

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, OCTOBER 8, 2007

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 Chatterjee, Fisher, Kreider, Senhauser, Spraul-Schmidt, Wallace and Young present. Absent: Raser.

MINUTES

The Historic Conservation Board unanimously approved the minutes of the September 24, 2007 meeting (motion by Chatterjee, second by Fisher).

CERTIFICATE OF APPROPRIATENESS, CONDITIONAL USE, ZONING VARIANCE & SPECIAL EXCEPTIONS, 115 W. 14th STREET, OVER-THE-RHINE HISTORIC DISTRICT

Staff member Adrienne Cowden presented an application for the demolition of the Washington Park School at 115 W. 14th Street and the temporary use of the lot for surface parking from 2007 until the Spring of 2010. Ms Cowden explained that the lot will have three surfaces – concrete, asphalt and crushed compacted limestone. A chain link fence with a gate at existing curb cuts on Elm and Race Streets will be installed around the perimeter of the lot. Ms. Cowden pointed out the location of an adjacent but separate 30-car parking lot owned by the Parks Department (and operated by the Recreation Department). The proposal includes no landscaping, wheel stops or lighting. The lot would be used for construction workers' vehicles during the day and patrons of Music Hall for evening events and performances. Whether or not the lot will be operated as a pay to park facility remained uncertain.

[Mr. Kreider joined the meeting.]

Ms. Cowden circulated three pieces of correspondence received by staff after the Board packages were mailed. A letter from C. Robin Brandon, Project Coordinator, indicated that the lot would not be used to stage or store materials or equipment for the construction of SCPA. The letter also declared CPS' commitment to provide 200 parking spaces for Music Hall tenants. The temporary lot will replace some of the 450 spaces lost with the construction of the new School for Creative and Performing Arts (SCPA) on Central Parkway. A letter from the Pendleton Neighborhood Council expressed the organization's support of the Over the Rhine Foundation and its position. An e-mail from Steven Schuckman, Parks Department, stated the department's support of the proposal based on a letter received from Rosa Blackwell, Superintendent of CPS. Ms. Blackwell's letter expressed CPS' intention to enter into a long-term lease with the Parks Department for 115 W. 14th Street to expand Washington Park.

In evaluating the proposal, staff considered its compliance with the Over-the-Rhine Comprehensive Plan, the Zoning Code and the Over-the-Rhine Conservation Guidelines. The Over-the-Rhine Plan envisioned 115 W. 14th Street as the site of a new school or an expanded Washington Park. It did not consider a surface parking lot, either temporary or permanent. Ms. Cowden pointed out the lot is proposed as a temporary use and the property would comply with the plan after it was turned over to the Parks Department.

[Ms. Spraul-Schmidt joined the meeting.]

Ms. Cowden said that demolition of the Washington Park School was not contrary to the guidelines. The 1958 school building did not contribute to the historic district or fall within the accepted period of significance for the historic district. However, the proposed parking lot did not comply with either the conservation guidelines or multiple sections of the Zoning Code. Balancing the temporary

use and need for the lot with its prominent location, aesthetic impact on the district and the likelihood it will generate revenue, staff could justify some relief from the Zoning Code but felt that the lot should comply with the guidelines and landscaping requirements. Ms. Cowden pointed out that staff's recommendation included numerous conditions including a provision that CPS provide the Parks and Recreation Departments with access to their parking lot, a prohibition on trailers and other temporary structures, an end date of May 31, 2010 for the Board's approval and a written agreement from CPS acknowledging and accepting all conditions and terms.

Mr. Chatterjee asked what assurance staff had that the lot would ultimately be leased to the Parks Department for greenspace. Ms. Cowden said the 2003 contract between CPS and the City indicates CPS will make a "best effort" to transfer Washington Park to the City. She stated that Ms. Brandon and Mr. Schuckman indicated during the pre-hearing conference that their organizations were working cooperatively towards extending Washington Park and that Ms. Blackwell echoed this sentiment in her letter.

In response to Ms. Wallace, Ms. Cowden said that CPS has spoken to private companies about managing the lot. To date CPS has not confirmed whether or not anyone will have to pay to park in the lot.

Ms. Wallace inquired about staff's recommendation regarding construction related buildings. Ms. Cowden responded that the condition was intended to ensure that construction trailers and other buildings were not erected/placed on 115 W. 14th Street. She reiterated Ms. Brandon's written assertion that the lot would not be used for either staging or storage.

Ms. Cowden confirmed for Mr. Young that the Parks/Recreation parking lot has no curb cut from Elm Street and that vehicle access is through CPS' property.

[Mr. Kreider swore in attendees who wished to address the Board.]

Mike Burson, CPS, and Richard Mellott, WA, Inc., Architects, were present to address the Board and answer questions. Mr. Burson commented that the financial status of CPS was not good and reminded the Board that a 9.95-mill tax levy will be on the November ballot. He said that the State of Ohio will provide only 23% of the costs for the demolition and lot; CPS must provide the rest of the project budget. Mr. Burson expressed his concern that CPS spend no more than necessary to create and maintain a temporary lot. Mr. Burson pointed out that construction of SCPA had reduced available parking by 450 spaces and said there was a community need for the proposed lot. Mr. Burson explained that CPS had not yet determined if it would be a pay lot but pointed out that revenue from the existing school parking lot goes to Enjoy the Arts, a local non-profit.

Mr. Mellott said that fencing and landscaping the lot to meet the historic guidelines and the Zoning Code posed a financial burden for CPS. He said that a simple metal fence/gates were too costly and could not be reused.

Mr. Kreider asked if other options to a chain link fence were considered such as a hedgerow. Mr. Mellott stated that the lot needed to be secured for safety reasons. Mr. Burson added that the chain link fence was necessary to control access to the lot. It will also help keep out trash and debris, which in turn will reduce maintenance costs.

In response to Mr. Kreider, Mr. Burson agreed that a long-term lease had the same effect as a property transfer. Mr. Burson said that CPS was not ready to sign a lease at this time.

Mr. Young inquired if CPS had a timeframe for executing the lease with the Parks Department. Mr. Burson said that they should be able to pin down the lease terms in a matter of months and before Ms. Blackwell's term expires at the end of the school year in 2008.

Mr. Senhauser asked staff if a covenant was required for the lot. Ms. Cowden responded that the staff recommendation includes submittal of a signed written agreement accepting various terms and conditions including an end date of May 31, 2010. Urban Conservator William Forwood added that if the lot is kept open after May 31st it will be considered a zoning violation and subject to action by the Buildings & Inspections Department.

Mr. Burson confirmed for Mr. Young that the proposed chain link fence will be entirely new and will not be used, rented or include barbed wire.

Upon inquiry of the Board, Ms. Cowden pointed out the location of existing fencing for Washington Park School and the Parks/Recreation parking lot, pool and playground. In answer to Mr. Senhauser, Mr. Burson said that no new fencing was installed around the school after it closed.

Scott Santangelo, Music Hall's Director of Operations, testified that convenient parking located adjacent to Music Hall was critical to meet the needs of Music Hall residents and patrons until the Music Hall Square Garage was built. He asked that the Board approve a surface parking lot at 115 W. 14th Street.

Mr. Young pointed out that the Music Hall Square Garage was not part of the proposal and asked Mr. Santangelo why various nearby surface parking lots and garages could not provide sufficient parking for Music Hall. Mr. Santangelo responded that many Music Hall patrons were elderly and that a lot adjacent to the facility was best.

Ms. Cowden circulated a parking study completed by CPS for SCPA in 2006. This study included the location of surface and structured parking and monthly fees charged for these facilities.

Mike Morgan, Executive Director, and Ken Jones, President, appeared on behalf of the Over the Rhine Foundation. Mr. Morgan stated that the organization did not oppose the demolition of the Washington Park School or the temporary use of the site for parking. The aesthetic appearance of a temporary use was also not of overriding concern. What the Over the Rhine Foundation did oppose was approval of the use without a specific, permanent end date. Mr. Morgan described a 2003 real estate purchase and sale contract between CPS and the City of Cincinnati. He referenced sections 6i and 6j of the contract, which specifies that CPS will use "best efforts" to make the existing Washington Park School available to the Park Board. Mr. Morgan asserted that unless the Board's decision includes strong language regarding the timeframe it would diminish or nullify CPS' contractual obligation to transfer the school property to the Park Board. He asked that the terms of the contract be clarified and that language be added to staff's recommendation to require a more binding legal assurance that the property will be park space.

In response to various Board members, Steven Fagel, Law Department, stated that the Board did not have purview over the 2003 contract and cannot require its revision.

Upon inquiry of Mr. Senhauser, Mr. Morgan agreed that a long-term lease between CPS and the Park Board for the Washington Park School site instead of an outright transfer would be acceptable. Mr. Kreider indicated that he felt the Board could reasonably place conditions on the proposal to ensure the lot was established and operated in a manner that was in the interest of historic conservation.

Mr. Jones read a section from the American Institute of Architect's ten principles for community partnering. This document indicates that differences should be resolved before going to the city, which historically is neither a good initiator nor a good arbitrator. Mr. Jones said that the community had not been informed of the proposed temporary parking lot and it appeared that there was a lack of holistic planning by CPS for the neighborhood.

Debbie Mays, Over-the-Rhine Community Council Board and Washington Park Steering Committee member, addressed the aesthetic appearance of the parking lot. She indicated that some landscaping needed to be incorporated into the design. Ms. Mays asked who would use the lot when there was no event at Music Hall in the evening. She asked if security was really an issue anymore since CPS will not be using the lot for staging and storage.

Bonnie Neumeier, Over-the-Rhine resident, addressed the Board. Ms. Neumeier commented that although the school was not historic it had been a neighborhood school for many years; for this reason it would be missed. She stated that there was excitement about an expanded park but was concerned it would result in the loss of the basketball court. In regards to the proposed parking lot, Ms. Neumeier did not want to see a sea of cars with no landscaping. If the property was not going to have a school it should be a park. She requested that the Board table the application pending discussions between CPS and the neighborhood and the submittal of a better plan.

Mary Burke, Over-the-Rhine Community Housing, expressed her frustration with CPS. She stated that in six months of working meetings there had been no mention of a temporary parking lot at 115 W. 14th Street. Only the extension of Washington Park had been discussed. With no concrete assurance that the lot would be temporary Ms. Burke said it was difficult to talk about design issues but felt that the lack of landscaping, trees and proper fencing were of concern. She asked if CPS would retain an existing tree at the northwest corner of the property and street trees.

Ms. Burke stated that the Parks/Recreation lot was free and that the basketball court in particular was used frequently. She hoped that access to the recreation facility and its parking would remain open and free to the public. Mr. Burson responded that an effort would be made to preserve existing trees.

Ms. Cowden pointed out the location of a pedestrian walkway from Elm Street to the basketball court, pool and playground for the Board. She reiterated that while pedestrians will still have access to the facility, the lot does not have an independent curb cut. The school and the recreation facility share a curb cut on Elm Street and automobiles must go through CPS property to enter/exit the Parks/Recreation Department's lot.

Mr. Burson of CPS returned to address the Board. He reiterated that the lot is intended for a limited time. He felt that the lot should look temporary; installing landscaping and a black metal fence would give a different impression. Mr. Burson said that once SCPA is completed CPS has no interest or desire to manage more property than is needed. He said that the Parks Department will be renovating Washington Park in stages. By the time the northern terminus of the park is reached, SCPA should be completed and the lot no longer needed by CPS.

Ms. Wallace asked if any lighting would be installed for the lot. Mr. Burson responded that CPS has an agreement with Duke Energy for lights on street poles to illuminate the lot. In response to Mr. Kreider, Mr. Burson said that approximately 100-150 workers would be using the lot, with as many as 200 at the height of construction

Mr. Kreider requested that Steven Schuckman of the Parks Department address the Board. Mr. Schuckman indicated that the letter from Rosa Blackwell, Superintendent of CPS, was sufficient

and said the Parks Department did not want to amend the 2003 contract. Mr. Schuckman indicated it was unlikely that trees and other plantings could be reused for the Washington Park extension. He added that specific plants have not been identified for the park redesign.

The Board expressed concern that there was no master plan for Washington Park to provide a frame of reference. Mr. Schuckman responded that the City Planning Commission recently approved a parks master plan, but that a detailed plan for Washington Park had not been completed. Mr. Burson added that the concept for parking on this site only emerged in August with the initiation of work on the SCPA site and resulting loss of the public parking lot.

Ms. Wallace question whether the chain link fence was necessary since no materials would be stored on site and security would be provided during Music Hall performances. Mr. Kreider agreed that monies might be better spent on landscape screening than on a fence type that the conservation guidelines identify as inappropriate. Mr. Young added that the Board had recently denied a temporary chain link fence on Elm Street and that CPS should not be relieved from meeting a standard applied to private owners.

Mr. Burson said that a chain link fence must be erected during the demolition of Washington Park School and that CPS hoped to retain that fence for the parking lot. Further, he said it was necessary to control access to the parking lot, but agreed that this could be accomplished by securing the vehicle access points. Mr. Burson conceded that CPS could rent fencing during demolition, gate the entrances and landscape the perimeter rather than install the more expensive new fence.

BOARD ACTION

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

1. Approve a Certificate of Appropriateness for the demolition of the existing Washington Park School and construction of a temporary parking lot at 115 W. 14th Street with the following conditions:
 - a. Gates shall be installed at access points to the parking lot on Race and Elm Streets.
 - b. Planting beds and/or borders with landscaping shall be incorporated into the parking lot design.
 - c. The lot shall be maintained as necessary and kept free of litter and graffiti.
 - d. Final plans and specifications shall be submitted to the Urban Conservator for review and approval prior to construction.
2. Deny a Certificate of Appropriateness for the installation of a 6'-0" chain link fence finding that it does not meet the Over-the-Rhine Historic District conservation guidelines.
3. Approve a Conditional Use to permit a parking lot at 115 W. 14th Street under § 1405-07, a special exception from § 1425-15 for the location of the parking lot, a special exception from § 1425-29 of the Zoning Code for the lack of perimeter landscaping and trees and a Zoning Variance from § 1425-25(a) to permit undersized spaces finding that:
 - a. The proposed lot will help to facilitate the construction of the new School for Creative and Performing Arts on Central Parkway, support events and performances at Music Hall and Memorial Hall and alleviate a parking shortage for Over-the-Rhine residents, businesses and organizations.
 - b. Relief from the literal interpretation of the Zoning Code will not result in a permanent adverse affect on the neighborhood or immediate area.

- c. Relief from Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property in the Over-the-Rhine Historic District or vicinity 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.

Approval of the Conditional Use, Zoning Variance and special exceptions is subject to the following conditions:

- a. Trailers, buildings, temporary structures, the staging/storage of materials or equipment are prohibited.
- b. The lot is approved as a temporary use only during the construction of SCPA, estimated to be completed by May 31, 2010. If the lot is required beyond this date, Cincinnati Public Schools may reapply to the City of Cincinnati for approval of the necessary Certificate of Appropriateness and relief from the Zoning Code requirements.
- c. Cincinnati Public Schools shall provide the Parks Department and Recreation Department with access to the parking area, pool and playground located adjacent to 115 W. 14th Street.
- d. Prior to the issuance of any Building Permit, the Department of Buildings and Inspections shall obtain from the owner a signed written agreement acknowledging and accepting the conditions and terms listed herein.

FFY 2008 CERTIFIED LOCAL GOVERNMENT SUBGRANT APPLICATION, GEORGE HATCH HOUSE, 830 DAYTON STREET

Mr. William Forwood presented a request that the Board support a Certified Local Government Subgrant Application on behalf of Hatch's Folly, LLC to assist in the restoration of original wood windows in the George Hatch House, located at 830 Dayton Street. Hatch's Folly, LLC is the local non-profit organization that owns and operates the George Hatch House. Mr. Forwood indicated that the City of Cincinnati will name Hatch's Folly, LLC as the fiscal agent for the grant.

Mr. Forwood indicated that additional applications have been proposed by other organizations including the Over the Rhine Foundation but no paperwork has been received as of yet.

BOARD ACTION

The Board voted unanimously (motion by Kreider, second by Wallace) to endorse Certified Local Government Subgrant Application for the restoration of windows in the George Hatch House, located at 830 Dayton Street and directed the Urban Conservator to prepare an Ordinance to authorize the application to the State of Ohio Historic Preservation Office.

ADJOURN

As there were no other items for consideration by the Board, the meeting adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

Date: _____