

## **PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD**

**MONDAY, FEBRUARY 11, 2008**

**3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II**

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Senhauser, Spraul-Schmidt, Fisher, Wallace, Chatterjee, Kreider, Raser and Young present.

### **MINUTES**

The Board unanimously approved the minutes of January 22, 2008 (motion by Raser, second by Chatterjee).

### **CERTIFICATE OF APPROPRIATENESS, 112 EAST LIBERTY STREET, OVER-THE-RHINE HISTORIC DISTRICT**

Staff member Adrienne Cowden presented a report on a proposal to expand the Freestore/Foodbank (Freestore) at 112 Liberty Street. The expansion includes additions to the building, modifications to the façade and the construction of a loading dock that would necessitate the demolition of two contributing residential structures at 1606 and 1608 Walnut Street. Ms. Cowden further explained that under the zoning code, the expansion will require additional parking that the applicant proposes to provide at 1630 Walnut and 104 Corwine Streets; this will require the demolition of non-contributing buildings on these two sites.

*[Ms. Spraul-Schmidt joined the Board]*

Ms. Cowden reminded the Board that it had conducted a preliminary design review on the renovation and additions to 112 Liberty Street and the attendant demolition of 1606 and 1608 Walnut Street in July 2007. Although various design changes have been made to that plan, the footprint and essential elements of the preliminary plan have not substantially changed. The Freestore did not own 1606 Walnut at the time of the preliminary design review, but has since purchased the property. Ms. Cowden said that unlike 1606 and 1608, the buildings on 1630 Walnut and 104 Corwine Streets are non-contributing.

A pre-hearing meeting was held on February 5, 2008 with the applicants and members of the community present. Ms. Cowden circulated a package of almost 350 letters from community groups and individuals expressing support and opposition to the project.

Ms. Cowden said that staff has concerns that many of the issues raised at the preliminary design review have not been adequately addressed and that the demolition of two contributing buildings remains. Staff accepts the applicant's assertion that the proposed plan may be the most expeditious solution to the expansion of the Foodbank, but that the applicant has not demonstrated that it is the only viable solution. Specifically, staff believes that the programmatic needs of the facility can be accommodated within the building without the demolition of 1606 and 1608 Walnut Street, so recommended that the Board deny the request to demolish that pair of buildings on Walnut Street. Ms. Cowden added that the demolition of 1630 Walnut and 104 Corwine Streets and the parking plan provided are consistent with the Over-the-Rhine guidelines, so recommended approval of that work.

Attorney Tom Tepe of Keating, Muething & Klekamp representing the Foodstore, its CEO John Young and architect Bob Habel were present to answer questions from the Board. Mr. Tepe recognized that opposition to the project has focused on the demolition of 1606 and 1608 Walnut Street and that to date neither the neighborhood nor staff had found the renovation of the 112 Liberty facility to be inappropriate. He argued that the proposed location of the new loading dock

was the only reasonable one for the efficient use of the facility. Mr. Tepe said that cost estimates for the rehabilitation of 1606 and 1608 Walnut exceed \$175 a foot and that it was not economically feasible to rehabilitate the two buildings. Nonetheless, Mr. Tepe offered as a compromise to demolish only 1606 Walnut Street, provided that a dumpster could be accommodated on the rear of 1608 Walnut. He suggested that the Board take testimony from those present, but continue the hearing to its next meeting.

Mr. Senhauser asked what would be done with 1608 Walnut Street under this alternative. Mr. Tepe said that he did not know, but the Freestore might seek a development partner for the property. Mr. Senhauser said that since staff had not had an opportunity to review the new proposal, the hearing should proceed and that after hearing testimony, the Board could determine whether to table the application.

Mr. Raser observed that the applicant's feasibility study had considered retaining the existing loading dock on Corwine and the associated elevator system and asked why this option had been rejected. Mr. Habel responded that this was not a good option and that as presently configured, deliveries are off-loaded on the second floor, transported through a series of ramps to an elevator, then moved to the first floor. He said this has been the process for the past thirty years and is extremely difficult with large, shrink-wrapped loads. Mr. Habel said that the new loading dock would allow deliveries directly to the first floor food storage area. He added that a new elevator system serving a Corwine loading dock would cost approximate \$250,000 and would still require handling at each level.

Mr. Raser questioned whether the food service areas could be relocated to the second floor adjacent to the existing Corwine dock. Mr. Habel acknowledged that as a possibility, but that scheme would put the first floor clients waiting area on a different level. Mr. Raser observed that the social services provided by the Freestore remained on the second level and were to be served by a new elevator to the same client waiting area. Mr. Chatterjee asked whether the applicant had looked into relocating the client entry off Corwine as suggested at the preliminary design review. Mr. Habel said that he had, but relocating the entry would still require double handling food deliveries.

Mr. Raser asked whether the applicant had considered accessing the proposed loading dock through the existing open lot between 1600 and 1606 Walnut Street. John Young replied that the Freestore had offered to purchase the property (or an easement), but that it was refused. The owner is seeking to sell the lot with the building at 1600 Walnut Street. Mr. Habel added that the same owner had refused an offer to purchase an easement through the rear of 1600 Walnut that would have allowed the loading dock to be accessed from Liberty Street.

Mr. Tepe said he would hold his presentation until after the public testimony. He suggested the Board visit the site prior to its decision.

Kirk Krobler, Chairman of the Board of the Freestore/Foodbank indicated that the organization initiates and coordinates the distribution of food throughout the area from its warehouse on Tennessee Avenue. The Liberty Street facility handles 108 million pounds of food annually and is one of 450 locations. He said a large percentage of such activity is concentrated between Christmas and New Years (necessitating that a portion Liberty Street be closed for deliveries), but that food distribution is a problem year round. Mr. Krobler indicated that the proposed expansion is the only reasonable solution to moving product through the building.

Mr. Krobler said that his organization has tried to be a good neighbor and that he was disappointed in the community's opposition to the project. He indicated that if 1608 Walnut Street could not be

demolished, the Freestore would consider a co-venture, but that the organization has not sought public monies or considered tax incentives.

Mr. Krobler confirmed that the Freestore did not purchase 1606 Walnut until July 2007. Mr. Young asked why the organization had proceeded with the purchase when its demolition was identified as a significant problem at the HBC meeting some month prior. Mr. Krobler responded that the organization had to act immediately when the opportunity arose. Mr. Raser observed that the food service at 112 East Liberty Street is essentially a depot operation, best accommodated in a single story structure.

Richard Rosenthal, member of the Foodstore/Foodbank Board said that the proposed renovation would result in nearly \$1 million in efficiencies over the next several years. He asked what was expected of the organization. Mr. Senhauser responded that at its preliminary design review, the Board suggested alternatives that would not require the demolition of 1606 and 1608 Walnut Street. The organization had created its own economic hardship by proceeding with the purchase of the properties.

Walter Reinhaus President of the Over-the-Rhine Community Council indicated that his organization had heard a presentation at one of its monthly meetings, but had voted to oppose the project including the parking lots at 1630 Walnut and 104 Corwine Streets. He said the new lots are not adequately landscaped and should be open for after-hours use by the community. Mr. Reinhaus did express support for the Freestore and its program, but faulted it poor management that allowed clutter and debris to accumulate on the site, particularly after hours. He said that protecting the neighborhood from additional demolition would be within the spirit of the National Trust's designation as a "most endangered" historic resource.

Myra Greenberg area resident opposed the demolition of all four buildings for its negative affect on the streetscape. She faulted the Freestore for not approaching the Pendleton Community Council with the project.

Over-the-Rhine resident Debbie Mays said the Freestore has conducted no thorough review of its options since the HCB's preliminary hearing in July 2007. She indicated that the organization needs to evaluate the entire plan and consider all services offered including those programmed to remain on the second floor.

Julie Fay, Over-the-Rhine resident and President of Merchants on Main Street criticized the Freestore for proceeding with the purchase of 1606 Walnut Street (at an inflated price) knowing that its demolition would be problematic. She questioned the benefit to the neighborhood.

Mike Morgan Executive Director of the Over-the-Rhine Foundation opposed the project, particularly the demolition of four district buildings. He referred to a map of the neighborhood and the buildings that have been lost since 1930. He said that more than fifty buildings have been removed since 2002 and that demolition endangers the whole area. Mr. Morgan stated that neighborhood buildings comparable to 1606 and 1608 Walnut Street generally sell for less than \$30,000 and have been successfully rehabilitated for \$80-100 a foot. He said that Freestore paid more than three times the market value of the Walnut Street properties and that its rehabilitation cost estimates are equally unrealistic.

Mr. Morgan questioned whether the expanded facility was consistent with the City Zoning Code. He said the new plan would create a non-conforming use as a warehouse/distribution facility and was no longer by definition a community facility. He asserted that the zoning code does not permit the expansion of a non-conforming use. He said that 112 Liberty is a two-story building in an urban

setting and that the building type imposes limitations on moving goods. He suggested that if the Freestore is unwilling to accommodate this restriction, it might seek another site (in or out of Over-the-Rhine) better able to accommodate its needs. He said that with an \$11 million dollar capital budget would make this a real possibility.

Mr. Morgan also opposed the development of parking lots at 1630 Walnut and 104 Corwine Streets asserting that there were multiple options for park in existing lots near the Freestore without having to demolish two more structures. He acknowledged that the two buildings were non-contributing, but argued that their removal would have a negative impact on the streetscape and was unnecessary and unjustified.

Ken Jones, President of the Over-the-Rhine Foundation Board and longtime resident of the area questioned the Freestore's "givens". He said that based on his experience as an architect, the Walnut Street buildings were not beyond repair. The difficulties associated with moving product through 115 Liberty could be solved mechanically. Further, if the Foodbank is unable or unwilling to accommodate the buildings, there are other locations that could meet the organization's needs.

Beth Sullebarger preservation consultant said that Option 1 that continued the use of the existing Corwine loading dock and preserved the Walnut Street buildings deserved further consideration.

Steve Hampton, architect and Executive Director of the Brewery District questioned the need to provide additional surface parking. He said there are other vacant lots within 600 feet of the facility that could be purchased or leased without requiring additional demolitions. Mr. Hampton suggested that the Department of Transportation & Engineering might have difficulty with access to the proposed new loading dock. Further he questioned whether the planned expansion would require conformance to the zoning code which prohibits drive-throughs in the CCP district. He indicated that the neighborhood's needs should to be considered as well and that the proposed demolitions would destroy the densities of their blocks and decrease the value of the surrounding properties.

Greg Badger developer and Over-the-Rhine resident said that other owners have been able to adapt to the restrictions imposed by their historic buildings and neighborhoods. He cited the many businesses at Findlay Market and Pigall's restaurant that have no loading docks.

David White President of the Pendleton Community Council indicated that his organization voted at its January 2008 to oppose the expansion as proposed.

Marge Hammelrath circulated photographs of trash on the street and sidewalk in front of the Freestore. These she said represented the condition of the facility for years. Smith Hammelrath indicated that the expansion of the Freestore would inhibit neighborhood development and that the organization should consider moving the operation to a more appropriate location.

Mr. Tepe asked architect Joe Brashear to comment on the cost estimate (dated December 2007) submitted to the Board. Mr. Brashear stated that the \$125 a foot estimate was reasonable. In response to Mr. Raser, Mr. Brashear indicated that he had not prepared the cost estimate but had been engaged in December 2007 to review one prepared by Grant Hesser. He confirmed that this was after the Freestore had already closed on 1606 and 1608 Walnut Street and did not include consideration of available tax credits or public assistance.

Eric Gardner MAI appraiser with Colliers International explained that the overall cost of \$175 a foot was the sum of \$125 for rehabilitation and \$50 for acquisition. Soft cost and developer's profit would normally raise that total to approximately \$220 a foot. He said that based on a 10% retail ratio, the owner would have to lease the properties at \$22 per foot, the equivalent of Class A office space downtown. In answer to Mr. Raser, Mr. Gardner said he had evaluated two to six projects in

Over-the-Rhine in the past two years and thirty total. He confirmed that all the other projects he had evaluated received some kind of public assistance.

Mr. Jones asked that the community have an opportunity to review the testimony presented and respond. Mr. Senhauser indicated that the Board had heard sufficient testimony and had the expertise to decide the issue.

Ben Young said that based on the written evidence submitted and the testimony given, there were in his mind three principle considerations. First, the Freestore had created its own economic hardship by proceeding with the purchase of 1606 and 1608 Walnut Street at an inflated price with the sole intent to demolish. Secondly, the Freestore has overstated the cost of rehabilitation and has made no effort to seriously consider the rehabilitation of the Walnut Street properties. Thirdly, the Freestore had misrepresented its clientele to be predominantly from the neighborhood (while only 25% of the addresses of client signatures on the letters submitted were from Over-the-Rhine and Center City) and has alienated the neighborhood by its mismanagement of the facility. He suggested the applicant return with a whole new proposal.

Mr. Raser said that the proposed design had been driven by the loading and distribution of goods and that that function is best served in a single story building. This is physically at odds with the structure at 115 Liberty which still will require that clients be served on two floors. He said the proposed design seeks to optimize flow rather than customize the building. Mr. Raser said he too was concerned that the applicant had considered the cost of rehabilitation the Walnut Street properties only to justify their removal and after the fact. He suggested that the Freestore might have outgrown its building and urban setting and that it seek a single story structure in Over-the-Rhine or elsewhere.

Ms. Spraul-Schmidt said that from an historical perspective, the present operation of the facility is suburban in character. She suggested that this is not the best building for the proposed use and this use is not the best one for this building.

Ms. Wallace said that she supports the Freestore and its programs, but that she has heard from the community that it has not been a good neighbor. She wondered whether an expanded facility would be kept up.

Ms. Fisher said that she had previously as a social worker relied on the Freestore and its programs. She said that despite her admiration for its work, the Board's obligation was to act as a trustee for the historic district and buildings in the context of the conservation guidelines that the neighborhood as a whole had created.

Mr. Senhauser said that if the Board were to deny this application, the Foodstore could return with an alternate plan or would have the right to appeal its determination.

### **BOARD ACTION**

The Board voted unanimously (motion by Chatterjee, second by Spraul-Schmidt) to take the following action:

1. Deny a demolition of 1606 and 1608 Walnut Street finding that the Freestore/Foodbank has not demonstrated that there is no other feasible and prudent alternative alteration or environmental change that would conform to the conservation guidelines as required by the Over-the-Rhine Historic District conservation guidelines.

2. Approve a Certificate of Appropriateness for the proposed addition and exterior improvements to 112 E. Liberty Street with the exclusion of the proposed new loading dock finding that the work meets the Over-the-Rhine Historic District conservation guidelines.
3. Deny a Certificate of Appropriateness for the demolition of 1630 Walnut Street and 104 Corwine Street, finding that although the buildings are non-contributing, their demolition will adversely affect the character of the Over-the-Rhine Historic District and are not justified within this larger application.

*[Mr. Kreider joined the Board]*

**CERTIFICATE OF APPROPRIATENESS, 114 EAST 8<sup>TH</sup> STREET, THE CITADEL LOCAL LANDMARK**

Staff member Adrienne Cowden presented a report on a proposal to replace the upper floor windows on the front and rear of The Citadel at 114 East 8<sup>th</sup> Street. She explained that the first level windows on the street façade had been replaced with sheet glass prior to the building's designation. Ms. Cowden circulated photographs of the windows and trim showing their deteriorate condition and remnants of earlier attempts to retrofit the openings with interior storm windows.

Ms. Cowden said that the owner proposes to remove the wood sash window and install anodized aluminum units to fit the openings. The upper floor windows will be fitted with a fixed arched upper sash; those on the lower floor will be double hung. In addition, the owner proposes to replace the exterior wood molding with aluminum panning. Ms. Cowden said that the proposed panning obscures a distinctive trim element and does not reflect the profile of the existing trim. Staff believes the condition of the windows warrants replacement and that the proposed units are acceptable; however, staff recommends that the wood trim be reinstalled or that new wood trim be fabricated to match the existing. Mr. Senhauser observed that the present trim was a simple ¾" bead and cove. Ms. Cowden agreed that a metal moulding matching the size and profile of the original would be acceptable.

Window contractor Bob McAndrews was present to answer questions from the Board. He said he could reduce the proposed panning to better allude to the original moulding, but he had not been able to find a standard moulding to match. He said he would seek other suppliers. The Board repeated that the profile of the existing moulding was significant with a high level of detail; it was important that it be matched either in wood or metal.

**BOARD ACTION**

The Board voted unanimously (motion by Wallace, second by Kreider) to take the following actions:

1. Deny a Certificate of Appropriateness for the proposed panning finding that the exterior wood molding represents a distinctive architectural feature and that the work does not meet the Citadel Local Landmark conservation guidelines.
2. Approve a Certificate of Appropriateness for the repair or replication of the exterior wood molding (in wood or metal) to match the existing and for the installation of Thermo-Twin one-over-one aluminum sash windows on the main (south) façade and rear (north) elevation with the following conditions:
  - a. The new windows shall fit the arched top windows on the 4<sup>th</sup> floor of the main (south) façade without modification and without a separate transom.

- b. Final plans and specifications are submitted to the Urban Conservator for review and approval prior to construction.

*[Mr. Young left the Board]*

**CERTIFICATE OF APPROPRIATENESS & ZONING VARIANCES, 1406, 1408, 1412, 1414 AND 1416 PLEASANT STREET, OVER-THE-RHINE HISTORIC DISTRICT**

Ms. Cowden presented a staff report on the construction of five new townhouse as a first phase of the City Home Cincinnati on the 1400 block of Pleasant Street. She reminded the Board that it had conducted a preliminary design review of the proposed townhouses on October 22, 2007. At that meeting, the Board also approve the demolition of three existing buildings to clear the site for the new construction, that approval conditioned on the Board's approval of the new infill structures. The applicant has returned for a Certificate of Appropriateness for each townhouse as well as to satisfy the Board's condition for demolition of 1406, 1408 and 1410 Pleasant Street.

Ms. Cowden said that the form and composition of the new row of houses are essentially as presented at the October 2007 preliminary design review, but a few detail changes have been made. The projecting bay on each of the houses had originally been supported on brackets a few feet above the sidewalk, forming a window seat on the interior. In the revised design, the bays extend a few feet at the finished floor level, only a foot above grade, creating an awkward relationship. Ms. Cowden suggested that the bay be raised to recreate the original oreil or supported on a foundation.

Staff is also concerned about the effect of the air handling equipment overhanging the garage doors facing Comers Alley and suggested they be removed them from direct view and relocated to the rooftop or above the walkways between buildings. Additionally, Ms. Cowden said that the brick pilasters framing the front elevations 1408, 1412 and 1416 are a commercial detail and should be eliminated to give the townhouses a more domestic scale and appearance.

As proposed, each house will require variances to allow lots sizes smaller and shallower front yard setbacks than required under the Zoning Code; the three-story units will require relief from the 35' height limit. Mr. Cowden said that granting the variances will permit lot sizes and siting more typical of joined residences in the historic district.

Project architect Martha Dorff of Schinkel Design circulated revised front elevations that resolved the bay window issue by raising the entire building foundation an additional 16". This had the added advantage of raising the entryway to a level more typical of historic townhouses in the district. She argued that the pilasters enhance verticality and help delineate the three story units in the row. She said the houses would be a uniform color. Mr. Kreider acknowledged that pilasters help visually separate the houses and agreed it was a modest gesture that could help marketing.

Ms. Dorff said that she would like to make the condensers less visible, but overhanging the passageways as suggested is not possible given the fee-simple ownership of the units. There is no secure place to position them on grade on the alley side and locating them in the courtyards would inhibit the use of that outdoor space. Co-developer Karen Blatt acknowledged that the bracket solution is unsatisfying and a potential problem for garbage pick-up, but that roof-mounted condensers would present maintenance difficulties.

**BOARD ACTION**

The Board voted unanimously (motion by Kreider, second by Spraul-Schmidt) to take the following actions:

1. Approved a Certificate of Appropriateness for the construction of new townhouses at 1406, 1408, 1412, 1414 and 1416 Pleasant Street per the revised drawings presented at this meeting, finding that the work meets the Over-the-Rhine Historic District conservation guidelines with the condition that final plans and specifications shall be submitted to the Urban Conservator for review and approval prior to construction.
2. Approve the necessary Zoning Variances for the minimum lot area, setbacks and/or maximum building height required to build the townhouses at 1406, 1408, 1412, 1414 and 1416 Pleasant Street as specifically outline in Table 1 of the staff report (amended to allow a building height of 36 feet for 1412 Pleasant) finding that such relief that such relief from the literal interpretation of the Cincinnati 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 work 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.
3. Find that the submittal for the new townhouses at 1406-1416 Pleasant Street meets the conditions imposed by the Historic Conservation Board on the demolition of 1406, 1408 and 1410 Pleasant Street at its meeting on October 22, 2007.

### **OTHER BUSINESS**

Eric Norris and Thea Langsam, owners of 2342 Upland Place asked to be heard as a by-leave. The Board had conducted a preliminary design review on November 5, 2007 on a proposal to construct an addition to the existing contributing building that will require both a Certificate of Appropriateness and zoning variances. Mr. Forwood explained that he had earlier shown a revised drawing to Mr. Senhauser who agreed that the new drawings were insufficient to be heard as a final application and reiterated the Board's policy that it does not encourage multiple preliminary reviews. Nonetheless, Mr. Senhauser agreed that the Board would briefly review the changes in order to give direction to the owners.

The owners contend that the changes they have made to the street facades meet all the objections to the original design and that they need that confirmation before proceeding on modifications to the other facades. They recognized that that the drawings were still incomplete and that they would need to complete the set before they could be scheduled for a final review before the Board.

Mr. Senhauser observed that the changes made were minor and focused on details rather than the larger design issues. He indicated that the applicants needed to settle on a design approach before addressing the details. Mr. Senhauser explained that the proportion, scale and materials should be sympathetic to the house and neighborhood. He said that modifications to materials and window openings and the scale of the garage needed to be considered in context, not as isolated elements.

Mr. Senhauser said that the applicants need to decide whether the new addition will be treated predominantly as a seamless extension of the existing house or as a new attached structure. If the intent was to visually separate the new from old, the design did not go far enough. Mr. Senhauser suggested that taking that approach, the link needed to be less pronounced and the new living portion more dominant. Conversely, he said as an integrated extension, the initial design in balancing masses and voids was better than the revision. Mr. Senhauser illustrated different roof forms that might accomplish each objective, but emphasized that the Board it will not design the project for them.

The applicants thanked the Board for its input and said that they had a better idea of the direction needed.

**ADJOURN**

As there were no other items to be considered by the Board, the meeting was adjourned (motion by Kreider, second by Raser).

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William L. Forwood  
Urban Conservator

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John C. Senhauser, Chairman

Date: \_\_\_\_\_