

**Item #13 1600- 1602 Pleasant Street**

August 05, 2019

HISTORIC CONSERVATION BOARD HEARING



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1 HISTORIC CONSERVATION BOARD

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HEARING

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4 ITEM #13 - 1600-1602 PLEASANT STREET

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15 Date and Time: Monday, August 5, 2019  
4:24 p.m.

16 Place: Two Centennial Plaza  
805 Central Avenue  
17 Fifth Floor Conference Room  
Cincinnati, Ohio 45202

18 Cincinnati Law  
Department: Carolyn Glosby, Esq.  
19 Kasandra Maynes

20 Historic Conservation  
Board members: Allison McKenzie  
21 Ean Siemer  
Pamela Smith-Dobbins  
22 Thomas Sundermann  
Tim Voss  
23 Bob Zielasko

24 Reporter: Wendy Scott  
Notary Public - State of  
25 Ohio

1 P-R-O-C-E-E-D-I-N-G-S

2 MR. VOSS: All right. Item 13.

3 Ms. Johnson?

4 MS. JOHNSON: Our final item here  
5 today, 1600 to 1602 Pleasant Street, is  
6 asking for the following zoning relief: a  
7 numerical variance to allow for 24 dwelling  
8 units at a density of 247 square feet of lot  
9 area per dwelling unit; a front setback with  
10 a dimensional variance of 10 feet, as  
11 required for a zero lot line setback; a  
12 dimensional variance of at least 26 feet and  
13 17 feet, based on the height being 26 feet  
14 over the 35 feet maximum height; a rear  
15 setback of 56 feet, based on the height  
16 being 26 feet over 35 feet maximum height.

17 So the applicant is requesting these  
18 four variances, as well as a certificate of  
19 appropriateness for the construction of a  
20 new mixed-use five-story building with a  
21 first-floor commercial space and upper  
22 residential units.

23 Staff does want to note that zoning is  
24 RM 1.2. They are not coming forward, at  
25 this time, for a use variance.

1           This property, as well as several other  
2 properties surrounding this, are currently  
3 in the process of a rezoning to the CC-P --  
4 to the CC-P zoning. With that, the  
5 commercial space would be allowed by right.

6           And then also needing of the setbacks,  
7 in regards to rear setback, side setback,  
8 and front setback -- or sorry -- height --  
9 sorry -- the height setback, the rear  
10 setback, and the front setback would all go  
11 away.

12           So the construction of a five-story  
13 mixed-use building at the northeast corner  
14 of Pleasant Street and Liberty Street -- the  
15 commercial space will be on the first floor,  
16 and 24 units above.

17           The building will be clad in two  
18 different toned bricks, to differentiate the  
19 two different modules of the building. So  
20 there's kind of that north module and then  
21 south module that is on the corner, that has  
22 kind of two street sides, one on Liberty and  
23 one on Pleasant.

24           So, again, the variance discussion is  
25 the same in regards to this, so we will get

1 the certificate of appropriateness.

2 So this is a project that the  
3 applicants worked with Staff on, as well, in  
4 regards to -- in regards to the design.

5 The first design that came to Staff did  
6 not have what Staff thought was an  
7 appropriate roofline. And so the applicants  
8 have adjusted the application to provide  
9 something that has a much more horizontal  
10 roofline, a flat roofline, and this kind of  
11 continuous horizontal cornice line.

12 As this is a large lot, they are  
13 breaking it up into kind of these two  
14 different modules to provide a little bit  
15 more differentiation along Pleasant Street,  
16 with kind of that north building and then  
17 the south building.

18 And then on Liberty Street, they  
19 provide a strong horizontal division where  
20 there is a slight kind of -- you can see  
21 there's a slight recess, to provide kind of  
22 this division on both -- on both elevations.

23 So this one does have a regular -- a  
24 regular rhythm across the facade -- it has a  
25 regular rhythm across the facade of either

1 paired windows or single windows, in a very  
2 vertical, you know, creating the stronger  
3 ones; this as well as on -- on those  
4 horizontal rows as well.

5         The setback was -- was something  
6 that -- that we did consider, as this does  
7 kind of have a slightly nontraditional  
8 setback. However, Staff felt that it  
9 provided just enough differentiation between  
10 the buildings to make sure that it didn't  
11 feel as much -- as a huge mass, but provided  
12 some points of breaking between these  
13 different modules and the different facades  
14 to create a rhythm.

15         And also, the recess is very slight and  
16 very minimal -- that Staff does not feel  
17 that it will be highly visible or highly  
18 noticeable to someone as they are walking by  
19 the building.

20         So one issue that has come up is  
21 about -- and I'm sure will probably be  
22 discussed -- is the height of -- is the  
23 height of this. As this is a corner  
24 building, this is -- you kind of have these  
25 two different streets that you're looking

1 at, both on Liberty Street and on Pleasant  
2 Street.

3 With the Liberty Street side, there is  
4 a building that is four stories right next  
5 to it. And so this one's going five  
6 stories, so it does meet within that --  
7 within the guideline of that building.

8 On Pleasant Street, the buildings are  
9 slightly smaller. However, Staff felt that  
10 it did substantially meet the guidelines as  
11 it was within one story, and they do the  
12 slight stepping to be able to provide -- to  
13 provide a little bit of relief between the  
14 three stories to the corner.

15 So with that, Staff does recommend the  
16 approval of a numerical variance to allow  
17 for a 24-dwelling multi-family project with  
18 a density of 247 square feet of lot area per  
19 dwelling unit, with the following  
20 conditions: that a covenant shall be  
21 recorded prior to building permit issuance  
22 for the trash collection of the property on  
23 the adjacent property at 1601 Race Street;  
24 if the project does not move forward with  
25 low income housing tax credits, the density

1 variance is required to come back before the  
2 Historic Conservation Board; to approve a  
3 front setback with a dimensional variance of  
4 10 feet to provide for a zero lot line  
5 setback; approve the dimensional variance of  
6 26 -- 26 feet and 17 feet, based on the  
7 height being 26 feet over 35 feet maximum  
8 height for a side setback; and to approve a  
9 56-foot variance for a rear setback.

10           And then Staff recommends approval for  
11 a certificate of appropriateness for a  
12 five-story mixed-use multi-family  
13 residential building at 1600 to 1602  
14 Pleasant Street, per plans submitted by  
15 GBBN Architecture with the following  
16 conditions: that the building permit must  
17 be issued within two years or the COA shall  
18 expire; and the tax parcels shall be merged  
19 by Consolidation Plat prior to building  
20 permits being issued.

21           MR. VOSS: Thank you. All right.  
22 Anything you all would like to add to that?

23           MS. FIELD: First, I would just say  
24 it's -- you know, it's kind of an unusual  
25 site because -- in terms of shape. It's not

1 a typical rectangular site exactly. It has  
2 a little bit of an angle to it because of  
3 its location on Liberty and its location at  
4 Liberty, which is a very major street, and  
5 Pleasant.

6 The team is working with our architects  
7 and have spent a significant amount of time  
8 before arriving at what we thought would be  
9 appropriate.

10 MR. VOSS: I -- my initial take on it  
11 was, it's just big. And the more I looked  
12 at it -- and I'm probably wrong on this one,  
13 too -- I like this one the best of all.

14 MR. ZIELASKO: I agree. This is the  
15 best out of the group.

16 MR. VOSS: Yeah.

17 MR. ZIELASKO: I'm struggling with that  
18 12-inch fascia as a cap, though. That's  
19 pushing the guidelines, in my opinion. And  
20 I don't -- you know, I mean, to me, that  
21 just looks -- from the -- from the ground,  
22 that's going to look like a box gutter. I  
23 don't mean to be disingenuous, but it's not  
24 much of a cap.

25 But it is a larger building. It's a

1 corner building. I think it warrants it.  
2 It's on a main street. I won't let that  
3 stand in the way. But I want to go on  
4 record as I don't care for the cap.

5 MS. SMITH-DOBBINS: I have a question.  
6 How difficult is it now going to be to  
7 see the community rhythm?

8 THE APPLICANT: It -- it is going to be  
9 largely obstructed from the street. But  
10 what we've tried to do is have a few moments  
11 where you could make sure that you can catch  
12 those.

13 And I love Pleasant Street. I would  
14 love to see it, too. But I also, you know,  
15 value the importance of this -- filling  
16 in -- what we've tried to do is create a  
17 courtyard in the back. So you would be able  
18 to see it from there.

19 And then also the slight inset on  
20 Pleasant Street where the residential  
21 entrance is, you'll still be able to get a  
22 sense of it through there so that you'll  
23 know something is back there that you can  
24 see.

25 MS. MCKENZIE: I'm still struggling

1 with the size of this.

2 MR. VOSS: It's big.

3 Mr. Klingler, would you like to -- now  
4 that I look at it, it's like, oh, yeah, you  
5 signed up for 12.

6 Okay. So now we're on 13.

7 MR. KLINGLER: All right.

8 MR. VOSS: Go ahead.

9 MR. KLINGLER: Okay. Once again, my  
10 name is Danny Klingler. I'm the director of  
11 OTR ADOPT and a trustee for the  
12 Over-the-Rhine Foundation. I'm speaking for  
13 both organizations.

14 You know, this -- our concern here is  
15 that it's a 600 percent density variance in  
16 an RM 1.2 residential district. It's a --  
17 it's small residential buildings on Pleasant  
18 Street. And it's particularly overwhelming  
19 on that Pleasant Street side.

20 Even on -- even in the drawings, the  
21 labeled drawings, you see a jump from what's  
22 labeled as three stories to five stories.  
23 So I think there's multiple concerns here.  
24 But overall, it's that over-arching thing,  
25 of pushing the density too far.

1           Certainly the applicant has a right to  
2 apply for a variance. But what we are  
3 saying is that the standard for perceiving  
4 that variance is not met under the law.

5           Under Chapter 1435-05-4, it says that  
6 in order for that density variance to be  
7 granted, one of two things must be true.  
8 One is that the variance is, quote,  
9 necessary, where the denial thereof would  
10 result in a deprivation of all economically  
11 viable use of the property.

12           We all know from common sense that that  
13 one's simply not true. To just deny the  
14 density variance would not deprive the owner  
15 of a large tract on Liberty Street of all  
16 use of their property.

17           And, indeed, in their submission, they  
18 don't even attempt to make this argument.  
19 There's no analysis of different uses, no  
20 evidence is presented whatsoever.

21           So on that variable, it has to fail.

22           And then on the second one, which is  
23 that the variance is, quote, necessary in  
24 the interest of historic conservation so as  
25 not to adversely affect the historic

1 integrity of an historic district. I think,  
2 if anything, the evidence suggests the  
3 opposite, that granting this variance could  
4 damage the historic character of that  
5 street, particularly Pleasant Street.

6 And, again, there's been no evidence  
7 presented in the application as to how this  
8 standard would be met.

9 And it's important to note here this  
10 project is being evaluated and assessed and  
11 voted on individually, as a separate  
12 project. It's being voted on separately  
13 from the others.

14 So for those reasons, because there's  
15 no real evidence as to how this can meet the  
16 standard for zoning variances, and given the  
17 problems of the scale, we would urge you to  
18 deny this particular request.

19 Thank you.

20 MR. VOSS: Thank you.

21 And, again, I -- I think the zoning --  
22 or the density, again, in my mind, is less  
23 of an issue than -- because once you get to  
24 the scale of a five-story building, all of a  
25 sudden you're putting in that many more

1 units, and so the density is inherently  
2 going to be driven up. The question is, is  
3 a five-story building at this location  
4 appropriate, in -- in my mind, less than is  
5 this density something that we can get our  
6 arms around.

7 And I appreciate what you're saying.  
8 I'm not ignoring the degree to which  
9 something is being pushed here.

10 But, again, if -- if we can come to a  
11 point where we say, yes, a five-story  
12 building at the corner here is historically  
13 acceptable, then the density is going to  
14 drive itself, I guess is where I -- where I  
15 fall out on that question.

16 MS. MCKENZIE: I agree.

17 For me, it's less of a question of the  
18 actual numbers, when it comes down to  
19 density, as it is that -- the context, and  
20 does a building of that size fit on the site  
21 that it's being inserted to.

22 I think, for me, that -- that Pleasant  
23 Street elevation is concerning. I think the  
24 corner perspective paints a much different  
25 picture than that elevation, though.

1           So I'm not sure if it's just a graphics  
2 not helping things or -- I -- I'm  
3 not sure.

4           MR. SUNDERMANN: I'm wondering, as a  
5 resident of Pleasant Street, which is a very  
6 pleasant street and -- and mostly individual  
7 homes; is that correct?

8           Obviously, if you were planning on  
9 putting this building in the middle of the  
10 block there, that would be gone. There is a  
11 difference between the fact that it is a  
12 corner building.

13           But I'm wondering how -- how -- how do  
14 the residents of Pleasant Street feel about  
15 this.

16           MS. WESTBROOK: I'm actually also a  
17 resident of Pleasant Street. I'm the  
18 tiniest house on that elevation map you keep  
19 showing. The one -- that one.

20           And I agree that, because it's at the  
21 corner, I don't find it offensive. And I  
22 feel like this is a -- like you never see  
23 this street as a view, so I don't feel like  
24 it will, you know, hinder my enjoyment of  
25 living on Pleasant Street at all.

1 MS. FIELD: And most of the residents  
2 are aware that the project is happening, and  
3 they received the notices.

4 We've had a few people reach out to us,  
5 asked to see the drawings. You know, and  
6 they're certainly not here objecting to the  
7 project today. You know, I think most of  
8 them are excited to see something happen on  
9 this vacant lot.

10 You know, the larger -- has also been  
11 approved at the site just to the west of  
12 this. So there's a vacant historic  
13 building -- that one is more -- right  
14 there.

15 And then across Pleasant Street --  
16 across Pleasant Street is -- the building  
17 we're talking about is on the northeast  
18 corner of Pleasant Street. The building on  
19 the northwest corner is also part of -- the  
20 larger one -- the project.

21 So there's still, you know, in that  
22 area, a number of vacant lots and buildings.  
23 And I think, in general, the residents in  
24 that area are excited to see something  
25 happen with this property.

1 MR. VOSS: I did have -- there are  
2 other people signed up, but they passed  
3 earlier.

4 Is -- does anybody else want to speak  
5 on this?

6 MR. BURKE: I'll just add -- sorry.

7 MR. VOSS: If you would, go ahead and  
8 identify yourself.

9 MR. BURKE: My name is Chad Burke. I'm  
10 with GBBN Architects, 332 East Eighth  
11 Street.

12 MR. VOSS: Thank you.

13 MR. BURKE: I think of any of the  
14 sites, Liberty Street can handle a little  
15 density. And I think that's been stated,  
16 but I wanted to reiterate that.

17 We do have a little bit of a tricky  
18 condition, because it does -- it is the  
19 cornering Pleasant Street, which is a very  
20 different street than Liberty. But on  
21 Liberty Street, there's definitely quite a  
22 bit of ability to accept height and  
23 density.

24 And what we've tried to do is -- is  
25 blend the building and step the building

1 back down into the context of Pleasant  
2 Street as you move north.

3 I think it should be noted -- you know,  
4 we -- we've noted that all the heights, or  
5 the different stories -- if you kind of  
6 scroll down -- of the buildings as they go  
7 to the north. Those don't include the kind  
8 of half-stories. Those buildings are  
9 actually taller, because they have all  
10 the attics that slope up, and actually  
11 are, by the middle of the building, full  
12 stories.

13 So the building directly to the north,  
14 it's actually three and a half, and it's a  
15 tall three and a half.

16 So our cornice height is very close, I  
17 would say within five feet, of the actual  
18 height of that three-story building to the  
19 north.

20 So we've done a lot of working with the  
21 height of floors and construction, details  
22 of the roof, to really get that height down  
23 as we move north.

24 MS. FIELD: And I think those roof  
25 lines that Chad was just referencing is what

1 accounts for the difference in perception  
2 that you see between the elevation drawing  
3 and the map that --

4 MR. VOSS: Anything else you'd like to  
5 add?

6 MR. BURKE: I think that's it.

7 MR. VOSS: Okay. Questions?  
8 Comments?

9 (No response.)

10 MR. VOSS: Then I would entertain a  
11 motion.

12 MR. ZIELASKO: I'll move to approve --  
13 while I'm doing that, I -- I think --  
14 I don't think the transition's  
15 egregious.

16 I appreciate the difference in scale.  
17 I appreciate trying to scale down the  
18 building to address that. I think that's  
19 the best (inaudible).

20 I move to approve the zoning variances,  
21 as outlined by Staff, and the certificate of  
22 appropriateness, also as identified by  
23 Staff.

24 MR. SIEMER: Second.

25 MS. GLOSBY: Ms. Smith-Dobbins?

1 MS. SMITH-DOBBINS: No.

2 MS. GLOSBY: Mr. Siemer?

3 MR. SIEMER: Aye.

4 MS. GLOSBY: Ms. McKenzie?

5 MS. MCKENZIE: I'm going to vote aye,  
6 but only because this is a corner building  
7 and it's a regular lot.

8 This is not something I would typically  
9 approve, based on mass.

10 MS. GLOSBY: Mr. Zielasko?

11 MR. ZIELASKO: Aye.

12 MS. GLOSBY: Mr. Sundermann?

13 MR. SUNDERMANN: Given the fact that  
14 there is no -- there's been no objection  
15 from the immediate neighbors, et cetera, I  
16 will vote aye.

17 MS. GLOSBY: Mr. Voss?

18 MR. VOSS: What she said.

19 Aye.

20 It's not -- this one isn't ideal.  
21 That -- as they say, hard cases make bad  
22 law.

23 This one's -- and I really do  
24 appreciate all the work you guys have put in  
25 to try to bring something together, but talk

1 about a lot of a moving parts.

2 All right.

3

4 - - -

5 PROCEEDING ADJOURNED AT 4:43 P.M.

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**600** 10:15

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