells us about the process that occurred on June 5. A deadline that the developer itself now emphasizes was uncertain, nevertheless contributed to a sense of urgency acknowledged by the Commission and to a decision-making process that, in my view, unfairly denied West Price Hill the additional opportunity for engagement that Commission members themselves had discussed during the meeting and perhaps also during their executive session.

The discrepancy between the attorney's characterization of the June 8 deadline and the Chairman's acknowledgment that the Commission felt pressured by that deadline raises serious questions about the integrity of the decision-making process. At a minimum, it undermines confidence that the Commission's decision was fully informed and based on an accurately presented set of circumstances.

Council should have an opportunity to understand how that perceived urgency affected the Commission's decision to proceed on June 5 rather than allow additional community engagement

In light of these circumstances, I respectfully recommend that City Council conduct its own public hearing concerning the Westline Flats proposal before taking final action. The July 17 letter raises questions that cannot be resolved simply by reviewing the Planning Commission's recommendation.

A Council hearing would provide an opportunity to develop a clear public record concerning these issues and would help restore confidence in a decision-making process that, in my view, has been called into question by the subsequent financing developments.

Thank you for your consideration. Please let me know if you have any questions.

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