1416-1430 Central Parkway

Appeal of Decision #COA2021030/ZH20210086

of the City of Cincinnati

Historic Conservation Board

before the City of Cincinnati

Zoning Board of Appeals

Submitted on behalf of

Owner Downtown Property Management, Inc.

and Applicant to HCB - Luminaut

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Application for Appeal to the **Zoning Board of Appeals**

city of CINCINNATI

II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am- 4 pm
513-352-1559

Section 1. SUBJECT PROPERTY
ADDRESS 1416-1430 Central Pkwy COMMUNITY Over-the-Rhine
PARCEL ID(S) 81-2-205; 81-2-204; 81-2-598
BASE ZONING CLASSIFICATION CC-A ZONING OVERLAY (if applicable) HISTORIC, OTR

Section 2. APPLICANT
NAME WOOD & LAMPING LLP CONTACT PERSON (if legal entity) Kathleen F. Ryan Esq
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Section 3. OWNER/Applicant
NAME Downtown Property Management Inc/Luminaut CONTACT PERSON (if legal entity) Brama Kamineni / Jeremiah Hahn
ADDRESS 140 & 281 Central Pkwy/1100 Sycamore 2nd fl CITY Cincl STATE OH ZIP 45202
EMAIL jhahn@luminaut.com RELATIONSHIP TO OWNER (if not owner) Owner/architect
TELEPHONE 513-984-1070

AUTHORITY OF APPEAL - Indicate the appropriate section of 1449-03 that qualifies you to make an appeal

NATURE OF APPEAL - I am appealing a decision/order of the (indicate case #): #COA2021030/ZH20210086

Director of City Planning and Buildings (1449-13) ———

Zoning Hearing Examiner (1449-15) ———

Historic Conservation Board (1449-15) CZC § 1449-09 (b)

JUSTIFICATION FOR APPEAL - Attach a separate sheet explaining in detail the basis of your appeal.

SUBMISSION REQUIREMENTS

1. All appeal application transactions must be completed by 4:00 p.m. No exceptions.
2. The applicant is required by Section 1449-15(b) of the Zoning Code to file within 21 days of filing notice of appeal; a complete record of the proceeding along with a transcript of all testimony.

   FEES: Residential -- 1, 2, & 3, Family and Multi-Family/Commercial -- $300
3. Nine (9) hard copies and one (1) flash drive of the complete case file, including this application and a transcript of any public hearing if applicable. **No submittal will be accepted unless these materials are spiral bound, indexed and all pages numbered.**

Signature Kathleen F. Ryan Date 9/7/2021

Updated 07.25.19

city of CINCINNATI

Zoning Board of Appeals Checklist

II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am- 4 pm 513-352-1559

Appeals to the Zoning Board of Appeals ("ZBA") involve a two-step process. The ZBA will not schedule a hearing unless the appellant satisfies all necessary requirements before the applicable deadlines. **All appeal application transactions must be completed by 4:00 p.m. No exceptions.**

Phase I—Notice of Appeal

- ☒ A completed application form
- ☒ A letter explaining in detail the reason for filing the appeal
- ☒ A copy of the decision, order, or letter that is being appealed Exhibit A
- ☒ A non-refundable application fee: $300

Phase II—Perfection of the Appeal

All appeals from a hearing require the appellant to file a full record of that hearing, including a notarized transcript. The appellant bears the burden of producing the full record, including transcription fees.

The appellant must file nine (9) hard-copies and one (1) flash drive of the full record and notice of appeal within 21 days of filing the notice of appeal. All filings must be spiral bound, indexed, and all pages numbered with a table of contents. The filing must include the following documents:

- ☐ Nine hard copies spiral bound, indexed, and all pages numbered with a table of contents
- ☐ One digital copy provided by flash drive
- ☐ All documents from the Phase I filing (application, justification letter, copy of decision)
- ☐ Notarized transcript from the hearing
- ☐ Full record of the hearing

The ZBA meets the third Thursday of each month, but all meeting dates are subject to a quorum confirmation.

Learn more about the ZBA by visiting www.cincinnati-oh.gov/boards - select Zoning Board of Appeals.

Updated 07.25.19

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September 7, 2021

Zoning Board of Appeals
City of Cincinnati
II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202

Re: ***Appeal of Decision, Case # COA2021030/ZH20210086, 1416-1430 Central Pkwy***

Dear Members of the Zoning Board of Appeals,

This appeal is made on behalf of Luminaut ("Applicant" or "Appellant") regarding the decision rendered by the Cincinnati Historic Conservation Board ("HCB" or "Board") in Case No. COA2021030/ZH20210086, as to 1416-1430 Central Parkway. The HCB heard Applicant's request on July 12, 2021 and rendered its written decision on August 12, 2021, in which it denied part of Applicant's request and approved part of Applicant's request (Decision attached hereto as Exhibit A). Applicant, through counsel, duly appeals this decision to the Zoning Board of Appeals ("ZBA") and respectfully requests that the denial of the demolition of a contributing structure at 1416 Central Parkway, be reversed. Applicant is only appealing the demolition denial portion of the HCB Decision.

I. Project Summary

A. Existing Conditions, Zoning, and Proposed Uses

There are three parcels which were a part of this application to the HCB: (1) 1416 Central Parkway has 90' of frontage on Central Parkway and is at the corner of Central Parkway and Magnolia Street, owned by Downtown Property Management, Inc. ("Owner" or "DPMI");

(2) 1420 Central is adjacent to 1416 Central, has 30' of frontage on Central, and is at the corner of Central Parkway and Whetsel Alley, also owned by DPMI; and (3) 1424 to 1430 Central is a consolidated parcel that runs the entire 90' frontage along Central Parkway between Whetsel Alley to the south and W. 15th Street to the north, owned by Parkway Towers Associates, LLC (collectively the "Subject Property").[1]

The Subject Property is located in the Commercial Community-Auto-oriented "CC-A" District. It also includes an Historic District Overlay, governed under Cincinnati Zoning Code ("CZC") Chapter 1435. Specifically, the entire tract is located within the "Over-the-Rhine" ("OTR") Historic District. The Subject Property has obtained prior approvals from the HCB, had a number of proposals that were a part of this current application before the HCB, and has additional future plans for the tract. Between the prior, pending, and future approvals and plans for the Subject Property, the tract is proposed to be used as follows:

1. 1416 Central Parkway – Includes a heavily-altered "contributing structure" - Appellant proposes to demolish this structure. <u>The HCB's denial of this demolition is the subject of this appeal.</u> 1416 Central is intended to be a part of a larger project including the construction/rehabilitation of 1420 for hotel purposes;
2. 1420 Central Parkway – A "contributing structure" - Proposed rehabilitation/combined with new construction to build a new hotel, a permitted use in the district, in combination with 1416 Central parcel;
3. 1424 Central Parkway – Previously-approved demolition of a non-contributing structure; approved for use as outdoor drinking area for The Pitch Cincy by HCB on 8-27-2021 and is intended to eventually be part of the larger hotel project; and
4. 1430 Central Parkway – Previously-approved rehabilitation to a contributing structure which currently houses "The Pitch Cincy" drinking establishment; HCB approved demolition of the non-contributing portion of the building and approved a proposed infill at the site.

Including HCB's current and previous approvals, and Applicant's future plans for the site, the Property will include: (1) the preservation and rehabilitation of two of three contributing structures on the tract; (2) the demolition of one non-contributing structure and one non-contributing addition; and (3) the tract as a whole will ultimately include: The Pitch Cincy drinking establishment and a hotel, both of which will include some outdoor spaces.

[1] 1416 Central Parkway, 81-2-205, 1420 Central Parkway, 81-2-204, 0.061 ac.; and 1424 to 1430 Central Parkway 81-2-598, 0.227 ac..

This site is significant as it is along the Central Parkway corridor, directly across from the TQL Stadium. This is part of a larger redevelopment effort in the West End and Over-the-Rhine neighborhoods tied to the FC Cincinnati's stadium and related destinations.

II. Relief Requested.

Based on the Subject Property's location within the Over-the-Rhine Historic District, the Applicant sought, among other things, the demolition of the contributing structure at 1416 Central Parkway. Per CZC Sec. 1435-09, "No one shall…undertake a demolition, or receive any permit to do so, without first obtaining a Certificate of Appropriateness in accordance with this Section 1435-09…" As such, Applicant requested a COA from the HCB for the demolition of a contributing building at 1416 Central Parkway. The HCB's approval of such request turned on whether the Appellant's request for a COA to demolish the structure meets the standards found in CZC Sec. 1435-09-2(b). The HCB voted 5 to 1 to deny the Appellant's request for a COA to demolish the structure at 1416 Central Parkway. Such decision was in error and should be reversed.

III. Summary of Record/Evidence Presented.

A. Applicant's Documentation

Applicant Luminaut provided a justification letter dated (revised version) June 30, 2021 which supports the various points of relief requested by Applicant. In addition to that, the project developer Moment Development submitted a letter dated May 28, 2021 that discusses the various requests before the HCB, and specifically addresses and elaborates on the economic analysis and its adherence to the various factors found in CZC Sec. 14350-09-2(b)(aa) through (ff). This document is attached to this Notice of Appeal as Exhibit B.

Applicant provided thorough documentation to support its assertion that the structure at 1416 Central is not economically feasible and should be permitted to be demolished pursuant to the standards in CZC Sec. 1435-09-2(b). Applicant submitted detailed pro forma of four separate uses conceivable for the district: (1) Retail & Office; (2) Retail and Residential; (3) Residential Only; (4) Breakeven Pro Forma. All of these indicated the inability to economically maintain and sustain the proposed uses. These were further supported by details regarding profit and loss from the period of January 2018 through December 2020 (document dated 6-28-2021).

Applicant also submitted property comps for nine properties to further support the economic framework of the pro forma analyses.

Further, a letter was submitted by property owner representative Brama Ramineni, dated June 29, 2021, that explained several facts related to the Owner's ownership and management of the structure: e.g., "have been operating at a loss since we have owned it;" "we don't charge ourselves rent, and carry all the expenses of maintaining the building gin addition to property taxes, insurances, and operating expenses;" "no orders against us for neglect or violations from our local municipality or various departments;" and "we are unable to carry the losses we have incurred here for a number of years."

Applicant's pro forma relies upon evaluations made by licensed, well-regarded experts in structural engineering and construction. Applicant submitted a 15-page report of Advantage Group Engineering ("AGE") dated May 24, 2021. This report evaluates the structural components of the building to determine exactly what is needed to make the structure at 1416 Central stabilized. HGC Construction then provided a report dated May 27, 2021, which uses the findings of the engineer to price cost and scope of work, and breaks down those costs by the various structural components addressed.

The applicant then relies upon these findings, its past knowledge of the structure, numerous comps, and other various evidence to provide the four pro forma, none of which come close to yielding a finding of economic feasibility. All documentation provided to the HCB from Applicant comes from the owner with factual knowledge of the building, and licensed, reputable experts in their fields.

B. Opponent's Documentation

There are three documents submitted to the Record: (1) a June 30, 2021 email from Kevin Hassey, who also testified at the hearing; (2) a letter from Neighbors' counsel Sean Suder; and (3) a letter from Mary Burke-Rivers, who also testified at the hearing, written on behalf of the Over-the-Rhine Community Housing dated July 12, 2021. Mr. Hassey's email is confined to discussion of the design and scale of the proposed new construction. Ms. Burke-Rivers' letter discusses the whole project generally. She states that she opposes demolition but offers no additional analysis of the applicable demolition standard. Suder's letter offers the only substantive discussion of the opposition to the demolition, offering five points against demolition which are addressed later in this letter.

C. City's Documentation and City Staff Testimony

The City presented various ordinances and National Register documentation into the record. In addition to those District-wide items, the City provided three items from City Staff which address this project directly: (1) A June 22, 2021 letter from the Dan Bower, the Deputy Director for the Department of Economic Development for the City of Cincinnati. This letter confirms, through the City's independent analysis, the pro forma provided by Applicant as to the four methods; (2) An email to Beth Johnson from the Economic Development Department's John Reiser confirming that the Federal Tax Credit factor does not change the non-feasibility of the projects as asserted by Applicant; and (3) the Staff Report and supporting testimony of Urban Conservator Beth Johnson.

Ms. Johnson summarized the findings and conclusions in her Staff Report as follows. She recommended approval of the proposed demolition. Per her testimony, she summarized the project as found in the transcript pages 8 through 15. She notes that 1416 is a contributing structure in the district. Transcript, pg. 9. She notes that the original brick façade was at some point covered over with a Spanish Revival-style stucco, and that the removal of the Spanish style on the façade would cause significant, irreversible damage to the building. Transcript, p. 9. She notes that the changes to the original structure included the stucco, change in style, a reduction of window size, removal of window openings, replacement of original windows, and addition of a stepped-back parapet. Transcript, pg. 9. She mentions the assertion made by opponents that the building was built earlier, but notes that she has been unable to confirm this. Transcript, pg. 9. Ms. Johnson then goes into her analysis of the standard for demolition as provided under CZC Sec. 1435-09-2(b)(i) through (iii). Transcript, pgs. 10-14.

As to the question as to whether property owner is deprived of all economically viable use of the property under CZC Sec. 1435-09-2(b)(i), Johnson notes that the Applicant provided four pro forma findings of non-feasibility and included historic tax credit consideration within the analyses. Transcript, pg. 10-11. She also noted the analysis of the City's Economic Development staff which supports the reliability of the Applicant's pro forma conclusions. Transcript, pg. 11.

As to the question as to whether the reasonable, investment-backed expectations of owner are maintained under CZC Sec. 1435-09-2(b)(ii), Johnson noted that the owned acquired the structure in July, 1997. Transcript, pg. 12. She notes that the current façade was already in place at that time, and the time at which the current façade was installed is unknown. She again refers

to the construction and economic analysis presented by Applicant to find that the state of the building and its history means that the reasonable investment backed expectations of owner cannot be maintained without demolition. Transcript pg. 12.

As to the question of whether the economic hardship was created or exacerbated by the building owner under CZC Sec. 1435-09-2(b)(ii), Ms. Johnson observed that a construction company previously owned the building from 1978 until 1997. Transcript, pg. 12-13. She notes that staff reviewed the permitting and found no substantial building permits during the owner's tenure, but also no code violations. Transcript pg. 13-14. She also noted that owners have been operating at a loss since they acquired the building. Transcript pg. 13.

Johnson then concluded that she finds that Applicant has demonstrated by credible evidence that building cannot be reused or see a reasonable economic return, and reiterates that such conclusion is based on: (1) acceptable proforma; (2) the fact that the owner did not deliberately neglect maintenance of the property; (3) owner has not exacerbated or created the economic hardship; (4) DCED performed an independent economic analysis; and (4) the consideration of the use of federal historic tax credits does not make the structure viable. Transcript pg. 14.

D. Testimony of Applicant's Witnesses

Applicant had several witnesses available for testimony during the hearing, though not all testified. Those present and available to testify were as follows:

1. Ohm Patel, Moment Development
2. Jeremiah Hahn, Luminaut
3. Matt Erdman, Luminaut
4. Matthew Wirtz, Luminaut
5. Josh Tolchinsky, Advantage Group Engineers
6. Kevin Schubert. HGC Construction
7. Brama Ramineni, Owner DPMI

Mr. Ohm Patel, a representative of Moment Development, testified to the fact that the Applicant put together an expert team who found through their research and analysis that keeping 1416 Central is simply not feasible. Transcript, pg. 31-32. He noted that they reached out to the City's Economic Development Department regarding economic incentives, and that the City's economic development experts ended up concurring with Applicant with respect to the economic feasibility analysis, by way of their own, independent analysis. Transcript, pg. 32. Mr. Patel testified that the Applicant "ran the numbers" every way they could. Transcript pg. 33.

Matt Erdman of Luminaut also testified regarding the demolition of 1416 Central. Transcript, pg. 34-35. He noted that they initially looked at saving all three contributing buildings on the Subject property, but concluded that only two of the three could be saved. Transcript pg. 33. He noted that the Luminaut Firm is recognized for historic preservation and that they currently have multiple historic tax projects in the city. Transcript pg. 34. He described Luminaut as a, "pro-preservation firm." Transcript, pg. 35. He also noted that they worked with the City and community, meeting with the City's historic conservator 4-5 times and the OTR community council four times. Transcript, pg. 35.

E. Testimony of Neighbors

Two individuals testified in support of the project. John Walter testified generally in support of the proposed hotel use. Transcript, pg. 81-83. Ms. Jennifer LeMasters Wirtz testified that she was not there to talk about the demolition, and noted her general support for the project. Transcript, pg. 96. Another eight individuals testified in opposition to the project, only some of which noted their positions regarding demolition specifically.

Danny Klingler testified regarding the project generally, and his perception of the Applicant's engagement with the community. Transcript, pg. 45-46. He then complains of the scope of the proposed hotel use, despite the hotel's status as a permitted use in the district, citing the scale of 90 units and speculating regarding the quality of the hotel operator to be chosen. Transcript, pg. 48. He then mentions he believes it to be a canal building, and discusses his opposition to the proposed scale of the new construction. Transcript, pg. 48-50. Mr. Suder then asks him a few direct questions regarding the scale and setback of the proposed new construction. Transcript, pg. 51-54. There is no substantive testimony regarding the demolition.

Margy Waller testified in opposition to the application. She provides her history with Over the Rhine. Transcript, pg. 55. As to 1416 Central, she discusses her opposition to the proposed demolition but offers no substantive analysis of the proposal's adherence or non-adherence to the demolition standards of CZC Chapter 1435. She also provides no substantive response to the Applicant's assertions, instead making cursory statements regarding her disbelief of their conclusions.

Specifically, she states that she is, "confused" about demolition, saying it, "seems impossible…strains any kind of logic." Transcript, pg. 56. She notes that we are "temporary caretakers" of historic buildings, and that she finds the building to be a special building, on the

canal. Transcript, pg. 56-57. She then states that "the question is whether the building has a viable use…it clearly does…It's been used for over three decades." This is not an accurate description of the standard for demolition found in CZC Sec. 1435-09-2(b). She then closes her testimony with a discussion of her opposition to the zoning district applicable to the area. Transcript, pg. 58-61.

Mary Burke-Rivers then testifies regarding her association and background with Over-the-Rhine Community Housing. Transcript, pg. 62-65. She offers some generalized discussion of her opposition to the project, but provides no meaningful analysis of the demolition's adherence to the CZC demolition standard.

Holly Ragusa testified on the background and experiences regarding the renovation of her own building and her living in the neighborhood, and simply states that the "canal building" is "irreplaceable." Transcript, pg. 76-79. She also provides no meaningful analysis of the demolition's adherence to the CZC demolition standard.

Cincinnati Preservation Association Director Paul Muller testified in opposition to the demolition. Transcript, pg. 84-85. He simply stated that he appreciates that the Applicant proposes keeping two of the three contributing structures, but believes there should be a, "closer look" at the feasibility of 1416 Central. Transcript, pg. 84. He then notes that the height of the proposed new construction along Magnolia is a concern. Transcript, pg. 85. He also provides no meaningful analysis of the demolition's adherence to the CZC demolition standard.

Kevin and Roseann Hassey testified regarding the density and height of the proposed new construction, the "back and forth" with the Applicant on the community level, objected to the scale and height of the new construction, and expressed concern regarding the transient population brought by a hotel. Transcript, pgs. 85-92. Neither testified in opposition to the demolition specifically.

Michelle Avery-Keely provided the most specific comments regarding the Applicant's demolition-related assertions, but all points were later rebutted by the Applicant. Transcript, pg. 93-96. Specifically, Ms. Avery Keely stated:

> The economic hardship case to demolish it has not been proven. The contractor's estimates for stabilization include a new automatic fire sprinkler system throughout that would not likely be needed if the building were to be renovates as a continuation of the current occupancy type. Sprinkler system is a big-ticket item. The economic analyses all use this inflated cost making it much more difficult to show economic viability. And if an existing use were continued, there's be fewer changes to the building. No effort has been made to find

> a buyer that would want the building for a use that is more compatible with the existing structure. Transcript, pg. 93

Mr. Patel later testified in rebuttal to Ms. Avery-Kelley's assertion that the fire suppression was all that stood in the way of an economically-feasible building. He noted that of all the details analyzed with respect to necessary project considerations, the fire-suppression cost is a, "drop in the bucket". Transcript, pg. 113.

Ms. Avery-Keely then went on to state as follows:

> The owners have owned the building for over 24 years and have not maintained or repaired the building. A statement on the staff report claim that changes made over the years are irreversible, but this has not been substantiated. It seems possible that the brick arches that formed the original openings are intact behind the stucco and may still be usable. More investigation on the building is needed. Transcript, pg. 93-94.

Such bare assertions by Ms. Avery-Keely completely ignore the fact that the City's own expert staff Beth Johnson acknowledged that the building could not be returned to its original state. Transcript, pg. 9. AGE's expert report notes that simply to correct the water damage in the brick that is underneath the stucco requires, "up to 50% brick replacement and 100% tuckpointing," AGE Report, pg. 1. And, the testimony of Ms. Avery-Keely as to the façade preservation ignores the numerous other aspects of the structure that make the preservation of it economically infeasible. Ms. Avery-Keely then closed with a discussion of her opposition to the design and scale of the new construction, and the proposed outdoor areas. Transcript, pg. 94-96.

F. Cross and Rebuttal of Applicant's Witnesses

On cross-examination by Sean Suder, Mr. Ramineni testified that the owner, Downtown Property Management, Inc., purchased the building in 1997. Transcript, pg. 68. He noted that the building has been, "barely used," – that they are, "maintaining the office just to keep it maintained, but it is in substantially bad shape…." Transcript, pg. 68. He stated that the owner opened its offices there in 2001, and that there have been no alterations to the building, except for some recent outside painting work concurrent with the stadium opening. Transcript, pg. 68.

Mr. Ramineni testified that the owner had tenants previously – a lithograph company, a construction company, and an attorney's office who were there when they bought the building, and that, "over the course of time, the building has been substantially needing work. And as the people moved out, it's very hard to rent it now." Transcript pg, 69. Suder asked why the owner, didn't make "necessary repairs." Mr. Ramineni testified on cross, "[w]e would like to maintain a

building and develop it, that's our goal." Transcript, pg. 70. He testified that 1416 Central is not a viable building – noting the steep staircases in the front and back, the fact that there is no elevator; that they, "can't just put an elevator in wood joint building that's crumbling," and that the building is, "beyond repair." Transcript pg. 70.

When Suder suggested the owner, "let it deteriorate," Mr. Ramineni stated that they did not. Transcript, pg. 70. Ramineni stated, "the way it sits, there's no way you can do some repairs in it and make it code compliant. You'd have to have handicap access. You'd have to have an elevator in it in order for it to maintain. You cannot do it on this building. This is what we do for a living. This building is beyond repair, based on the code compliant." Transcript, pg. 71. On redirect, Mr. Ramineni confirmed that the owner has maintained the building, that the foundation is bad, but that the owner has had no code violations issued for the building. Transcript, pg. 74-75.

Matt Erdman testified that it is not about whether it's possible to renovate a building, it is whether its economically possible – and he noted, "[t]hat specific [Spanish Revival] design would not be approved by the current [City historic] guidelines…." Transcript, pg. 105. Mr. Erdman testified regarding the impact the stucco addition has had on the structure over time – discussing the water infiltration and significant deterioration of structural integrity of the brick due to the stucco. Transcript, pg. 106. Erdman testified that the harmful renovation to the building decades ago has contributed to the deterioration of the structural integrity of the building. Transcript, pg. 106. He described the brick separating from joists, and the lateral failure and some vertical failure in the basement. Transcript, pg. 106. This testimony confirms that the stucco addition added by a prior owner is a significant factor in the deterioration of the building generally, and consistent with Mr. Ramineni's testimony, that the foundation of the structure is in significant disrepair that has been underway for a long time.

G. HCB Question to Applicant Witness

HCB Chairman Voss asked Mr. Ramineni if there, "has there been an attempt in the last couple of years to sell this property to anyone else?" Mr. Ramineni stated in response:

> We did – I mean, it wasn't listed to no real estate agent, but we did have a discussion with multiple developers, 3CDC, Model Group and they approached the building multiple ways to see what they could do for a development plan, and they figured it's not a viable structure, and they really couldn't come up with any kind of positive use for the building. So they backed out. Transcript, pg. 127-128.

IV. ARGUMENT – The record demonstrates that the request meets the standards of CZC Sec. 1435-09-2(b).

A. The HCB's Decision is unsupported by the record.

The decision of the HCB to deny the proposed demolition of 1416 Central Avenue is, "illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record," and should be reversed.[2] The HCB states, "the Applicant's justification for demolishing the building is based on the premise that the building is in such disrepair that it cannot be rehabilitated or sold for the purposes of rehabilitation without suffering a financial loss…the Applicant…failed to introduce evidence that sufficiently establishes the Applicant's Argument." Exhibit 1, Decision, pg. 5. The Applicant submitted voluminous analyses on the necessary repairs on the building, as shown by Advantage Group Engineers, support for the costs of those repairs by HCG Construction, extensive pro forma regarding four different scenarios based on AGE and HGC, and nine nearby property comps. Such analysis was supported further by an additional letter by Ohm Patel further explaining the analysis (attached hereto as Exhibit B), testimony by the Applicant's representatives, and a third-party, unbiased analysis by the City's Economic Development Department that was consistent with the Applicant's.

Further, the Applicant took the time to evaluate the economics of the structure with conceivable federal Tax Credit incentives, and nonetheless found, based on a variety of permissible uses, that the structure is not economically feasible to save. The HCB states, "it cannot be ignored that other development scenarios for the Property may have the potential to reduce the hardship of which the Owner complaints." Exhibit A, pgs. 5-6. However, the Applicant provides pro forma for four uses, and extensive evidence from AGE and HCG regarding repairs and stabilization that are *systemic* structural issues that are relevant to any use for the site. HCB wrongly denies the demolition in part based on the idea that there must be something out there that works, without providing any reference in the record as to how it comes to that conclusion.

The HCB wrongly denies the demolition request based in part on the fact that there have been no, "outstanding building code or complaints from neighboring property owners of blight or disrepair." Exhibit A, pg. 5. And the HCB also concludes the demolition should be denied

[2] CZC Sec. 1449-17.

because, "the building has been occupied since its most recent purchase and is still occupied and in use today, at least in part, as an office." This finding ignores the fact that the Owner testified that the owner has operated at a loss, occupying only a usable part of the building. Mr. Ramineni's testimony regarding the poor foundation, and various deteriorating conditions that are impossible to bring up to code in a feasible way, are conditions that were in place prior to the owner's possession of the building, or are conditions that contributed to the building's natural deterioration over time. The fact that the owner has attempted to occupy a part of the building over the period of time during which these conditions naturally worsened, does not undercut the economical feasibility standard clearly met by Applicant.

Every building experiences aging. The question is whether this building has experienced aging in a manner with which it is economically feasible to keep pace on maintenance. As testified to by Applicant, it has not been economically feasible to keep the structure at even minimum maintenance levels, and the variety of uses possible in the district (retail, office, residential) do not support economic feasibility at this structure. Simply maintaining the building at minimum levels, with partial occupancy for over twenty years, has been accomplished at a financial loss the entire time. The Applicant addressed each standard of CZC 1435-09-2-(b) within its letters, expert analyses and reports, and testimony. The record supports approval of the COA for demolition, and such COA should have been granted2.

B. The opponents' testimony and evidence does not adequately rebut the evidence presented by Appellant.

The Applicant presented a variety of credible evidence regarding the demolition's adherence to CZC 1435-09-2(b). The opponents to the application simply did not present documentation or testimony adequate to overcome the Applicant's evidence and testimony. Attorney Sean Suder represented a number of the nearby residents, who testified in opposition to the application. Suder objected to the absence of the City's Economic Development Director who authored the letter and cited his inability to cross-examine that person on the City's document, but he also made no effort to undermine or cross-examine those representatives of the Applicant who were present and who made similar assertions as to economic feasibility.

Applicant's representatives who created the pro forma, found the comps, completed the structural report and construction estimates, were all present at the hearing. Suder did not cross-examine those individuals in an attempt to undermine the validity of their assertions. He also presented no witnesses, expert or otherwise, to critique or challenge the Applicant's or City's pro forma whatsoever. Instead, a few individuals made bare assertions that they disagreed with it, but the data provided by both the Applicant and the City was wholly unrebutted by any meaningful analysis. Additionally, no experts were present to testify in opposition to the evidence provided by Applicant regarding structural assessments, construction costs assessments, and economic assessments.

Suder's letter offered the following five points in his letter to support his assertion that Applicant has not established the requisite economic hardship, which are followed **in bold** by Applicant's responses.

1. The building is currently being used by the property owner as an office and has been since at least the early 1990's. While an opportunity has arisen to sell the property for demolition, this choice is not available to the property owner as the building is operational and is a going concern. **The fact that a building is being used does not mean that the economics of continuing to maintain the building and use it in an economic way per CZC 1435-09-2 is feasible. It has not been economical in its current form for the Owner historically, and pro forma show that any potential changes to it are not economical, either.**

2. The building is in use and any economic hardships are the result of the property owner attempting to sell the property for demolition and redevelopment as a hotel. The property owner did not make any claims of economic hardship prior to receiving an opportunity to sell the property for demolition. **The Applicant would only have made a claim of economic hardship in the context of an administrative request that requires a showing of one, which the Applicant is doing here. The economic hardship is a result of various conditions of the building that have been in place and deteriorating since long before the current owner owned the building, and in a way with which the Owner cannot keep pace in an economical way. This includes the façade change and impact that has had on water, foundational issues, wood frame construction, etc. as testified to by Erdman and Ramineni, and as shown in the documentation provided by AGE, HGC, Luminaut, and Moment.**

3. Any deterioration or maintenance challenges of the building have been in the complete control of the property owner as the user and steward of the building. The property owner cannot claim building conditions that they had control over as a basis for demolition. **The building owner testified that it has operated at a loss since obtaining the building, that when tenants left it had trouble replacing those tenants, that it has historically only occupied only part of the building, and even though it owns the**

building and pays no rent, there is still a constant economic loss. The owner has maintained the building as is required, and has had no code violations. As explained above, the natural deterioration of the building is something that occurs to all buildings over time despite ongoing minimal maintenance, and in this particular case, this building is at a point and of a condition where that natural progression of deterioration has outpaced the type of minimum maintenance that is economically feasible.

4. Any alleged economic hardship can be mitigated through numerous programs including federal and state historic tax credits that could be used to rehabilitate this important pre-Civil War canal building. Those programs should be explored as a first step in the redevelopment process. **The Applicant presented its experts who are well-versed in historic preservation and state and federal tax incentives. The Record indicates that all of those avenues have been sought, evaluated, and exhausted. The City's economic development representative confirmed this independently as well.**

5. They may have been interior alterations and some exterior alterations made to the building over time, but the canal building in its historic context is listed and remains a contributing building in the Over-the-Rhine Historic District. **The Applicant does not dispute that the building is listed on the contributing structures list. This fact is why Applicant was before the HCB, and is now before ZBA, requesting a COA for demolition.**

C. The decision is fully supported by the recent decisions in the Hamilton County Common Pleas Court and First District Court of Appeals, Banker's Choice, LLC v. Zoning Bd. of Appeals, 2021-Ohio-1206.

The First District Court of Appeals recently ruled on a similar dispute in *Banker's Choice, LLC v. Zoning Bd. of Appeals*, 2021-Ohio-1206. The *Banker's Choice* case is analogous the case before the ZBA, and its authority should be considered. In *Banker's Choice,* the applicant applies for the demolition of contributing structures in the Over-the-Rhine historic district, asserting that a COA for demolition should be approved under CZC Sec. 1435-09-2(b). The Court's findings in *Banker's Choice* can be applied to this case.

1. Denial of All Economically Viable Use

"In determining whether a regulation has deprived a property owner of all economic value, a court's concern is 'not whether [a] property is capable of being used,' but whether it is capable of being used in an 'economically beneficial or productive' manner.'" *Banker's Choice* citing *State ex rel. AWMS Water Solutions, L.L.C. v. Mertz*, Slip Opinion No. 2020-Ohio-5482, ¶ 47. In this case, the fact that the property has been used historically is inapposite. The use as-is has been shown to be a financial detriment to owner, and the Applicant evaluated commercial

and residential uses as part of the pro forma to support its assertion that saving the building is not economically feasible. It has not been economical in its current form for the Owner historically, and pro forma show that any potential changes to it are not economical, either.

"A regulation denies an owner all economically viable use of the owner's land if it restricts the use of the land so as to 'render it valueless, the permitted uses are not economically feasible, or the regulation permits only uses which are highly improbable or practically impossible under the circumstances.'" *Banker's Choice* citing *State ex rel. Ridge Club v. Amberley Village*, 1st Dist. Hamilton No. C-070012, 2007-Ohio- 6089, ¶ 13. Again, here, the pro forma provided by Applicant and further analyzed separately by the City shows that a number of probable uses do not work. The fact that there is some improbable, unimagined use out there that could work does not undercut the Applicant's case.

> The court addressed the possibility of other buyers of property:
>
> The city argues that the trial court was required to consider whether Banker's Choice could have realized a profit had it accepted one of the offers it received to purchase the building. However, an owner's ability to sell an affected property does not constitute an economically beneficial use; "[t]ypical economic uses enable a landowner to derive benefits from land ownership rather than requiring a landowner to sell the affected parcel." *Mertz* at ¶ 48, quoting *Lost Tree Village Corp. v. United States*, 787 F.3d 1111, 1117 (Fed.Cir.2015).

HCB states in its decision, "evidence was introduced at the hearing that the current owner at 1416 Central Parkway has received at least one offer to buy the building at 1416 Central Parkway and the offer did not include plans to demolish the building." This is both inaccurate and unsupported by law. Ramineni testified that even when it had reputable entities considering the development of the structure– 3CDC, Model Group, etc., that these organizations backed out of the deal and declined to purchase the property. And even if these potential buyers/developers had offered, per *Banker's Choice,* the Applicant's case for economic feasibility cannot require the Applicant/owner to be required to sell to anyone in particular; it is about whether the party seeking the COA is able to, "derive benefits of property ownership," from the land.

The Court in *Banker's Choice* found that the building at issue in the case was badly deteriorated, the HGC construction provided estimates to support the assertion that the structure's rehabilitation is not economically feasible. The Court stated, "[i]n its discussion of economically viable use of the property, the trial court noted that the building was 'crumbling,'

'dangerous,' and 'not in good shape whatsoever,' and that even the city had referred to it as 'vacant, unsafe, unsanitary and deteriorating.'" Here, the building at issue has only been able to be partially occupied for many years due to the building's deteriorating condition, and the owner has done so at a continuous financial loss. Advantage Group Engineering found the building, in "poor to fair condition." The report states that the, "rubble stone foundation wall is severely undermined at the northwest corner," "significant void under the wood basement floor," that is a, "big unknown," with, "no viable commercial use." AGE Report, pg. 10, 11, 14. HGC's supporting evaluation of costs to make the building minimally stabilized resulted in significant costs.

In *Banker's Choice,* the court stated that it "found and specifically stated in prior decisions that Banker's Choice presented credible evidence from experts in the field of property restoration and the financial aspect of property restoration that the Davis Furniture Building would be economically not viable." Similar to this case, the Applicant Stough in *Banker's Choice* hired, "HGC Construction to do an independent cost assessment, as Stough explained, 'to develop a cost for putting the building back into service.' Harris admitted that HGC Construction was one of the most reputable contractors in Cincinnati and that its estimate of $3.34 million, though substantially greater than that provided by Stough, was 'credible.'" Here, no City expert or opponents have even questioned the validity of the assessments made by AGE or HGC at all. Nobody has accused them of being inflated or unreliable. Representatives were available for cross-examination and for questioning by the HCB, and no one asked them any questions or challenged their reports whatsoever. And yet, the HCB found these and the equally unchallenged and unquestioned pro forma analyses to be inadequate evidence to support Applicant's economic infeasibility claim.

2. Reasonable Investment-Backed Expectations

The Court in *Banker's Choice* stated:

> As a developer of properties in the area, Banker's Choice was aware of the historic-preservation provisions of the zoning code at the time it purchased the building. It was the expectation of Banker's Choice to restore the property if economically feasible, and if not, to obtain a certificate of appropriateness for demolition. The record supports the trial court's determination that, due to the economic infeasibility of restoration, Banker's Choice's reasonable investment backed expectations would not be maintained without approval of a certificate of appropriateness for demolition.

Here, Downtown Property Management, Inc. purchased the building in 1997, seventeen years before the building's 2014 recognition as a contributing structure. Even so, as Ramineni testified, Downtown property Management, Inc. has a history of maintaining and developing buildings in the downtown and OTR area. DPMI has all the knowledge and experience needed to make the structure work economically, and yet the structural limitations of the building prevented DMPI from doing so. DPMI struggled to replace the tenants that were previously in place in 1997, despite the fact that DPMI is in the business of renting, and it operated at a loss with this structure for the twenty or so years it utilized part of the building for office space. DPMI maintained the building the best it could, lost some money in the process, and now the building is shown to have certain long-standing characteristics and a trend of natural deterioration that cannot be resolved economically. As Mr. Ramineni testified to on cross, "[w]e would like to maintain a building and develop it, that's our goal." Transcript, pg. 70. As Erdman testified to, they initially looked at saving all three contributing buildings on the Subject property, but concluded that only two of the three could be saved. Transcript pg. 33. And, two of the three contributing structures on the Subject Property *will* be saved in the process, because doing so for two of the three was economically feasible. The owner's reasonable, investment-backed expectations at this site have not been met, and can only be accomplished through the demolition of the structure, while saving the other two contributing structures.

3. Was the Hardship Created or Exacerbated by the Property Owner.

In *Banker's Choice*, the Court evaluated the trial court's analysis of this factor:

> The [trial] court found that even before Banker's Choice bought the building, it had been deteriorating and unsafe and that the city had had problems with the building. The court rejected any argument that Banker's Choice exacerbated its economic hardship by "its tactics regarding the offers made to buy the building, marketing techniques, etc." The court found that the record was devoid of credible evidence showing that Banker's Choice did anything to **exacerbate** the economic hardship. (Emphasis added).

Here, Ramineni testified that the building has deteriorated over time – "over the course of time, the building has been substantially needing work. And as the people moved out, it's very hard to rent it now." Transcript pg, 69. Erdman testified that the longstanding façade alterations, completed before the owner owned the building, caused water leakage that contributed to the building's deterioration. Transcript, pg. 106. The AGE report shows that the brick underlying the stucco would require significant replacement. AGE Report, pg. 1. The Engineering report

provides significant issues related to the 100-plus year-old rubble foundation, and indicates that the floor joists do not support commercial use. AGE Report, pg. 10, 11, 14. Ramineni indicated that the wood joists likewise don't support the installation of an elevator, and that the accessibility of the building is an issue. Transcript pg. 70. These facts indicate a linear pattern of gradual deterioration, naturally occurring due to many of the characteristics of the building that have been in place a long time, or since its origin. The owner has done nothing to *exacerbate* what would already be occurring with this structure, despite its basic maintenance efforts.

V. Conclusion.

The Applicant has presented credible evidence that the proposed demolition meets the standards of CZC 1435-09-2(b). The Applicant has presented extensive documentation and testimony from the developer, the architects who are also experts in preservation and tax incentives, and from licensed engineers and an experienced and reliable construction firm. City staff in the historic preservation department and in economic development have independently verified the validity and reliability of Applicant's analysis and assertions. Opponents have provided no meaningful rebuttal, no attempted to challenge or dispute the specific findings of Applicant. And finally, the recent case law in the First District Court of Appeals that analyzes this very subject shows that the HCB's decision is unsupported and should be reversed. Appellant respectfully requests that the Board's denial of Appellant's request to demolish the contributing structure at 1416 Central Parkway, be reversed.

Sincerely,

Kathleen F. Ryan
Attorney for Appellant

Witness List

1. Ohm Patel, Moment Development
2. Jeremiah Hahn, Luminaut
3. Matt Erdman, Luminaut
4. Matthew Wirtz, Luminaut
5. Josh Tolchinsky, Advantage Group Engineers
6. Kevin Schubert. HGC Construction
7. Brama Ramineni, Downtown Property Management, Inc. (owner)

DECISION
HISTORIC CONSERVATION BOARD
CITY OF CINCINNATI
DATE OF DECISION: AUGUST 12, 2021

APPLICANT: **Luminaut**

CASE TYPE: **COA/Zoning Relief**

CASE NO.: **COA2021030/ZH20210086**

PROPERTY: **1416-1430 Central Parkway Cincinnati OH 45202**

SUMMARY OF REQUEST:

Luminaut (the "Applicant") requests a Certificate of Appropriateness ("COA") to demolish a non-contributing addition at 1430 Central Parkway, demolish a contributing building at 1416 Central Parkway, for new construction at 1416-1430 Central Parkway and for Zoning Relief for an outdoor eating and drinking area with entertainment.

SUMMARY OF DECISION:

The application is **APPROVED in part and DENIED in part**.

PUBLIC HEARING:

The Historic Conservation Board (the "Board") conducted a public hearing (the "Hearing") on the above-cited application and is charged with evaluating the credibility of all witnesses and issuing findings of fact and conclusions of law based on the testimony and evidence presented to it.

The Board mailed notice to all persons entitled to receive notice of the application. Also, the Board published prior notice of the Hearing on the application in The City Bulletin. A quorum of Board members under Section 5 of the Rules of Procedure were present throughout the Hearing.

The Board recorded the Hearing, and a copy of the recording is available for review and transcription from the Office of Administrative Boards. Similarly, a representative from Elite Court Reporting Agency, LLC recorded the Hearing stenographically, and a transcript of the proceeding is available upon request.

FINDINGS OF FACT:

Based on the report and recommendations of Historic Conservation Office staff, the evidence submitted by the applicant and other concerned persons, and sworn testimony presented at the Hearing, the Board makes the following findings of fact and conclusions of law:

APPEAL LETTER EXHIBIT A

1. This matter concerns the real property commonly known as 1416-1430 Central Parkway and more particularly identified as Hamilton County Auditor's parcel nos. 081-0002-0205-00, 081-0002-0204-00, 081-0002-0202-00, 081-0002-0201-90 (the "Property").

2. The Property is located in the CC-A, "Commercial Community Auto", Zoning District, in the Over-The-Rhine neighborhood,[1] and within the area designated as the Over-The-Rhine Historic District (the "District").

3. The Property currently contains a combination of contributing buildings, non-contributing buildings and a parking lot.

4. The Applicant's application for relief (the "Application") includes several proposals and requests as part of one larger project:

    a. The Applicant is requesting a COA to demolish the contributing building at 1416 Central Parkway due to economic hardship.

    b. The Applicant previously received approval to demolish the non-contributing building at 1424 Central Parkway and now requests COA approval to demolish the non-contributing addition to the building at 1430 Central Parkway.

    c. The Applicant is requesting a COA for infill development at 1416-1430 Central Parkway which includes:

        i. New construction at 1416 Central Parkway that would extend into the existing parking lot in the rear at 216-222 Magnolia Street. The Applicant proposes the infill development along 1416 Central Parkway to be a three-story building at the street line with a fourth story setback from the street. The rear of the building proposed along Magnolia Street would maintain a three-story façade along the street line with a fourth story set back from the street.

        ii. Rehabilitating and renovating the building located at 1420 Central Parkway including façade changes and removing the large garage door on the 1st floor.

        iii. New construction at 1424 Central Parkway and 1430 Central Parkway including infill development of one structure that will maintain two distinct facade treatments and will be three stories at the street line with a fourth story set back from the street. The Applicant proposes installing skyway connections over the alley between the structure at 1424, 1430 Central Parkway and the rehabilitated structure at 1420 Central Parkway at the second, third and fourth levels.

    d. The Applicant is requesting Zoning Relief to allow two outdoor areas on the Property (one courtyard area and one rooftop area) for eating, drinking and entertainment that collectively

[1] Cincinnati Municipal Code Section 1400-17 and Map Section 1400-17.

exceed the permissible amount of square footage allowed on the Property which is within 500 feet of a residential district.

5. A representative for the current owner of the Property at 1416 Central Parkway testified that 1416 Central Parkway is in substantially poor condition and that only a small portion of the building is being put to any economically viable use – currently as an office. He further testified that the building is very difficult to maintain, and it is not practical or economically viable to rehabilitate.

6. A representative of the Applicant, Matt Erdman, testified that there was broad community engagement, that the community does not speak with one voice, and that there were many different preferences coming from the community regarding the design of the new construction. He discussed the extensive structural deficiencies with the building at 1416 Central Parkway and argued that a previous renovation that took place (Spanish stucco) would not have been approved by today's historic conservation standards and thus much of the historic character has been lost.

7. Several members of the community including Danny Klingler, Margy Waller, and Mary Rivers as well as attorney Sean Suder and others argued that the demolition of the building at 1416 Central Parkway and the proposed new construction on the Property did not comply with the certificate of appropriateness standards. Among other arguments contained in the record, they argued that the building at 1416 Central Parkway has historic value and should be preserved, there was insufficient evidence to prove an economic hardship claim, and that the new construction is out of context for the adjacent residential neighborhood and the scale of the new construction would adversely impact adjacent properties.

8. Urban Conservator, Beth Johnson submitted to the Board a report concerning the application (the "Report"). The Report is 31 pages and dated June 23, 2021. The Report contains a summary of the requests, as well as a professional analysis and opinion, including a recommendation. The Report recommends approval of each request.

CONCLUSIONS OF LAW:

1. City Administrative Code ("CAC") Article XXX, Section 4 establishes the Board and empowers it to "have the duties and powers imposed by ordinance and [administrative] code."

2. CMC Section 1435-05-4 designates the Board to function as the Zoning Hearing Examiner concerning requests for zoning relief in Cincinnati's local historic districts.

3. CMC Section 1435-05-4 provides that "[t]he Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the 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 property is located and either:

a) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset; or
b) Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below."

4. CMC Section 1435-09-2 sets forth the procedure for which the Board is to consider certificate of appropriateness applications and provides that "[n]o one shall make an alteration or undertake a demolition, or receive any permit to do so, without first obtaining a Certificate of Appropriateness."

5. CMC Section 1435-09-1-(b) provides that "[t]he Board may approve, approve with conditions, or deny an application for a Certificate of Appropriateness."

6. CMC Section 1435-09-2 establishes that "[t]he Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:

   a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or

   b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the Certificate of Appropriateness is not approved."

COA Demolition of Contributing Building – 1416 Central Parkway

7. The owner of the building at 1416 Central Parkway has not sought to demonstrate that its demolition conforms to the applicable conservation guidelines and instead claims that it will suffer economic hardship if it is not permitted to demolish the contributing building. Accordingly, the Board has limited its analysis to whether the Owner has demonstrated "economic hardship" pursuant to CMC 1435-09-2 (b).

8. CMC Section 1435-09-2 (b) establishes that the Board shall consider all of the following factors when determining whether the property owner has demonstrated an economic hardship:

   a) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;

   b) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and

   c) Whether the economic hardship was created or exacerbated by the property owner.

9. In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

a) A property's current level of economic return;
b) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;
c) The feasibility of alternative uses for the property that could earn a reasonable economic return;
d) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
e) Knowledge of landmark designation or potential designation at time of acquisition; and/or
f) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

10. After considering the recommendations of the Urban Conservator and the evidence and testimony provided at the Hearing, the Board determines that the current owner at 1416 Central Parkway and the Applicant have not demonstrated that they will suffer economic hardship if they are not permitted to demolish the building at 1416 Central Parkway.

THE OWNER FAILED TO DEMONSTRATE THAT IT WILL SUFFER ECONOMIC HARDSHIP

11. The evidence and testimony provided at the Hearing indicate that the current owner at 1416 Central Parkway failed to show that it will suffer economic hardship if it is not permitted to demolish the building.

12. The Board finds that the evidence does not demonstrate that all economically viable use of the Property will be deprived without approval of the COA.

    The Applicant's justification for demolishing the building is based on the premise that the building is in such disrepair that it cannot be rehabilitated or sold for the purposes of rehabilitation without suffering a financial loss. However, the Board finds that the Applicant failed to introduce evidence that sufficiently establishes the Applicant's argument. Instead, evidence was introduced at the hearing that the current owner at 1416 Central Parkway has received at least one offer to buy the building at 1416 Central Parkway and the offer did not include plans to demolish the building.

    Furthermore, although the Applicant argued that the building is in a significant state of disrepair, no evidence was introduced that the building currently has any outstanding building code violations or complaints from neighboring property owners of blight or disrepair. In fact, evidence was introduced that the building has been occupied since its most recent purchase and is still occupied and in use today, at least in part, as an office space.

    Finally, the Board finds that the building, despite past alterations and updates, still maintains its historic character and nature and contributes to the District.

    The Board does not question the Owner's desire to operate a hotel on the Property. But, for the purposes of the economic hardship analysis, it cannot be ignored that other development

scenarios for the Property may have the potential to reduce the hardship of which the Owner complains.

CONCLUSION

13. Upon motion duly made and seconded, a majority of the Board members present voted to **DENY** the application to demolish the building located at 1416 Central Parkway, finding that the owner of the building at 1416 Central Parkway and the Applicant have not demonstrated by the preponderance of the credible evidence that it will suffer economic hardship.

14. The following is a record of the motion to deny the Application:

Affirmative	**Negative**	**Recused**
Ms. McKenzie	Mr. Voss	
Mr. Sundermann		
Mr. Zielasko		
Mr. Weiss		
Ms. Smith-Dobbins		

COA to Demolish Non-Contributing Addition at 1430 Central Parkway

1. The Over-the-Rhine Historic Guidelines (the "Guidelines") generally allow for demolition of existing buildings when the demolition request is for an inappropriate addition or a non-significant portion of a building and the demolition will not adversely affect those parts of the building which are significant as determined by the Board.

2. After considering the recommendations of the Urban Conservator and the evidence and testimony provided at the Hearing, the Board determines that the Applicant demonstrated that the building addition at 1430 Central Parkway is a non-contributing addition and thus the requested COA is appropriate.

CONCLUSION

3. Upon motion duly made and seconded, a majority of the Board members present voted to **APPROVE** the application to demolish the non-contributing building addition located at 1430 Central Parkway, finding that the Applicant demonstrated that the demolition was appropriate for the District.

4. The following is a record of the motion to approve the Application:

Affirmative	**Negative**	**Recused**
Ms. McKenzie		
Mr. Sundermann		
Mr. Zielasko		
Mr. Weiss		

Ms. Smith-Dobbins
Mr. Voss

COA for In-fill development at 1416-1430 Central Parkway

1. The Applicant contends that the proposed new construction at 1416-1430 Central Parkway substantially conforms with the District Guidelines pursuant to CMC 1435-09-2 (a).

2. The District Guidelines establish that the Board's review of new construction will focus on the design compatibility with the surrounding contributing structures. The appropriateness of the design relates to the neighboring buildings and to the intent of the District Guidelines. New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.

THE OWNER FAILED TO DEMONSTRATE THAT THE NEW CONSTRUCTION SUBSTANTIALLY COMPLIES WITH THE DISTRICT GUIDELINES.

3. The Boards finds that the evidence and testimony provided at the Hearing does not demonstrate that the proposed new construction at 1416-1430 substantially complies with the District Guidelines.

   The Applicant demonstrated that the plans for the new construction successfully incorporated several of the specific design features required by the District Guidelines. However, the Board finds that the Applicant failed to demonstrate that the scale, proportion, and height of the proposed design is compatible with the surrounding contributing structures and nearby residential structures. In particular, the height and the massing of the new construction along 216-222 Magnolia Street overpowers adjacent residential buildings.

   The partial compliance with some design guidelines does not outweigh the incompatibility and lack of rhythm created by the massing and scale of the new construction compared to adjacent contributing buildings.

CONCLUSION

4. Upon motion duly made and seconded, a majority of the Board members present voted to **DENY** the application for a certificate of appropriateness for new construction at 1416-1430 Central Parkway, finding that the Applicant failed to demonstrate by the preponderance of the credible evidence that the new construction substantially complies with District Guidelines.

5. The following is a record of the motion to deny the Application:

Affirmative	**Negative**	**Recused**
Ms. McKenzie		
Mr. Sundermann		
Mr. Zielasko		

Mr. Weiss
Ms. Smith-Dobbins
Mr. Voss

Zoning Relief to Allow Two Outdoor Areas on the Property

1. The Boards finds that the evidence and testimony provided at the Hearing demonstrates that the proposed outdoor areas at 1416-1430 Central Parkway are necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the District or the buildings on the Property.

   The Applicant demonstrated that the two outdoor areas – one courtyard space and one rooftop space – do not adversely affect the building because the courtyard space is outside of the historic buildings and the rooftop deck is built on top of the existing roof and does not cut or destroy any historic materials. The railing on the rooftop deck is set back from the edge of the building and will be constructed of glass which will minimize visibility form street views. The courtyard area will be buffered from surrounding residential buildings by new construction and is compatible with the Zoning District and surrounding neighborhood.

CONCLUSION

1. Based on the evidence submitted by the Applicant, testimony received at the Hearing, and the professional analysis and recommendation presented in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **APPROVE** the Zoning Relief request, finding it 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. Specifically, the Board approves two outdoor areas to be used for eating, drinking and entertainment that exceed 50% of the indoor area accessible to the public and are within 500 feet of a residential district boundary line.

2. The following is a record of the motion to approve the Application:

Affirmative	**Negative**	**Recused**
Ms. McKenzie		
Mr. Sundermann		
Mr. Zielasko		
Mr. Weiss		
Ms. Smith-Dobbins		
Mr. Voss		

MADE this 12th day of August, 2021:

/s/ Tim Voss
Tim Voss, Chair
Historic Conservation Board

/s/ David Sturkey
David Sturkey, Staff Attorney
Historic Conservation Board

APPEALS:
This decision may be appealed to the Zoning Board of Appeals under Chapters 1435 and 1449 of the Zoning Code. Appeals must be filed within thirty days of the date of the mailing of this decision.

TRANSMITTED this 12th day of August, 2021, by certified mail to:

Kinglsey + Co.
Attn: Jeremiah Hahn
1100 Sycamore Street, Suite 200
Cincinnati, OH 45202

TRANSMITTED this 12th day of August, 2021, by interdepartmental mail to:

Beth Johnson
Department of Buildings and Inspections
805 Central Avenue, 5th Floor
Cincinnati, Ohio 45202

APPEAL LETTER EXHIBIT A

Moment Development, LLC
Ohm Patel
800 North High Street, Suite 03-108
Columbus, OH 43215

May 28, 2021

Beth Johnson, AICP | Urban Conservator
City of Cincinnati | Buildings & Inspections
Permit Center | 805 Central Avenue, Suite 500 | Cincinnati, OH 45202

EXECUTIVE SUMMARY

It is our view that this development is the highest and best use of the parcels between 15th St. and Magnolia St. on Central Parkway in OTR. The property is zoned CCA and by right the hotel is an acceptable use. With the area not having any premium hotel options, this location provides a much needed amenity to Music Hall, the OTR business and residential community, as well as supporting the needs of the newly opened TQL Stadium across the street. This development will be in a class of its own on Central Parkway and is hopefully the first of much more vitality to come!

In terms of architecture, we wanted the exterior design to be one that had elevated finishes and exceed the Over-The-Rhine Historic Conservation Guidelines for New Construction, while also reciprocating the fresh new design of TQL Stadium. With the use of an OTR based architectural firm in Luminaut, we truly feel that we have met the mark on delivering this vision of respect guidelines for new construction for this OTR. With this development primarily being an infill opportunity, we could not discount the need to rise to the Moment on design when in front of a state of the art stadium and the rich beauty of OTR.

In terms of hotel product, this property will be a boutique hotel that is completely curated to be one of a kind both in terms of design and in terms of product offering. It will be soft branded to carry a brand of our own choosing but back by a global reservation system with either Hilton or Marriott. The design theme is going to be a collision of both the past and present in that we will commemorate the auto body shop that once operated in 1420 Central Parkway Building, while also celebrating the immigrant story of Dr. Ramineni, a PHD professor at Xavier University, and the founder of Downtown Property Management, the owner's of this property.

The guest rooms will be luxurious and modern and the F&B offering will be by way of a partnership with a regional restaurateur offering an experience that adds to the rich culinary diaspora of the OTR community. It is our vision for The Pitch Cincy to offer a laid back, casual experience to the community and our guests, while in contrast the hotel cocktail bar and restaurant will provide an elevated offering to create a destination of sorts. Last but not least, our rooftop terrace facing Central Parkway with vivid views of TQL stadium and the downtown skyline, will play host to an array of private events. To execute this vision, Moment Development will deliver the product by way of its Cincinnati based Design and Construction partners. However, we will partner with Hotel Equities (hotel management company) to manage the property and instill the service culture and handle all hotel operations to meet the needs of our guests and community.

It pains me to write this but based on the rhetoric from those who oppose this development, the truth must be expressed; this is not a cookie cutter roadside motel. It is not a product that is going to offer a complimentary continental breakfast for a budget traveller. It is not a product that is going to sell rooms below the average for the market. This is not a Days Inn, a Motel 6, a Super8, a Hampton Inn, a Fairfield Inn, a Home2, or a Holiday Inn. This is a luxury boutique hotel of the same caliber or greater than the other soft branded boutique hotel's that have been developed in the Cincinnati market (The Lytle, Cincinnatian, Kinley to name a few). The architecture presented should speak for itself.

MOMENT DEVELOPMENT

Proforma Analysis

To keep the the 1416-1418 Central Parkway Building the following are the square footage scenarios that we are presented with if we were to utilize this building for an alternate use, as well as the fixed cost of salvaging, stabilizing the foundation the building:

- Level-1: 5,400 SF (60'x90')
- Level-2: 5,400 SF (60'x90')
- Level-3: 690 SF (30'x23')
- Total: 11,490 SF

- $1,600,000.00 to stabilize the foundation, restoration of brick, addition of new brick, and frame.

Based on the the aforementioned variables, we have put together 5 proformas together which encompass the following:

- 1st-floor Retail and 2nd-3rd-floor Office
- 1st-floor Retail and 2nd-3rd-floor Residential
- 1st 2nd 3rd floor Office
- 1st 2nd 3rd floor Residential
- Breakeven Proforma to reflect what it would take to break even in restoring this building and operate the best performing combination from the aforementioned proformas, which is 1st-floor Retail and 2nd-3rd-floor Office

In every scenario there is a negative return on capital and there are two contributing factors 1) The $1,600,000.00 stabilization and restoration cost is simply too much to make any proforma work 2) The breakeven proforma proves that in our best case scenario of office and retail with a $529,000.00 stabilization and restoration budget (approximately ⅓ of HGC's estimate), the project would create 0.00% return on capital.

In addition, the Ohio Historic Preservation Tax Credit program was considered along with the National Park Service (NPS) federal Tax Incentives for Preserving Historic Properties. An evaluation of the Appendix-D, Self-Scoring Summary was completed for this rehabilitation and it is our belief that this project will not tabulate with the scoring criteria to be completive for the Ohio Historic Preservation Tax Credits. While the state program does not apply, a consideration that the NPS federal credits could potential be awarded. This 20% federal tax credit has been shown within the enclosed Breakeven Proforma illustrating that even with the award credits the rehabilitation/stabilization is not successful financially.

Another big factor to consider here is that looking at the square footage and layout of each floor, there is simply not a good configuration or density of square footage that would support this project even if it was in pristine condition.

The only conclusion that can be made is that the condition of this building creates an economic burden for any use at this location.

Conclusion

In determining the appropriateness of demolition on a contributing structure in an historic district, the Cincinnati Zoning Code section 1435-05-04(b) specifies that the "economic hardship" described in that section shall be evaluated against the standards provided in CZC Sec. 1435-09-02(aa)-(ff). Applicant has provided the additional exhibit - 7f_Proforma Breakeven Proforma WITH Federal Tax Credits (pro forma) and provides the following responses:

MOMENT DEVELOPMENT

CZC Sec. 1435-05-04

(b) Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below.

CZC Sec. 1435-09-02(aa)-(ff)
In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

APPLICANT COMMENT:
The Board should evaluate the following factors, and consider *any or all* of them in evaluating the appropriateness of demolition, i.e., no single standard is determinative of appropriateness of demolition.

(aa) A property's current level of economic return;

APPLICANT COMMENT:
This property for many years never commanded strong tenants. It is only after the stadium coming to the market has there been interest. This property is owned by Downtown Property Management, and of the 11,500 square feet, they only operate within 2,500 square feet of the structure. The 2,500 s.f. of space currently beyond used is located in half of the second floor.

The first floor, the other half of the second floor, the third floor have not been suitable for any tenants and the cost of refurbishment was too great. So in the end, the owner decided to maintain the building as is and occupy what little they could. They do not pay themselves rent and merely pay the property tax and general maintenance. Therefore, the actual building is not, and has not recently been, a fiscally cash flow-producing property for the current owner. As a result, the property operates at a loss.

Upon further analysis as described in the proceeding standards (bb) through (ff), the cost of rehabbing the building would not generate an income that would support the investment. This is why the ownership decided to collaborate with Moment Development, in an effort to fully restore two out of the three contributing buildings and do a by right development that celebrates OTR, the City of Cincinnati, and their family legacy.

(bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

APPLICANT COMMENT:
Please refer to the enclosed exhibit- 7i_Property Comp Analysis.

(cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;

APPLICANT COMMENT:
Please see the attached pro forma which explores the possibility of rehabilitating this property for retail-office use. This pro forma considers office and retail. As between residential uses and office/retail, the office-retail would have a higher likelihood of creating an economic return. Additionally, the pro forma includes federal tax credits. In other words, this scenario sets forth a best-case-scenario for possibilities that would maximize the potential for economic return from the property, but it still falls short.
As shown in the pro forma, the property would operate at a loss. This is with the following facts and assumptions:

- Retail and Office is proposed, as it is a best-case scenario for this site in terms of possibility of an economic return. The consideration is for Class A office space, and it's for the downtown market for a fully-rehabbed office space indicative of being across from the new stadium and part of a great redevelopment around it, that would maximize its marketability.

- The building is 11,500 s.f.
- Please note the $20/s.f. annual rent that is what is to be expected within this market for the uses proposed.
- TI is at $65 per square foot. This is the Tenant Allowance given to the tenant for fitting out their use in the property. This is a market average based on us delivering a vanilla shell with bathrooms and utilities. It's a common practice for office and retail tenants in class A buildings to offer these types of TI allowances. This is always negotiable based on rents, but based on $20/sf in rent, $60/SF in TI is customary to bring in the right tenants with the kind of credit needed for financing.
- The $750,000 in land cost is based on $65 per square foot for the building. This is well below the average of what buildings in the market are selling for and have recently sold for. Obviously this is based on condition, location, and tenancy. However the combination between its location, across from the stadium combined with the comps in the market conservatively support the $750,000 land price. If anything, that is a conservative number. You will find in the attached Comp Analysis Cover Spreadsheet and its backup files which reflect that the conservative valuation only aids the proforma when the market dictates that this building should sell at over $1m dollars at over $95/SF.
- The $529,000 for site work is the structural cost of stabilizing and shoring up the building to justify the addition of long-term improvements. While the current owner is able to operate minimally within a percentage of the building, at a loss, the basic maintenance of the building as-is is not adequate for long-term upgrades to office and retail use.
- Keep in mind that these numbers are also conservative in that a retail and office lease, unlike residential, would be a triple net deal. This means that all of the maintenance falls on the tenant. Even with a nominal $2,300-2,415 maintenance cost falling on owner and tenants covering the bulk of ongoing maintenance responsibilities, the owner still falls short on economic feasibility of the structure.
- Witnesses appearing on behalf of the Applicant and current owner will be available to elaborate upon, and answer questions regarding the entirety of the details provided in the proforma.

(dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

APPLICANT COMMENT:

Please refer to the enclosed exhibit-7h_1416 Property Owner Letter from Brahma Ramineni with Downtown Property Management, Inc.

(ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or

APPLICANT COMMENT:

Not applicable. The structure at issue does not meet the definition of an, "Historic Landmark" as defined by CZC Sec. 1435-01-H2 and therefore, this standard does not apply. Rather, the structure is a contributing structure in an "Historic District" as defined by CZC Sec. 1435-01-H1. Nonetheless, Applicant will attempt to respond to this standard regarding its knowledge of the status of the structure within the district. Applicant is aware of the structure's status and through exhaustive evaluation, has determined that two of the three contributing structures it owns in conjunction with the proposed hotel project, retain economic viability. The structure at issue here, does not. Despite knowledge of the historic district status of these properties, Applicant is seeking the demolition approval for this single structure in an attempt to otherwise preserve the economically viable structures as part of a larger project.

(ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

APPLICANT COMMENT:
As noted above in (cc), Applicant has provided best-case scenario with respect to economic incentives, where Applicant shows that even with the federal tax incentives, the proposed structure does not achieve the financial viability necessary to create an economically feasible project. The Ohio Historic Preservation Tax Credit program was considered along with the National Park Service (NPS) federal Tax Incentives for Preserving Historic Properties. An evaluation of the Appendix-D, Self-Scoring Summary was completed for this rehabilitation and it is our belief that this project will not tabulate with the scoring criteria to be competitive for the Ohio Historic Preservation Tax Credits. While the state program does not apply, a consideration that the NPS federal credits could potentially be awarded. This 20% federal tax credit has been shown within the enclosed Breakeven Proforma illustrating that even with the award credits the rehabilitation/stabilization is not successful financially. Witnesses will be present at the hearing to testify in greater detail, if needed, as to the non-viability of the state tax credits discussed.

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS HISTORIC CONSERVATION BOARD PUBLIC HEARING STAFF REPORT

APPLICATION #: COA2021030/ZH20210086
APPLICANT: Luminaut
OWNER: Parkway Towers Association
ADDRESS: **1416-1418 Central Parkway**
PARCELS: 008100020598
ZONING: CC-A
OVERLAYS: Over-the-Rhine Historic District
COMMUNITY: Over-the-Rhine
REPORT DATE: June 23, 2021

Nature of Request:
The Applicant is requesting a Certificate of Appropriateness (COA) to demolish the contributing structure located at 1416 Central Parkway and the non-contributing addition at 1430 Central Parkway. If the demolition is approved the applicant is requesting a COA for new construction for a building at 1416 Central Parkway that will incorporate an existing historic buildings at 1420 and 1430 Central Parkway. The request is also for a Conditional Use for Outdoor entertainment at an outdoor patio associated with an eating and drinking establishment. All the proposed buildings, both new construction and rehabilitation will be connected into one complex.

Zoning Relief Requested:

1. **1419-21(c)**: Size of the outdoor area. The proposed outdoor area associated with an eating and drinking establishment is 50% larger than the permitted indoor area and is within 500 feet of a residential district. This requires a Conditional Use.
2. **1419-21(e)**: Outdoor entertainment. The proposed outdoor area will have outdoor entertainment and is within 500 feet of a residential district. This requires a Conditional Use Approval.

MATERIALS SUBMITTED AND USED IN THE FOLLOWING REVIEW FOR DEMOLITION:

Materials Presented by Applicant- Attachment A

1. Adjudication Letter
2. COA Application
3. Zoning Relief Application
4. Narrative on Demolition and New Construction
5. HCA Property Report
6. Demolition Drawings
7. Proforma Summary and Proformas

8. Current Operating Financial Report and Property Owner Letter
9. Property Comparables
10. Structural Report
11. HCG Stabilization Estimate.

Materials Presented by Staff for Demolition – Attachment B

1. Ordinances Establishing OTR Local Historic District South and then Combined
2. Pages from 2014 National Register Nomination concerning properties 1416-1430 Central Parkway
3. Assessing Economic Hardship Article - By Julia Miller
4. Economic Analysis from Department of Community and Economic Development (DCED)

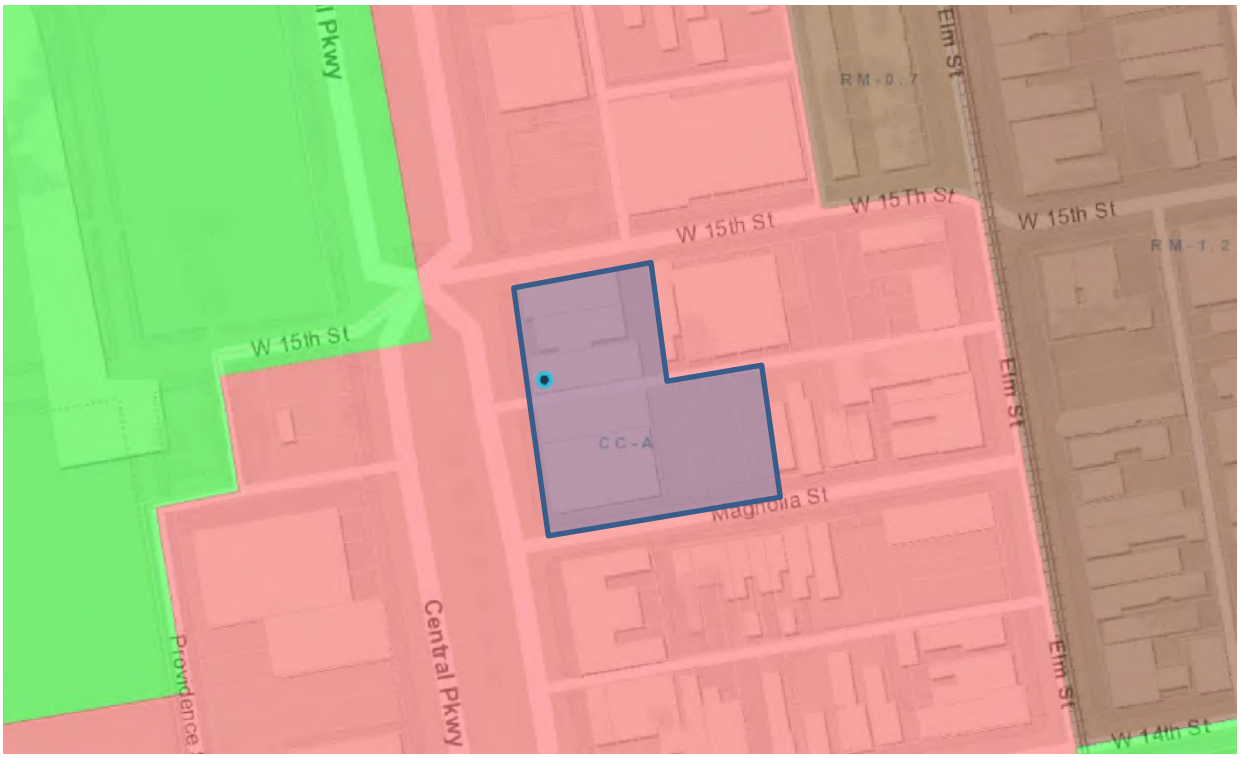

Figure 1: Map of 1416-1424 Elm Street. Cagis Maps. The site is outlined in blue.

Existing Conditions:
The project location is the east side of Central Parkway within the Over-the-Rhine Historic District. The site is a combination of contributing buildings, non-contributing buildings and parking lot.

In 1993 when the district was established, 1424 Central Parkway and the addition to 1430 Central Parkway were included on the non-contributing list, however when the district was combined in 2003 the non-contributing list that was used was the same non-

contributing list from the National Register Historic District. However, the local historic district boundaries included areas along the edge that were not included within the National Register listing, therefore a contributing nature of these buildings was not considered within the local district guidelines non-contributing list. In 2014 the area which this property is in was included in an amendment to the original National Register Historic District and a determination on the contributing/non-contributing nature of the buildings on the block of 1400 Central Parkway was established. The building at 1424 Central Parkway was determined to be a non-contributing building, all other buildings on the lot were found to be contributing. As the one-story portion on 1430 Central Parkway was an addition the entire building as a whole is considered contributing, but the one-story portion is a non-contributing addition. Attached are pages from the 2014 National Register Nomination that detail the properties 1416-1430 Central Parkway.

Figure 2: 2014 OTR National Register Historic District Amendment.

Proposed Conditions:

The work proposed is the following for each address:

1. 1416 Central Parkway- Contributing Building- demolition due to Economic Hardship. Infill Development of a 3-story building at the street line with a setback 4th story. The building will be mostly brick with arched openings on the first floor and larger grouped windows on the second and third with strong vertical pilasters dividing the building into bays.

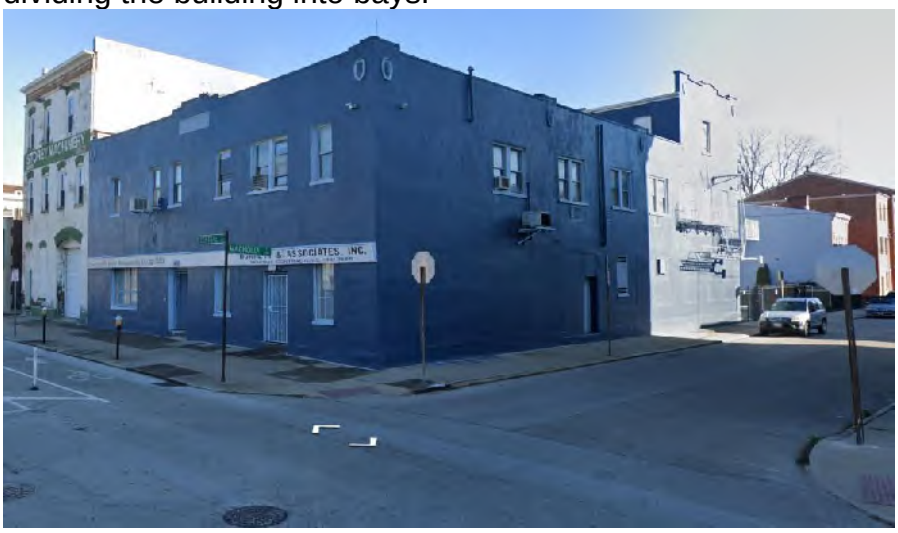

Figure 3: 1416 Central Parkway. Google Street views

2. 1420 Central Parkway- Rehabilitation including addition/façade changes with a 4th floor access hallway. The garage door will be removed for recessed entrance in the large first floor opening.

Figure 4: 1420 Central Parkway. Google Street views

3. 1424 Central Parkway Demolition (previously approved under COA2021015) and Infill.
4. 1430 Central Parkway- addition- Demolition of a Non-contributing addition and Infill.
   The infill at 1424 and 1430 Central Parkway that will take the place of the 2 one story structures. It will be one structure that will maintain 2 distinct façade treatments. It will be a 3-story building set at the street with a 4th story set back. The first floor will have a storefront and either punched openings or grouped openings at the above floors. There will be a skyway connection set back from the façade that will connect the building to 1420 Central Parkway over the alley at the second, third and 4th levels.
5. 1430 Central Parkway- Rehabilitation (previously approved under permit #2020P10759), addition of a roof deck and roof access at the southeast corner of the roof. The roof deck will only have an addition for access and then a glass railing setback from the edge of the roof.

Figure 5: 1424-1430 Central Parkway. Google Street views

6. 216-222 Magnolia Street- currently parking lot, proposed Infill. The proposal is for a 3-story building at the street face with a 4th floor set back on the rear half of the building. This portion of building will be set back from the property line but will have a knee wall and planters at the street line. This building will be faced with brick with individual bunched openings over the façade with a distinctive first floor.

Figure 6: Magnolia Street. Google Street views

COA FOR DEMOLITION for 1416 Central Parkway:

Historic Districts: Legislation and Purpose

The City of Cincinnati has a long history of Historic Preservation and supporting protection of historic resources in both individual landmarks and historic districts. Legislation for "districts" was first established in 1964 with the establishment of "protection" areas (later referred to as Historic Districts). With authority granted to an Architectural Review Board (updated to the Historic Conservation Board in 1980), standards were created for the board to make determination of the compatibility of new construction, alteration to existing buildings and partial or total demolitions. Cincinnati became an early adopter of legislation to protect its historic resources preceding the Federal Historic Preservation Act by two years. Today, 26 local districts have been established.

The support and desire for Historic Districts has been supported in Master Plans and the Zoning Code. Within the "Cincinnati 2000 Plan," published in 1982, it states:

- *"Cincinnati is a proud city, rich in history, its tradition, in the quality of life. Its splendid heritage must be preserved; nothing in its future development must be permitted to diminish its high standards."*

Further the plan goes on to say,

- *"Downtown Cincinnati's cultural heritage and its historic character form a valuable legacy contributing to the richness of the City's personality…To conserve these assets as a functional part of downtown, a preservation program is an integral part of Cincinnati Plan."*

In "Plan Cincinnati", the current Master Plan, the city supports and encourages historic preservation;

- *"As housing demand increases in the oldest neighborhoods, the City's broad and reputable historic building stock should be preserved…"*

Historic Conservation is seen as a basic building block to Cincinnati's future with policy principles including:

- "*Preserve our resources and facilitate sustainable development."*
- *"Cincinnati is known for our historic built character and spectacular natural beauty. The City will focus on preserving and protecting our unique assets and reverse the modern trend of 'disposable' development."*

Within the Zoning Code, Cincinnati made a commitment to historic conservation and preservation through its goals and policies. Three specific purposes of historic preservation, according to the current Zoning Code Section 1435-03 include:

- *"to safeguard the heritage of the city by preserving districts and landmarks which reflect elements of its history, architecture and archeology, engineering or culture,"*
- *"to conserve the valuable material and energy resources by ongoing use and maintenance of the existing built environment,"*
- *"to maintain the historic urban fabric of the city."*

With these stated purposes and intentions, as well as Cincinnati's demonstrated commitment to its historic building stock, demolition and disposing of buildings in areas that the City has designated historic should only be considered when every option to reuse a building has been explored and exhausted.

Over-the-Rhine Historic District – Establishment

The district is a collection of mid to late 19th century to early 20th century residential, commercial, industrial, institutional and mixed-use buildings. On September 20, 1993, the Historic Conservation Board voted to recommend the establishment of the Over-the-Rhine (South) Historic District and its related guidelines. On November 17, 1993 City Council unanimously approved the establishment of the Over-the-Rhine Historic District. In its approval, City Council cited that it considered the establishment to be in the "best interest of the city and the general public" (Attachment B).

At the time of the establishment of the Over-the-Rhine Historic District, the governing ordinance was Municipal Code Chapter 741. In this code, the purpose of a district and its associated guidelines were that they shall:

"promote the conservation, development and use of structures, sites and districts…and shall promote the special historic, architectural, community or aesthetic interest or value (of the districts.)"

In 2003, Over-the-Rhine South and the Over-the-Rhine North, which was established in 2001, were combined into one historic district, the Over-the-Rhine Historic District. This was adopted by City Council on June 18, 2003. The current guidelines were also adopted at this time.

The (Local) Over-the-Rhine Historic District is also part of the Over-the-Rhine National Register Historic District that was established prior to the local designation on December 29, 1982, and amended May 6, 2014.

Over-the-Rhine Historic District – Significance

The Over-the-Rhine Historic District is historically significant to the City of Cincinnati as a whole. Over-the-Rhine encompasses over 360 acres just north of the central business district. It was at one time home to over 45,000 people in a densely built mixed-use neighborhood. A major feature of the neighborhood is its cohesive character of dense compact middle and late nineteenth century buildings. The era of significance of the district as defined by the National Register Nomination was originally 1840-1928 and then was expanded to 1941. In the 1993 local Over-the-Rhine South designation report the era of significance is dated from 1850s to early 20th century.

Over-the-Rhine Historic District – Site's Contribution to the District

Over-the-Rhine Historic District is a collection of buildings with varying degrees of architectural ornateness and styles. What make a district significant is not its individual buildings, but the collection of buildings as a whole - a cohesive collection.

In the Historic Conservation Guidelines for the Over-the-Rhine Avenue Historic District there is a list of non-contributing buildings. While 1416 Central Parkway was not part of the list of non-contributing buildings, the building has had significant and irreversible changes done to the building altering the exterior from an industrial/warehousing vernacular to one with Spanish revival detailing. These changes include stuccoing the brick façade, reducing window sizes, removing window openings, and adding stepped parapet detailing. According to the National Register nomination, the building was built around 1900. A fire insurance map shows the building in 1887 without the 3rd story portion. It has been stated that the building was built in 1854, but as of the writing of this document staff did not identify any documentation for this date.

While there have been significant changes to the building, the National Register Nomination states the following- *"Although many of the openings on the building have been altered, the historic character and massing of the building have been preserved. The historic windows have been replaced throughout most of* the *building, but the historic opening sizes and locations have been maintained on the primary (west)elevation."*

Figure 7: 1921 Picture of the 1416-1430 Central Parkway

Figure 8: 1921 Picture of the south façade of 1416 Central Parkway

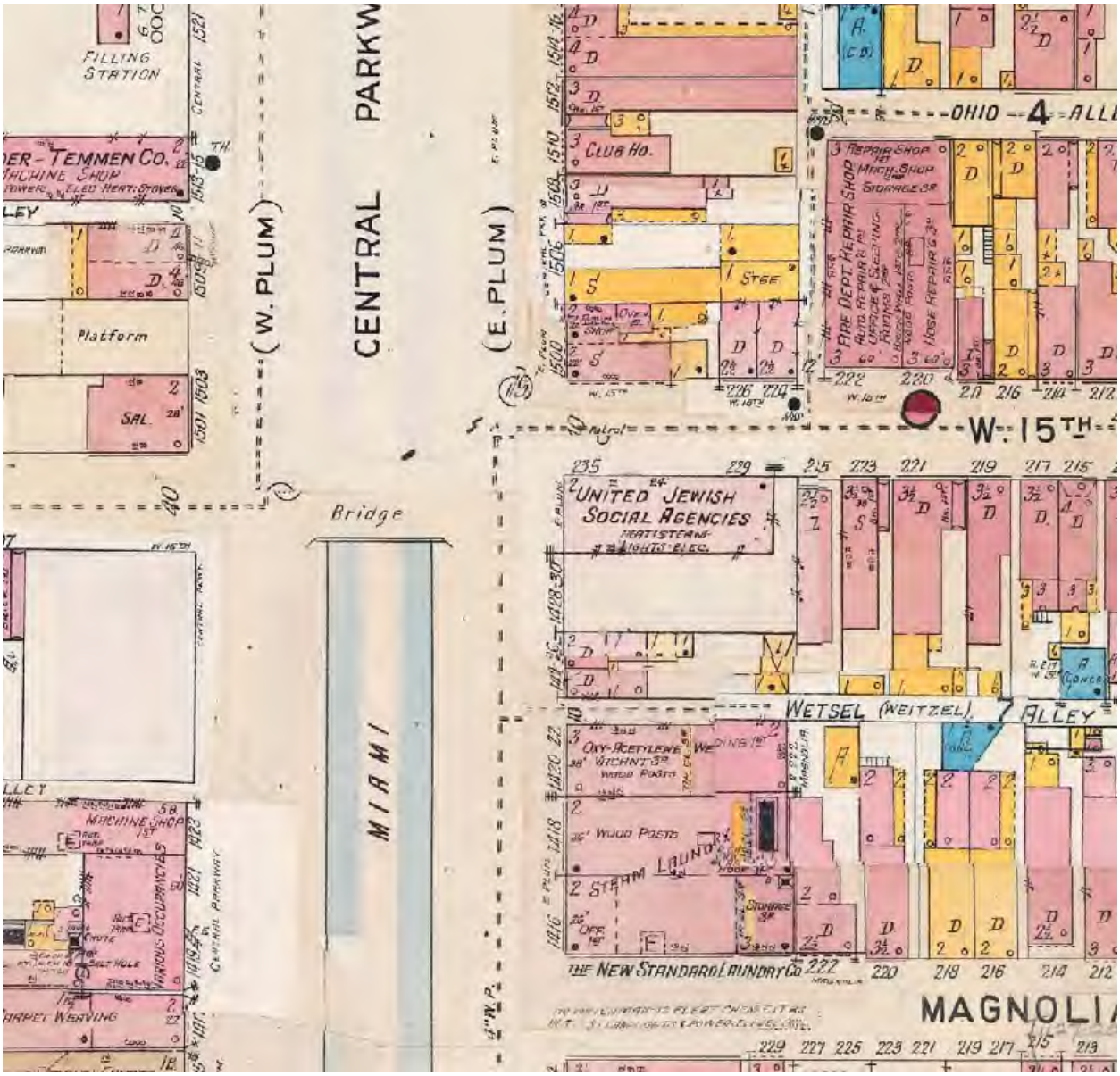

Figure 9: 1904 Sanborn Map

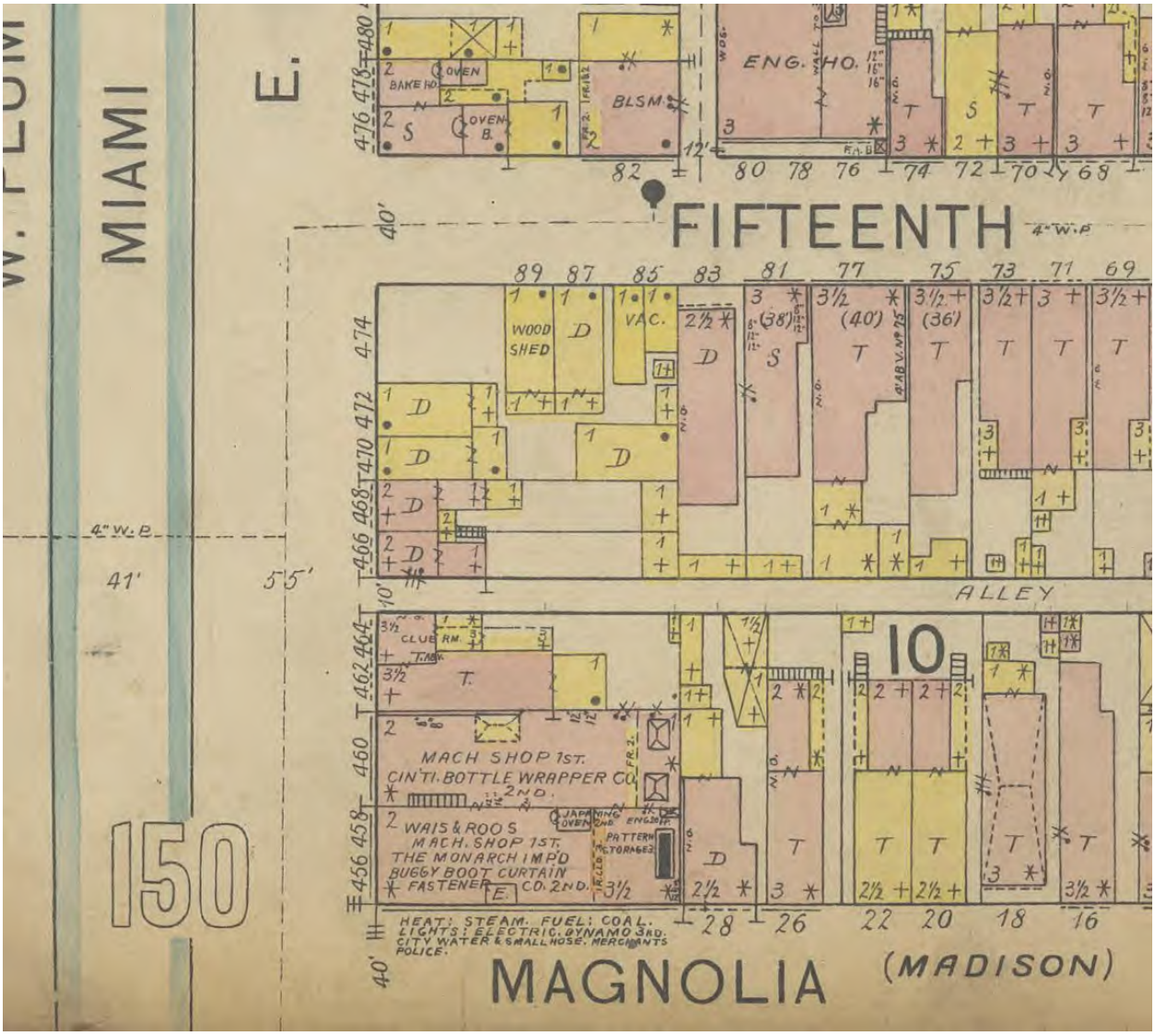

Figure 10: 1891 Fire Insurance map

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DEMOLITION REQUEST ANALYSIS for 1416 Central Parkway

Over-the-Rhine Demolition Guidelines:
Below are the Demolition Guidelines, as outlined in the Conservation Guidelines, with Staff analysis.

Demolition of existing buildings shall not be permitted unless one of the following conditions exists:

1) ***Demolition has been ordered by the Director of Buildings & Inspections for the public safety because of an unsafe or dangerous condition which constitutes an emergency.***
   The City has at no time ordered emergency demolition for the building.

2) ***The Owner can demonstrate to the satisfaction of the Historic Conservation Board that the structure cannot be reused nor can a reasonable economic return be gained from the use of all or part of the building proposed for demolition.***

To answer this question staff refers to the series of questions asked in Zoning Code Section 1435-09-2(b) Certificate of Appropriateness; Standards of Review which establishes factors the Historic Conservation Board shall consider in determining if a property owner has demonstrated an economic hardship by credible evidence. These factors are:

(i) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness?

The Applicant argues that there is no economically viable use that can be made in the existing building. They provided 5 different scenarios for proformas for the building. In all cases their proformas showed that the base stabilization and restoration cost of $1.6 million is too much of a factor for any of the options to be economically viable.

Each of the four potential use configurations produces a negative cash on cash return on investment and the 5th proforma, which is a break even proforma only, allows for a stabilization budget of about 1/3 the cost of the provided estimate. The provided proforma analysis incorporates being awarded Historic Tax Credits from the Federal Government into the analysis.

DCED conducted an independent analysis of the possible economic returns for the proposed development at 1416 Central Parkway. They concluded that the project would not be financially feasible should the COA be denied. Four scenarios were analyzed in their analysis, included in Attachment B. In all four scenarios the project's Net Operating Income is too low to attract the debt needed for the project to be financially feasible. The analysis notes,

"Given the deteriorated condition of 1416 Central Parkway, any re-use will require substantial stabilization. The applicant supports this claim with a report submitted by a structural engineer and an estimate for stabilization costs from a reliable contractor, which exceeds $1.6 million. The cost to stabilize and rehabilitate this building in compliance with the historic conservation guidelines will exceed the potential value created by the project. The property owners, if denied the demolition permit and Certificate of Appropriateness, cannot successfully attract the necessary financing to complete the project.

Although the above analysis projects the property owner can meet its debt obligations, lenders generally would not finance a project that is worth less than what it costs to build. The above analysis also illustrates that none of the proposed use scenarios yield industry required equity returns (Cash on Cash),

which in all four cases too low to attract the necessary private capital to proceed with the project."

The DCED analysis concludes that the denial of the requested COA would deprive the property of its economic use, would result in sustained vacancy and blight, and decrease the overall wellbeing of the neighborhood and by extension the City.

(ii) Will the reasonable investment-backed expectations of the property Owner be maintained without approval of a Certificate of Appropriateness; and

Julia Miller, former Editor-in-Chief of the Preservation Law Reporter and a leading authority in the matter of historic preservation law, wrote an article "Assessing Economic Hardship Claims under Historic Preservation Ordinances," published by both National Trust for Historic Preservation and the National Alliance for Preservation Commissions. This article has outlined a process, series of questions and necessary evidence in analyzing economic hardship claims and this process has become a standard best practice. In the article, Miller states:

> *"The Supreme Court has also said that the Applicant's "reasonable investment-backed expectations" should be taken into consideration. Although the meaning of this phrase has not been delineated with precision, it is clear that "reasonable" expectations do not include those that are contrary to law. Thus, an Applicant's expectation of demolishing a historic property subject to a preservation ordinance at the time of purchase may not be considered "reasonable."* (Attachment B)

As stated in the excerpt above from "Assessing Economic Hardship Claims under Historic Preservation Ordinances," buying a building subject to a historic preservation ordinance and demolition review and expecting to be able to demolish it is not a reasonable investment backed expectation. The applicants have the property under contract and the application is a due diligence for the purchase of the property.

The current owner acquired the property in July of 1997. The exterior of the building at that time was in a similar state as it is currently. It is unknown when the stucco and Spanish revival detailing was added to the building prior to the purchase in 1997.

The applicant is seeking demolition after reviewing multiple potential means of redevelopment, including analysis of redevelopment for 4 different permitted uses, and reaching the conclusion that redevelopment is not economically viable. The analysis completed by DCED also concludes that redevelopment is not financially feasible.

(iii)Whether the economic hardship was created or exacerbated by the property owner.

As previously noted, the existing owner purchased the property in 1997. The owner prior to the current owner was a construction company that purchased the property in 1978. In reviewing building permits record for this property, there were not any permits submitted for substantial upgrades to the property, however there were also no property and maintenance code citations or violations issued for the property.

The economic hardship was not created or exacerbated by the applicant. The current owners have owned the building since 1997 and have submitted a letter stating that the building is in the same basic condition in which they received it. Since they purchased the building, they have only been able to occupy a portion of the building and state that they have been operating at a loss since they have owned it. The current owners have provided a Profit and Loss proforma to support their statement. The stucco exterior was on the building when the current owner bought the property. It is unknown the condition of the structural issues of the building when the property was purchased in 1997.

In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

(iii)(aa) A property's current level of economic return;

The property is currently occupied with an office and storage uses. Per the applicant, the entire building is not able to be utilized at this time due to the condition of the building. Only 2,500 sf of 11,500 sf is currently is use. The property has historically been used as an industrial, warehousing, and manufacturing uses.

Per the applicant regarding the current level of economic return

"The first floor, the other half of the second floor, the third floor have not been suitable for any tenants and the cost of refurbishment was too great. So in the end, the owner decided to maintain the building as is and occupy what little they could. They do not pay themselves rent and merely pay the property tax and general maintenance. Therefore, the actual building is not, and has not recently been, a fiscally cash flow-producing property for the current owner. As a result, the property operates at a loss."

(iii)(bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

No real estate broker or firm has been engaged to sell the property; the acquisition price in the applicant provided proformas is noted as $750,000.

The applicant provided a comparable property valuation to the subject property.

(iii)(cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;

The applicant provided proforma cost analysis of redevelopment of the property for 4 different permitted uses and well as a 5th proforma for a break-even scenario. None of the potential uses/configuration of uses produces a reasonable economic return. A more detailed explanation of the scenarios and proposed market and economic assumptions are in the provided documentation from the applicant in Attachment A.

As previously discussed, DCED reviewed the application materials and analyzed four scenarios in which the applicant renovates the historic property. Their analysis concludes that the project would not be financially feasible if the COA for demolition is denied. DCED analysis is in Attachment B.

(iii)(dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

The current owner bought the property in 1997. There is no evidence of self-created hardship through deliberate neglect or inadequate maintenance by the current owner as there have been no property maintenance or code enforcement citations or violations of the property.

(iii)(ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or

The applicants were aware of the contributing nature of the building prior to submission of the application and through previous discussions with staff regarding the development of this site.

The current owner purchased the property in 1997 and the OTR South Historic District was established at that time. The applicants haven't provided documentation regarding if the current owner was aware of the designated status at their time of purchase.

(iii)(ff) Economic incentives and/or funding available to the Applicant through federal, state, city, or private programs.

The applicants used federal historic tax credits in their proforma analysis, and even with the tax credits the potential uses evaluated did not produce a reasonable economic rate of return. State Historic Preservation Tax Credits are competitive and are not a guaranteed incentive.

DCED also ran their assumptions and analysis with using the Federal Historic Tax Credit and found that it made a nominal difference and did not bring the project into an economically feasible condition. Below is from an email from DCED staff on the Historic Tax Credit Analysis. Their Tax Credit Analysis is with Attachment B.

"…with the Federal Income tax rate being so low, we are seeing syndication prices lower than $0.80/credit in projects – and we've heard from many developers that any Federal Tax Credit award less than $1m is very difficult to syndicate. All that said, attached is an updated estimate with the Federal HTCs assumed. A federal HTC award will ultimately reduce the necessary developer equity required and will drive up the Cash on Cash return. However, in this particular scenario the HTCs do not bring enough value to the project to drive the Cash-on-Cash return into a reasonable range. As you can see in the attached, the CoC returns still only range from 1.5% to 2.7%."

3) The owner is a non-profit corporation or organization and can demonstrate to the satisfaction of the Historic Conservation Board that the denial of the application to demolish would also deny the owner the use of the property in a manner compatible with its organizational purposes and would amount to a taking of the owners property without just compensation.

The current owner is a private owner and is not a non-profit entity.

4) The demolition request is for an inappropriate addition or a non-significant portion of a building and the demolition will not adversely affect those parts of the building which are significant as determined by the HCB

The demolition is for the entire building not an addition or portion of the building.

5) The demolition request is for a non-contributing building and the demolition will not adversely affect the character of the district.

The building is not listed as a non-contributing building within the Over-the-Rhine Historic District Guidelines. It is noted however that the building has had significant irreversible, unsympathetic and inappropriate façade changes to the building that have negatively affected the architectural integrity of the building.

Staff Summary and Conclusions:
It is staff's analysis of the documentation that has been provided by the Applicant that the Applicant has provided credible evidence that the building cannot be reused nor can a reasonable economic return be gained from the use of all or part of the building. Staff bases their analysis on the following points of evidence:

1. The applicant provided proforma analysis for 4 different potential permitted uses within the building, none of which produce a reasonable rate of return even when including potential awards of tax credits in the analysis.
2. The applicant did not deliberately neglect maintenance of the property and has not created or exacerbated the economic hardship.
3. DCED has conducted an independent analysis of the applicant's materials and potential redevelopment of the building. They concluded that the project would not be financially feasible should the COA be denied.
4. The use of Federal Historic Tax Credits would not make the property economically viable.

COA- DEMOLITION REQUEST REVIEW for 1430 Central Parkway- addition

Over-the-Rhine Demolition Guidelines:
Below are the Demolition Guidelines, as outlined in the Conservation Guidelines, with Staff analysis.

Demolition of existing buildings shall not be permitted unless one of the following conditions exists:

1) Demolition has been ordered by the Director of Buildings & Inspections for the public safety because of an unsafe or dangerous condition which constitutes an emergency.

The City has at no time ordered emergency demolition for the building.

2) The Owner can demonstrate to the satisfaction of the Historic Conservation Board that the structure cannot be reused nor can a reasonable economic return be gained from the use of all or part of the building proposed for demolition.

The applicant has not provided economic hardship claim for this building.

3) The owner is a non-profit corporation or organization and can demonstrate to the satisfaction of the Historic Conservation Board that the denial of the application to demolish would also deny the owner the use of the property in a manner compatible with its organizational purposes and would amount to a taking of the owners property without just compensation.

The current owner is a private owner and is not a non-profit entity.

4) The demolition request is for an inappropriate addition, or a non-significant portion of a building and the demolition will not adversely affect those parts of the building which are significant as determined by the HCB

The demolition is for a non-contributing addition for the property. While the 2003 guidelines that combined the Northern and the Southern OTR Historic Districts does not list the addition as a non-contributing addition, the 1993 OTR South Historic District did list the addition as a non-contributing addition.

ZONING and COA REVIEW for New Construction at 1416-1430 Central Parkway

Applicable Zoning Code Sections:

Zoning District:	Section 1409	CC-A
Variance Request:	Section 1419	Outdoor Eating and Drinking
Variance Authority:	Section 1445	
HCB authority:	Section 1435-05-4	
Overlays:	Section 1435	Historic Preservation
Historic District/Reg:	Over-the-Rhine District	
COA Standard:	Section 1435-09-2	COA; Standard of Review

ZONING REVIEW:

The proposed uses of a hotel and eating and drinking establishment is permitted in the CC-A. The property is also exempt from parking requirements per the Urban Parking Overlay Zone. The only zoning relief required is for the size of the outdoor area associated with eating and drinking establishments and outdoor entertainment associated with eating and drinking establishments.

Standards for Conditional Uses per Section 1435-05-4

(a) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or

The outdoor area provides additional area for the business to use within both the first-floor courtyard and at the rooftop deck. Both of the proposed outdoor areas do not adversely affect the historic building as the courtyard is outside of the historic building and the rooftop deck is built on top of the existing roof and doesn't cut in or destroy historic materials. The railing is set back from edge of the roof and is proposed to be glass as to not be highly visible from the right of

way. The combined area of the roof deck and courtyard are approximately 2600sf and the combined area of the 2 floors of the interior area of 1430 Central Parkway and the first floor of the new construction is approximately 4630 sf. 50 % of the interior area would be 2315sf. The requested outdoor area is 56% of the interior area accessible to the public.

The outdoor entertainment does not adversely affect the historic building.

(b) Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).

A denial of the conditional uses would not result in the deprivation of all economically viable use, but it is providing more space and atmosphere for the eating and drinking establishment.

General Standards; Public Interest

Below is analysis of the consideration factors for all of the requested zoning actions, utilizing Section 1445-13, General Standards; Public Interest.

a. ***Zoning****. The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.*

The underlying zoning is CC-A. The use of the property conforms to the underling zoning except for the Conditional Uses requested.

b. ***Guidelines.*** *The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.*

The project is within Over-the-Rhine Historic District. The requested work for new construction does conform to the Historic District Guidelines.

c. ***Plans.*** *The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.*

The proposed work conforms to the Over the Rhine 2002 Comprehensive Plan as it is within a Residential/Mixed Use Land Use area and is within the CC-A Zoning District which allows for Residential/Mixed Use and Commercial uses.

d. ***Traffic.*** *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.*

Parking is not a required for developments within the Urban Parking Overlay Zone.

e. ***Buffering.*** *Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.*

No buffering is required by zoning as the adjacent parcels are in the same zoning district as the subject parcel.

The outdoor area at the ground floor courtyard area is buffered from neighboring properties by 2 to 4 story tall buildings.

The outdoor area at the rooftop of the property is physically buffered from adjacent properties by the new construction which is taller than the roof deck.

The closest residential zoning district, which is 150 feet away, is also buffered from the outdoor area and outdoor entertainment with other buildings which are all taller than the rooftop area.

f. ***Landscaping.*** *Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.*

There is no landscaping, or buffer yards required as the adjacent properties are within the same zoning district.

g. ***Hours of Operation.*** *Operating hours of the venue are compatible with adjacent land uses and illustrated below. They are compliant with Sec. 1419-21(g):*

The hours of operation will comply with 1419-21. As the property is more than 100 feet from a residential zoning district it does not require any approval of operating hours and is permitted to be open till 2 am.

h. ***Neighborhood Compatibility.*** *The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.*

The proposed outdoor eating and drinking area for a previously permitted eating and drinking establishment is in keeping with an area that is zoned as a mixed-use zoning district. Within the Over-the-Rhine Neighborhood and historic district, there are several outdoor areas associated with eating and drinking establishments.

Central Parkway is a major roadway within the basin downtown area and the development fronting Central Parkway is mostly institutional and commercial.

The adjacent properties to the east are residential uses.

i. ***Proposed Zoning Amendments.*** *The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.*

As of the submission of this staff report there is not an official application submitted or under review by the City Planning Department. A request has been made to a Councilmember's, but it has not been referred to Council.

j. ***Adverse Effects.*** *Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.*

There are no anticipated adverse effects to the extent of access to fire, police or other public services. As the proposal is for use of a courtyard that is surrounded by the new development and one is on an existing development, the conditional uses for the outdoor patios will not have adverse effects to adjacent properties.

k. ***Blight.*** *The elimination or avoidance of blight.*

This property is not blighted.

l. ***Economic Benefits.*** *The promotion of the Cincinnati economy.*

The proposed work will increase income gained from use of the outdoor spaces.

m. ***Job Creation.*** *The creation of jobs both permanently and during construction.*

The proposed project will create temporary jobs during construction and will provide permanent jobs at extended outdoor spaces.

n. ***Tax Valuation.*** *Any increase in the real property tax duplicate.*

None anticipated.

o. ***Private Benefits.*** *The economic and other private benefits to the owner or applicant.*

The increased area for outdoor area will provide additional opportunities for income for the property.

p. ***Public Benefits****. The public peace, health, safety or general welfare.*

The project will result in no identified adverse effects to the public peace, health, safety, or general welfare and will add to the vibrancy of the neighborhood.

CERTIFICATE OF APPROPRIATENESS REVIEW FOR NEW CONSTRUCTION

Staff is supportive of the design and feels that the design substantially conforms to the Historic Conservation District Guidelines. The applicant has provided a narrative. Staff agrees with their narrative and has the additional comments/analysis below.

NEW CONSTRUCTION

The Over-the-Rhine Historic Conservation Design Guidelines give direction to both staff and an applicant on how to design and review proposed developments. When designing infill developments, context and existing surrounding buildings are the main guiding principles of reference. Typically, the context that we consider the most when looking at appropriate infill design is the block that the parcel is on and especially adjacent properties

While the application and proposal is all one complex, the new construction has 4 distinct sections:

1. 15th Street Section
2. 1424 Central Parkway Section
3. 1416 Central Parkway Section
4. Magnolia Section.

Staff will detail each individually in our analysis to provide structure to the discussion.

Staff comments on the Specific Guidelines for New Construction:

A. Intent and General Guidelines

1. New construction is allowed on vacant sites in Over-the-Rhine, because gaps due to demolition weaken the streetscape and the overall character of the district. New construction can improve both the physical quality and economic vitality of the neighborhood.
If demolition is permitted at 1416 Central Parkway and at the addition to 1430 Central Parkway, the new construction would all be on vacant property and would be incorporating 2 historic buildings into the complex.

2. New construction should be well-designed but should not replicate the existing buildings. The exceptional quality of the existing buildings in the district provides an outstanding framework for new construction.
This infill development, while traditional in detailing, does not replicate the existing buildings and has a high level of design and detailing that is based on the fabric of the neighborhood.

3. The Historic Conservation Board's review of new construction will focus on the design compatibility with the surrounding contributing structures. The appropriateness of design solutions will be based on balancing the programmatic needs of the applicant with how well the design relates to the neighboring buildings and to the intent of these guidelines.

New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.
Staff details the compatibility of the project with the guidelines and surrounding buildings below in the specific guidelines.

4. The new construction guidelines for this district will be used to judge the compatibility of new work. The specific site and programmatic needs of each project will be taken into consideration.
Staff details the compatibility of the project with the guidelines and surrounding buildings below in the specific guidelines

B. Specific Guidelines
1. Composition: New buildings should respond to the traditional subdivisions found on historic property: a base, a middle and a top. Most buildings in Over-the-Rhine are built of brick with the principal facade parallel to the street it faces. The most important features of buildings in Over-the-Rhine are the arrangement of openings on the principal facade and an overall vertical emphasis of the whole design. Each building provides its own variations, but collectively they share many basic features.

Base: New buildings should have a well-defined base. Within the district most buildings have a base that is distinguishable from the rest of the building. This is accomplished through a change of materials, a change of scale, and/or a lintel or other type of horizontal banding. In larger buildings the original base may include more than the first floor.

- *15th Street Section- The base is defined with a change in brick color and lintel. The base is designed with a storefront vocabulary with a garage door as the "storefront."*
- *1424 Central Parkway Section- The base of this building is defined in 2 sections as the building is broken into two distinct bays. The northern bay has arches with corbelling detailing and the southern bay has a more traditional storefront design.*
- *1416 Central Parkway Section- The base is distinguished with the same arches from the northern bay at 1424 Central Parkway. These bays are evenly spaced and create a repetitive pattern on both the Central Parkway and Magnolia faces.*
- *Magnolia Section- This building creates and transitions to a more residential vocabulary and while it has individual punched openings at the first floor the base is distinguished with a lintel and change in brick color. This element is on both the street and alley face.*

Middle: Details on new buildings should relate to the detailing of adjacent or nearby buildings. Buildings in the district often incorporate architectural details such as changes in plane or changes in materials on their upper floors. Decorative, horizontal bands

indicating the floor lines, sill heights or lintel heights should not overpower the vertical emphasis of the design.

- *15th Street Section- The middle is defined with individual punched openings that help transition the building to a more residential language.*
- *1424 Central Parkway Section- The middle is defined on the northern bay with a single, paired, paired, single window format and strong vertical pilasters. The southern bay is defined with individual punched openings with simple sills and lintels.*
- *1416 Central Parkway Section- The middle is defined with pairing of a single window and triple window within each bay. Strong vertical pilasters break up the façade and create changes in plane and materials over the face.*
- *Magnolia Section- The middle is defined with individual punched openings that help transition the building to a more residential language. The windows do have a projecting detail framing each window for a modern representation of a windowsill, lintel and frame. The rear is defined by horizontally and vertically aligned windows. The window detailing is simple with less articulation.*

Top: New construction must employ a strong element that terminates the uppermost part of the building. Distinctive elements in the architecture of Over-the-Rhine are elaborate projecting cornices, decorative parapets and the expressive use of materials.

- *15th Street Section- The top is a simple slightly projecting cornice with corbeled brick detailing and a top molding that is traditional in design.*
- *1424 Central Parkway Section- The top of the street face is defined with a strong modern cornice. At the northern bay the columns turn into a frame that provides a projection from face of the building. At the southern bay a change in material and brick pattern creates a strong top. The entire building is connected with a top that is recessed from the face but with lighting and a projection that creates a distinctive cornice.*
    - *The fourth floor that is recessed from the façade does not have a top, but it is designed to take a backseat to the rest of the building and is meant to blend into the background and not have a strong architectural presence.*
- *1416 Central Parkway Section- The cornice on this section mirrors the cornice from the northern bay and has the same top cornice as the entire building at 1424 Central Parkway as an element to tie the buildings together.*
- *Magnolia Section- The top is a simple projecting cornice that is traditional in design. On the alley side the simple cornice is still on top of the third level, and the 4th level is a change of material.*

2. Roofs: Roofs for new construction should be similar to roofs of adjacent and nearby buildings of similar size and use. In the district, buildings of three or more stories generally have low-pitched shed roofs that are not visible above the principal facade. Smaller buildings in the district typically have simple gable roofs on which the gables are perpendicular to the principal facade. Institutional buildings in Over-the-Rhine have

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a variety of roof shapes, including dormers, multiple gables, hip roofs and towers. Roofs in this district have little or no overhang.

The roof is a flat roof. While the fourth floor does provide a different form to the roof with having a multi-level roof, the overall appearance of the building from the right of way will be one of a flat roof.

3. Window Openings: Window openings are extremely important in this district. The openings of new buildings should be related to the size and placement of openings found on historic structures of similar use in the district. In residential buildings, window openings are typically found individually rather than in pairs or grouped. The openings are taller and wider (typically in a proportion of 2:1), window sash are set back from the wall surface, and openings have some form of definition, such as lintels, sills or decorative surrounds. Window openings, which are typically aligned vertically, usually occupy between 20% and 50% of the principal facade. In commercial, industrial and institutional buildings, windows are often grouped within a single opening. These building types may also use a combination of window sash, including double-hung, awning and hopper. If muntins are used in new window sash, they must provide true divided lights. Within the individual opening, window sashes are usually divided into two or more lights. In all cases the glass must be clear; tinted or reflective glass is not acceptable. Also, roll down shutters and metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate.

While the window patterning changes a bit on each building the following is true of all the buildings, including the alley side facing Whetsel Ally.

- *The windows are taller than they are wide. Even when the windows are in pairs or triples, the individual window within those groupings are taller than they are wide.*
- *The windows have definition to them with simple lintels and sills, corbeling detailing or a projecting frame.*
- *The windows are recessed from the face of the building.*
- *The windows are all aligned vertically and horizontally, matching the floor heights of the historic building at 1420 Central Parkway.*

4. Storefronts: New storefronts should relate to the characteristics of existing storefronts on historic buildings. Storefronts in the district are typically taller than individual upper floors; framed by piers and/or columns and have a lintel separating them from the upper floors; are divided into bays which increases their verticality and provides a pedestrian scale and proportion; and have large, fixed expanses of clear (not tinted or reflective) glass. As with rehabilitated original storefronts, roll down shutters and metal bar systems installed on the exterior of the building are not appropriate elements for new storefronts. The storefront lintels are 12 to 18 feet above grade; the windowsill height is between 18 inches and 3 feet above grade; and storefront windows are set back from the structural elements approximately 12 inches

The new construction along Central Parkway and 15th Street all have a storefront vocabulary.

- *W 15th Street Section- The storefront is defined at the first floor with a change in brick color and a lintel at the top of the first floor. A garage door with a panel at the bottom to mimic a bulkhead takes the place of a traditional storefront.*
- *1424 Central Parkway Section- There is a traditional storefront design with a bulkhead, large glass window, vertical columns, and storefront lintel.*
- *The rest of the new construction has an arched window language. Within each of the bays that is created by the corbeled arched windows are large expanses of clear glass that are recessed into the arches. At the 1416 Central Parkway, the bases of the windows are defined with brick planters.*

5. Setback: Setback is an important issue in a dense urban area such as Over-the-Rhine. The setback for new construction should be consistent with the buildings of similar use on adjacent and nearby sites. In Over-the-Rhine, most commercial buildings are built up to the property line. Some residential property, especially detached buildings, has shallow setbacks but retain an "edge" at the property line with a fence. Some larger institutional buildings such as schools, churches and public buildings are setback from the street to provide public space and to add to their monumentality. In most cases new construction on corner sites should be built up to the edge of both outside property lines.

The buildings fronting onto Central Parkway are all at a zero-lot line and set to the street. On the Magnolia Section of the building, there is a slight setback of the building. While the building is still a commercial building use, as the uses on the street are transitioning more to a residential use and vocabulary, and as the building directing to the east of the project is set back from the street, a slight setback is appropriate and contextual.

While the guideline only addresses street setbacks, the applicants have also setback the rear of the building along Magnolia Street 10 feet from the alley to be contextual with the alley setbacks as well.

6. Rhythm: New buildings should incorporate design features, such as window groupings, articulation of wall surfaces, and decorative elements such as columns or piers in an effort to maintain the rhythm that already exists in the district. New construction should avoid creating long unrelieved expanses of wall along the street by maintaining the rhythm of bays found on the district. Most buildings in Over-the-Rhine are relatively narrow, 25 to 50 feet in width. A building facade typically displays vertical subdivisions that establish a visual rhythm. In dense commercial areas such as Vine Street, there are no setbacks, creating a solid wall along the street. This wall is articulated by the individual buildings, which in turn are divided by window groupings, changes in wall planes and decorative elements such as pilasters, columns or piers.

- *W 15th Street Section- The building follows the typical rhythm within the district as this is a typical mixed use building with windows and openings equally aligned over the façade.*
- *1424 Central Parkway Section- The building creates two distinct bays on the building each about 25-30 feet wide that create a similar building width appearance to the buildings at 1430 and 1420 Central Parkway. Within the façade, the regular spacing of the windows and the columns over the façade create consistent rhythm.*
- *1416 Central Parkway Section- The building is a wider building than the typical building at 60 feet wide. While wider than normal the subdivision of the building with the columns and regular pattern of the windows over the façade creates a consistent rhythm.*
- *Magnolia Section- The building follows the typical rhythm within the district as this is a typical rowhouse with windows and openings equally aligned over the façade. The alley side also has a regular rhythm.*
- *The overall rhythm of the block structure with the ally dividing the block along Central is respected as the Ally way remains open while a connecter setback from the front of the buildings is at the 2-4 levels. This also is proposed to be glass to be sympathetic to this having been an open division between the north side and south side of the block.*

7. Emphasis: New residential and mixed-use construction should have a vertical emphasis, because in Over-the-Rhine buildings are taller than they are wide, window openings are tall and narrow, and storefronts have slender columns, which emphasize verticality. Commercial and industrial buildings, which may have an overall horizontal emphasis, often incorporate vertical elements, such as pilasters or vertically oriented openings.

- *W 15th Street Section- This section is taller than it is wide, the windows are in a vertical orientation and that the windows are taller than they are wide.*
- *1424 Central Parkway Section- Verticality is achieved through the building being taller than it is wide, the use of columns that extend up the entire façade, a tall projecting cornice to add additional height, vertical alignment of the windows and windows taller than they are wide.*
- *1416 Central Parkway Section- While the building is wider than it is tall (at the street face), there is still strong verticality created through the use of columns that extend up the entire façade, a tall projecting cornice to add additional height, vertical alignment of the windows, and windows taller than they are wide.*
- *Magnolia Section- While this section is wider than it is tall, it does create vertical emphasis through the vertical alignment of the windows and that the windows are taller than they are wide. This effect is on both the streetside and alley side of the building.*

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8. Height: The height of new construction should not vary more than one story from adjacent contributing buildings. Most buildings in Over-the-Rhine are between two- and five-stories.

All sections of the new construction have an overall height of 4 stories/ 51'8" tall, but are 3 stories/43 feet at the street face. The existing historic buildings on the block facing Central Parkway are 2 stories/33' to the top of the parapet at 1430 Central Parkway, and 3 stories/40'6" at 1420 Central Parkway. The building (Wooden Nickel) across Magnolia Street to the south on Central Parkway is 3 stories/50' tall.

On Magnolia Street, the building directly to the east of the property is 2 stories tall. The rest of the buildings facing Magnolia Street are mostly 3 stories on the north side and mostly 2 stories on the south side of the street.

On 15th Street, the building directly to the east of the development is 3 stories/35' tall (per building permits submitted). The majority of the buildings on 15th street are new construction and are not considered contributing buildings, they are 3 stories at the street at 38+ft (per building permits) and 46+ ft (per building permits) to the top of the 4th floor. The contributing buildings on the street are mostly 3 stories tall.

9. Materials: New construction should use materials that are found on the historic buildings in Over-the-Rhine. Clearly the dominant material in Over-the-Rhine is brick, but other materials such as limestone, sandstone, cast-iron, slate, wood and sheet metal are important as well. Materials such as stucco, synthetic stucco and plastic are not appropriate and should not be considered as exposed finish materials for new construction in this district.

The building materials are all appropriate. The main building material is brick. Different color bricks are used but when used are in a homogenous color to create the different architectural elements, such a change in color for the base or pilasters.

Metals and glass are also used as secondary materials for windows and detailing.

Other Considerations:

Prehearing Results: June 22, 2021 – The applicant team and 9 members of the public were present.

The members from the public were generally opposed to the demolition and the height of the building. Comments are summarized below:

- Demolition of a pre-civil war building is inappropriate due to the significance of the building as a canal industry building.

- An economic hardship cannot be issued for a building that still has an operating business on the property.
- 4 stories is too tall compared to the character and height of adjacent buildings and does not meet the guidelines and obscures views from homes on 15th Street.
- Larger developers are given too much leniency compared to Single Family homes.
- Hotel is an inappropriate use next to the residential uses.
- Use and outdoor areas will have inappropriate noise levels.

Public Engagement: The applicants have provided a timeline of Public Engagement that they have done during the development of this project.

Comments Provided to Staff:

The following letters of opposition were submitted to the board for review

- Kevin Hassey

Consistency with *Plan Cincinnati (2012)*:
Demolishing a building is not consistent with the "Sustain" Initiative Area "Preserve our built history," but an infill new construction that meets the Historic Conservation Design Guidelines does support the sustain initiative.

Recommendation:

Staff recommends the Historic Conservation Board take the following actions:

I. CERTIFICATE OF APPROPRIATENESS

A. APPROVE the application for a Certificate of Appropriateness for demolition of a non-contributing addition at 1430 Central Parkway and demolition of a contributing building at 1416 Central Parkway with the following conditions:

1. The building permit must be issued within 2 years, or the Certificate of Appropriateness will expire.
2. The demolition permit shall be issued concurrently with the issuance of the new construction proposed on the site.

B. FINDING: The Board makes this determination that per Section 1435-05-4:

1. That the property owner and applicant have demonstrated by credible evidence that the proposal to demolish 1430 Central Parkway substantially conforms to the applicable guidelines for demolition in the Over-the-Rhine Historic Conservation District as the addition is a non-contributing addition.
2. The applicants/property owners would suffer an economic hardship if the demolition is not approved for 1416 Central Parkway.

3. The Department of Community and Economic Development did independent analysis which concludes rehabilitation of the existing building is infeasible.
4. The use of Federal Historic Tax Credits will not make the project economically feasible.

If the above Certificate of Appropriateness is approved, staff recommends the below for the proposed Zoning Relief and Certificate of Appropriateness for New Construction at the subject site.

II. ZONING RELIEF

The following recommendations are proposed for the project proposed at 1424 Central Parkway per the drawings submitted by Luminaut dated 4.1.2021.

A. Sec. 1419-21(c) – **APPROVE - Conditional Use** - Limited or Full-Service Restaurants and Drinking Establishment Outdoor Areas – Maximum Size. Allowing for a maximum 2600 sq. ft. Outdoor Area, which exceeds 50% of the indoor area which is approximately 2315 sq. ft.

B. Sec. 1419-21(e) – **APPROVE - Conditional Use** - Limited or Full-Service Restaurants and Drinking Establishment Outdoor Areas – Outdoor Entertainment. Allowing outdoor entertainment at the outdoor areas including the rooftop deck and courtyard area within 500 feet of a residential zone.

C. The above approvals are conditioned on:
1. If property is found to exceed the requirements of Chapter 909, Community Noise, on three or more occasions within a twelve-month period, such can be grounds for the Zoning Administrator to revoke this conditional use approval.
2. The outdoor entertainment at the roof deck shall be limited to background music.

D. **FINDING:** The Board makes this determination that per Section 1435-05-4:
1. Such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located.
2. The outdoor areas are buffered from adjacent properties by the new construction at the site.

III. CERTIFICATE OF APPROPRIATENESS:

A. **APPROVE** a Certificate of Appropriateness for new construction of a new building and rehabilitation and additions to 2 existing contributing buildings per plans from Luminate dated 6.23.2021 for the properties at 1416-1430 Central Parkway with the following conditions:

1. The building permit must be issued within 2 years, or the Certificate of Appropriateness will expire.

B. FINDING: The Board makes this determination per Section 1435-09-2:

1. That the Applicant and/or the Property Owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.
2. The new construction is sympathetic to the historic context and fabric without being replicative of design.

ATTACHMENT A- APPLICANTS SUBMISSION

1. Adjudication Letter
2. COA Application
3. Zoning Relief Application
4. Narrative on Demolition and New Construction
5. HCA Property Report
6. Demolition Drawings
7. Proforma Summary and Proformas
8. Current Operating Financial Report and Property Owner Letter
9. Property Comparables
10. Structural Report
11. HCG Stabilization Estimate.

ADJUDICATION/DENIAL LETTER
Date: May 7, 2021
Location: 1416-1430 Central Parkway
Request: Demolition, Infill, rehabilitation and related zoning relief
Zoning District: CC-A/ Over-the-Rhine Historic District

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A $621.68 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/ **. Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1419-21 (c): Size of the outdoor area. The proposed outdoor area associated with an eating and drinking establishment is 50% larger than the permitted indoor area and is within 500 feet of a residential district. This requires a Conditional Use.
2. 1419-21(e): Outdoor entertainment. The proposed outdoor area will have outdoor entertainment and is within 500 feet of a residential district. This requires a Conditional Use Approval.

The applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5th floor of 805 Central Avenue in the Permit Center. Applications can be turned in **no later than 3pm on the deadline date**. You must contact Kasandra Maynes at 513-352-1559 or Kasandra.Maynes@cincinnati-oh.gov for submittal.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,

Beth Johnson
Urban Conservator
(p): 513-352-4848
(e): beth.johnson@cincinnati-oh.gov

CINCINNATI'S HISTORIC CONSERVATION OFFICE
Documents Required for
Historic Conservation Board Review

The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.

- ☐ 3 complete hard copies at the time of application.
- ☐ All drawings formatted to 11x17 or 12x18.
- ☐ Digital copy in PDF format provided on CD, USB drive, or emailed to beth.johnson@cincinnati-oh.gov
- ☐ Adjudication/Denial Letter and this checklist
- ☐ Certificate of Appropriateness Application Form
- ☐ A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- ☐ Zoning Hearing Examiner Application Form
- ☐ A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- ☐ The Hamilton County Auditors record or other documentation showing property ownership
- ☐ A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- ☐ A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- ☐ 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- ☐ Other Documents or information applicant wants to present for their case
- ☐ Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. $ 621.68

All Drawings and Plans must include the following

- ☐ A graphic scale required on all drawings
- ☐ North arrows on all site, context and floor plans
- ☐ Elevations labeled with North, South, East West, front, side and rear labels
- ☐ Street names labeled
- ☐ Date and/or revision dates

Architectural Drawings and Plans

- ☐ An index of drawings located on the first sheet
- ☐ Context Map showing the building within at least a block of context
- ☐ Existing and proposed site plans including
  - Parcel/boundary lines
  - Building footprints and dimensions labeled
  - Setback dimensions from all property lines labeled
  - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
  - All properties and their structures immediately adjacent to the site
- ☐ Existing and proposed elevation drawings
  - Total Height from grade to top of the building
  - Total height- ASL (Above Sea Level)
  - Materials labeled
- ☐ Existing and proposed floor plans and roof plans (with chimney locations)
  - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
  - Square feet of commercial spaces listed

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 034

- Location of trash storage and Utilities

- ☒ Site section and/or Site elevations including any adjacent properties
- ☒ Driveways, sidewalks, walkways, terraces, and other paved surfaces
- ☒ Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- ☒ Existing and proposed landscape areas and materials, if proposed to be altered;
- ☒ Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- ☒ Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- ☒ Site line drawings for any roof additions.
- ☒ A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

Required if applicable to the project

- ☒ Historic Sanborn Maps of the site
- ☒ Window brochures and cut sheet
- ☒ Roof product information (brochure)
- ☒ Garage door brochures
- ☒ Sample materials or color samples. _____
- ☒ Fence drawings of style, fence brochures or photo of a sample fence
- ☒ Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- ☒ Mature tree removal requires a letter from an arborist stating its poor health
- ☒ All written correspondence submitted by the applicant and other affected persons
- ☒ Tentative project schedule
- ☒ Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- ☒ _____
- ☒ _____
- ☒ _____

Demolition (full or partial) for Historic Conservation Districts and Landmarks

- ☒ Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- ☒ Statement of plans for the property after demolition.

Hillside Overlay Zone (CZC § 1433)

- ☒ A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- ☒ A preliminary geotechnical evaluation;
- ☒ A determination of the maximum building envelope;
- ☒ Average slope/grade of the property; and
- ☐ Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or beth.johnson@cincinnati-oh.gov

Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 035

city of CINCINNATI

II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am—4 pm
(513) 352-4848
Urban.Conservator@Cincinnati-OH.gov

Office Use Only
Application #: _____
Date Accepted: _____
☐ Staff Review ☐ Board Review
☐ Paid: _____
Date Perfected: _____
Hearing Date: _____

CERTIFICATE OF APPROPRIATENESS APPLICATION

SUBJECT PROPERTY

Site Address: 1416-1418 CENTRAL PARKWAY
Hamilton Co. Parcel ID No.: 081-0002-0205-00 Zoning District: CC-A
Historic District: OVER THE RHINE Overlay District: URBAN PARKING OVERLAY

PRIMARY CONTACT INFO ☐ PROPERTY OWNER ☒ OTHER ARCHITECT (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: LUMINAUT
Contact Person (if legal entity): JEREMIAH HAHN
Address: 1100 SYCAMORE STREET, SUITE 200
City: CINCINNATI State: OHIO Zip Code: 45202
Phone: 513-984-1070 E-mail: JHAHN@LUMINAUT.COM

PROPERTY OWNER INFO ☐ SAME AS ABOVE

Name: PARKWAY TOWERS ASSOC. LLC
Contact Person (if legal entity): Ohm Patel
Address: 1418 CENTRAL PARKWAY
City: CINCINNATI State: OHIO Zip Code: 45202
Phone: _____ E-mail: ohm@moment-development.com

CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

☐ New Construction ☐ Alteration ☒ Demolition

Provide a very brief summary of the project:
COMPLETE DEMOLITION OF A HEAVILY MODIFIED CONTRIBUTING STRUCTURE. DEMOLITION OF THE NON-CONTRITUBING ADDITION TO A HISTORIC STRUCTURE. APPROVAL OF PROPOSED HOTEL DEVELOPMENT. APPROVAL OF OUTDOOR ENTERTAINMENT ASSOCIATED WITH HOTEL.

ZONING RELIEF ☒ Yes ☐ No

Provide a very brief summary of the zoning relief requested:
RECOGNITION OF THE ECONOMIC HARDSHIP IMPOSED BY THE HISTORIC CONSERVATION GUIDELINES TO PERMIT DEMOLITION OF THE SEVERELY DETERIORATED AND HEAVILY MODIFIED CONTRIBUTING BUILDING. APPROVAL OF HOTEL DEVELOPMENT AND ASSOCIATED OUTDOOR ENTERTAINMENT CONDITIONAL USE.

SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

Demolition requests must include all required demolition forms.
All applications that include requests for zoning relief must include a zoning hearing application.
All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature: _____ Date: 5.29.21

8/17

for additional information (hyper-link)

city of CINCINNATI LAW

II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am- 4 pm
513-352-1559
Boards@cincinnati-oh.gov

ZONING HEARING EXAMINER
Application for Zoning Relief

Office Use Only
Case Number: _____

Hearing Date: _____

Section 1. SUBJECT PROPERTY

ADDRESS 1416-1418 CENTRAL PARKWAY COMMUNITY OVER THE RHINE
PARCEL ID(S) 008100020598 HILLSIDE DISTRICT: ☐ Yes ☒ No
BASE ZONING CLASSIFICATION CC-A ZONING OVERLAY (if applicable) URBAN PARKING
HISTORIC DISTRICT: ☐ No ☒ Yes: (name) OVER THE RHINE
☒ **Non-Residential Project** ☐ **Residential Project (RCO) One -, Two -, and Three- Family Dwelling**

Section 2. APPLICANT

NAME LUMINAUT CONTACT PERSON (if legal entity) JEREMIAH HAHN
ADDRESS 1100 SYCAMORE STREET, SUITE 200 CITY CINCINNATI STATE OHIO ZIP 45202
EMAIL JHAHN@LUMINAUT.COM RELATIONSHIP TO OWNER (if not owner) ARCHITECT
TELEPHONE 513-984-1070

Section 3. OWNER

NAME PARKWAY TOWERS ASSOC. CONTACT PERSON (if legal entity) OHM PATEL
ADDRESS 1416-1418 CENTRAL PARKWAY CITY CINCINNATI STATE OHIO ZIP 45202
EMAIL ohm@moment-development.com RELATIONSHIP TO OWNER (if not owner) development partner
TELEPHONE _____

Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

☐ Variance ☐ Special Exception ☒ Conditional Use ☐ Use Variance
☐ Expansion or Substitution of Non Conforming Use ☐ Hillside Overlay District Permission
☐ Urban Design Overlay District Permission ☐ DD District Phased Development Approval

Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT *(Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)*

COMPLETE DEMOLITION OF A HEAVILY MODIFIED CONTRIBUTING STRUCTURE. DEMOLITION OF THE NON-CONTRITUBING ADDITION TO A HISTORIC STRUCTURE. APPROVAL OF PROPOSED HOTEL DEVELOPMENT. APPROVAL OF OUTDOOR ENTERTAINMENT ASSOCIATED WITH HOTEL.

Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

PLEASE REFER TO ATTACHED HISTORIC CONSERVATION NARRATIVE.

Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name JEREMIAH HAHN Signature _____ Date 5 / 29 / 21

Revised 09.17.2019

Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

☐	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
☐	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
☐	Zoning Hearing Examiner application.
☐	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
☐	Written statement required in Section 6 of application.
☐	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
☐	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures **existing and proposed** from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
☐	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the **existing and proposed** project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
☐	The Hamilton County Auditor's record showing ownership of the property. If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
☐	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
☐	Other documents or information you intend to introduce at the hearing on this application.
☐	A non-refundable application fee - a check made payable to "City of Cincinnati." • **$900.00** for Use Variances • Variances, *including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside & Urban Design Overlay and DD District are as follows:* **$300.00** for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling **$500.00** for Non-residential Projects (Non-RCO)

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors' concerns or objections and can facilitate the approval of your application.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 038

1100 Sycamore Street
Suite 200
Cincinnati, OH 45202
513.984.1070
luminaut.com

LUMINAUT

HISTORIC CONSERVATION NARRATIVE

DEMOLITION CASE

The property owner seeks the Historic Conservation Board's authorization to demolish the building located at 1416 Central Parkway. The building is approximately 60'-0" wide (measured parallel to Central Parkway) by approximately 90'-0" deep (measured parallel to Magnolia Street). The majority of the building is two stories tall, but the south-east corner of the building is three stories tall and the north-east corner of the building is one story tall. The building has stucco-covered brick masonry exterior walls and a flat membrane-covered roof. It was originally excluded from the Over the Rhine National Historic District but was added as a contributing structure during the 2014 boundary increase. The boundary increase nomination places the date of construction in 1900 and makes note of the building's "muted Spanish colonial revival style" with "decorative plaster friezes" and "decorative plaster medallions". The nomination also describes "decorative urns" above the parapet, but this element is now entirely missing. Historic photographs indicate that the Spanish colonial revival ornament is not original to the building and it cannot be determined if these features were added during the historic district's period of significance. The nomination notes that the historic rhythm of door and window openings has been altered, which is supported by historic photographs. It also states that the historic massing remains; however, the current stepped parapet is not present in the historic photographs and this addition alters the profile of the building.

The property owner understands the gravity of this request, but this demolition is justified due the economic hardship imposed by the stabilization and rehabilitation of this building in compliance with the historic conservation guidelines and applicable building codes. The historic conservation guidelines state that the demolition of a contributing building is permitted when "the owner can demonstrate to the satisfaction of the Historic Conservation Board that the structure cannot be reused for any use or [that] a reasonable economic return from the use of all or part of the building … cannot be realized". The property owner has prepared a proforma to demonstrate that this building will not generate a reasonable economic return for office, residential, retail, or mixed uses. Please also refer to the structural engineer's report regarding the deteriorated condition of the existing building and to the general contractor's opinion of probable construction costs for the stabilization of the existing building. Furthermore, the building has been significantly altered from its original appearance and its continued preservation potentially creates a false historic impression (as these alterations may not date from the historic district's period of significance). The applied Spanish colonial revival ornament detracts from the integrity of the historic district, which is

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 039

nationally recognized as a significantly intact urban neighborhood of primarily simple Italianate and modest vernacular buildings. Historic photographs show a simple, modest industrial building without any of the Spanish colonial revival elements described above; however, restoration of this appearance is not recommended from a durability perspective due to the stucco (see below). The historic photographs show the original building exhibited a rhythm of door and window openings compatible with the other historic buildings in the historic district; however, the current building does not maintain this rhythm and its massing has been altered. The conservation guidelines address buildings that have been significantly altered and should not be considered contributing: "some older buildings have lost the integrity of their original design due to substantial, incompatible exterior alterations…the basic design, scale, and rhythm of these buildings no longer relates to the historic buildings of the district." The remainder of this document will discuss specific challenges associated with the restoration or preservation of this building.

Building Code Compliance

Per the Ohio Building Code (OBC), continuation of the current occupancy type (business) is permitted without complying with the requirements for new construction; however, a change of occupancy to a more hazardous occupancy type, including mercantile and residential, would require compliance with the requirements for new construction. The "alternative compliance" methodology for existing buildings described in Section 3412 OBC is not applicable because the building does not comply with the mandatory emergency egress requirements, including the minimum number of exits and the required remoteness of exits. Additionally, the existing building is classified as construction type V-B due to the wood-framed exterior walls on the west side of the third floor and on the east side of the second floor (noted as "iron-clad" on historic Sanborn fire insurance maps and currently clad with vinyl siding); typically, contributing buildings in the historic district are classified as construction type III-B due to their non-combustible masonry exterior walls. The building code has more stringent requirements regarding height limits and sprinklers for V-B construction than for III-B construction, which is an additional obstacle to the stabilization and rehabilitation of this building compared to typical historic buildings. The third story is currently occupied as storage and thus any occupancy (business, mercantile, or residential) would be considered a change of occupancy; therefore, the following life-safety improvements are included in the opinion of probable construction costs:

- Installation of a new automatic sprinkler system.
- Installation of fire-rated walls to enclose the interior exit stairs.
- Installation of fire-rated ceiling membrane to separate mixed occupancies.
- Extension of the existing fire escape to the third floor to provide second means of egress.

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CINCI ZBA RECORD PG 040

Accessibility Requirements

Additionally, the existing building does not have an accessible entrance and each story has multiple floor levels; however, an accessible entrance and an accessible route connecting the public areas on the first story is required in historic buildings. Modification of an existing recessed entrance, including removal of a portion of the stone rubble foundation wall and modification of the wood floor framing, would be required to install a new ramp up to a new landing providing the code required wheelchair maneuvering clearances at the building entrance. New ramps connecting the existing floor levels throughout the first story would also be required; therefore, the cost of these mandatory accessibility improvements is included in the opinion of probable construction cost. These elements would consume a large percentage of the leasable floor area on the first story.

Exterior Envelope

The existing roof membrane is deteriorated and must be replaced as a matter of routine building maintenance; however, the existing parapet height is not adequate to properly terminate the membrane and counterflash the membrane perimeter. Increasing the existing parapet height would not be an appropriate treatment for the historic building as it would further alter the building's massing; however, the building owner cannot obtain a standard roof warranty maintaining the existing parapet height. The existing stucco wall covering is also deteriorated with some areas delaminating from the brick masonry substrate and cannot remain in its current condition. The stucco is not original to the historic building as evidenced by historic photographs and it is unclear if the stucco was applied during the historic district's period of significance; however, removal of the deteriorated stucco to restore the historic building's original appearance is not advisable from a durability perspective. Removal of the stucco will undoubtedly damage the underlying hard face material of the historic brick masonry substrate exposing the soft inner material to the elements and this softer inner material will deteriorate rapidly if it remains exposed to the elements. Since brick masonry is the preferred exterior wall material per the historic conservation guidelines, the general contractor's opinion of probably construction cost includes realistic quantities of brick replacement and mortar joint repointing. Extensive reconstruction of the historic brick masonry exterior walls will be required to stabilize the building. The structural engineer's report also notes cracking of the masonry bearing walls due to movement or settlement of the building. The structural engineer notes that the wythes of brick masonry appear to be separating and must be stabilized with new helical ties. The historic scuppers, collector boxes, and downspouts seen in historic photographs are not present. The stone parapet coping is loose and must be removed and reinstalled.

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CINCI ZBA RECORD PG 041

Structural System

There is extensive evidence of water infiltrating through the exterior walls, including effervescence, crumbling plaster, and spalling bricks – the stucco was most likely added to extend the service life of the brick masonry; however, it no longer provides adequate protection from the elements. It can be reasoned that there is also deterioration of wood elements that are in contact with the damp brick masonry, including the door and window lintels and the bearing ends of floor joists and roof rafters; this hypothesis has been visually confirmed in areas where those elements are exposed due to damaged or missing plaster. The original wood lintels have been removed where historic openings were filled. Therefore, the cost of new steel lintels and the cost of sistering or replacing floor joists and roof rafters is included in the opinion of probable construction costs. This work is also necessary because the structural engineer has determined these joists are inadequate for the existing spans and anticipated loading. Additionally, the existing building occupies the entirety of the site so new HVAC equipment would need to be installed on the roof, which will require further reinforcement of the existing framing.

The stone rubble foundation walls in the basement must be repointed as the mortar joints are deteriorated from prolonged contact with damp soils. Additionally, the foundation wall is undermined in the northeast corner of the building and must be reinforced per the structural engineer's recommendations. The timber posts in the basement are in direct contact with the ground and are deteriorated. These posts must be replaced, and new concrete footings are necessary to isolate the wood from contact with the soil and to properly distribute the load. There is an existing subbasement below the basement. The structural engineer recommends backfilling this subbasement – the basement above this area has a wood framed floor that is bearing directly on damp earth and is severely deteriorated and should be removed. Per the structural engineer's report, the existing beams throughout the building are inadequate for the anticipated loads and must be reinforced. A portion of the building's original wood floor framing has been replaced with a concrete frame to allow machinery and vehicle storage in the rear portion of the first floor. The concrete has spalled in areas exposing the steel reinforcing, which is now rusting, and both must be repaired. The existing wall ties have failed and must be replaced to interlock the walls and floor framing together for structural integrity.

Door and Window Openings

As stated in the nomination and evidenced by historic photographs, the rhythm of historic door and window openings has been heavily modified. Historic photographs show arch-top masonry openings, which are no longer present although the stone sills remain at most openings. On the south elevation, every first-floor opening has been modified from its original configuration – one opening has been modified into a door, one opening has been reduced in size, and the other six

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 042

openings have been filled. On the second-floor, one opening has been filled and the other seven remain but their height has been reduced. On the third-floor, two openings have been filled and the one other window remains, but its height has been reduced. On the west elevation fronting Central Parkway, two first-floor openings approximately align with the openings visible in historic photographs, but the other first-floor openings do not correspond with the historic photograph. On the second-floor, two openings have been filled and the other six openings remain, but the height of three of these openings has been reduced. The current windows are not original, and it is unclear if historic brickmould remains. New garage doors have been cut into the east elevation. These large openings compromise the lateral load resistance of the building and create a "soft story;" therefore, further reinforcement may be required to stabilize the building. Additionally, these openings are not permitted by the Ohio Building Code due to the fire separation distance to the property line.

Concluding Remarks

For these reasons, the restoration or preservation of this building constitutes an economic hardship because a reasonable rate of return cannot be achieved; therefore, enforcement of the conservation guidelines by denying authorization to demolish this building would represent a taking of the owner's real property rights. Additionally, the building has been heavily modified from its original appearance. It is unclear if these architectural embellishments were added during the historic district's period of significance and therefore may constitute a false historic impression that weakens the integrity of the historic district. The owner plans to construct a new hotel on this property and the new hotel has been designed to comply with the historic conservation guidelines and the zoning code.

The owner also requests the Historic Conservation Board's authorization to demolish the non-contributing addition to 1430 Central Parkway. The contributing portion of this building has been rehabilitated by the property owner into a new bar in compliance with the historic conservation guidelines (under a previous Certificate of Appropriateness); however, demolition of the non-contributing addition is necessary for the proposed redevelopment of this site (see below). The non-contributing addition is located to the south of the historic building. It is approximately 28'-0" wide by 72'-0" deep and is one story tall with a roof terrace. The addition is set back from the property line approximately eight feet. The historic conservation guidelines allow for the demolition of noncontributing, incompatible additions; therefore, approval should be granted. The one-story building mass set back from the property line is inadequate to hold the street edge and is not appropriate for the urban neighborhood.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 043

NEW CONSTRUCTION

The property owner will develop a new hotel on this site that will comply with the zoning district requirements and the historic conservation guidelines, especially regarding composition, materials, openings, rhythm, scale, proportion, and height. The proposed design is contemporary but compatible with and sympathetic to the contributing buildings in the historic district; the historic conservation guidelines state: "new construction should be well-designed but should not replicate the existing buildings", which would create a false historic impression. The proposed design is an appropriate and contextual response the architectural precedent established by the contributing buildings and to the urban framework formed by the historic district. The proposed development will fill gaps in the existing streetscape and hold the property line. The master plan for this block includes the rehabilitation of two contributing buildings 1420 Central Parkway and 1430 Central Parkway; the demolition of one non-contributing structure (1424 Central Parkway – under a separate Certificate of Appropriateness application); the demolition of one non-contributing building addition at 1430 Central Parkway; and the demolition of one contributing structure at 1416 Central Parkway, which is severely deteriorated and substantially altered from its original appearance (please see above). The resulting development will improve both the physical quality and economic vitality of the neighborhood and should be approved by the Historic Conservation Board.

The proposed design features a top, middle, and base composition distinctive of the contributing buildings in the historic district. The top element is a contemporary, simplified interpretation of the cornices typical of contributing buildings. At the corners, the base element is differentiated with arched storefront openings that correspond to the arched opening of the directly abutting historic building (1420 Central Parkway) that will be incorporated into the development; elsewhere, the base element is differentiated with horizontal masonry courses with a corresponding change in color or material. The variation in base treatment breaks down the overall scale of the development while maintaining a cohesive, unified appearance. The middle element between these top and base elements is characterized by a simple rhythm of window openings consistent with the contributing buildings in the historic district, and window head and sill heights correspond to the datum lines established by the adjacent historic structure. The building will have a simple flat roof like other large buildings in the historic district and this roof will not be visible above the primary facade from the public right of way as directed by the historic conservation guidelines. The building will be four stories tall, which is only one story taller than the adjacent contributing buildings (as permitted by the historic conservation guidelines); however, the fourth story will be held back from the property line so that the building appears to be three stories tall from the public right of way – the same height as the adjacent contributing buildings. There are many historic precedents for buildings of similar scale throughout the historic district especially near the edges of the historic district where larger buildings are more common.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 044

The building has an overall vertical emphasis, which is characteristic of contributing buildings in the historic district. The building consists of many tall, skinny structural bays articulated with tall, skinny window openings stacked in repeating vertical columns. At the corners, the vertical element is further emphasized with projecting brick masonry pilasters in a slightly contrasting color, which is a composition strategy employed by many contributing buildings in the historic district. The historic conservation guidelines encourage using columns or piers to emphasize the vertical composition. Within this structural armature, there are ganged windows, which are common in the historic district's larger commercial and industrial buildings and will differentiate and emphasize the corner. Each individual window within these groupings has the tall, skinny proportions of historic window openings. Throughout the historic district, the corner buildings are often more monumental in scale and appearance, which reinforces the street edge. The rhythm of these window bays is compatible with and sympathetic to the rhythm of window openings seen throughout the historic district. The windows will be primarily double hung, which is prevalent in the historic district; the windows will be a dark color and will have proportions that approximate historic windows. The storefront openings will also be tall, skinny double hung windows sitting on a bulkhead wall, which is typical of contributing buildings. There will be a transom above the storefront windows with divided lites that correspond to the ganged windows below. The overall composition of the storefront openings is similar in configuration and proportion to original storefronts in contributing buildings and is compatible with pedestrian scale at the sidewalk.

The building will hold the property line along Central Parkway and at the corner along Magnolia Street. The east wing of the building will be setback slightly (approximately three feet) to break up the massing, to shift to a simpler, reserved facade style, and to transition to the adjacent property east of that wing which is set back six feet from the property line (like the residential buildings across the street). A low retaining wall with planters will hold the property line where this setback occurs as directed by the historic conservation guidelines. Holding the property line with new three-story construction will fill gaps in the existing streetscape; and as previously stated, the more monumental appearance at the corner reinforces the urban grid. The primary exterior materials will be brick masonry – a light and dark gray contrasting color will be selected to articulate the top, middle, and base composition and to reinforce the vertical emphasis. The color changes also help to break down the scale of the building while presenting a cohesive and unified design. The proposed design is contemporary but inspired by the historic vernacular of the historic district. It is compatible with and sympathetic to the contributing buildings without direct mimicry that would create a false historic impression and is an appropriate scale for the urban neighborhood; therefore, the proposed development should be approved.

COMMUNITY ENGAGEMENT

Below is an outline of milestone dates meetings related to the zoning/entitlement approvals:

- 04-30-2020 – Urban Conservator Meeting
- 05-05-2020 – Infill Committee Meeting
- 05-28-2020 – City Real Estate & GCWW
    - City Real Estate Manager – Tom Klumb
    - City Zoning Administrator – Emily Ahouse
    - GCWW – Becky Calder
- 12-14-2020 – Urban Conservator update
- 02-02-2021 – Urban Conservator update
- 02-18-2021 – Infill Committee update
    - The articulated frame (heroic order) was deemed appropriate. Infill committee suggested reducing the brick color contrast of the articulated frame (Heroic order) columns of main structure on Central Parkway, which we have updated to be darker in the rendering and closer to the base brick (field) color.
    - There was concern about seeing the 4th story on magnolia from the sidewalk and from down at the corner of Elm and Magnolia especially from all of the additional foot traffic coming up from Washington Park. Luminaut responded by developing a 3d animated walk-through model starting from the corner of Elm & Magnolia and walking along the south sidewalk of Magnolia then looking/panning back across the street directly at the new infill building to illustrate that the 4th story is set back far enough to be out of street level view. This animation was sent to the infill committee.
- 03-24-2021 – OTR Economic / Quality of Life
    - There was concern regarding the occupiable roof deck that wraps the corner of the hotel at Central Parkway & Magnolia because it is close to the houses in proximity to the south. Luminant responded by stretching the rooftop boundary back (to the west) and limiting extent of the occupiable area. The eastern boundary of Wooden Nickel building was discussed and used as a general benchmark for where to limit the occupiable portion of the deck. It was also noted that the roof in front of the 4th story guestroom wing setback was not occupiable specifically because of the residential neighbors across the street.
- 04-20-2021 – OTR Neighbor's Meeting
    - There was concern about seeing transients on the stoops from across the street (along Magnolia), as a result stoops were downsized and added a continuous planters behind the stoop wall to reduce the sized to a degree where it is not a "hang out place" but can still function as a 1st floor buffer from sidewalk traffic, and relates both the abutting 2-story building setback, as well as the setback & stoop architecture directly across the street along the Magnolia homes.
    - There was concern regarding the NE building corner of the Magnolia Guestroom wing being directly on the Whetsel Alley property line even though zero lot line building is allowable by-right, and present for two other historic buildings down Whetsel to the east. Luminaut responded by shrinking the guestroom sizes on the

alley side (back) of the building to achieve a 4’ setback at the end guestroom stack where it abuts and is limited by the stair core, and a full 10’ setback from the Whetsel property line for the rest of the guestrooms on that façade which accounts for 85% of the frontage there.

- There was also concern regarding the 1st floor stoops (buffers), and guestroom balconies above that we had cantilevered off of the back of each guestroom along Whetsel Alley. Luminant responded by removing the back occupiable stoops and replaced with a planting buffer, and above eliminated all of the balconies and changed to in swinging double French door Juliette’s so there is not an exterior place to “hang out”, but still provides an open-air connection for the guests. The first-floor double doors and double doors above are roughly the same proportions as the first-floor windows and windows above of the Fenderworks building as a part of that Whetsel alley north elevation.

- 04-23-2021 – City Coordinated Report received
- 04-29-2021 – Urban Conservator update
- 05-28-2021 – HCB application submission
- 06-23-2021 – HCB Pre-Hearing (demo & infill)
- 07-12-2021 – HCB Hearing (demo & infill)

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 047

Dusty Rhodes, Hamilton County Auditor

generated on 5/7/2021 2:34:15 PM EDT

Property Report

Parcel ID	Address	Index Order	Tax Year
081-0002-0205-00	1416 CENTRAL PW	Parcel Number	2020 Payable 2021

Property Information

Tax District 001 - CINTI CORP-CINTI CSD
School District CINCINNATI CSD

Appraisal Area
01800 - OVER THE RHINE

Land Use
447 - OFFICE - 1-2 STORIES

Owner Name and Address
DOWNTOWN PROPERTY MANAGEMENT INC
8322 ARBORCREST DR
CINCINNATI OH 45236
(call 946-4015 if incorrect)

Mailing Name and Address
DOWNTOWN PROPERTY MANAGEMENT INC
8322 ARBORCREST DR
CINCINNATI OH 45236
(call 946-4800 if incorrect)

Images/Sketches

Assessed Value
100,260

Effective Tax Rate
89.090432

Total Tax
$9,642.55

Property Description
CENTRAL PKWY 60 X 139 IRR LOT 33-34-35 PT 32 HOTCHKISS AVERY ETAL SUB BLK 2-5 PARS 205-206-216-217 CONS

Appraisal/Sales Summary

Year Built	1900
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Transfer Date	8/18/1997
Last Sale Amount	$265,000
Conveyance Number	11145
Deed Type	WE - Warranty Deed (EX)
Deed Number	818856
# of Parcels Sold	3
Acreage	0.220

Tax/Credit/Value Summary

Board of Revision	YES(04)
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	147,130
CAUV Value	0
Market Improvement Value	139,310
Market Total Value	286,440
TIF Value	78,640
Abated Value	0
Exempt Value	0
Taxes Paid	$4,847.88
Tax as % of Total Value	0.000%

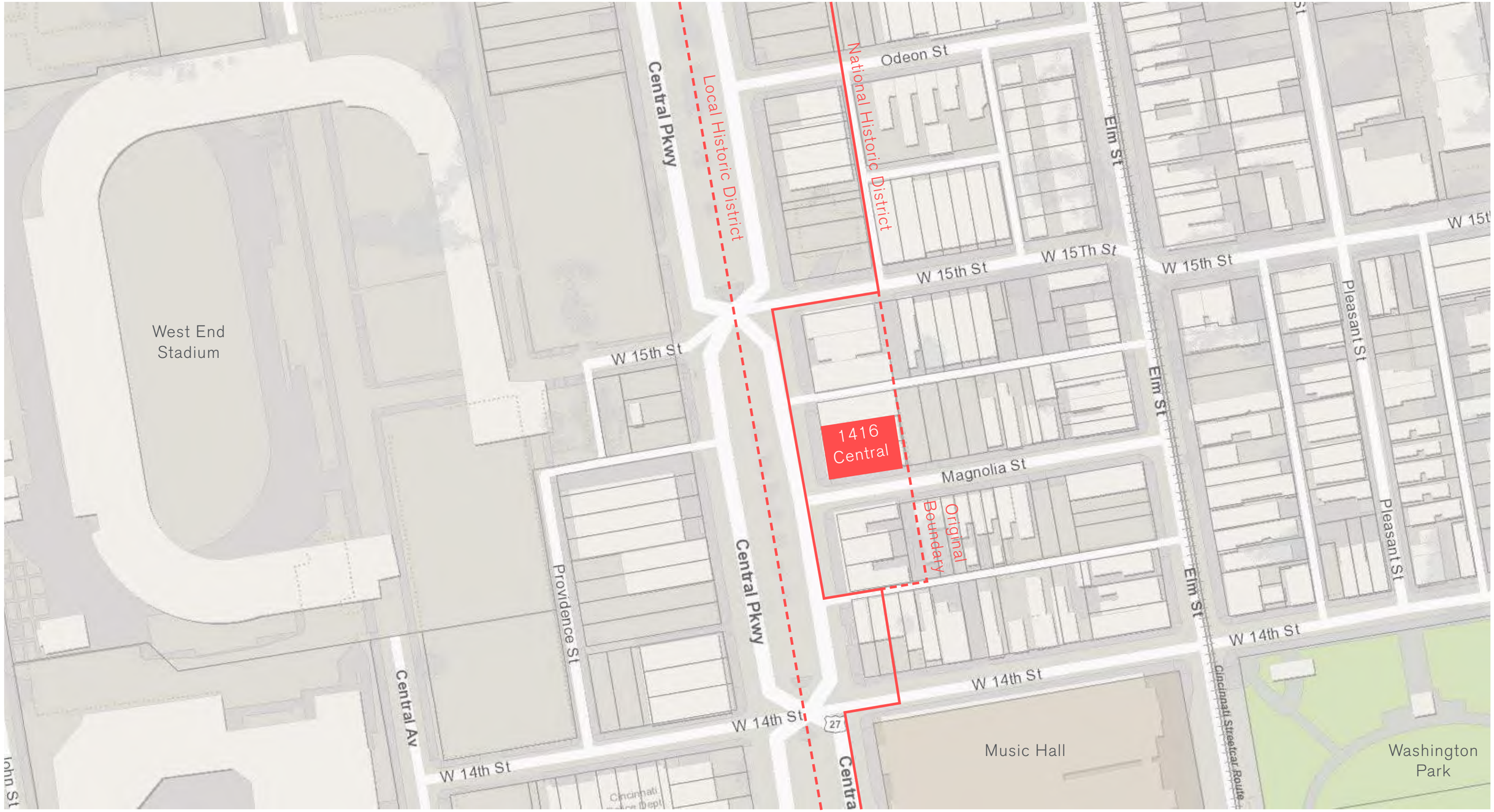
Notes

1) 11-29-04 30 YEAR TIF ABATEMENT BEGAN 2003 THRU 2032

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 048

Context Plan

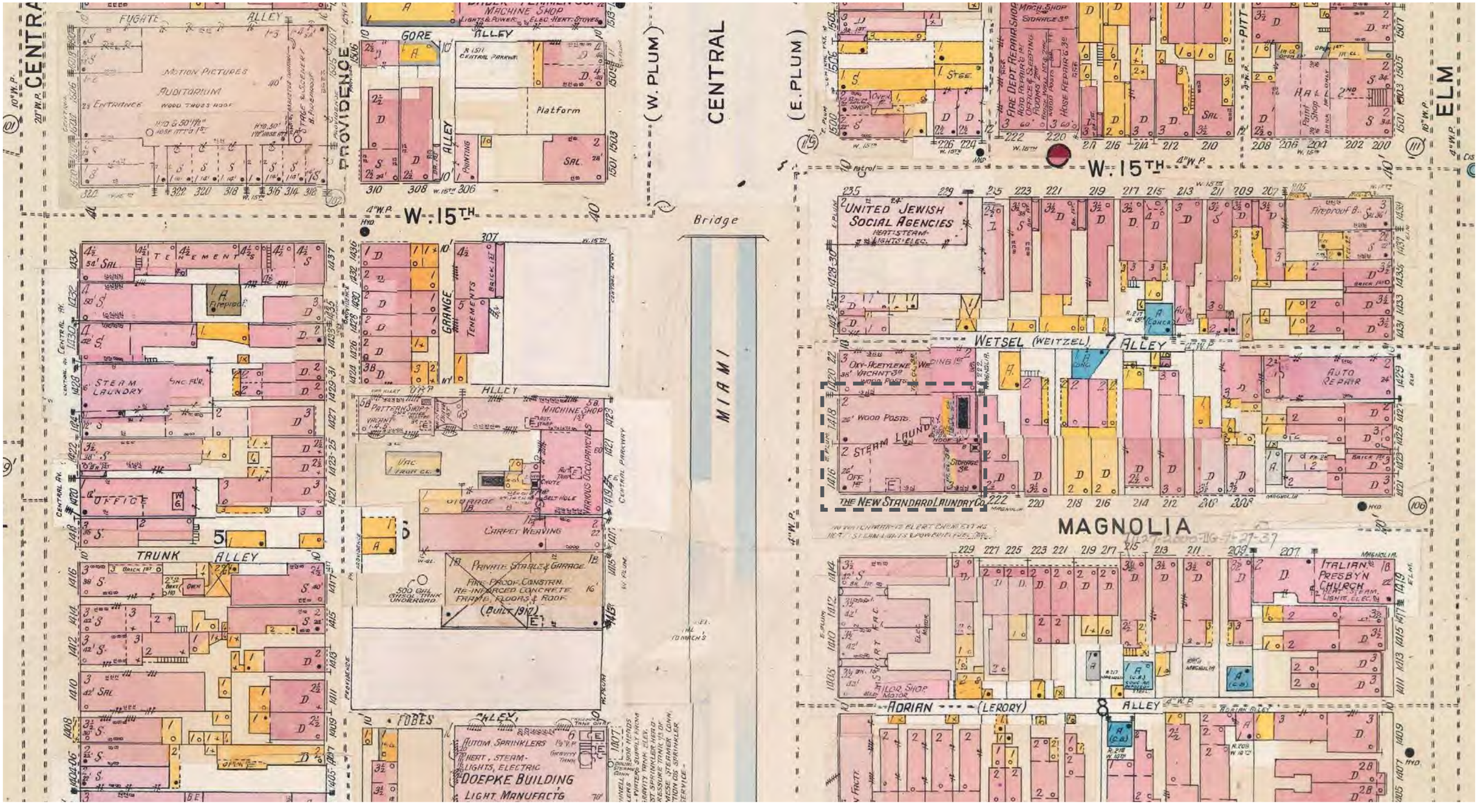
1416 Central Parkway



1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 049

Historic Map (c. 1904)

1416 Central Parkway



1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 050

Historic Photograph

West Elevation (Central Parkway)

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 051

Historic Photograph

West Elevation (Central Parkway)

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 052

Historic Photograph

South Elevation (Magnolia Street)

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 053

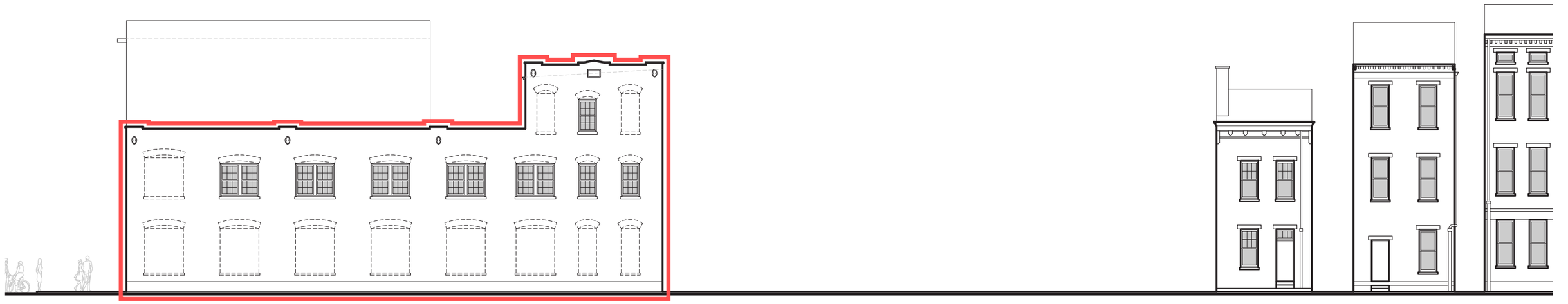
Historic Photograph

South Elevation (Magnolia Street)

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 054

Existing Street Elevations

West Elevation from Central Parkway (Looking East) -- 1/16"=1'-0"



South Elevation from Magnolia Street (Looking North) -- 1/16"=1'-0"

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 055

Contemporary Photograph

View from the Northwest

Contemporary Photograph

View from the Southwest

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 057

Contemporary Photograph

View from the Southeast

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 058

Contemporary Photograph

View from the Northeast

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 059

MOMENT
DEVELOPMENT

15th and Central
06.30.2021

LUMINAUT

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 060

Conceptual Design

03 Vicinity Map

04 Site Plan

05 Existing Site

06 Existing Elevations

09 Phasing Diagrams

13 Concept Plans

20 Image Strategy

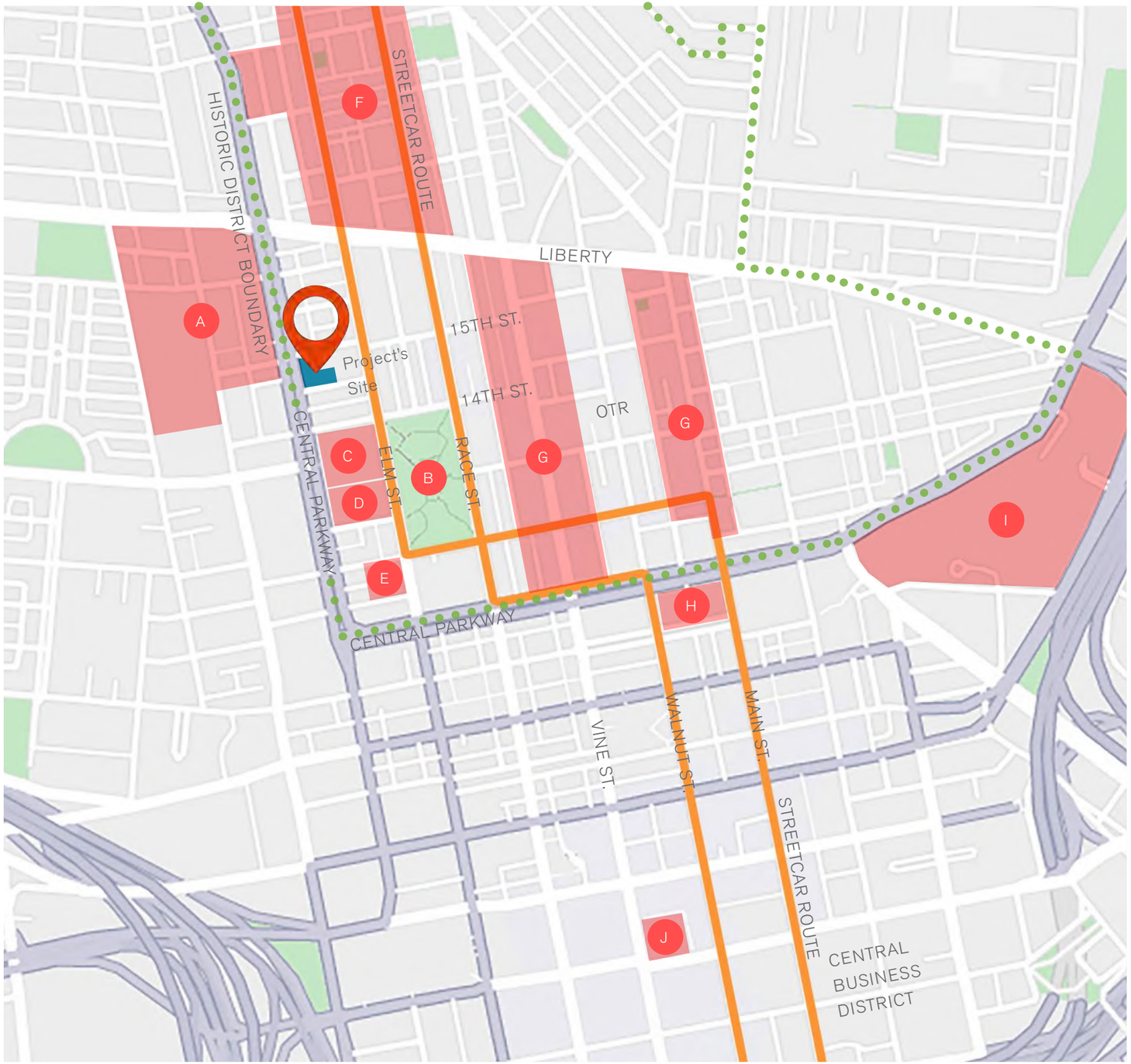
21 Exterior Rendering & Perspective

25 Concept Elevations

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 061

Vicinity Map

OTR Cincinnati, OH.



A FC Cincinnati Stadium Area

B Washington Park

C Music Hall Theatre

D Memorial Hall Venue

E Shakespeare Theater

F Findlay Market Area

G Vine & Main Street Retail Areas

H Kroger Urban Grocery & Apart.

I Jack Casino

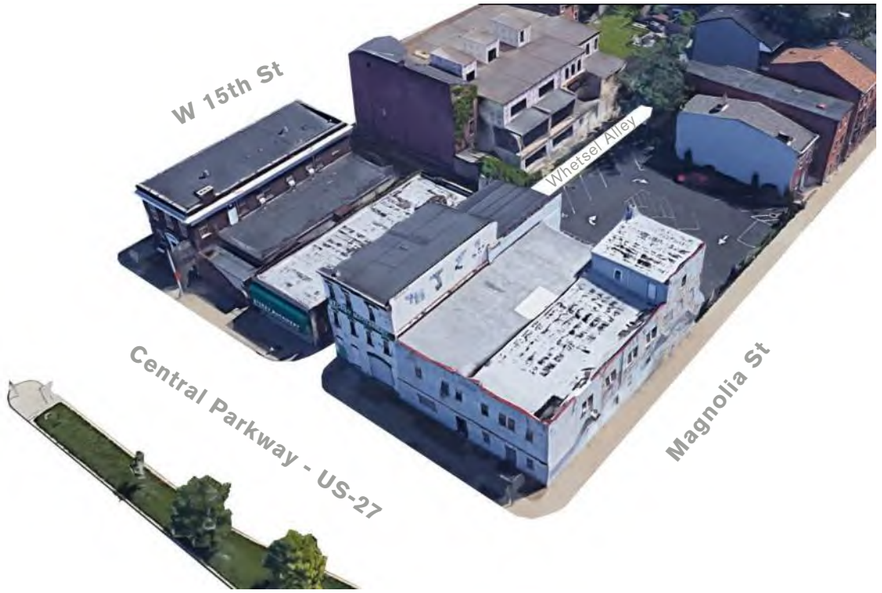
J Fountain Square

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 062

Site Plan

Scale: NTS

Existing Site

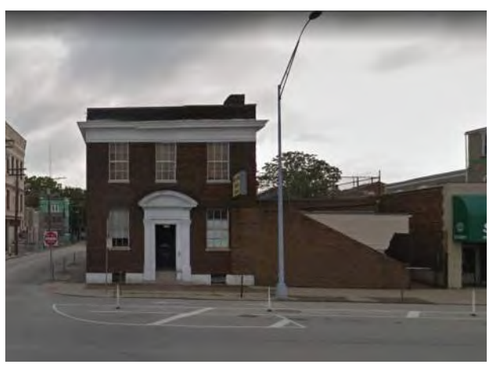


Contributing Historic Building

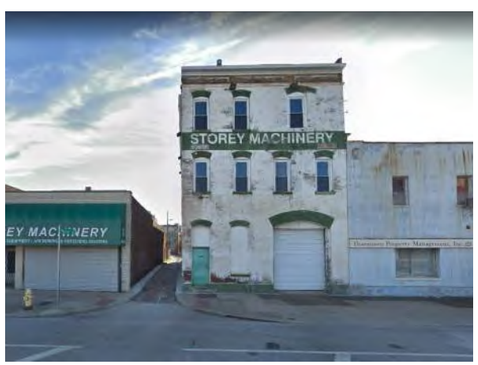
Non-Historic, Non-Contributing

Scale: NTS

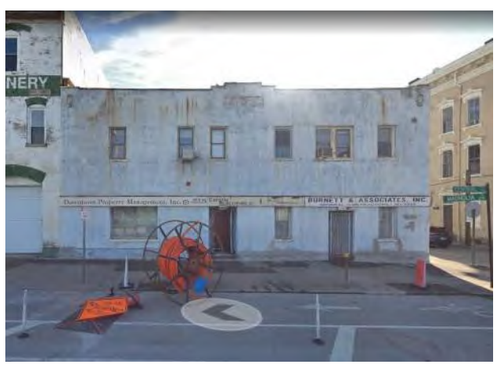
A



B



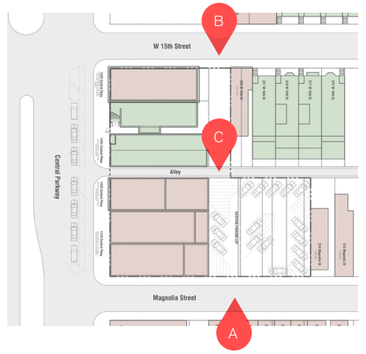
C



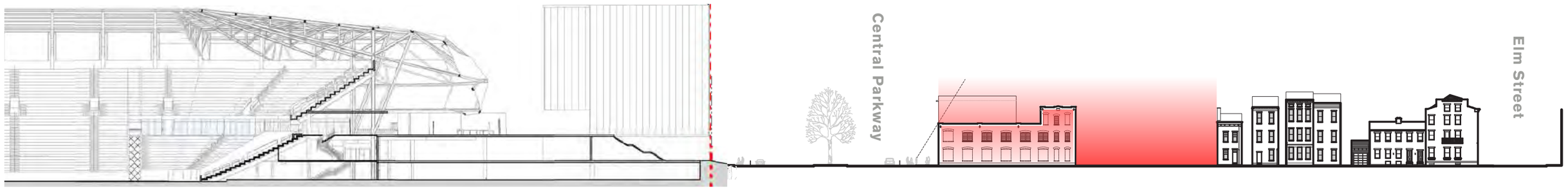
D

E

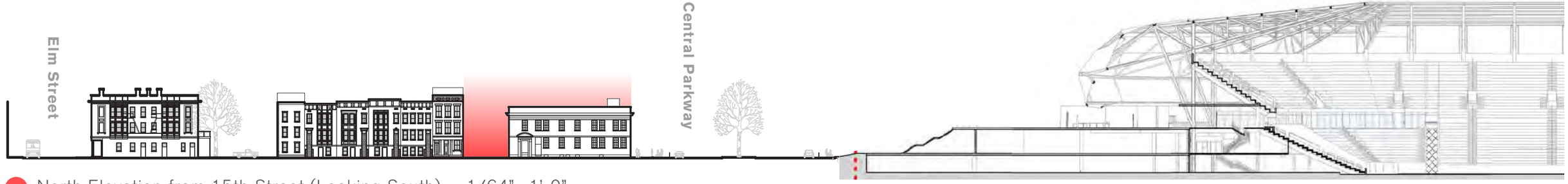
Existing Elevations



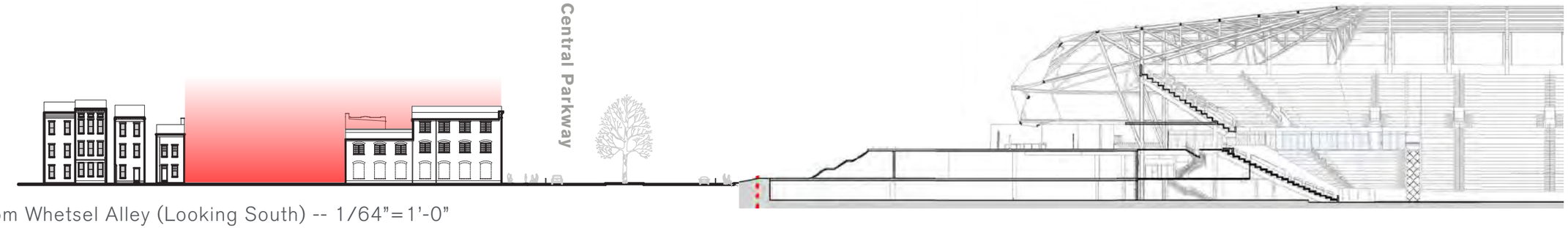
Site Key Plan : NTS



A South Elevation from Magnolia Street (Looking North) -- 1/64”=1’-0”



B North Elevation from 15th Street (Looking South) -- 1/64”=1’-0”



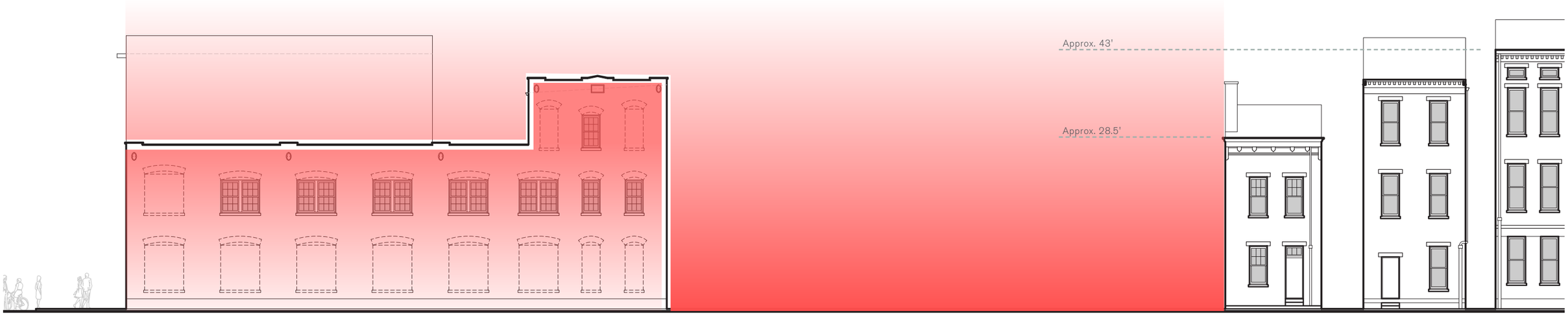
C North Elevation from Whetsel Alley (Looking South) -- 1/64”=1’-0”

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 065

Existing Elevations

Site Key Plan : NTS

A West Elevation from Central Parkway (Looking East) -- 1/16”=1’-0”



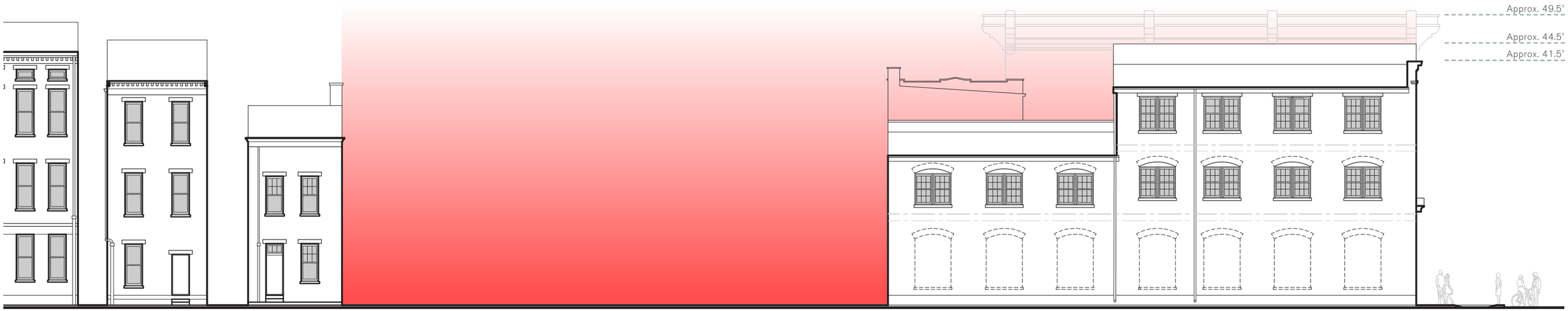
B South Elevation from Magnolia Street (Looking North) -- 1/16”=1’-0”

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 066

Existing Elevations

Site Key Plan : NTS

C North Elevation from 15th Street (Looking South) -- 1/16"=1'-0"



D North Elevation from Whetsel Alley (Looking South) -- 1/16"=1'-0"

Phasing Diagrams

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 068

Phasing Diagram

Phase 1:

- Renovate 1430 Bar (Corner 2-Story Building)
- Renovate 1430 Annex 'Pavilion' (1-Story Building)

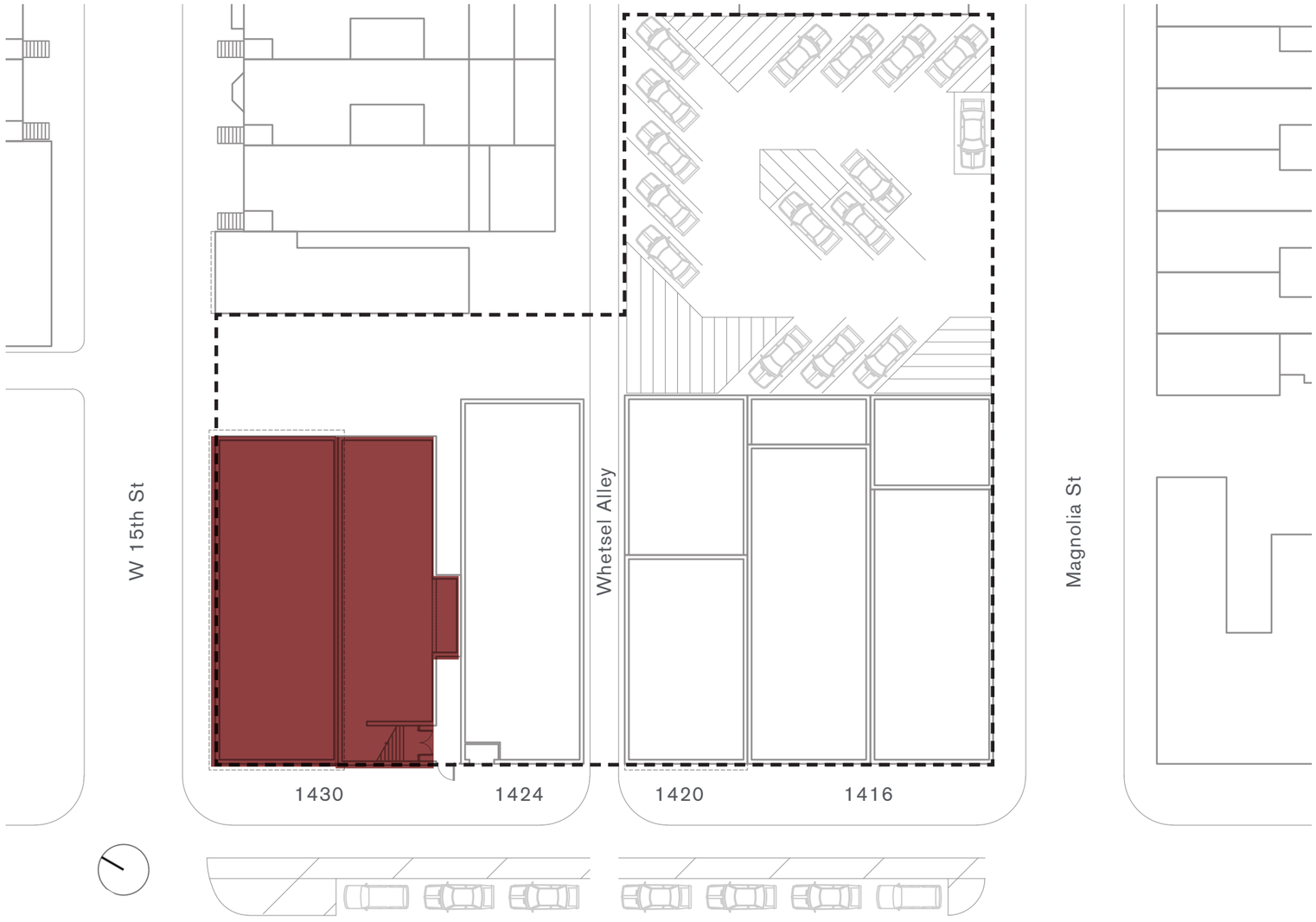
Demo

Renovate

New Construction

To Remain

Project Boundary



Existing Site Plan - Phasing Overlay -- 1/32"=1'-0"

Existing West Elevation from Central Pkwy (Looking East) - Phasing Overlay -- 1/32"=1'-0"

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 069

Phasing Diagram

Phase 2:

- Demo 1430 Annex 'Pavilion' Building
- Demo 1424 1-Story Building
- Demo 1416 'Laundry' Building
- Weatherproof Basement / Bar Foundation
- Site Clearing / Prep
- Excavation for New Building Foundations

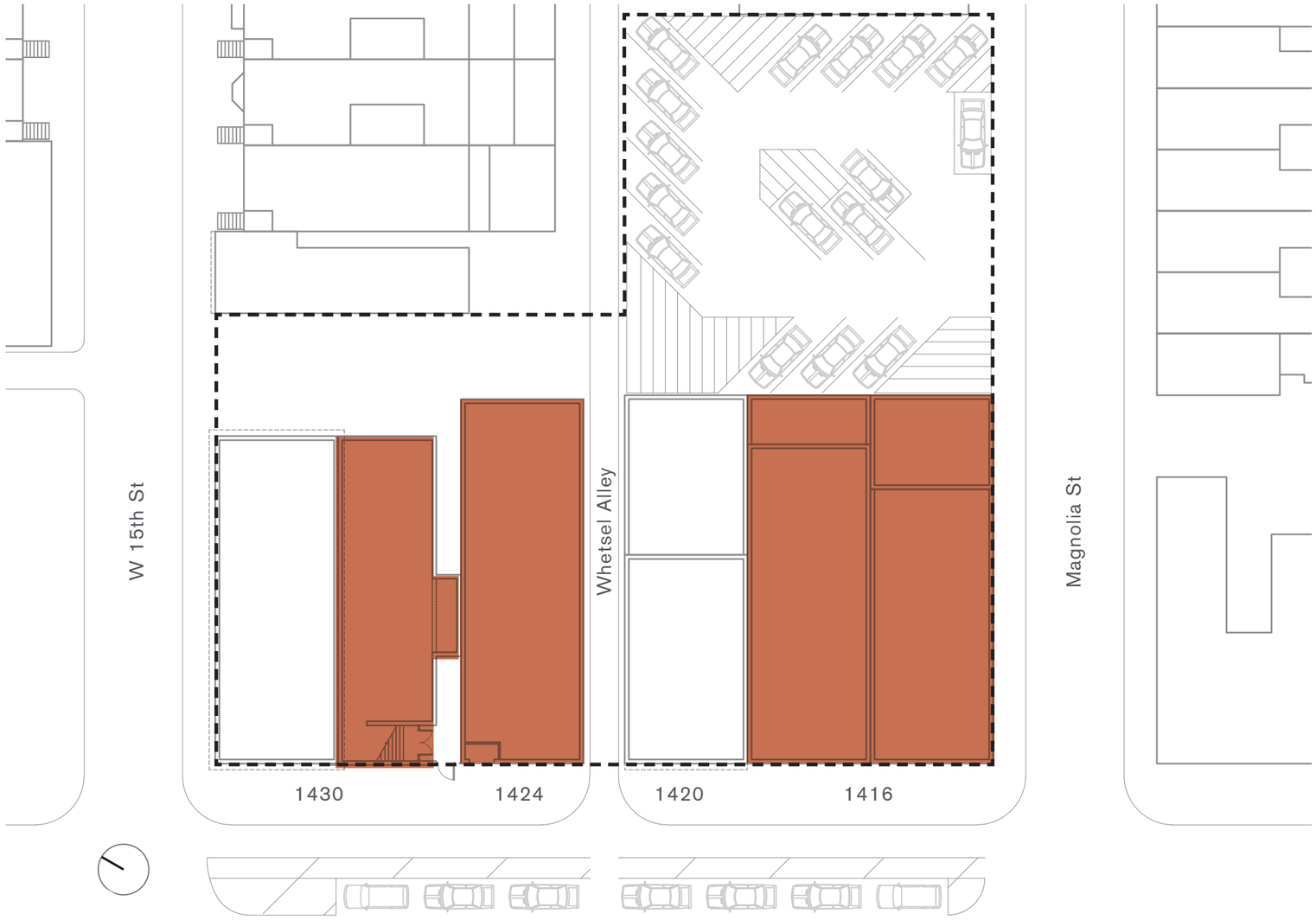
Demo

Renovate

New Construction

To Remain

Project Boundary



Existing Site Plan - Phasing Overlay -- 1/32"=1'-0"

Existing West Elevation from Central Pkwy (Looking East) - Phasing Overlay -- 1/32"=1'-0"

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 070

Phasing Diagram

Phase 3:

- New Hotel Construction

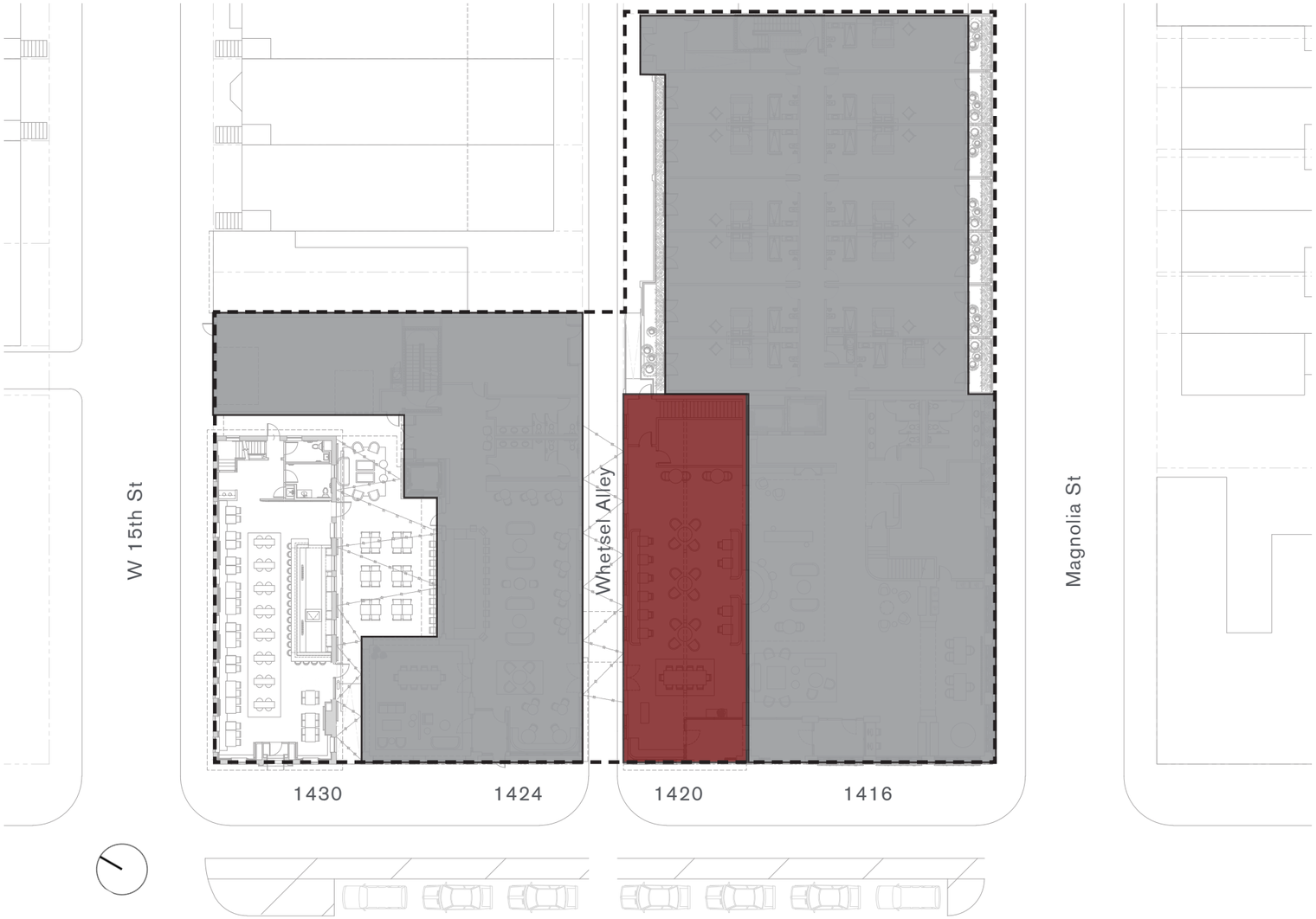
Demo

Renovate

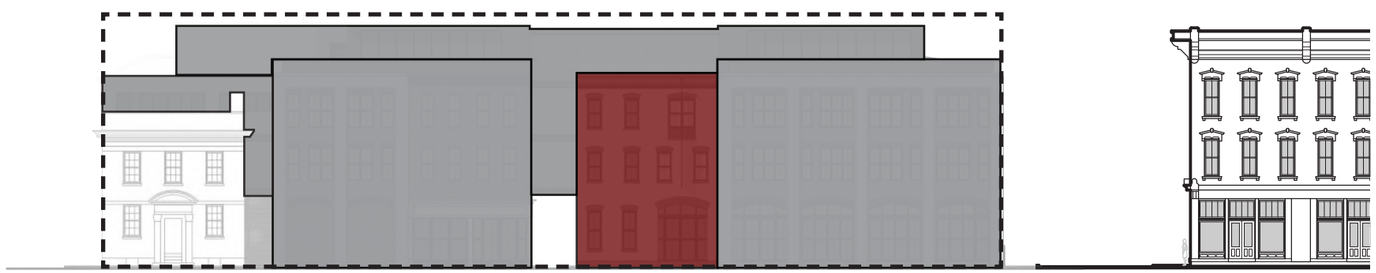
New Construction

To Remain

Project Boundary



New Site Plan - Phasing Overlay -- 1/32"=1'-0"



New West Elevation from Central Pkwy (Looking East) - Phasing Overlay -- 1/32"=1'-0"

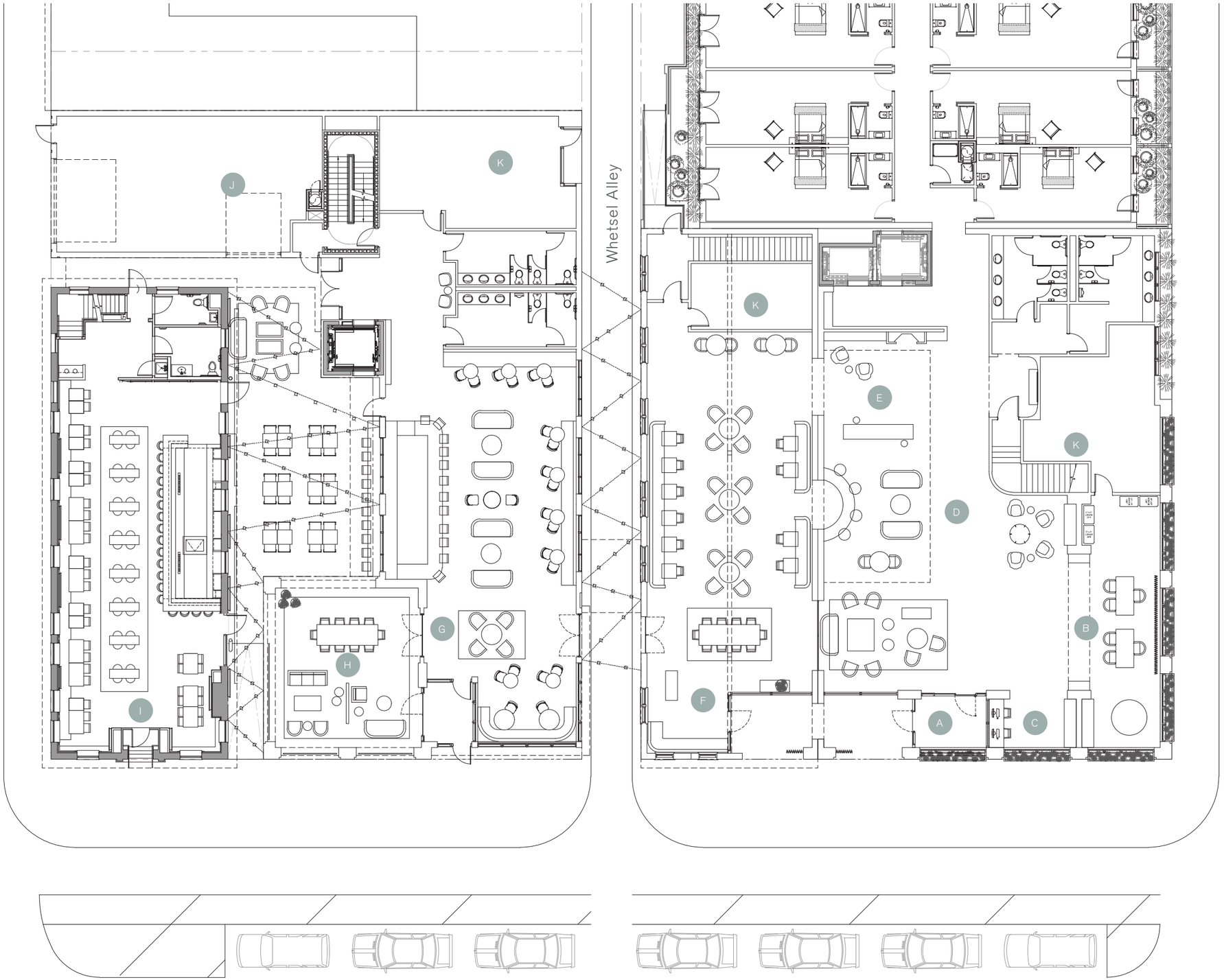
1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 071

Concept Plans

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 072

Level 01 Enlarged Plan

- A Vestibule
- B Reception Desk
- C Market/Branded Moment
- D Lobby
- E Hotel Bar
- F Hotel Restaurant
  50 seats
- G Lounge/Bar
  62 seats
- H Outdoor Patio/Bar
  60 seats
- I Pitch Sports Bar
  102 seats
- J Loading
- K Back of House



Scale: Not to Scale

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 073

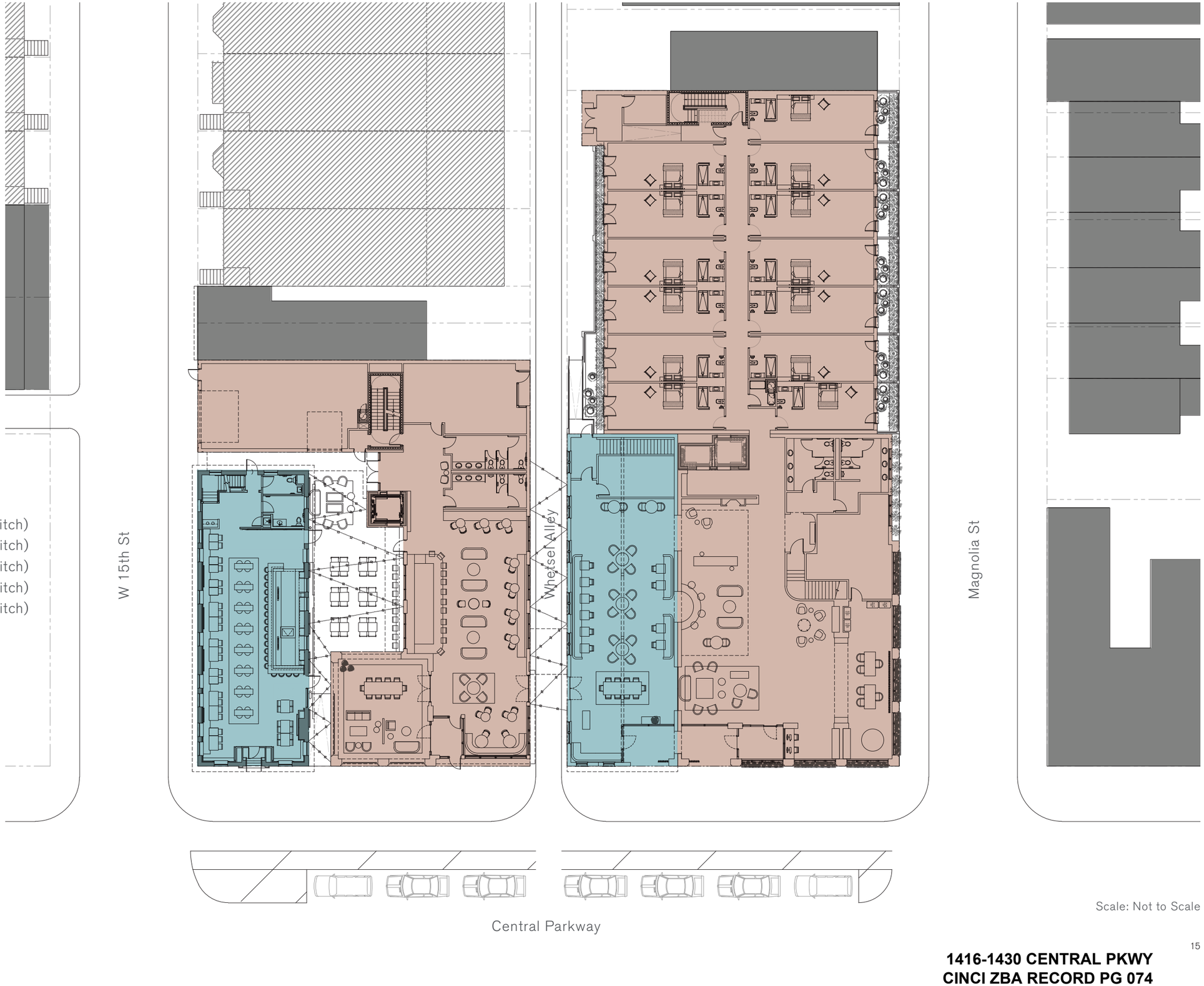
Level 01 Plan

- Existing Building (Non-Historic)
- Existing Building (Historic)
- Existing Building (Historic On Site)
- New Building
- Occupiable Roof / Upper Balcony

Hotel Statistics:

Total Room Count = 90 Keys
- Lvl. 00 = 00 Keys
- → Lvl. 01 = 13 Keys
- Lvl. 02 = 35 Keys
- Lvl. 03 = 35 Keys
- Lvl. 04 = 07 Keys

Total Gross SF = 83,612 (w/o Decks or Pitch)
- Lvl. 00 Gross SF = 9,992 (w/o Decks or Pitch)
- → Lvl. 01 Gross SF = 21,275 (w/o Decks or Pitch)
- Lvl. 02 Gross SF = 21,418 (w/o Decks or Pitch)
- Lvl. 03 Gross SF = 20,188 (w/o Decks or Pitch)
- Lvl. 04 Gross SF = 10,739 (w/o Decks or Pitch)



Scale: Not to Scale

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 074

Level 02 Plan

- Existing Building (Non-Historic)
- Existing Building (Historic)
- Existing Building (Historic On Site)
- New Building
- Occupiable Roof / Upper Balcony

Hotel Statistics:

Total Room Count = 90 Keys
- Lvl. 00 = 00 Keys
- Lvl. 01 = 13 Keys
- → Lvl. 02 = 35 Keys
- Lvl. 03 = 35 Keys
- Lvl. 04 = 07 Keys

Total Gross SF = 83,612 (w/o Decks or Pitch)
- Lvl. 00 Gross SF = 9,992 (w/o Decks or Pitch)
- Lvl. 01 Gross SF = 21,275 (w/o Decks or Pitch)
- → Lvl. 02 Gross SF = 21,418 (w/o Decks or Pitch)
- Lvl. 03 Gross SF = 20,188 (w/o Decks or Pitch)
- Lvl. 04 Gross SF = 10,739 (w/o Decks or Pitch)

Scale: Not to Scale

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 075

Level 03 Plan

- Existing Building (Non-Historic)
- Existing Building (Historic)
- Existing Building (Historic On Site)
- New Building
- Occupiable Roof / Upper Balcony

Hotel Statistics:

Total Room Count = 90 Keys
- Lvl. 00 = 00 Keys
- Lvl. 01 = 13 Keys
- Lvl. 02 = 35 Keys
- → Lvl. 03 = 35 Keys
- Lvl. 04 = 07 Keys

Total Gross SF = 83,612 (w/o Decks or Pitch)
- Lvl. 00 Gross SF = 9,992 (w/o Decks or Pitch)
- Lvl. 01 Gross SF = 21,275 (w/o Decks or Pitch)
- Lvl. 02 Gross SF = 21,418 (w/o Decks or Pitch)
- → Lvl. 03 Gross SF = 20,188 (w/o Decks or Pitch)
- Lvl. 04 Gross SF = 10,739 (w/o Decks or Pitch)

Scale: Not to Scale

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 076

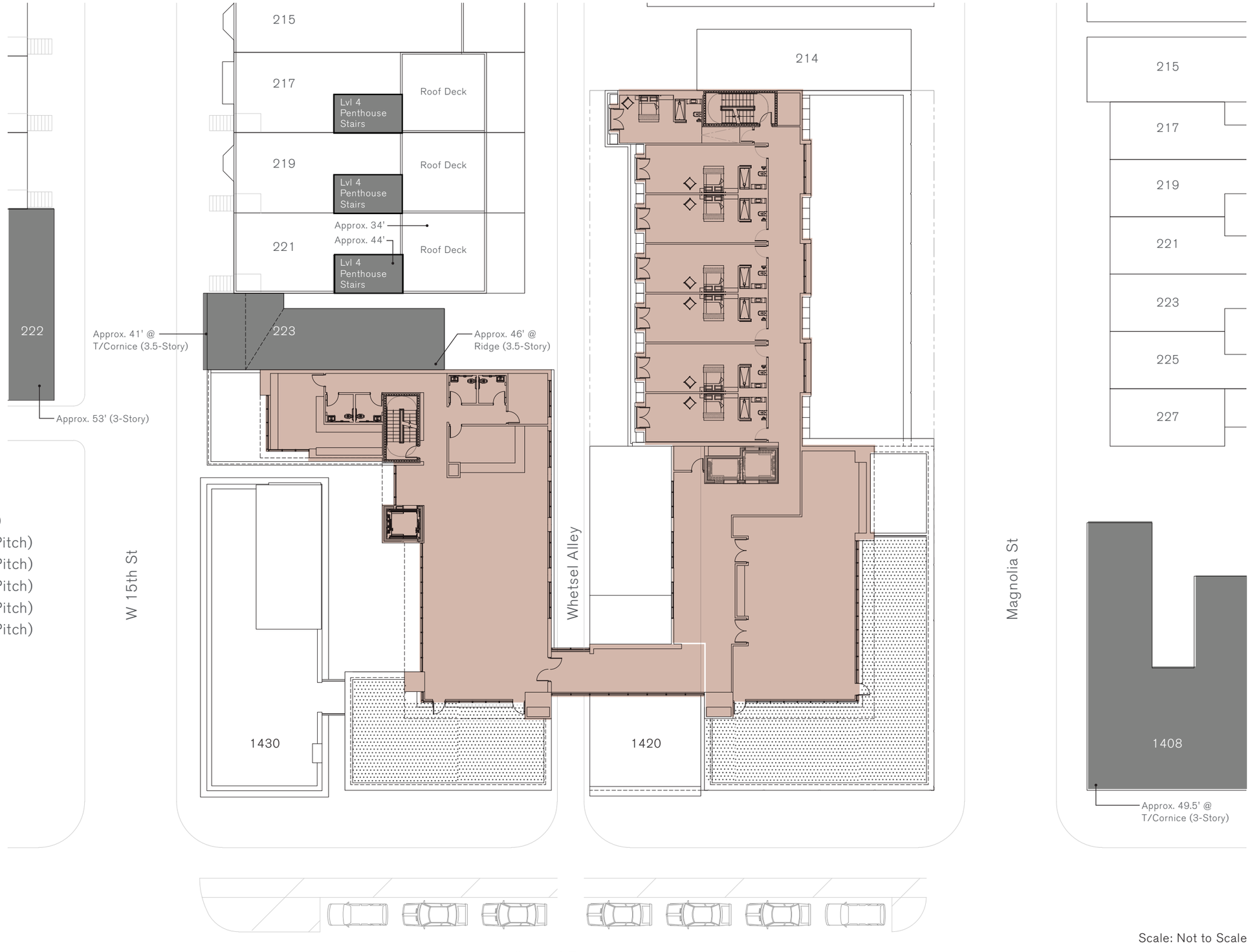
Level 04 Plan

- Existing Building (Non-Historic)
- Existing Building (Historic)
- Existing Building (Historic On Site)
- New Building
- Occupiable Roof / Upper Balcony

Hotel Statistics:

Total Room Count = 90 Keys
- Lvl. 00 = 00 Keys
- Lvl. 01 = 13 Keys
- Lvl. 02 = 35 Keys
- Lvl. 03 = 35 Keys
- → Lvl. 04 = 07 Keys

Total Gross SF = 83,612 (w/o Decks or Pitch)
- Lvl. 00 Gross SF = 9,992 (w/o Decks or Pitch)
- Lvl. 01 Gross SF = 21,275 (w/o Decks or Pitch)
- Lvl. 02 Gross SF = 21,418 (w/o Decks or Pitch)
- Lvl. 03 Gross SF = 20,188 (w/o Decks or Pitch)
- → Lvl. 04 Gross SF = 10,739 (w/o Decks or Pitch)



Scale: Not to Scale

Roof Plan

Central Parkway

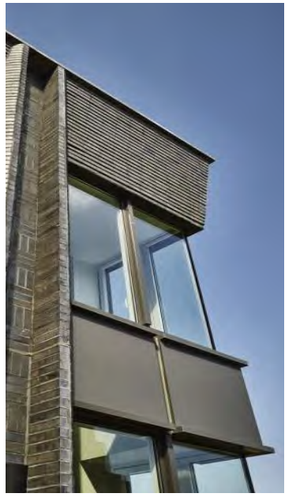
Scale: Not to Scale

Exterior Architecture

Image Strategy

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 079

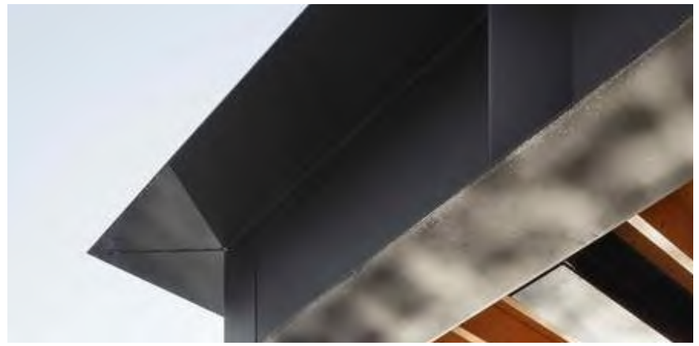
Exterior Image Strategy

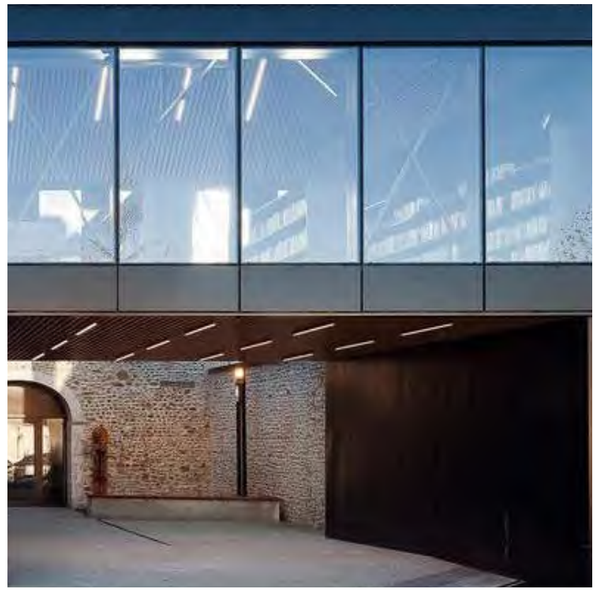


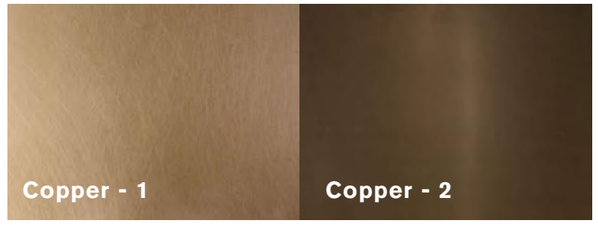
1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 080

Exterior Design

Material Inspiration







1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 081

Exterior Design

3D View (from Central Pkwy Median - Magnolia Corner)

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 082

Exterior Design

3D View (from Central Pkwy Median - 15th St. Corner)

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 083

Exterior Elevations

Modeling - 3D View Elevations

South Elevation from Magnolia Street (Looking North) -- NTS

West Elevation from Central Parkway (Looking East) -- NTS

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 084

Exterior Elevations

Modeling - 3D View Elevations

North Elevation from 15th Street (Looking South) -- NTS

East Elevation Offset at Adjacent Buildings (Looking West) -- NTS

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 085

Exterior Elevations

Modeling - 3D View Elevations

North Elevation from Whetsel Alley (Looking South) -- NTS

South Elevation from Whetsel Alley (Looking North) -- NTS

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 086

Exterior Design

3D View (from Central Pkwy Median)

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 087

Moment Development, LLC
Ohm Patel
800 North High Street, Suite 03-108
Columbus, OH 43215

May 28, 2021

Beth Johnson, AICP | Urban Conservator
City of Cincinnati | Buildings & Inspections
Permit Center | 805 Central Avenue, Suite 500 | Cincinnati, OH 45202

EXECUTIVE SUMMARY

It is our view that this development is the highest and best use of the parcels between 15th St. and Magnolia St. on Central Parkway in OTR. The property is zoned CCA and by right the hotel is an acceptable use. With the area not having any premium hotel options, this location provides a much needed amenity to Music Hall, the OTR business and residential community, as well as supporting the needs of the newly opened TQL Stadium across the street. This development will be in a class of its own on Central Parkway and is hopefully the first of much more vitality to come!

In terms of architecture, we wanted the exterior design to be one that had elevated finishes and exceed the Over-The-Rhine Historic Conservation Guidelines for New Construction, while also reciprocating the fresh new design of TQL Stadium. With the use of an OTR based architectural firm in Luminaut, we truly feel that we have met the mark on delivering this vision of respect guidelines for new construction for this OTR. With this development primarily being an infill opportunity, we could not discount the need to rise to the Moment on design when in front of a state of the art stadium and the rich beauty of OTR.

In terms of hotel product, this property will be a boutique hotel that is completely curated to be one of a kind both in terms of design and in terms of product offering. It will be soft branded to carry a brand of our own choosing but back by a global reservation system with either Hilton or Marriott. The design theme is going to be a collision of both the past and present in that we will commemorate the auto body shop that once operated in 1420 Central Parkway Building, while also celebrating the immigrant story of Dr. Ramineni, a PHD professor at Xavier University, and the founder of Downtown Property Management, the owner's of this property.

The guest rooms will be luxurious and modern and the F&B offering will be by way of a partnership with a regional restaurateur offering an experience that adds to the rich culinary diaspora of the OTR community. It is our vision for The Pitch Cincy to offer a laid back, casual experience to the community and our guests, while in contrast the hotel cocktail bar and restaurant will provide an elevated offering to create a destination of sorts. Last but not least, our rooftop terrace facing Central Parkway with vivid views of TQL stadium and the downtown skyline, will play host to an array of private events. To execute this vision, Moment Development will deliver the product by way of its Cincinnati based Design and Construction partners. However, we will partner with Hotel Equities (hotel management company) to manage the property and instill the service culture and handle all hotel operations to meet the needs of our guests and community.

It pains me to write this but based on the rhetoric from those who oppose this development, the truth must be expressed; this is not a cookie cutter roadside motel. It is not a product that is going to offer a complimentary continental breakfast for a budget traveller. It is not a product that is going to sell rooms below the average for the market. This is not a Days Inn, a Motel 6, a Super8, a Hampton Inn, a Fairfield Inn, a Home2, or a Holiday Inn. This is a luxury boutique hotel of the same caliber or greater than the other soft branded boutique hotel's that have been developed in the Cincinnati market (The Lytle, Cincinnatian, Kinley to name a few). The architecture presented should speak for itself.

MOMENT DEVELOPMENT

Proforma Analysis

To keep the the 1416-1418 Central Parkway Building the following are the square footage scenarios that we are presented with if we were to utilize this building for an alternate use, as well as the fixed cost of salvaging, stabilizing the foundation the building:

- Level-1: 5,400 SF (60'x90')
- Level-2: 5,400 SF (60'x90')
- Level-3: 690 SF (30'x23')
- Total: 11,490 SF

- $1,600,000.00 to stabilize the foundation, restoration of brick, addition of new brick, and frame.

Based on the the aforementioned variables, we have put together 5 proformas together which encompass the following:

- 1st-floor Retail and 2nd-3rd-floor Office
- 1st-floor Retail and 2nd-3rd-floor Residential
- 1st 2nd 3rd floor Office
- 1st 2nd 3rd floor Residential
- Breakeven Proforma to reflect what it would take to break even in restoring this building and operate the best performing combination from the aforementioned proformas, which is 1st-floor Retail and 2nd-3rd-floor Office

In every scenario there is a negative return on capital and there are two contributing factors 1) The $1,600,000.00 stabilization and restoration cost is simply too much to make any proforma work 2) The breakeven proforma proves that in our best case scenario of office and retail with a $529,000.00 stabilization and restoration budget (approximately ⅓ of HGC's estimate), the project would create 0.00% return on capital.

In addition, the Ohio Historic Preservation Tax Credit program was considered along with the National Park Service (NPS) federal Tax Incentives for Preserving Historic Properties. An evaluation of the Appendix-D, Self-Scoring Summary was completed for this rehabilitation and it is our belief that this project will not tabulate with the scoring criteria to be completive for the Ohio Historic Preservation Tax Credits. While the state program does not apply, a consideration that the NPS federal credits could potential be awarded. This 20% federal tax credit has been shown within the enclosed Breakeven Proforma illustrating that even with the award credits the rehabilitation/stabilization is not successful financially.

Another big factor to consider here is that looking at the square footage and layout of each floor, there is simply not a good configuration or density of square footage that would support this project even if it was in pristine condition.

The only conclusion that can be made is that the condition of this building creates an economic burden for any use at this location.

Conclusion

In determining the appropriateness of demolition on a contributing structure in an historic district, the Cincinnati Zoning Code section 1435-05-04(b) specifies that the "economic hardship" described in that section shall be evaluated against the standards provided in CZC Sec. 1435-09-02(aa)-(ff). Applicant has provided the additional exhibit - 7f_Proforma Breakeven Proforma WITH Federal Tax Credits (pro forma) and provides the following responses:

MOMENT DEVELOPMENT

CZC Sec. 1435-05-04

(b) Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below.

CZC Sec. 1435-09-02(aa)-(ff)
In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

APPLICANT COMMENT:
The Board should evaluate the following factors, and consider *any or all* of them in evaluating the appropriateness of demolition, i.e., no single standard is determinative of appropriateness of demolition.

(aa) A property's current level of economic return;

APPLICANT COMMENT:
This property for many years never commanded strong tenants. It is only after the stadium coming to the market has there been interest. This property is owned by Downtown Property Management, and of the 11,500 square feet, they only operate within 2,500 square feet of the structure. The 2,500 s.f. of space currently beyond used is located in half of the second floor.

The first floor, the other half of the second floor, the third floor have not been suitable for any tenants and the cost of refurbishment was too great. So in the end, the owner decided to maintain the building as is and occupy what little they could. They do not pay themselves rent and merely pay the property tax and general maintenance. Therefore, the actual building is not, and has not recently been, a fiscally cash flow-producing property for the current owner. As a result, the property operates at a loss.

Upon further analysis as described in the proceeding standards (bb) through (ff), the cost of rehabbing the building would not generate an income that would support the investment. This is why the ownership decided to collaborate with Moment Development, in an effort to fully restore two out of the three contributing buildings and do a by right development that celebrates OTR, the City of Cincinnati, and their family legacy.

(bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

APPLICANT COMMENT:
Please refer to the enclosed exhibit- 7i_Property Comp Analysis.

(cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;

APPLICANT COMMENT:
Please see the attached pro forma which explores the possibility of rehabilitating this property for retail-office use. This pro forma considers office and retail. As between residential uses and office/retail, the office-retail would have a higher likelihood of creating an economic return. Additionally, the pro forma includes federal tax credits. In other words, this scenario sets forth a best-case-scenario for possibilities that would maximize the potential for economic return from the property, but it still falls short.
As shown in the pro forma, the property would operate at a loss. This is with the following facts and assumptions:

- Retail and Office is proposed, as it is a best-case scenario for this site in terms of possibility of an economic return. The consideration is for Class A office space, and it's for the downtown market for a fully-rehabbed office space indicative of being across from the new stadium and part of a great redevelopment around it, that would maximize its marketability.

- The building is 11,500 s.f.
- Please note the $20/s.f. annual rent that is what is to be expected within this market for the uses proposed.
- TI is at $65 per square foot. This is the Tenant Allowance given to the tenant for fitting out their use in the property. This is a market average based on us delivering a vanilla shell with bathrooms and utilities. It's a common practice for office and retail tenants in class A buildings to offer these types of TI allowances. This is always negotiable based on rents, but based on $20/sf in rent, $60/SF in TI is customary to bring in the right tenants with the kind of credit needed for financing.
- The $750,000 in land cost is based on $65 per square foot for the building. This is well below the average of what buildings in the market are selling for and have recently sold for. Obviously this is based on condition, location, and tenancy. However the combination between its location, across from the stadium combined with the comps in the market conservatively support the $750,000 land price. If anything, that is a conservative number. You will find in the attached Comp Analysis Cover Spreadsheet and its backup files which reflect that the conservative valuation only aids the proforma when the market dictates that this building should sell at over $1m dollars at over $95/SF.
- The $529,000 for site work is the structural cost of stabilizing and shoring up the building to justify the addition of long-term improvements. While the current owner is able to operate minimally within a percentage of the building, at a loss, the basic maintenance of the building as-is is not adequate for long-term upgrades to office and retail use.
- Keep in mind that these numbers are also conservative in that a retail and office lease, unlike residential, would be a triple net deal. This means that all of the maintenance falls on the tenant. Even with a nominal $2,300-2,415 maintenance cost falling on owner and tenants covering the bulk of ongoing maintenance responsibilities, the owner still falls short on economic feasibility of the structure.
- Witnesses appearing on behalf of the Applicant and current owner will be available to elaborate upon, and answer questions regarding the entirety of the details provided in the proforma.

(dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

APPLICANT COMMENT:

Please refer to the enclosed exhibit-7h_1416 Property Owner Letter from Brahma Ramineni with Downtown Property Management, Inc.

(ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or

APPLICANT COMMENT:

Not applicable. The structure at issue does not meet the definition of an, "Historic Landmark" as defined by CZC Sec. 1435-01-H2 and therefore, this standard does not apply. Rather, the structure is a contributing structure in an "Historic District" as defined by CZC Sec. 1435-01-H1. Nonetheless, Applicant will attempt to respond to this standard regarding its knowledge of the status of the structure within the district. Applicant is aware of the structure's status and through exhaustive evaluation, has determined that two of the three contributing structures it owns in conjunction with the proposed hotel project, retain economic viability. The structure at issue here, does not. Despite knowledge of the historic district status of these properties, Applicant is seeking the demolition approval for this single structure in an attempt to otherwise preserve the economically viable structures as part of a larger project.

(ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

APPLICANT COMMENT:
As noted above in (cc), Applicant has provided best-case scenario with respect to economic incentives, where Applicant shows that even with the federal tax incentives, the proposed structure does not achieve the financial viability necessary to create an economically feasible project. The Ohio Historic Preservation Tax Credit program was considered along with the National Park Service (NPS) federal Tax Incentives for Preserving Historic Properties. An evaluation of the Appendix-D, Self-Scoring Summary was completed for this rehabilitation and it is our belief that this project will not tabulate with the scoring criteria to be competitive for the Ohio Historic Preservation Tax Credits. While the state program does not apply, a consideration that the NPS federal credits could potentially be awarded. This 20% federal tax credit has been shown within the enclosed Breakeven Proforma illustrating that even with the award credits the rehabilitation/stabilization is not successful financially. Witnesses will be present at the hearing to testify in greater detail, if needed, as to the non-viability of the state tax credits discussed.

General Assumptions	
Project Name	Retail & Office
Land Acreage	1
Building Square Footage	11,500
Average Rent	$20.00
Hard Costs/SF	$150.00
Site Work Cost/Foundations	$1,600,000.00
Soft Costs/SF	$25.00
TI/SF - Tenant	$65.00
Development Fee/SF	$5.00
Contruction Mgt Fee	10%
Hard Costs	$ 1,725,000
Soft Costs	$ 287,500
Site Work	$ 1,600,000
Land Cost	$ 775,000
Closing Costs	$ 30,000
Tenant Allowance	$ 747,500
Commission	$ 69,000
Development Fee	$ 125,000
Construction Mgt. Fee	$ 172,500
Builder's Risk Insurance	$ 10,000
Legal Fees	$ 10,000
Total Cost	$ 5,551,500
Primary Loan-to-Value	75%
Primary Total Loan	$ 4,163,625
Primary Equity Required	$1,387,875.00
Primary Interest Rate	4.50%
Primary Amort. Schedule	30 years
Construction Period	1.0 years
TTM NOI	$ -
Purchase Cap Rate	
All In Cap Rate	0.00%
Exit Cap Rate	7.00%
Exit Year	10 years
Discount Rate	5%

Financial Assumptions	TTM	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue		$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
P&L Cost Drivers											
Management Fee		*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*
Maintenance		*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*
Utilities		*0%*	0%	0%	0%	0%	0%	0%	0%	0%	0%
Acc. Deprec/Amort.Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Building Dep. Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Property Taxes											
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000

1416-1430 CENTRAL PKWY
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P&L Pro Forma	TTM P&L	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue											
Revenue		$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
Total Retail Revenue	$ -	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
Gross Profit		$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
Gross Profit %	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Non Operating Department Expense											
Management Fee		$ 18,400	$ 18,400	$ 18,400	$ 18,400	$ 18,400	$ 19,320	$ 19,320	$ 19,320	$ 19,320	$ 19,320
Maintenance	$ -	$ 2,300	$ 2,300	$ 2,300	$ 2,300	$ 2,300	$ 2,415	$ 2,415	$ 2,415	$ 2,415	$ 2,415
Utilities	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Non Operating Dept. Expenses		$ 20,700	$ 20,700	$ 20,700	$ 20,700	$ 20,700	$ 21,735	$ 21,735	$ 21,735	$ 21,735	$ 21,735
Gross Operating Profit		$ 209,300	$ 209,300	$ 209,300	$ 209,300	$ 209,300	$ 219,765	$ 219,765	$ 219,765	$ 219,765	$ 219,765
% Gross Operating Profit	0.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%
Fixed Expenses											
Property Taxes											
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Total Fixed Expenses	$ -	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Net Operating Income		$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 214,765	$ 214,765	$ 214,765	$ 214,765	$ 214,765
Adjusted Net Operating Income		$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 214,765	$ 214,765	$ 214,765	$ 214,765	$ 214,765
% Adjusted NOI of Revenue	0.00%	88.83%	88.83%	88.83%	88.83%	88.83%	88.93%	88.93%	88.93%	88.93%	88.93%

Levered Return Analysis											
	Year 0	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Year 6**	**Year 7**	**Year 8**	**Year 9**	**Year 10**
Adjusted Net Operating Income		$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 224,730	$ 224,730	$ 224,730	$ 224,730	$ 224,730	$ 224,730
Primary Debt Service		($253,158)	($253,158)	($253,158)	($253,158)	($253,158)	($253,158)	($253,158)	($253,158)	($253,158)	($253,158)
Secondary Debt Service		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Cash Flow After Financing		$ (48,858)	$ (48,858)	$ (48,858)	$ (48,858)	$ (28,428)	$ (28,428)	$ (28,428)	$ (28,428)	$ (28,428)	$ (28,428)
DSCR		0.81	0.81	0.81	0.81	0.89	0.89	0.89	0.89	0.89	0.89
Acquisition/Development Cost	$5,551,500										
Loan Cash Flows	$ 4,163,625										
Capital Improvements	($775,000)										
Expected Sale Price											$ 3,210,429
Selling Costs											($48,156)
Principal Repayment		($4,163,625)	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Levered Cash Flow	($1,387,875)	$ (4,212,483)									
Return on Invested Capital		-3.52%	-3.52%	-3.52%	-3.52%	-2.05%	-2.05%	-2.05%	-2.05%	-2.05%	-2.05%
Average Return on Invested Capital		-3.52%	-3.52%	-3.52%	-3.52%	-3.23%	-3.03%	-2.89%	-2.78%	-2.70%	-2.64%

NPV	($5,600,358)
Levered IRR	#NUM!
Residual	73.23%
Income	26.77%
Equity Multiple	0.00x

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 095

General Assumptions	
Project Name	Retail & Resi
Land Acreage	1
Retail Square Footage	5,400
Residential Square Footage	6,100
Average Residential Rent/SF	$2.00
Average Office Rent/SF	$20.00
Hard Costs/SF	$175.00
Site Work Cost/Foundations	$1,600,000.00
Soft Costs/SF	$25.00
TI/SF - Tenant	$65.00
Development Fee/SF	$5.00
Contruction Mgt Fee	10%

Hard Costs	$ 945,000
Soft Costs	$ 135,000
Site Work	$ 1,600,000
Land Cost	$ 775,000
Closing Costs	$ 30,000
Tenant Allowance	$ 351,000
Commission	$ 36,060
Development Fee	$ 125,000
Construction Mgt. Fee	$ 94,500
Builder's Risk Insurance	$ 10,000
Legal Fees	$ 10,000
Total Cost	$ 4,111,560

Primary Loan-to-Value	75%
Primary Total Loan	$ 3,083,670
Primary Equity Required	$1,027,890.00
Capital Contribution Year	Year 0
Secondary Annual Debt Servic	
Construction Period	1.0 years

TTM NOI	$ -
Purchase Cap Rate	
All In Cap Rate	0.00%
Exit Cap Rate	7.00%
All In Cap per key	$ -
Purchase Price Cost/Key	$ -

Financial Assumptions	TTM	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue		$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200
P&L Cost Drivers											
Management Fee		*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*
Maintenance		*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*
Utilities		*0%*	0%	0%	0%	0%	0%	0%	0%	0%	0%
Acc. Deprec/Amort.Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Building Dep. Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Property Taxes		$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 096

P&L Pro Forma	TTM P&L	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue											
Revenue		$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200
Total Retail Revenue	$ -	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200
Gross Profit		$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200	$ 120,200
Gross Profit %	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Non Operating Department Expense											
Management Fee		$ 9,616	$ 9,616	$ 9,616	$ 9,616	$ 9,616	$ 9,616	$ 9,616	$ 9,616	$ 9,616	$ 9,616
Maintenance	$ -	$ 1,202	$ 1,202	$ 1,202	$ 1,202	$ 1,202	$ 1,202	$ 1,202	$ 1,202	$ 1,202	$ 1,202
Utilities	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Non Operating Dept. Expenses		$ 10,818	$ 10,818	$ 10,818	$ 10,818	$ 10,818	$ 10,818	$ 10,818	$ 10,818	$ 10,818	$ 10,818
Gross Operating Profit		$ 109,382	$ 109,382	$ 109,382	$ 109,382	$ 109,382	$ 109,382	$ 109,382	$ 109,382	$ 109,382	$ 109,382
% Gross Operating Profit	0.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%
Fixed Expenses											
Property Taxes		$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Total Fixed Expenses	$ -	$ 55,000	$ 55,000	$ 55,000	$ 55,000	$ 55,000	$ 55,000	$ 55,000	$ 55,000	$ 55,000	$ 55,000
Net Operating Income		$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382
Adjusted Net Operating Income		$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 54,382
% Adjusted NOI of Revenue	0.00%	45.24%	45.24%	45.24%	45.24%	45.24%	45.24%	45.24%	45.24%	45.24%	45.24%

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 097

Levered Return Analysis											
	Year 0	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Year 6**	**Year 7**	**Year 8**	**Year 9**	**Year 10**
Adjusted Net Operating Income		$ 54,382	$ 54,382	$ 54,382	$ 54,382	$ 59,820	$ 59,820	$ 59,820	$ 59,820	$ 59,820	$ 59,820
Primary Debt Service		($187,494)	($187,494)	($187,494)	($187,494)	($187,494)	($187,494)	($187,494)	($187,494)	($187,494)	($187,494)
Secondary Debt Service		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Cash Flow After Financing		$ (133,112)	$ (133,112)	$ (133,112)	$ (133,112)	$ (127,674)	$ (127,674)	$ (127,674)	$ (127,674)	$ (127,674)	$ (127,674)
DSCR		0.29	0.29	0.29	0.29	0.32	0.32	0.32	0.32	0.32	0.32
Acquisition/Development Cost	$4,111,560										
Loan Cash Flows	$ 3,083,670										
Capital Improvements	($775,000)										
Expected Sale Price											$ 854,574
Selling Costs											($12,819)
Principal Repayment		($3,083,670)	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Levered Cash Flow	($1,027,890)	$ (3,216,782)									
Return on Invested Capital		-12.95%	-12.95%	-12.95%	-12.95%	-12.42%	-12.42%	-12.42%	-12.42%	-12.42%	-12.42%
Average Return on Invested Capital		-12.95%	-12.95%	-12.95%	-12.95%	-12.84%	-12.77%	-12.72%	-12.69%	-12.66%	-12.63%

NPV	($4,244,672)
Levered IRR	#NUM!
Residual	63.32%
Income	36.68%
Equity Multiple	0.00x

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 098

General Assumptions	
Project Name	Office Only
Land Acreage	1
Building Square Footage	11,500
Average Rent	$18.00
Hard Costs/SF	$175.00
Site Work Cost/Foundations	$1,600,000.00
Soft Costs/SF	$25.00
TI/SF - Tenant	$50.00
Development Fee/SF	$10.00
Contruction Mgt Fee	10%
Hard Costs	$ 2,012,500
Soft Costs	$ 287,500
Site Work	$ 1,600,000
Land Cost	$ 775,000
Closing Costs	$ 30,000
Tenant Allowance	$ 575,000
Commission	$ 62,100
Development Fee	$ 125,000
Construction Mgt. Fee	$ 201,250
Builder's Risk Insurance	$ 10,000
Legal Fees	$ 10,000
Total Cost	$ 5,688,350
Primary Loan-to-Value	75%
Primary Total Loan	$ 4,266,263
Primary Equity Required	$1,422,087.50
Primary Interest Rate	4.50%
Primary Amort. Schedule	30 years
Construction Period	1.0 years
TTM NOI	$ -
Purchase Cap Rate	
All In Cap Rate	0.00%
Exit Cap Rate	7.00%
Exit Year	10 years
Discount Rate	5%

Financial Assumptions

	TTM	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue		$ 207,000	$ 207,000	$ 207,000	$ 207,000	$ 207,000	$ 217,350	$ 217,350	$ 217,350	$ 217,350	$ 217,350
P&L Cost Drivers											
Management Fee		*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*
Maintenance		*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*
Utilities		*0%*	0%	0%	0%	0%	0%	0%	0%	0%	0%
Acc. Deprec/Amort.Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Building Dep. Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Property Taxes											
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 099

P&L Pro Forma										
	TTM P&L	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue											
Revenue		$ 207,000	$ 207,000	$ 207,000	$ 207,000	$ 207,000	$ 217,350	$ 217,350	$ 217,350	$ 217,350	$ 217,350
Total Retail Revenue	$ -	$ 207,000	$ 207,000	$ 207,000	$ 207,000	$ 207,000	$ 217,350	$ 217,350	$ 217,350	$ 217,350	$ 217,350
Gross Profit		$ 207,000	$ 207,000	$ 207,000	$ 207,000	$ 207,000	$ 217,350	$ 217,350	$ 217,350	$ 217,350	$ 217,350
Gross Profit %	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Non Operating Department Expense											
Management Fee		$ 16,560	$ 16,560	$ 16,560	$ 16,560	$ 16,560	$ 17,388	$ 17,388	$ 17,388	$ 17,388	$ 17,388
Maintenance	$ -	$ 2,070	$ 2,070	$ 2,070	$ 2,070	$ 2,070	$ 2,174	$ 2,174	$ 2,174	$ 2,174	$ 2,174
Utilities	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Non Operating Dept. Expenses		$ 18,630	$ 18,630	$ 18,630	$ 18,630	$ 18,630	$ 19,562	$ 19,562	$ 19,562	$ 19,562	$ 19,562
Gross Operating Profit		$ 188,370	$ 188,370	$ 188,370	$ 188,370	$ 188,370	$ 197,789	$ 197,789	$ 197,789	$ 197,789	$ 197,789
% Gross Operating Profit	0.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%
Fixed Expenses											
Property Taxes											
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Total Fixed Expenses	$ -	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Net Operating Income		$ 183,370	$ 183,370	$ 183,370	$ 183,370	$ 183,370	$ 192,789	$ 192,789	$ 192,789	$ 192,789	$ 192,789
Adjusted Net Operating Income		$ 183,370	$ 183,370	$ 183,370	$ 183,370	$ 183,370	$ 192,789	$ 192,789	$ 192,789	$ 192,789	$ 192,789
% Adjusted NOI of Revenue	0.00%	88.58%	88.58%	88.58%	88.58%	88.58%	88.70%	88.70%	88.70%	88.70%	88.70%

Levered Return Analysis											
	Year 0	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Year 6**	**Year 7**	**Year 8**	**Year 9**	**Year 10**
Adjusted Net Operating Income		$ 183,370	$ 183,370	$ 183,370	$ 183,370	$ 201,707	$ 201,707	$ 201,707	$ 201,707	$ 201,707	$ 201,707
Primary Debt Service		($259,398)	($259,398)	($259,398)	($259,398)	($259,398)	($259,398)	($259,398)	($259,398)	($259,398)	($259,398)
Secondary Debt Service		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Cash Flow After Financing		$ (76,028)	$ (76,028)	$ (76,028)	$ (76,028)	$ (57,691)	$ (57,691)	$ (57,691)	$ (57,691)	$ (57,691)	$ (57,691)
DSCR		0.71	0.71	0.71	0.71	0.78	0.78	0.78	0.78	0.78	0.78
Acquisition/Development Cost	$5,688,350										
Loan Cash Flows	$ 4,266,263										
Capital Improvements	($775,000)										
Expected Sale Price											$ 2,881,529
Selling Costs											($43,223)
Principal Repayment		($4,266,263)	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Levered Cash Flow	($1,422,088)	$ (4,342,291)									
Return on Invested Capital		-5.35%	-5.35%	-5.35%	-5.35%	-4.06%	-4.06%	-4.06%	-4.06%	-4.06%	-4.06%
Average Return on Invested Capital		-5.35%	-5.35%	-5.35%	-5.35%	-5.09%	-4.92%	-4.79%	-4.70%	-4.63%	-4.57%

NPV	($5,764,378)
Levered IRR	#NUM!
Residual	68.71%
Income	31.29%
Equity Multiple	0.00x

General Assumptions	
Project Name	Residential Only
Land Acreage	1
Building Square Footage	11,500
Average Rent	$3.00
Hard Costs/SF	$175.00
Site Work Cost/Foundations	$1,600,000.00
Soft Costs/SF	$25.00
TI/SF - Tenant	$0.00
Development Fee/SF	$5.00
Contruction Mgt Fee	10%
Hard Costs	$ 2,012,500
Soft Costs	$ 287,500
Site Work	$ 1,600,000
Land Cost	$ 775,000
Closing Costs	$ 30,000
Tenant Allowance	$ -
Commission	$ 10,350
Development Fee	$ 125,000
Construction Mgt. Fee	$ 201,250
Builder's Risk Insurance	$ 10,000
Legal Fees	$ 10,000
Total Cost	$ 5,061,600
Primary Loan-to-Value	75%
Primary Total Loan	$ 3,796,200
Primary Equity Required	$1,265,400.00
Primary Interest Rate	4.50%
Primary Amort. Schedule	30 years
Construction Period	1.0 years
TTM NOI	$ -
Purchase Cap Rate	
All In Cap Rate	0.00%
Exit Cap Rate	7.00%
Exit Year	10 years
Discount Rate	5%

Financial Assumptions	TTM	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue		$ 34,500	$ 36,225	$ 37,088	$ 37,950	$ 38,813	$ 39,675	$ 40,538	$ 41,400	$ 42,263	$ 43,125
P&L Cost Drivers											
Management Fee		*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*
Maintenance		*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*
Utilities		*0%*	0%	0%	0%	0%	0%	0%	0%	0%	0%
Acc. Deprec/Amort.Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Building Dep. Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Property Taxes											
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000

P&L Pro Forma	TTM P&L	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue											
Revenue		$ 34,500	$ 36,225	$ 37,088	$ 37,950	$ 38,813	$ 39,675	$ 40,538	$ 41,400	$ 42,263	$ 43,125
Total Retail Revenue	$ -	$ 34,500	$ 36,225	$ 37,088	$ 37,950	$ 38,813	$ 39,675	$ 40,538	$ 41,400	$ 42,263	$ 43,125
Gross Profit		$ 34,500	$ 36,225	$ 37,088	$ 37,950	$ 38,813	$ 39,675	$ 40,538	$ 41,400	$ 42,263	$ 43,125
Gross Profit %	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Non Operating Department Expense											
Management Fee		$ 2,760	$ 2,898	$ 2,967	$ 3,036	$ 3,105	$ 3,174	$ 3,243	$ 3,312	$ 3,381	$ 3,450
Maintenance	$ -	$ 345	$ 362	$ 371	$ 380	$ 388	$ 397	$ 405	$ 414	$ 423	$ 431
Utilities	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Non Operating Dept. Expenses		$ 3,105	$ 3,260	$ 3,338	$ 3,416	$ 3,493	$ 3,571	$ 3,648	$ 3,726	$ 3,804	$ 3,881
Gross Operating Profit		$ 31,395	$ 32,965	$ 33,750	$ 34,535	$ 35,319	$ 36,104	$ 36,889	$ 37,674	$ 38,459	$ 39,244
% Gross Operating Profit	0.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%
Fixed Expenses											
Property Taxes											
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Total Fixed Expenses	$ -	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Net Operating Income		$ 26,395	$ 27,965	$ 28,750	$ 29,535	$ 30,319	$ 31,104	$ 31,889	$ 32,674	$ 33,459	$ 34,244
Adjusted Net Operating Income		$ 26,395	$ 27,965	$ 28,750	$ 29,535	$ 30,319	$ 31,104	$ 31,889	$ 32,674	$ 33,459	$ 34,244
% Adjusted NOI of Revenue	0.00%	76.51%	77.20%	77.52%	77.82%	78.12%	78.40%	78.67%	78.92%	79.17%	79.41%

Levered Return Analysis											
	Year 0	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Year 6**	**Year 7**	**Year 8**	**Year 9**	**Year 10**
Adjusted Net Operating Income		$ 26,395	$ 27,965	$ 28,750	$ 29,535	$ 33,351	$ 33,351	$ 33,351	$ 33,351	$ 33,351	$ 33,351
Primary Debt Service		($230,817)	($230,817)	($230,817)	($230,817)	($230,817)	($230,817)	($230,817)	($230,817)	($230,817)	($230,817)
Secondary Debt Service		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Cash Flow After Financing		$ (204,422)	$ (202,853)	$ (202,068)	$ (201,283)	$ (197,466)	$ (197,466)	$ (197,466)	$ (197,466)	$ (197,466)	$ (197,466)
DSCR		0.11	0.12	0.12	0.13	0.14	0.14	0.14	0.14	0.14	0.14
Acquisition/Development Cost	$5,061,600										
Loan Cash Flows	$ 3,796,200										
Capital Improvements	($775,000)										
Expected Sale Price											$ 476,447
Selling Costs											($7,147)
Principal Repayment		($3,796,200)	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Levered Cash Flow	($1,265,400)	$ (4,000,622)									
Return on Invested Capital		-16.15%	-16.03%	-15.97%	-15.91%	-15.61%	-15.61%	-15.61%	-15.61%	-15.61%	-15.61%
Average Return on Invested Capital		-16.15%	-16.09%	-16.05%	-16.02%	-15.93%	-15.88%	-15.84%	-15.81%	-15.79%	-15.77%

NPV	($5,266,022)
Levered IRR	#NUM!
Residual	62.51%
Income	37.49%
Equity Multiple	0.00x

General Assumptions	
Project Name	Retail & Office
Land Acreage	1
Building Square Footage	11,500
Average Rent	$20.00
Hard Costs/SF	$150.00
Site Work Cost/Foundations	$529,000.00
Soft Costs/SF	$25.00
TI/SF - Tenant	$65.00
Development Fee/SF	$5.00
Contruction Mgt Fee	10%
Hard Costs	$ 1,725,000
Soft Costs	$ 287,500
Site Work	$ 529,000
Land Cost	$ 775,000
Closing Costs	$ 30,000
Tenant Allowance	$ 747,500
Commission	$ 69,000
Development Fee	$ 125,000
Construction Mgt. Fee	$ 172,500
Builder's Risk Insurance	$ 10,000
Legal Fees	$ 10,000
Total Cost	$ 4,480,500
Primary Loan-to-Value	75%
Primary Total Loan	$ 3,360,375
Primary Equity Required	$1,120,125.00
Primary Interest Rate	4.50%
Primary Amort. Schedule	30 years
Construction Period	1.0 years
TTM NOI	$ -
Purchase Cap Rate	
All In Cap Rate	0.00%
Exit Cap Rate	7.00%
Exit Year	10 years
Discount Rate	5%

Financial Assumptions	TTM	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue		$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
P&L Cost Drivers											
Management Fee		*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*
Maintenance		*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*
Utilities		*0%*	0%	0%	0%	0%	0%	0%	0%	0%	0%
Acc. Deprec/Amort.Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Building Dep. Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Property Taxes											
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000

P&L Pro Forma											
	TTM P&L	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue											
Revenue		$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
Total Retail Revenue	$ -	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
Gross Profit		$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
Gross Profit %	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Non Operating Department Expense											
Management Fee		$ 18,400	$ 18,400	$ 18,400	$ 18,400	$ 18,400	$ 19,320	$ 19,320	$ 19,320	$ 19,320	$ 19,320
Maintenance	$ -	$ 2,300	$ 2,300	$ 2,300	$ 2,300	$ 2,300	$ 2,415	$ 2,415	$ 2,415	$ 2,415	$ 2,415
Utilities	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Non Operating Dept. Expenses		$ 20,700	$ 20,700	$ 20,700	$ 20,700	$ 20,700	$ 21,735	$ 21,735	$ 21,735	$ 21,735	$ 21,735
Gross Operating Profit		$ 209,300	$ 209,300	$ 209,300	$ 209,300	$ 209,300	$ 219,765	$ 219,765	$ 219,765	$ 219,765	$ 219,765
% Gross Operating Profit	0.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%
Fixed Expenses											
Property Taxes											
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Total Fixed Expenses	$ -	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Net Operating Income		$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 214,765	$ 214,765	$ 214,765	$ 214,765	$ 214,765
Adjusted Net Operating Income		$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 214,765	$ 214,765	$ 214,765	$ 214,765	$ 214,765
% Adjusted NOI of Revenue	0.00%	88.83%	88.83%	88.83%	88.83%	88.83%	88.93%	88.93%	88.93%	88.93%	88.93%

Levered Return Analysis											
	Year 0	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Year 6**	**Year 7**	**Year 8**	**Year 9**	**Year 10**
Adjusted Net Operating Income		$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 224,730	$ 224,730	$ 224,730	$ 224,730	$ 224,730	$ 224,730
Primary Debt Service		($204,318)	($204,318)	($204,318)	($204,318)	($204,318)	($204,318)	($204,318)	($204,318)	($204,318)	($204,318)
Secondary Debt Service		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Cash Flow After Financing		$ (18)	$ (18)	$ (18)	$ (18)	$ 20,412	$ 20,412	$ 20,412	$ 20,412	$ 20,412	$ 20,412
DSCR		1.00	1.00	1.00	1.00	1.10	1.10	1.10	1.10	1.10	1.10
Acquisition/Development Cost	$4,480,500										
Loan Cash Flows	$ 3,360,375										
Capital Improvements	($775,000)										
Expected Sale Price											$ 3,210,429
Selling Costs											($48,156)
Principal Repayment		($3,360,375)	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Levered Cash Flow	($1,120,125)	$ (3,360,393)									
Return on Invested Capital		0.00%	0.00%	0.00%	0.00%	1.82%	1.82%	1.82%	1.82%	1.82%	1.82%
Average Return on Invested Capital		0.00%	0.00%	0.00%	0.00%	0.36%	0.61%	0.78%	0.91%	1.01%	1.09%

NPV	($4,480,518)
Levered IRR	#NUM!
Residual	261.67%
Income	-161.67%
Equity Multiple	0.00x

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 107

General Assumptions	
Project Name	Retail & Office
Land Acreage	1
Building Square Footage	11,500
Average Rent	$20.00
Hard Costs/SF	$150.00
Site Work Cost/Foundations	$529,000.00
Soft Costs/SF	$25.00
TI/SF - Tenant	$65.00
Development Fee/SF	$5.00
Contruction Mgt Fee	10%
Hard Costs	$ 1,725,000
Federal Tax Credit	$ (402,500)
Soft Costs	$ 287,500
Site Work	$ 529,000
Land Cost	$ 775,000
Closing Costs	$ 30,000
Tenant Allowance	$ 747,500
Commission	$ 69,000
Development Fee	$ 125,000
Construction Mgt. Fee	$ 172,500
Builder's Risk Insurance	$ 10,000
Legal Fees	$ 10,000
Total Cost	$ 4,078,000
Primary Loan-to-Value	75%
Primary Total Loan	$ 3,058,500
Primary Equity Required	$1,019,500.00
Primary Interest Rate	4.50%
Secondary Annual Debt Servic	
Construction Period	1.0 years
TTM NOI	$ -
Purchase Cap Rate	
All In Cap Rate	0.00%
Exit Cap Rate	7.00%
Exit Year	10 years
Purchase Price Cost/Key	**$ -**

Financial Assumptions

	TTM	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue		$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
P&L Cost Drivers											
Management Fee		*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*	*8.00%*
Maintenance		*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*	*1%*
Utilities		*0%*	0%	0%	0%	0%	0%	0%	0%	0%	0%
Acc. Deprec/Amort.Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Building Dep. Expense	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Property Taxes											
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 108

P&L Pro Forma											
	TTM P&L	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Revenue											
Revenue		$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
Total Retail Revenue	$ -	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
Gross Profit		$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 230,000	$ 241,500	$ 241,500	$ 241,500	$ 241,500	$ 241,500
Gross Profit %	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Non Operating Department Expense											
Management Fee		$ 18,400	$ 18,400	$ 18,400	$ 18,400	$ 18,400	$ 19,320	$ 19,320	$ 19,320	$ 19,320	$ 19,320
Maintenance	$ -	$ 2,300	$ 2,300	$ 2,300	$ 2,300	$ 2,300	$ 2,415	$ 2,415	$ 2,415	$ 2,415	$ 2,415
Utilities	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Non Operating Dept. Expenses		$ 20,700	$ 20,700	$ 20,700	$ 20,700	$ 20,700	$ 21,735	$ 21,735	$ 21,735	$ 21,735	$ 21,735
Gross Operating Profit		$ 209,300	$ 209,300	$ 209,300	$ 209,300	$ 209,300	$ 219,765	$ 219,765	$ 219,765	$ 219,765	$ 219,765
% Gross Operating Profit	0.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%	91.00%
Fixed Expenses											
Property Taxes											
Insurance		$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Total Fixed Expenses	$ -	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Net Operating Income		$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 214,765	$ 214,765	$ 214,765	$ 214,765	$ 214,765
Adjusted Net Operating Income		$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 214,765	$ 214,765	$ 214,765	$ 214,765	$ 214,765
% Adjusted NOI of Revenue	0.00%	88.83%	88.83%	88.83%	88.83%	88.83%	88.93%	88.93%	88.93%	88.93%	88.93%

Levered Return Analysis											
	Year 0	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Year 6**	**Year 7**	**Year 8**	**Year 9**	**Year 10**
Adjusted Net Operating Income		$ 204,300	$ 204,300	$ 204,300	$ 204,300	$ 224,730	$ 224,730	$ 224,730	$ 224,730	$ 224,730	$ 224,730
Primary Debt Service		($185,964)	($185,964)	($185,964)	($185,964)	($185,964)	($185,964)	($185,964)	($185,964)	($185,964)	($185,964)
Secondary Debt Service		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Cash Flow After Financing		$ 18,336	$ 18,336	$ 18,336	$ 18,336	$ 38,766	$ 38,766	$ 38,766	$ 38,766	$ 38,766	$ 38,766
DSCR		1.10	1.10	1.10	1.10	1.21	1.21	1.21	1.21	1.21	1.21
Acquisition/Development Cost	$4,078,000										
Loan Cash Flows	$ 3,058,500										
Capital Improvements	($775,000)										
Expected Sale Price											$ 3,210,429
Selling Costs											($48,156)
Principal Repayment		($3,058,500)	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Levered Cash Flow	($1,019,500)	$ (3,040,164)									
Return on Invested Capital		1.80%	1.80%	1.80%	1.80%	3.80%	3.80%	3.80%	3.80%	3.80%	3.80%
Average Return on Invested Capital		1.80%	1.80%	1.80%	1.80%	2.20%	2.47%	2.66%	2.80%	2.91%	3.00%

NPV	($4,059,664)
Levered IRR	#NUM!
Residual	25.33%
Income	74.67%
Equity Multiple	0.00x

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 110

1416-18 Central Parkway
Profit and Loss
January 2018 through December 2020

	Jan - Dec '18	Jan - Dec '19	Jan - Dec '20	TOTAL
Ordinary Income/Expense				
Expense				
Administrative Expenses				
Advertising	43.00	0.00	0.00	43.00
Telephone	2,712.58	2,772.54	2,762.23	8,247.35
Administrative Expenses - Other	0.00	700.00	0.00	700.00
Total Administrative Expenses	2,755.58	3,472.54	2,762.23	8,990.35
Operating and Maint. Expenses				
CAPITAL EXPENSES	1,558.00	0.00	0.00	1,558.00
SECURITY	0.00	788.80	0.00	788.80
TRASH REMOVAL	2,496.25	2,472.00	3,226.38	8,194.63
Maintenance & Supplies	15,047.32	16,483.85	17,312.34	48,843.51
Paintaing/Decorating	600.00	776.72	11,274.58	12,651.30
Plumbing, Heating & Electrical	6,073.70	7,808.79	5,757.00	19,639.49
Total Operating and Maint. Expenses	25,775.27	28,330.16	37,570.30	91,675.73
Taxes & Insurance				
Misc. Taxes, Licenses & Permits	189.00	0.00	0.00	189.00
Property & Liability Insurance	5,614.00	5,862.00	6,217.00	17,693.00
Real Estate Taxes	7,546.64	7,795.16	7,791.16	23,132.96
Total Taxes & Insurance	13,349.64	13,657.16	14,008.16	41,014.96
Utilities Expense				
Gas & Electric	8,627.13	9,174.19	8,730.59	26,531.91
Water	1,246.13	1,273.88	1,433.51	3,953.52
Total Utilities Expense	9,873.26	10,448.07	10,164.10	30,485.43
Total Expense	51,753.75	55,907.93	64,504.79	172,166.47
Net Ordinary Income	-51,753.75	-55,907.93	-64,504.79	-172,166.47
Net Income	**-51,753.75**	**-55,907.93**	**-64,504.79**	**-172,166.47**

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 111

Downtown Property Management, Inc.
1418 Central Parkway, Suite 201, Cincinnati, Ohio 45202
Tel: 513-665-4376
Fax:513-251-5400

Real Estate Investment & Development
Residential – Commercial – Industrial

June 29, 2021

Ms. Beth Johnson
Urban Conservator
Historic Conservation Board
Two Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202

Ms. Johnson,

My name is Brahma Ramineni, I am an owner of Downtown Property Management and the owner of 1416 Central Parkway, which is the subject property. We bought this building and have maintained this building as we had received it. We were not able to find tenants for this building due to the condition and as property managers for many years, we knew that the cost to renovate the building would not be supported by the rents in the market. Instead, we decided to occupy as much of the building as possible, which is only about 2500 square feet and have been operating at a loss since we have owned it, as we don't charge ourselves rent, and carry all the expenses of maintaining the building in addition to property taxes, insurances, and operating expenses. To date, we have no orders against us for any neglect or violations from our local municipality and its various departments. Given the scope of what it would take to renovate this building and create the revenues to support it, we have run out of options and know that we must relocate our business as a part of a redevelopment in partnership with Moment Development, LLC, as we are unable to continue to carry the losses we have incurred here for a number of years.

Thanks!

Brahma Ramineni, VP
Downtown Property Management Inc.

Comp Analysis for 1416 Central Parkway				
Subject Property				
Address	**Total Square Feet**	**Total Price**	**Price Per Square Foot**	
1416 Central Parkway	11,500	$750,000.00	$65.22	
For Sale Properties				
Address	**Total Square Feet**	**Total Price**	**Price Per Square Foot**	**Document Name**
216-222 W 15th St.	13,500	$1,250,000.00	$92.59	For Sale Properties
1600 Sycamore St	5317	$399,000.00	$75.04	For Sale Properties
1702 Vine St.	5400	$549,000.00	$101.67	For Sale Properties
	Avg. of For Sale Properties	**$737,000.00**	**$83.63**	
Property Recently Sold				
Address	**Total Square Feet**	**Total Price**	**Price Per Square Foot**	**Document Name**
421 Bauer Ave	10299	$750,000.00	$72.82	421 Bauer Ave
1208 Sycamore St.	4752	$500,000.00	$105.22	1208 Sycamore St.
1209 Elm St.	4740	$425,000.00	$89.66	1209 Elm St.
1413 Central Parkway	4900	$1,100,000.00	$224.49	1413 Central Parkway
1422 Walnut St.	4518	$330,000.00	$73.04	1422 Walnut St.
1426 Main St.	2190	$415,000.00	$189.50	1426 Main St.
1509 Central Parkway	7656	$750,000.00	$97.96	1509 Central Parkway
1706 Republic Street	3670	$275,000.00	$74.93	1706 Republic Street
1718 Central Parkway	10000	$825,000.00	$82.50	1718 Central Parkway
1810 Vine St.	2910	$300,000.00	$103.09	1810 Vine St.
	Avg of Property Recently Sold	**$567,000.00**	**$111.32**	
	Avg of All Property	**Average Price**	**Average Price/SF**	
		$652,000.00	$97.48	
	Subject Property Valuation in Proforma	$750,000	$65.00	
Based on Market Subject Property Valuation should be a total of		**$1,120,966.77**	**$97.48**	

With a $1,120,966.77 market value, this further supresses each and every proforma compounding the financial burden to overcome.			
This therefore makes the $750,000 valuation in the proforma's an extremely conservative number, taking a huge valuation discount to try and			
make a development pencil and even then, it still fails to create any kind of legitimate return. Financing does not work this way in that it will be			
based on an appraisal which will similarly take comps similar to what is in this spreadsheet. As a result, no bank will be willing to finance this			
project at this valuation given the cost it would take to renovate the building.			

1 421 Bauer Ave

421 Bauer, Cincinnati, OH 45214

Sold Price: **$750,000**

Industrial - 10,299 SF

Transaction Information

Sale Date	**02/15/2019**
Document Number	**13188**
Sale Price	**$750,000**
Sale Price Per SQFT	**$72.82 Per SF**
Sold Price Per Acres	**$2,083,333.33 Per Acre**
Asking Price	**Negotiable**
Asking Price Per SQFT	

Financing Information

Sale Type	**Other**
Excise Tax	
Loan Amount	
Down Payment	**N/A**
Lender	
Loan Type	**Other**
Title Company	**Attorney Only**

Buyer & Seller Contact Information

Recorded Buyer	True Buyer Contact
West End Dev Llc	

Recorded Seller	True Seller Contact
Feast Love	

Buyers Agent Company	Listing Agent Company
Buyers Agents	Listing Agents

Ohio Equities

Carter Stephens
cstephens@ohioequities.com
631-704-2257

Catylist Research

6/29/2021

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1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 115

Transaction Notes

The buyer West End Dev Llc has a last known mailing address of .
Document Number: 13188
County Land Use: 680-exempt-hospital etc

Marketing Notes

Property Information

Property Type	**Industrial**	Building Status	**EXISTING**
Property Subtype	**Warehouse/Distribution**	Typical Floor SF	
Building SQFT	**10,299 SF**	Office SF	
Construction	**Masonry**	Industrial SF	
Buildings / Floors	**1 / 1**	Retail SF	
Units		Year Built	
Zoning		Occupancy Type	**Single-Tenant**
Market Area		Lot Acres	**0.36 Acres**
Condomimium	**No**	Lot SQFT	**15,819 SF**

Income & Expenses

Gross Income	
Total Expenses	
Net Income	
Cap Rate	
Vacancy Rate	
% Currently Occupied	
Real Estate Taxes	**$27.04**

County Assessment

County	**Hamilton**
Assessed Land	**$10,791**
Assessed Improved	**$25,715**
Assessed Total	**$36,506**
Assessed Year	**2019**
Tax ID / Apn(s)	**013400010233,013400010234,013400010325,013400010227,013400010225,013400010235,013400010226,013400010232,013400010224**

Industrial Details

Clear Height	
Dock High Doors	**3**
Grade Level Doors	**0**
Rail Doors	**0**
Parking Total	

Carter Stephens
cstephens@ohioequities.com
631-704-2257

Catylist Research

6/29/2021

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1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 116

1 1208 Sycamore St

1208 Sycamore St, Cincinnati, OH 45202

Sold Price: **$500,000**

Office - 4,752 SF

Transaction Information

Sale Date	**10/25/2019**
Document Number	
Sale Price	**$500,000**
Sale Price Per SQFT	**$105.22 Per SF**
Sold Price Per Acres	**$1,351,351.35 Per Acre**
Asking Price	**Negotiable**
Asking Price Per SQFT	

Financing Information

Sale Type	**Other**
Excise Tax	
Loan Amount	
Down Payment	**N/A**
Lender	
Loan Type	**Other**
Title Company	**Attorney Only**

Buyer & Seller Contact Information

Recorded Buyer	True Buyer Contact
1208 sycamore llc	

Recorded Seller	True Seller Contact
Croswell R Scott Iii	

Buyers Agent Company	Listing Agent Company
Buyers Agents	Listing Agents

Ohio Equities

Carter Stephens
cstephens@ohioequities.com
631-704-2257

Catylist Research

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1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 117

Transaction Notes

The buyer 1208 sycamore llc has a last known mailing address of .
Document Number: 93661
County Land Use: 448-com-ofc,walk up 3+st
MULTI-PARCEL SALE. 1.07 acres. APNs: 075-0001-0005-00, 075-0001-0251-00, 075-0001-0252-00

Marketing Notes

Property Information

Property Type	**Office**	Building Status	**EXISTING**
Property Subtype		Typical Floor SF	
Building SQFT	**4,752 SF**	Office SF	
Construction		Industrial SF	
Buildings / Floors	**1 / 3**	Retail SF	
Units		Year Built	**1880**
Zoning		Occupancy Type	**Multi-Tenant**
Market Area		Lot Acres	**0.37 Acres**
Condomimium	**No**	Lot SQFT	**16,117 SF**

Income & Expenses

Gross Income	
Total Expenses	
Net Income	
Cap Rate	
Vacancy Rate	
% Currently Occupied	
Real Estate Taxes	**$4,406.03**

County Assessment

County	**HAMILTON**
Assessed Land	**$23,384**
Assessed Improved	**$20,836**
Assessed Total	**$44,220**
Assessed Year	**2019**
Tax ID / Apn(s)	**007500010005**

Office Details

Class	**B**
Parking Ratio	
Parking Total	

Ohio Equities

Carter Stephens
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631-704-2257

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1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 118

1 1209 Elm St

1209 Elm, Cincinnati, OH 45202

Sold Price: **$425,000**

Office - 4,740 SF

Transaction Information

Sale Date	**07/14/2020**
Document Number	**69150**
Sale Price	**$425,000**
Sale Price Per SQFT	**$89.66 Per SF**
Sold Price Per Acres	**$8,500,000.00 Per Acre**
Asking Price	**Negotiable**
Asking Price Per SQFT	

Financing Information

Sale Type	**Other**
Excise Tax	
Loan Amount	**$340,000**
Down Payment	**$85,000**
Lender	**Centerbank**
Loan Type	**CONSTRUCTION**
Title Company	**Attorney Only**

Buyer & Seller Contact Information

Recorded Buyer	True Buyer Contact
Angelo Pusateri	

Recorded Seller	True Seller Contact
Tender Mercies Inc	

Buyers Agent Company
Buyers Agents

Listing Agent Company
Listing Agents

Ohio Equities

Carter Stephens
cstephens@ohioequities.com
631-704-2257

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1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 119

Transaction Notes

Pusateri Angelo took out a CONSTRUCTION 1st mortgage in the amount of $340,000.00 through Centerbank. The buyer Pusateri Angelo has a last known mailing address of .
Document Number: 69150
County Land Use: 680-exempt-hospital etc

Marketing Notes

Property Information

Property Type	**Office**	Building Status	**EXISTING**
Property Subtype	**General**	Typical Floor SF	
Building SQFT	**4,740 SF**	Office SF	
Construction	**Masonry**	Industrial SF	
Buildings / Floors	**1 / 3**	Retail SF	
Units		Year Built	
Zoning		Occupancy Type	**Single-Tenant**
Market Area		Lot Acres	**0.05 Acres**
Condomimium	**No**	Lot SQFT	**2,189 SF**

Income & Expenses

Gross Income	
Total Expenses	
Net Income	
Cap Rate	
Vacancy Rate	
% Currently Occupied	
Real Estate Taxes	**$9.94**

County Assessment

County	**Hamilton**
Assessed Land	**$18,893**
Assessed Improved	**$71,820**
Assessed Total	**$90,713**
Assessed Year	**2020**
Tax ID / Apn(s)	**008100030089**

Office Details

Class	**B**
Parking Ratio	
Parking Total	

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1 1413 Central Pkwy

1413 Central Pkwy, Cincinnati, OH 45214

Sold Price: **$1,100,000**

Office - 4,900 SF

Transaction Information

Sale Date	**12/28/2017**
Document Number	
Sale Price	**$1,100,000**
Sale Price Per SQFT	**$224.49 Per SF**
Sold Price Per Acres	**$4,074,074.07 Per Acre**
Asking Price	**Negotiable**
Asking Price Per SQFT	

Financing Information

Sale Type	**Other**
Excise Tax	
Loan Amount	
Down Payment	**N/A**
Lender	
Loan Type	**Other**
Title Company	**None Available**

Buyer & Seller Contact Information

Recorded Buyer	True Buyer Contact
Snm Properties Llc **1413 Central Pkwy** **Cincinnati, OH 45214-2814**	

Recorded Seller	True Seller Contact
Quiggie Properties Llc	

Buyers Agent Company	Listing Agent Company
Buyers Agents	Listing Agents

Ohio Equities

Carter Stephens
cstephens@ohioequities.com
631-704-2257

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Transaction Notes

Document Number: 2017.117738
County Land Use: 447-com-offc bldg 1-2 st
Snm Properties Llc took out a 1st mortgage in the amount of through . The buyer Snm Properties Llc has a last known mailing address of 1413 Central Pkwy Cincinnati, OH 45214-2814.

Marketing Notes

Property Information

Property Type	**Office**
Property Subtype	**General**
Building SQFT	**4,900 SF**
Construction	
Buildings / Floors	**1 / 1**
Units	
Zoning	
Market Area	**CIN - Downtown**
Condomimium	**No**

Building Status	**EXISTING**
Typical Floor SF	
Office SF	
Industrial SF	
Retail SF	
Year Built	**1900**
Occupancy Type	**Single-Tenant**
Lot Acres	**0.27 Acres**
Lot SQFT	**11,627 SF**

Income & Expenses

Gross Income	
Total Expenses	
Net Income	
Cap Rate	
Vacancy Rate	
% Currently Occupied	
Real Estate Taxes	**$33,228.70**

County Assessment

County	**HAMILTON**
Assessed Land	**$63,161**
Assessed Improved	**$288,785**
Assessed Total	**$351,946**
Assessed Year	**2017**
Tax ID / Apn(s)	**008100020135,008100020136,008100020137**

Office Details

Class	**B**
Parking Ratio	
Parking Total	**18**

Ohio Equities

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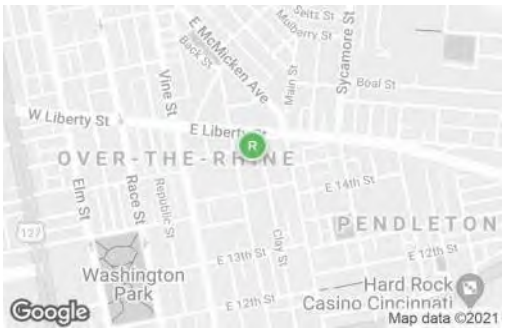
1 1422 Walnut St

1422 Walnut St, Cincinnati, OH 45202

Sold Price: **$330,000**

Retail - 4,518 SF



Transaction Information

Sale Date	**02/15/2019**
Document Number	
Sale Price	**$330,000**
Sale Price Per SQFT	**$73.04 Per SF**
Sold Price Per Acres	**$1,736,842.11 Per Acre**
Asking Price	**Negotiable**
Asking Price Per SQFT	

Financing Information

Sale Type	**Other**
Excise Tax	
Loan Amount	**$313,500**
Down Payment	**$16,500**
Lender	**Wyndham Cap Mtg**
Loan Type	**Other**
Title Company	**Attorney Only**

Buyer & Seller Contact Information

Recorded Buyer	True Buyer Contact
Hikel Christopher Lee **34 E 14th St #501** **Cincinnati, OH 45202-7924**	

Recorded Seller	True Seller Contact
1401 walnut st llc	

Buyers Agent Company	Listing Agent Company
Buyers Agents	Listing Agents

Ohio Equities

Carter Stephens
cstephens@ohioequities.com
631-704-2257

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Transaction Notes

Document Number: 15127
County Land Use: 401-com-apts, 4-19 units
Christopher Hikel took out a 1st mortgage in the amount of $313,500.00 through Wyndham Cap Mtg. The buyer Christopher Hikel has a last known mailing address of 34 E 14th St #501,Cincinnati, OH 45202-7924.

Marketing Notes

Property Information

Property Type	**Retail**	Building Status	**EXISTING**
Property Subtype	**Mixed Use**	Typical Floor SF	
Building SQFT	**4,518 SF**	Office SF	
Construction	**Brick**	Industrial SF	
Buildings / Floors	**1 / 3**	Retail SF	
Units		Year Built	**1895**
Zoning		Occupancy Type	**Multi-Tenant**
Market Area	**CIN - Downtown**	Lot Acres	**0.19 Acres**
Condomimium	**No**	Lot SQFT	**8,229 SF**

Income & Expenses

Gross Income	
Total Expenses	
Net Income	
Cap Rate	
Vacancy Rate	
% Currently Occupied	
Real Estate Taxes	

County Assessment

County	**Hamilton**
Assessed Land	
Assessed Improved	
Assessed Total	
Assessed Year	**2019**
Tax ID / Apn(s)	**008000010120,008000010119**

Retail Details

Class	
Parking Ratio	
Parking Total	

Ohio Equities

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cstephens@ohioequities.com
631-704-2257

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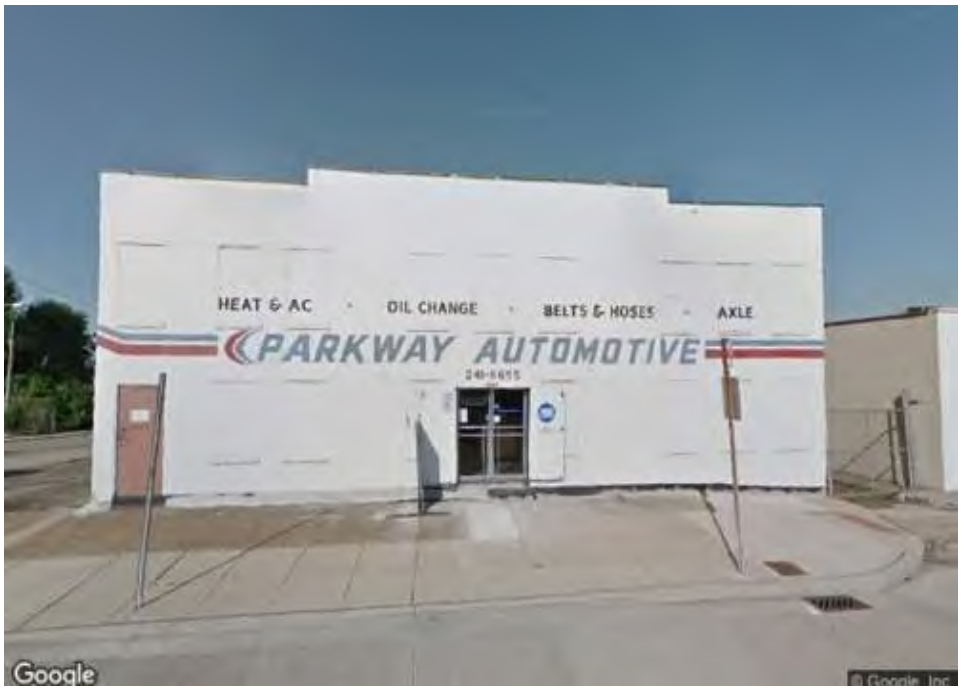
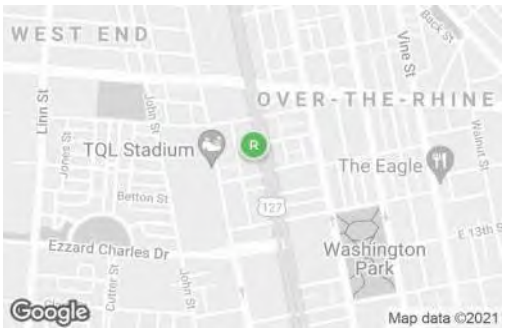
1 1509 Central Pkwy

1509 Central Pkwy, Cincinnati , OH 45214

Sold Price: **$750,000**

Retail - 7,656 SF





Transaction Information

Sale Date	**06/02/2018**
Document Number	
Sale Price	**$750,000**
Sale Price Per SQFT	**$97.96 Per SF**
Sold Price Per Acres	**$1,190,476.19 Per Acre**
Asking Price	**Negotiable**
Asking Price Per SQFT	

Financing Information

Sale Type	**Other**
Excise Tax	
Loan Amount	
Down Payment	**N/A**
Lender	
Loan Type	**Other**
Title Company	**Attorney Only**

Buyer & Seller Contact Information

Recorded Buyer	True Buyer Contact
Port Of Greater Cincinnati Development A **3 E 4th St #300** **Cincinnati, OH 45202-3745**	

Recorded Seller	True Seller Contact
Pjc Inc	

Buyers Agent Company	
Buyers Agents	

Listing Agent Company	
Listing Agents	

Ohio Equities

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Transaction Notes

Document Number: 48706
County Land Use: 420-com-small det retail
Port Of Greater Cincinnati Development A took out a 1st mortgage in the amount of through . The buyer Port Of Greater Cincinnati Development A has a last known mailing address of 3 E 4th St #300,Cincinnati, OH 45202-3745.

Marketing Notes

Property Information

Property Type	**Retail**	Building Status	**EXISTING**
Property Subtype		Typical Floor SF	
Building SQFT	**7,656 SF**	Office SF	
Construction		Industrial SF	
Buildings / Floors	**1 / 2**	Retail SF	
Units		Year Built	**1920**
Zoning		Occupancy Type	**Single-Tenant**
Market Area	**CIN - Downtown**	Lot Acres	**0.63 Acres**
Condomimium	**No**	Lot SQFT	**27,443 SF**

Income & Expenses

Gross Income	
Total Expenses	
Net Income	
Cap Rate	
Vacancy Rate	
% Currently Occupied	
Real Estate Taxes	**$2,544.22**

County Assessment

County	**HAMILTON**
Assessed Land	**$16,478**
Assessed Improved	**$10,413**
Assessed Total	**$26,891**
Assessed Year	**2018**
Tax ID / Apn(s)	**008100050001**

Retail Details

Class	
Parking Ratio	
Parking Total	

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1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 126

1 1706 Republic Street

1706 Republic Street, Cincinnati, OH 45202

Sold Price: **$275,000**

Office - 3,670 SF

Transaction Information

Sale Date	**09/14/2020**
Document Number	**97794**
Sale Price	**$275,000**
Sale Price Per SQFT	**$74.93 Per SF**
Sold Price Per Acres	**$5,500,000.00 Per Acre**
Asking Price	**Negotiable**
Asking Price Per SQFT	

Financing Information

Sale Type	**Other**
Excise Tax	
Loan Amount	**$304,000**
Down Payment	**($29,000)**
Lender	**First Cmnwlt Bk**
Loan Type	**Other**
Title Company	**Attorney Only**

Buyer & Seller Contact Information

Recorded Buyer	True Buyer Contact
Horrorhound Holdings Llc **2170 Gilbert Ave**	

Recorded Seller	True Seller Contact
Reckman Properties Ltd	

Buyers Agent Company	Listing Agent Company
Buyers Agents	Listing Agents

Ohio Equities

Carter Stephens
cstephens@ohioequities.com
631-704-2257

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Transaction Notes

Horrorhound Holdings Llc took out a 1st mortgage in the amount of $304,000.00 through First Cmnwlt Bk. The buyer Horrorhound Holdings Llc has a last known mailing address of 2170 Gilbert Ave.
Document Number: 97794
County Land Use: 499-com-othr structures

Marketing Notes

Property Information

Property Type	**Office**
Property Subtype	**General**
Building SQFT	**3,670 SF**
Construction	**Brick**
Buildings / Floors	**2 / 1**
Units	
Zoning	
Market Area	
Condomimium	**No**

Building Status	**EXISTING**
Typical Floor SF	
Office SF	
Industrial SF	
Retail SF	
Year Built	**1915**
Occupancy Type	**Multi-Tenant**
Lot Acres	**0.05 Acres**
Lot SQFT	**2,393 SF**

Income & Expenses

Gross Income	
Total Expenses	
Net Income	
Cap Rate	
Vacancy Rate	
% Currently Occupied	
Real Estate Taxes	**$1,216.08**

County Assessment

County	**Hamilton**
Assessed Land	**$7,760**
Assessed Improved	**$4,750**
Assessed Total	**$12,510**
Assessed Year	**2020**
Tax ID / Apn(s)	**009400080230**

Office Details

Class	**B**
Parking Ratio	
Parking Total	**0**

Ohio Equities

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631-704-2257

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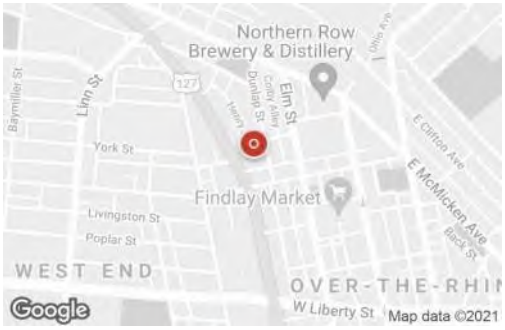
1 1718 Central Pkwy

1718 Central Pkwy , Cincinnati , OH 45214

Sold Price: **$825,000**

Office - 10,000 SF



Transaction Information

Sale Date	**12/27/2019**
Document Number	
Sale Price	**$825,000**
Sale Price Per SQFT	**$82.50 Per SF**
Sold Price Per Acres	**$1,683,673.47 Per Acre**
Asking Price	**$1,150,000**
Asking Price Per SQFT	**$115.00 Per SF**

Financing Information

Sale Type	**Other**
Excise Tax	
Loan Amount	
Down Payment	**N/A**
Lender	
Loan Type	**Other**
Title Company	**Attorney Only**

Buyer & Seller Contact Information

Recorded Buyer	True Buyer Contact
Stc Health Group Otr Llc	

Recorded Seller	True Seller Contact
Docks Ptshp Pll	

Buyers Agent Company	
Buyers Agents	

Listing Agent Company	**Lee & Associates, LLC**
Listing Agents	**Gary S Fisher** **513-658-3411** **gfisher@lee-associates.com**

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cstephens@ohioequities.com
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Transaction Notes

The buyer Stc Health Group Otr Llc has a last known mailing address of .
Document Number: 240
County Land Use: 447-com-offc bldg 1-2 st

Marketing Notes

120/240V Single Phase and 240V Delta Three Phase Service On Site, Climate Controlled Throughout, 9'9"+/- Ceiling height, Working Dumb Waiter, Four (4) Restrooms - Two (2) on Each Level, Secured Parking for 30 (behind the building) with Drive-In Garage/Storage/Shop, Zoned Commercial (CC-A) - Allows for a Broad Range of Uses, Ohio Opportunity Zone:Tract 16; Potential Tax Incentives Available, Mix of Private and Open Offices, Service Space, Storage, Drive in Garage, Suitable for Medical, Dental, Office, Retail, Service, Distribution, Mfg and more, Well-Maintained Property Ready for a New User for the 21st Century

Property Information

Property Type	**Office**
Property Subtype	
Building SQFT	**10,000 SF**
Construction	
Buildings / Floors	**1 / 2**
Units	
Zoning	**CC-A**
Market Area	
Condomimium	**No**

Building Status	**EXISTING**
Typical Floor SF	
Office SF	
Industrial SF	
Retail SF	
Year Built	**1968**
Occupancy Type	**Single-Tenant**
Lot Acres	**0.49 Acres**
Lot SQFT	**21,298 SF**

Income & Expenses

Gross Income	
Total Expenses	
Net Income	
Cap Rate	
Vacancy Rate	
% Currently Occupied	
Real Estate Taxes	**$8,193.74**

County Assessment

County	**HAMILTON**
Assessed Land	**$54,065**
Assessed Improved	**$32,746**
Assessed Total	**$86,811**
Assessed Year	**2019**
Tax ID / Apn(s)	**009600050005,009600050009,009600050008,009600050007,009600050006**

Office Details

Class	**B**
Parking Ratio	
Parking Total	**30**

Ohio Equities

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631-704-2257

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1 1810 Vine St

1810 Vine St, Cincinnati, OH 45202

Sold Price: **$300,000**

Multi-Family - 2,910 SF

Transaction Information

Sale Date	**04/30/2020**
Document Number	**45937**
Sale Price	**$300,000**
Sale Price Per SQFT	**$103.09 Per SF**
Sold Price Per Acres	**$1,153,846.15 Per Acre**
Asking Price	**Negotiable**
Asking Price Per SQFT	

Financing Information

Sale Type	**Other**
Excise Tax	
Loan Amount	
Down Payment	**N/A**
Lender	
Loan Type	**Other**
Title Company	**Attorney Only**

Buyer & Seller Contact Information

Recorded Buyer	True Buyer Contact
Nassau Avenue Investments Llc	

Recorded Seller	True Seller Contact
Morris Custom Homes Llc	

Buyers Agent Company
Buyers Agents

Listing Agent Company
Listing Agents

Ohio Equities

Carter Stephens
cstephens@ohioequities.com
631-704-2257

Catylist Research

6/29/2021

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1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 131

Transaction Notes

The buyer Nassau Avenue Investments Llc has a last known mailing address of .
Document Number: 45937
County Land Use: 404-com-retail,apts over
MULTI-PARCEL SALE. 0.51 acres. APNs: 094-0005-0315-00, 094-0005-0314-00

Marketing Notes

Property Information

Property Type	**Multi-Family**	Building Status	**EXISTING**
Property Subtype		Typical Floor SF	
Building SQFT	**2,910 SF**	Office SF	
Construction		Industrial SF	
Buildings / Floors	**1 / 3**	Retail SF	
Units		Year Built	**1865**
Zoning		Occupancy Type	**Multi-Tenant**
Market Area		Lot Acres	**0.26 Acres**
Condomimium	**No**	Lot SQFT	**11,326 SF**

Income & Expenses

Gross Income	
Total Expenses	
Net Income	
Cap Rate	
Vacancy Rate	
% Currently Occupied	
Real Estate Taxes	**$1,863.22**

County Assessment

County	**HAMILTON**
Assessed Land	**$5,635**
Assessed Improved	**$13,615**
Assessed Total	**$19,250**
Assessed Year	**2020**
Tax ID / Apn(s)	**009400050315**

Multi-Family Details

Class	
Parking Ratio	
Parking Total	

Unit Mix

Unit Type	# of Units	Avg SQFT	Rate

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cstephens@ohioequities.com
631-704-2257

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1 216-222 W 15th St

Cincinnati, OH 45202 - Clifton/Midtown Submarket
13,500 SF Class C Loft/Creative Space Building Built in 1880
Property is for sale at $1,250,000 ($92.59/SF)

Investment Information

Sale Price:	**$1,250,000**
Price/SF:	**$92.59**
Cap Rate:	**-**
Sale Status:	**Active**
Sale Conditions:	**-**
Sale Type:	**Owner User**
Days On Market:	**778**

Office Information

Bldg Type:	**Office**	Bldg Status:	**Built 1880**		
Class:	**C**	% Leased:	**0.0%**	RBA:	**13,500 SF**
Total Avail:	**13,500 SF**	Elevators:	**-**	Stories:	**3**
Bldg Vacant:	**13,500 SF**	Core Factor	**-**	Land Area:	**-**
Typical Floor Size:	**4,500 SF**	Zoning:	**-**	Owner Type:	**Individual**
Building FAR:	**-**	Tenancy:	**Single Tenant**	Owner Occupied:	**No**

Parcel Number: **081-0002-0458**

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2 1600 Sycamore St

Cincinnati, OH 45202 - Clifton/Midtown Submarket
5,317 SF Class C Office/Residential Building Built in 1847
Property is for sale at $399,000 ($75.04/SF)

Investment Information

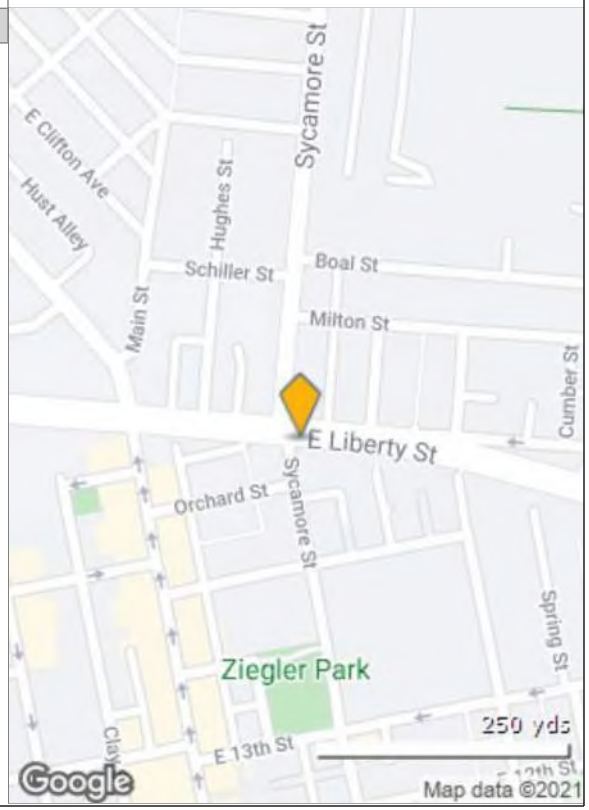
Sale Price:	**$399,000**
Price/SF:	**$75.04**
Cap Rate:	**-**
Sale Status:	**Active**
Sale Conditions:	**-**
Sale Type:	**Investment**
Days On Market:	**5**

Office Information

Bldg Type:	**Office**	Bldg Status:	**Built 1847**		
Class:	**C**	% Leased:	**100.0%**	RBA:	**5,317 SF**
Total Avail:	**0 SF**	Elevators:	**-**	Stories:	**3**
Bldg Vacant:	**0 SF**	Core Factor	**-**	Land Area:	**0.08 AC**
Typical Floor Size:	**1,772 SF**	Zoning:	**RM-0.7**	Owner Type:	**Individual**
Building FAR:	**1.53**	Tenancy:	**Single Tenant**	Owner Occupied:	**No**

Parcel Number: **086-0002-0227**

Parking: **Ratio of 0.00/1,000 SF**



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3 1702 Vine St

Cincinnati, OH 45210 - Clifton/Midtown Submarket
5,400 SF Retail Storefront Retail/Residential Building Built in 1870
Property is for sale at $549,000 ($101.67/SF)

Investment Information

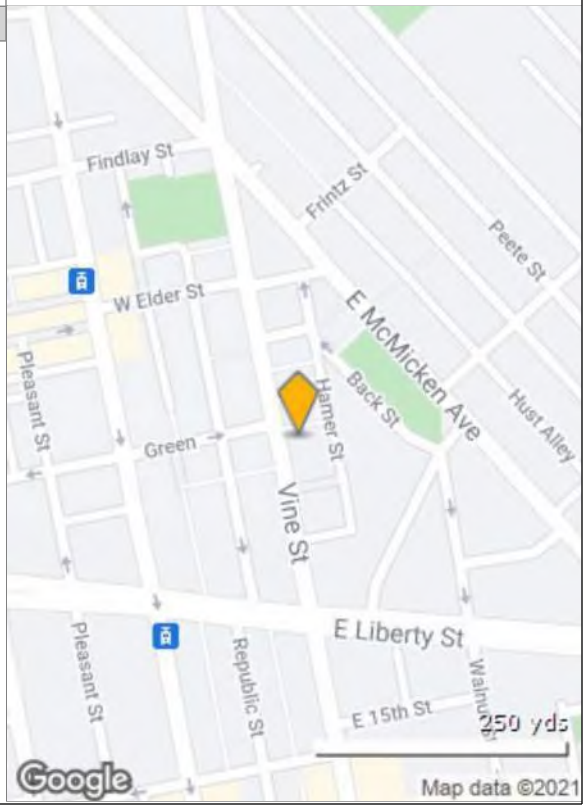
Sale Price:	**$549,000**
Price/SF:	**$101.67**
Cap Rate:	**-**
Sale Status:	**Active**
Sale Conditions:	**Redevelopment Project**
Sale Type:	**Investment Or Owner User**
Days On Market:	**197**

Center Information

Center Type:	**Storefront Retail/Residential**			Center Size:	**5,400 SF**
Bldg Status:	**Built 1870**			Zoning:	**CC-P**
% Leased:	**0.0%**	Total Avail:	**5,400 SF**	Owner Type:	**No**
Rent/SF/Yr:	**For Sale**	Bldg Vacant:	**5,400 SF**	Land Area:	**0.11 AC**
Stories:	**3**	Owner Occupied:	**No**	Lot Dimensions:	**-**
Elevators:	**-**	Tenancy:	**Multiple Tenant**	CAM:	**-**

Loading Docks: **None** Ceiling Height: **-**

Street Frontage: **29 feet on Vine St**
Parcel Number: **094-0007-0018**



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Structural Consultants
ADVANTAGE GROUP
ENGINEERS, INC.

May 24th, 2021

Structural Systems Repair Group
2824 Stanton Avenue
Cincinnati, Ohio 45206

Attn: Mr. Kevin Schubert
Re: 1416-1418 Central Parkway
Project No. 21182.01

Dear Kevin:

At your request, a site visit was made to the structures located at 1416-1418 Central Parkway in Cincinnati, Ohio on the morning of March 4th, 2021. The purpose of the visit was to observe the existing condition of the structure and foundation and provide general repair recommendations and concepts for potential future development.

Per the Hamilton County Auditor's website, the structures were initially built in 1900. The structures consist of multi-wythe brick masonry bearing walls with wood joists spanning side-to-side (north-south) and center bearing lines consisting of multiply wood beams spanning front-to-back (east-west) supported on cast iron (assumed) columns and wood stud bearing walls.

In general, the building is in poor to fair condition. The following summarizes the findings from the site observation.

Exterior

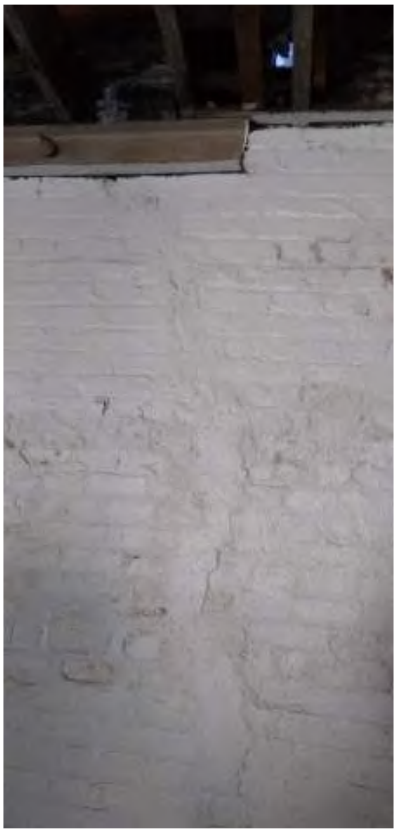
- Parging appears to be covering soft brick and water damage. This parging should be removed and the brick work repaired as needed. Due to the removal of the parging those areas may require up to 50% brick replacement and 100% tuckpointing. Other areas that are just painted may require up to 20% brick replacement and 50% tuckpointing based on some of the conditions observed.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 136

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 137

3rd Floor Space

- Significant cracking in the masonry wall was observed. This crack appears to have been poorly repaired and patched over the years. We recommend this portion of the wall be retoothed together replacing soft and damaged bricks as they are uncovered.



- Existing fire damage was noted at one location. We recommend repairing and/or replacing any compromised bricks and/or rafters in this area.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 138

- Soft brick/water damage was noted in a couple locations. We recommend replacing the soft and spalling bricks and tuckpointing the joints as needed. We estimate up to 5% brick replacement and 10% tuckpointing.

- Stair and handrail not code compliant. We recommend reconfiguring the stair to replace with a code compliant stair if this area were to be used in the potential future development.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 139

Roof

- The existing failed, cracked & loose coping should be replaced and made watertight.

Main Levels & General Conditions Throughout

- There are currently wood lintels at all exterior wall openings. These should all be replaced with new precast concrete or galvanized steel lintels.
- Soft brick/water damaged brick was noted at several locations. At the front (west) wall the damage is so severe that we recommend rebuilding the wall due to the significant damage to the brick noted inside and out. Other areas we expect up to 50% brick replacement and 100% tuckpointing.
- The existing masonry tie rods are improperly installed. They need to be replaced with properly installed ties within the floor/ceiling cavity along both the front (west) and side (south) wall.
- The brick wythes appear to have separated as well. We recommend installing helix ties at 16”o.c. each way to prevent any further separation of the wythes.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 140

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 141

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 142

- There is an existing multiply wood beam spanning approximately 27 feet. This is inadequate for most commercial uses and will require reinforcement by sistering either LVL's or steel channels to each side.

Basement – Concrete Area

- Concrete beam repair required at exposed rebar/concrete spalls/poor patches.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 143

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 144

Rubble Stone Foundation Walls

- The rubble stone foundation wall is severely undermined at the northeast corner of the structure. We recommend bench underpinning to prevent any future movement of the wall. For estimating purposes assume a 5’-0” x 5’-0” concrete bench along the undermined portions of wall.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 145

Basement Wood Framing

- Rotted and compromised joists were noted throughout the basement (1st floor framing). We recommend reinforcing by sistering up to 50% of the joists and replacing up to 25% of the joists.
- The existing post and beam lines appear inadequate. The bearing at several locations has been compromised and some of the footings are questionable, if not completely inadequate. In an effort to level the floors and provide adequate capacity for a commercial development we recommend replacing all posts and footings.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 146

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 147

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 148

Basement Floor/Subbasement

- There is a significant void under the wood basement floor (measuring up to 7 feet deep at some locations). This void is a big unknown with no viable commercial use. We recommend filling all subbasement voids with lean concrete or replace all wood basement floor framing.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 149

All Useable Floors

- It is assumed that regardless of the use all floors will receive some form of gypcrete/leveling compound to provide a level finished surface for new flooring. Due to this anticipated extra weight, we recommend accounting for a minimum of 50% of the joists requiring sisters to be installed selectively as the use and finish is determined.

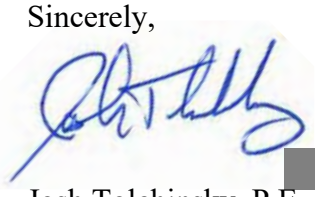
Rear (East) Garage Doors

- The rear (East) garage doors appear to have been installed sometime after the initial construction. It is unclear what impact this had on the lateral force resisting system, which should be further analyzed if the building is to be brought into compliance with the current building code. Worst case, the addition of a steel moment resisting frame may be necessary to provide the code required lateral resistance due to the size and spacing of these openings.

In conclusion, the proceeding information has been compiled as a guide to determine the economic feasibility to reuse/redevelop the existing properties located at 1416-1418 Central Parkway in Cincinnati, Ohio. This report is limited to the conditions observed at the noted address. This investigation was performed using visual techniques for the site observations. No finishes were removed for the investigation and no material testing was performed. No testing of the soils was performed. Any conclusion or interpretation taken by others based on this report is not the responsibility of AGE, Inc. The conclusions in this report are based on our experience as a structural engineer in the Greater Cincinnati Area.

Thank you for contacting our office to help with this matter. If we can be of further assistance, please do not hesitate to call.

Sincerely,



Josh Tolchinsky, P.E.
Advantage Group Engineers, Inc.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 150

May 27, 2021

Subject: 1416-1418 Central Ave Stabilization

Proposed Scope of Work:
Includes all necessary Safety, Labor, Equipment and Materials for the below described repair items

Basement:

1. Demo existing floor leading to sub-basement
2. Leancrete form and fill entire sub-basement
    a. Stabilization of foundation
3. Form, reinforce, and place new 4'' Concrete Slab on Grade above Leancrete fill
4. Demo Existing Post and Beam Systems entirely
    a. Beam ends are deteriorated – posts and footings are failing
5. Install new Post and Beam Systems with new footings
6. Underpinning at Northeast corner where stone foundation has been undermined
7. Patch existing concrete beam where spalling and cracking

First Floor Framing:

1. Sister 50% of joists
2. Replace 50% of joists
3. Install Wall Ties 4' on center

First Floor Interior

1. 50% Brick Replacement
2. 50% Tuck-pointing
3. Install Helifix anchors

2nd Floor Framing

1. Sister 50% of Joists
2. Replace 25% of joists
3. Sister Existing Beam with LVL on each side
4. Install Wall Ties 4' on center

2nd Floor Interior

1. 50% Brick Replacement
2. 50% Tuck-pointing
3. Install Helifix anchors

2nd Floor/Roof Framing

1. Sister 50% of joists
2. Replace 25% of joists

3rd Floor Interior

1. Demo and rebuild portion of wall where previously repaired
2. 50% Brick Replace
3. 50% Tuck-point

3rd Floor Roof Framing

1. Sister 50% of joists
2. Replace 50% of joists
3. Install Wall Ties 4' on center

Roof

1. Replace existing coping and place with non-shrink grout
2. Caulk seams

Exterior

1. Remove parging coat 100%
2. Replace Brick 50%
3. Tuck-point 100%

Miscellaneous

1. Code Compliant stairs from 2 to 3
2. Fire rated walls to enclose stairs
3. Extend Fire Escape
4. Type X Wall Framing
5. Sprinkler add. No Fire Pump
6. Remove and replace lintels at all openings
7. CDF fill in subbasement
8. Remove subbasement flooring
9. Demo Existing Window Infills
10. New Windows

Total Price for above scope of work:	**$1,345,688**
General Conditions (10%):	$134,569
Contingency (15%):	$222,039
Fee (8%):	$136,184
CAT (.26%)	$4,780
Total Opinion of Probable Construction Cost:	**$1,843,259**

Cost Breakdown by Scope

1.	**Basement**	**$255,022**
2.	**Framing**	**$199,612**
3.	**Interior**	**$177,259**
11.	**Exterior Masonry**	**$316,995**
12.	**Miscellaneous**	**$396,800**
13.	**GCs/GRs/Contingency & Fees**	**$497,571**

UNIT PRICES – Openings and Infills

1. Demo existing window infill - **$950**
2. Possible uses cost per Square Foot Buildout
    - Residential - $195/sf - $215/sf
    - Office - $150/sf - $175/sf
    - Retail - $125/sf - $140/sf

Clarifications:

1. Assumes free, clear and unrestricted access to all work areas concurrently
2. On site water and electric to be used and provided by owner
3. Assumes site storage
4. Sales taxes included
5. General cleaning is included, but final cleaning is excluded
6. Assumes normal working hours
7. Fire pump is not included if needed for sprinklers

Exclusions:

1. Permits
2. Painting and other finishes, unless noted otherwise above
3. Abatement or remediation
4. Engineering fees
5. Prevailing wage rates
6. Pumping, dewatering, or by-pass pumping
7. Bonds and Builder's Risk insurance
8. Testing and Inspections
9. Weather protection and temporary heat
10. Window cleaning and/or protection
11. Tenting of work area
12. Relocating any equipment, mechanical and or electrical items

ATTACHMENT B- STAFF ATTACHMENTS

1. Ordinances Establishing OTR Local Historic District South and then Combined
2. Pages from 2014 National Register Nomination concerning properties 1416-1430 Central Parkway
3. Assessing Economic Hardship Article - By Julia Miller
4. Economic Analysis from Department of Community and Economic Development (DCED)

City of Cincinnati

Bobbie Sterne
Councilmember

City Hall Room 346
801 Plum Street
Cincinnati, Ohio 45202
Phone (513) 352-3604
Fax (513) 352-1517

COMMITTEES

Chairwoman

Community Development, Housing & Zoning Committee

Member

Finance Committee
Health & Human Services Committee
Law & Public Safety Committee
Intergovernmental Affairs & Environment Committee
Public Works, Traffic Safety & Infrastructure Committee

City of Cincinnati Retirement Board

Doc.#199400675

March 23, 1994

To: Members of Council

Attached is the final report of the Over the Rhine Anti-Displacement Committee, set up following the recently passed legislation designating Over the Rhine as an historic district.

The only continuing action necessary of this committee is developing the monitoring system. The monitoring sub-committee has been set up and will report its recommendations directly to Council within 30 days of this date.

This concludes the work of the Anti-Displacement Committee, and I would like to thank the members, who were the following:

Councilmember Dwight Tillery
Ms. Cheryl Meadows
Mr. Wayne Chapman
Ms. Sue Livensparger
Councilmember Nick Vehr
Mr. Scott Stiles
Mr. Pat Clifford
Ms. Barbara Wynn

Bobbie Sterne

Councilwoman Bobbie Sterne,

Equal Opportunity Employer

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 155

REPORT OF THE OVER-THE-RHINE ANTI-DISPLACEMENT COMMITTEE

BACKGROUND

When City Council adopted legislation designating Over-the-Rhine as a local historic district it authorized the establishment of a committee to make recommendations on measures to be considered to assure that substantial displacement of current residents of the neighborhood does not occur.

The Anti-Displacement Committee consists of Councilmembers Bobbie Sterne, Nick Vehr and Dwight Tillery; Pat Clifford, Sue Livensparger, and Barbara Wynn representing neighborhood residents; and Wayne Chapman, Cheryl Meadows, and Scott Stiles from the City Administration. The Committee met on several occasions, reviewing over a dozen ideas on measures to ameliorate or prevent displacement. Although there was a difference of opinion among Committee members about the extent of displacement actually occurring or the threat of displacement in the future, the Committee did reach agreement on the measures which should be executed at this time.

PRESERVE SECTION 8 UNITS

The Committee was unanimous in agreeing that the most important step for assuring the future of affordable rental housing in the neighborhood is to preserve the Section 8 units that currently exist. Various efforts are being made by groups to assure the preservation of Section 8 units in Over-the-Rhine.

GOOD CAUSE EVICTION

Another step recommended by the Committee is to amend the City's tenant landlord law to require good cause eviction language in leases for buildings located in the locally designated historic district of Over-the-Rhine. The City currently requires such language in tenant leases for developments funded through its Rental Rehab and HIP products. Focus groups of users of those products were asked if they saw any problem with good cause eviction language and the feedback was that responsible property owners would not object to it. The basic protection given to tenants with good cause eviction language is that upon expiration of a lease the landlord cannot simply refuse to extend a new lease but must, rather, evict for good cause.

Good cause includes a variety of reasons: failure to pay rent, criminal behavior, violations of the lease, arrests, property damage, and others. The Administration should have the appropriate ordinance prepared for City Council's hearing and action.

RIGHT OF FIRST OFFER

Tenants in locally designated historic districts should have a right of first offer to purchase the unit in which they reside if the owner offers the property for sale. Tenants would have to follow normal real estate market requirements and have seven days from notice to make an offer and tender a good faith deposit with an appropriate time to arrange financing. This requirement will be prepared in ordinance form as an amendment to Chapter 740 of the Municipal Code setting forth local relocation law.

CURRENT SAFEGUARDS

The Committee noted that where there are federal funds or city funds involved in development projects, that residents who are displaced are entitled to relocation benefits either under the federal Uniform Acquisition and Relocation Act or under Chapter 740 of the Cincinnati Municipal Code.

SAFETY NET

There was disagreement among the Committee members about the extent of displacement, and thus recommends a temporary monitoring system (see below). In order to avoid hardship for any actual displaced families during the temporary monitoring period, the Committee recommends that City Council adopt a policy, by motion or by approval of this report, of providing Chapter 740 relocation benefits to those tenants in the locally designated historic district boundaries of Over-the-Rhine for a period of one year. If actual displacement is low, the cost will be able to be absorbed in the relocation appropriation of the Community Development Block Grant budget. If displacement is high and cost is becoming a problem, staff will report back to City Council with recommendations on alternative actions. Adoption of such a policy will provide a temporary "safety net" for neighborhood tenants. The Relocation section of the Law Department is prepared to carry out the intake and analysis services to put this safety net into place. The Relocation staff will also develop an information and screening form which will be distributed to housing agencies in Over-the-Rhine. This form will help those agencies to determine whether a person in the neighborhood is eligible for relocation benefits and to refer that person to the appropriate City agency with the needed information to expedite benefits when they are due.

MONITORING SYSTEM

The Committee was of differing opinions as to the extent of actual or potential displacement. The resolution of these differences takes the form of a unanimous agreement to design a monitoring system which will give us actual data on the extent of actual displacement. A sub-group of the Committee has begun the design of the monitoring system and will report directly to City Council with its recommendations within 30 days.

City of Cincinnati

68H
E.M.T.R.

-1993

An Ordinance No. 408

TO ESTABLISH the Over-the-Rhine (South) Historic District as an overlay district.

WHEREAS, the Urban Conservator has prepared a designation report including conservation guidelines for the proposed district; and

WHEREAS, following a public hearing, the Historic Conservation Board, at its meeting held September 20, 1993, favorably recommended designation of the Over-the-Rhine (South) Historic District including the recommended Conservation Guidelines for the district; and

WHEREAS, upon receipt of the decision of the Historic Conservation Board and following a public hearing, the City Planning Commission at its meeting on October 8, 1993, approved designation of the Over-the-Rhine (South) Historic District, taking into account the factors enumerated in Section 741-7(c) of the Cincinnati Municipal Code; and

WHEREAS, Council considers the establishment of the Over-the-Rhine (South) Historic District to be in the best interest of the City and general public; and

WHEREAS, on March 4, 1992 the Council established an Interim Development Control District No. 36, Over-the-Rhine, as an overlay district to remain in effect for 90 days; and

WHEREAS, on May 6, 1992 the Council extended Interim Development Control District No. 36, Over-the-Rhine, as an overlay district until March 4, 1993; and

WHEREAS, on March 3, 1993 the Council extended Interim Development Control District No. 36, Over-the-Rhine, as an overlay district until September 4, 1993; and

WHEREAS, on September 1, 1993 the Council extended Interim Development Control District No. 36, Over-the-Rhine, as an overlay district until January 4, 1994; and

WHEREAS, after enactment of this ordinance, there is no longer need for the interim development controls;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. Council adopts the Designation Report prepared by the Urban Conservator for the Over-the-Rhine (South) Historic District, "Exhibit A," attached. Council Specifically adopts as its own finding that the Over-the-Rhine

* - Amended on the Floor of Council Session of November 17, 1993.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 158

(South) Historic District has historic significance as defined by Section 741-1-H1 of the Cincinnati Municipal Code and qualifies in all respects for historic designation under Chapter 741 of the Cincinnati Municipal Code and Chapter 1461 of the Cincinnati Zoning Code.

Section 2. Building Zone Map Nos. 330, 331, 335 and 336 are amended to superimpose the Over-the-Rhine (South) Historic District over the existing B-4 General Business District, R-7 Multi-Family High-Density District, R-7(T) Multi-Family High-Density Transition District, O-2 Urban Office District, R-6 Multi-Family High-Density District, R-B Residence-Business Mixed-Use District, and O-1 Suburban Office District in the Over-the-Rhine, more particularly described:

> Situate in the City of Cincinnati, Hamilton County, State of Ohio and being more particularly described:
>
> Beginning at the point of intersection of the center lines of West Liberty Street and Central Parkway; thence southwardly with the center line of Central Parkway to the center line of West Central Parkway; thence eastwardly with said center line and continuing eastwardly with said center line and continuing eastwardly with the center line of East Central Parkway to the intersection with the center line of Reading Road; thence northeastwardly with said center line to the intersection with the center line of East Liberty Street; thence westwardly with said center line to the intersection with the center line of Sycamore Street; thence northwestwardly with said center line to the point of intersection with the eastwardly extension of the north parcel line of Parcel 39 Plat Book 86 Page 2 HCAP; thence westwardly along said parcel line extended and said line to the northwest corner of said parcel 39; thence northwestwardly to the northeast corner of Parcel 35 Plat Book 86 Page 2 HCAP; thence westwardly along the north parcel line of said parcel and continuing along the north parcel line of Parcels 34, 33, and 32 Plat Book 86 Page 2 HCAP to the northwest corner of said Parcel 32; thence westwardly to the northeast corner of Parcel 63 Plat Book 86 Page 3 HCAP; thence westwardly along the north parcel line of said parcel and continuing along the north parcel line of Parcels 62, 61 and 60 Plat Book 86 Page 3 HCAP and along said line extended of said Parcel 60 to the center line of Moth Alley; thence southwardly with said center line to the point of intersection with the eastwardly extension of the north parcel line of Parcel 47 Plat Book 86 Page 3 HCAP: thence westwardly along said parcel line extended and said line to the northwest corner of said parcel; thence northwestwardly to the northeast corner of Parcel 167 Plat

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 159

Book 94 Page 7 HCAP; thence westwardly along the north parcel line of said parcel to the east parcel line of Parcel 166 Plat Book 94 Page 7 HCAP; thence northwardly along said parcel line to the northeast corner of said parcel; thence in a generally westwardly direction along the north parcel line of said Parcel 166 and continuing along the north parcel line of Parcels 165, 164, 163, 162, 161, 160, 159, 158, 157, 156, 155 and 154 Plat Book 94 Page 7 HCAP to the northwest corner of said Parcel 154; thence southwardly along the west parcel line of said parcel to the northeast corner of Parcel 153 Plat Book 94 Page 7 HCAP; thence westwardly along the north parcel line of said parcel and continuing along the north parcel line of Parcel 146 Plat Book 94 Page 7 HCAP and along said line extended to the center line of Walnut Street; thence northwardly with said center line to the point of intersection with the eastwardly extension of the north parcel line of Parcel 127 Plat Book 94 Page 7 HCAP; thence westwardly along said parcel line extended and said line and continuing along the north parcel line of Parcels 126 and 124 Plat Book 94 Page 7 HCAP to the east parcel line of Parcel 114 Plat Book 94 Page 7 HCAP; thence northwardly along said parcel line to the northeast corner of said parcel; thence westwardly along the north parcel line of said Parcel 114 and continuing along the north parcel line of Parcels 113, 112, 111, 110 and 109 Plat Book 94 Page 7 HCAP to the northwest corner of said Parcel 109; thence southwestwardly to the northeast corner of Parcel 83 Plat Book 94 Page 7 HCAP; thence northwestwardly along the north parcel line of said parcel and continuing along the north parcel line of Parcels 82 and 81 Plat Book 94 Page 7 HCAP to the east parcel line of Parcel 80 Plat Book 94 Page 7 HCAP; thence northwardly along said parcel line to the northeast corner of said parcel; thence northwestwardly along the north parcel line of said Parcel 80 to the northwest corner of said parcel; thence southwestwardly along the west parcel line of said Parcel 80 and continuing along the west parcel line of Parcel 79 Plat Book 94 Page 7 HCAP to the northeast corner of Parcel 36 Plat Book 94 Page 7 HCAP; thence westwardly along the north parcel line of said parcel and said line extended to the center line of Vine Street; thence northwardly with said center line to the point of intersection with the eastwardly extension of the north parcel line of Parcel 111 Plat Book 94 Page 8 HCAP; thence westwardly along said parcel line extended, said line and said line extended to the center line of Republic Street; thence southwardly with said center line to the point of intersection with the eastwardly extension of the north parcel line of Parcel 90 Plat Book 94 Page 8 HCAP; thence westwardly along said parcel line extended and said line and continuing along the north parcel line of Parcel 89 Plat Book 94 Page 8 HCAP to the east parcel line of Parcel 88 Plat Book 94 Page 8 HCAP; thence northwardly along said parcel line to the northeast corner of said parcel; thence westwardly along the north parcel line of said Parcel 88 and continuing along the north parcel line of Parcels 87 and 86 Plat Book 94 Page 8 HCAP to the northwest corner of said Parcel 86; thence northwestwardly to the northeast corner of Parcel 68 Plat Book 94 Page 8 HCAP; thence westwardly along the north parcel line

of said parcel and continuing along the north parcel line of Parcels 64 and 63 Plat Book 94 Page 8 HCAP to the northwest corner of said Parcel 63; thence westwardly to the northeast corner of Parcel 49 Plat Book 94 Page 8 HCAP; thence westwardly along the north parcel line of said parcel to the east parcel line of Parcel 35 Plat Book 94 Page 8 HCAP; thence northwardly along said parcel line to the northeast corner of said parcel; thence westwardly along the north parcel line of said Parcel 35 and said line extended to the center line of Pleasant Street; thence northwardly with said center line to the point of intersection with the eastwardly extension of the north parcel line of Parcel 20 Plat Book 94 Page 8 HCAP; thence westwardly along said parcel line extended and said line and continuing along the north parcel line of Parcel 19 Plat Book 94 Page 8 HCAP to the east parcel line of Parcel 1 Plat Book 94 Page 8 HCAP; thence northwardly along said parcel line to the northeast corner of said parcel; thence westwardly along the north parcel line of said Parcel 1 and said line extended to the center line of Elm Street; thence northwardly with said center line to the point of intersection with the eastwardly extension of the north parcel line of Parcel 26 Plat Book 133 Page 3 HCAP; thence westwardly along said parcel line extended and said line and continuing along the north parcel line of Parcels 25, 24 and 23 Plat Book 133 Page 3 HCAP to the east parcel line of Parcel 22 Plat Book 133 Page 3 HCAP; thence northwardly along said parcel line and said line extended to the center line of an unnamed 12-foot alley; thence westwardly with said center line to the intersection with the center line of Logan Street; thence northwardly with said center line to the point of intersection with the eastwardly extension of the north parcel line of Parcel 2 Plat Book 133 Page 3 HCAP; thence westwardly along said parcel line extended, said line and said line extended to the center line of Central Parkway; thence southwardly with said center line to the point of beginning.

Section 3. "Exhibit B," attached, is a plat of the territory described in Section 2.

Section 4. Pursuant to Section 741-11 of the Cincinnati Municipal Code.Council adopts the "Over-the-Rhine (South) Historic District Conservation Guidelines," "Exhibit C," attached.

Section 5. The Clerk of Council is directed to notify the Historic Conservation Board, the City Planning Commission, the Director of Buildings and Inspections and the City Solicitor of the designation of the Over-the-Rhine (South) Historic District. The Historic Conservation Board shall notify interested or affected property owners, groups, City departments, boards and

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 161

commissions. Failure to notify a person shall not affect the validity of the designation of the Over-the-Rhine (South) Historic District.

Section 6. Existing Ordinance No. 317-1993, to extend Interim Development Control District No. 36, Over-the-Rhine, as an overlay district until January 4, 1994 is repealed.

* - Section 7. Council declares that this ordinance is an emergency measure necessary for the immediate preservation of the public peace, health, and safety that shall go into effect on passage. The reason for the necessity of the immediate effect is the need to protect the structures in the Over-the-Rhine (South) Historic District from demolition, new construction and alteration detrimental to the maintenance as part of the cultural and historic heritage of the city.

Section 7. This ordinance shall take effect and be in force from and after the earliest time allowed by law.

Passed November 17 A.D., 1993

Dwight Tillery
Mayor

Attest: Sandra L. Shuman
Clerk

I HEREBY CERTIFY THAT ORDINANCE NO. 408
1993 WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 11-30-93.

Sandra L. Shuman
Clerk of Council.

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Council Meeting Voting Sheet

Number: 65 Motion by Sterne to Delete Emergency clause

Date: WEDNESDAY NOVEMBER 17, 1993 2:00 pm.

	Suspension of Rules		Amendments		Passage		Emergency		Indefinitely Postponed	
	Y	N	Y	N	Y	N	Y	N	Y	N
Mirlisena	EXCUSED		FROM		THIS		SESSION			
Portune	/		/		/					
Qualls	EXCUSED		FROM		THIS		SESSION			
Sterne	/		/		/					
Strauss	/		/		/					
Surber	/		/		/					
Tillery	/		/		/					
Vehr	/		/		/					
Yates	/		/		/					
Total	7		7		7					

adopted

City of Cincinnati

City Planning Department

Room 228, City Hall
Cincinnati, Ohio 45202
(513) 352-3471

Leon A. Meyer
Director of City Planning

October 11, 1993

Mayor and City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Mayor and Members of Council:

We transmit herewith a proposed emergency ordinance to establish the Over-the-Rhine (South) Historic District as an overlay district. This ordinance has been prepared pursuant to Chapter 35, Regulations for Historic Structures, Sites and Districts, of the Cincinnati Zoning Code and Chapter 741, Historic Conservation, of the Cincinnati Municipal Code. The Cincinnati City Planning Commission approved this emergency ordinance at its meeting on October 8, 1993.

Motion to Approve:	Mr. Mooney
Seconded:	Ms. Sloan
Ayes:	Mr. Dawson
	Ms. Hankner
	Mr. Huhn
	Mr. Mooney
	Ms. Sloan
	Ms. Sterne
Nay:	Mr. Erb

Copies of the staff report on the subject are attached.

THE CITY PLANNING COMMISSION

Leon A. Meyer

Leon A. Meyer, Director
City Planning Department

LAM:DWY:dwy

Attachment

xc: Frank A. Dawson

Equal Opportunity Employer

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COUNCIL DATE: ____/____/____

199302777 ORDINANCE (emergency) submitted by Leon Meyer, Director of City Planning Department, to establish the Over-the-Rhine (South) Historic District as an overlay district.

10/13/93 Submitted to Council by CITY PLANNING COMMISSION

10/13/93 Referred to: COMMUNITY DEV. COMMITTEE

Referred to the City Manager.

Referred to the City Planning Commission.

RECOMMENDATION:
(Committee Report)

HON. COUNCIL OF THE
CITY OF CINCINNATI

Date: 11/09/93

Councilmembers:

COMMUNITY DEV. COMMITTEE reported on the item below and recommends:

ORDINANCE	RESOLUTION	REPORT MOTION	COMMUNICATION PETITION/NOTICE
Passage		Filing	
First Reading, Clerk to Advertise		Approve & File	
Indefinite Postponement		Disapprove & File	
Without Recommendation		File/Clerk to Advise	
		Without Recommendation	
REFERRED TO _____ COMMITTEE:		Adoption	
_____		Referred to _____	
_____		_____	
_____			

Respectfully submitted,

	COUNCIL ACTION:	
Filed	Indef. Postponed	Passed
Approved/Filed	1st. Reading	Emergency Clause
Advised/Filed	Suspended Rules	Amendment
Disapproved/Filed	2nd. Reading	Confirmed
Adopted	Engrossed	Affirmed
Failed of Adoption	3rd. Reading	Accepted

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Exhibit A

Over-the-Rhine (South) Historic District

Designation Report
——September 1993

Cincinnati City Planning Department
Historic Conservation Office

Over-the-Rhine is one of this country's most significant cultural resources. Its rich collection of commercial, residential, religious and civic architecture ranks as one of America's largest and most cohesive surviving examples of an urban, nineteenth-century neighborhood. Its history is closely linked to the successive waves of Germans who immigrated to the United States in the nineteenth century and who made Cincinnati one of the major German-American centers. As the historic heart of Cincinnati's German-American community, Over-the-Rhine documents and reflects the region's German heritage. In addition, as an evolving neighborhood, it illustrates broad patterns of American urban life during the twentieth century.

Designation of the Over-the-Rhine (South) Historic District will protect the district's irreplaceable historic buildings and will encourage their conservation, renovation, and reuse. It also will advocate new development that is compatible with and will take advantage of the district's unique character. As a result, the historic district will foster the continued viability of the community as an attractive place to live, work and play for citizens of all socio-economic levels. It also will cultivate community pride and an appreciation of Over-the-Rhine's rich past throughout the city.

This designation report provides a framework for evaluating the proposed historic district designation. It analyzes the historical and architectural significance of the community. It briefly narrates the history of Over-the-Rhine and describes the current physical character of the district. It addresses a number of broad issues that the City of Cincinnati must consider in its review of the proposed Over-the-Rhine (South) Historic District. The report provides background information about historic preservation efforts that have led to this designation study. Finally, it lists additional bibliographic resources.

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Significance

Over-the Rhine is significant in the continuing history of Cincinnati and the United States. In 1983 the district was listed in the National Register of Historic Places, in recognition of both its exceptional nineteenth-century architecture and its association with the successive waves of German immigration to America in the nineteenth century.

Over-the-Rhine's collection of commercial, residential, religious and civic architecture is one of America's largest and most cohesive surviving examples of an urban, nineteenth-century community. Similar neighborhoods in other cities have been decimated or lost entirely. Over-the-Rhine, however, continues to display its original dense, urban development patterns and buildings of excellent architectural quality, imbuing the neighborhood with a "sense of time and place." Rows of three- to five-story brick buildings constructed along the sidewalk characterize the streetscape. Many buildings have storefronts on the first floor with residential space on the upper floors. The Italianate style is the predominant architectural style in the district. Other nineteenth-century styles, including Federal, Greek Revival, Second Empire, Queen Anne, and Renaissance Revival, add to the flavor of the district. Over-the-Rhine also has many simply designed, working-class dwellings that display modest elements of the high architectural styles.

Cincinnati attracted thousands of German immigrants during the nineteenth century, and Over-the-Rhine became the center of Cincinnati's German and German-American community. The Germans greatly influenced the character of the entire city. In Over-the-Rhine they created a dense urban community with residences, commercial buildings, meeting halls, churches, and light industrial buildings. As the historic heart of Cincinnati's German-American community, Over-the-Rhine documents and reflects the region's rich German heritage.

The historic buildings in Over-the-Rhine have provided generations of Cincinnatians with places to live, work, play, shop, and meet. During the past 40 years Over-the-Rhine has been associated most directly with the city's Appalachian and African-American communities. The neighborhood now illustrates broad patterns of our more recent past. Over-the-Rhine has witnessed the migration of urban residents to the suburbs. It has provided homes to new residents who have migrated to Cincinnati from rural, southern states, and it has sheltered city residents who have relocated due to urban renewal projects elsewhere in the city.

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History

From its earliest development, Over-the-Rhine has served as a port-of-entry for immigrants to Cincinnati. In the nineteenth century the community was home to people of all economic classes and included the poorest of immigrants, working class families, shop owners, and businessmen of means. For a majority of these new residents, the unifying element was the German language and culture. After World War II Over-the-Rhine became a place where migrants looked for affordable housing and where employers looked for cheap labor. Over-the-Rhine historically has been a place where people new to the area try to make better lives for themselves.

Development of Cincinnati

The first half of the nineteenth century witnessed great changes in Cincinnati, the United States, and Europe. During this period, American cities increasingly became centers of commerce and industry as the nation took part in the Industrial Revolution. The population of the western United States grew dramatically, and western cities including Cincinnati vied for economic dominance in the region and the nation. Throughout Europe attempted land and economic reforms ended in failed rebellions and revolutions, causing record numbers of immigrants to flee Europe to the United States for ideological and economic reasons. Times of agricultural crisis across Europe also resulted in greater emigration. Until 1880–1890, a majority of these immigrants came from Northern and Western Europe, particularly the German-speaking states, Ireland and England.

As a result of these market forces and increased immigration, Cincinnati grew in population, influence and size. Between 1830 and 1850 Cincinnati's population more than quadrupled from 26,515 to 115,435. By 1860 Cincinnati's population of 160,000 ranked it among the ten most populous cities in the country. By 1860 Cincinnati was recognized as the third-ranking industrial center in the nation, the leading manufacturing city of the West, and a principal center for trade between the western, southern and eastern regions of the country. City boosters were justified in capitalizing on Longfellow's accolade of Cincinnati as the "Queen City of the West."

Cincinnati's economic growth and development attracted — and was made possible by — thousands of immigrants to the area. The great potato famines in Ireland in the 1840s brought large numbers of Irish immigrants. The revolutions and failed reforms in the German-speaking states of Europe in the 1830s and 1840s brought even greater numbers of German immigrants. By 1850 natives of Ohio, Pennsylvania, New York, New Jersey, Virginia, Maryland, and the New England region together comprised only 54 percent of Cincinnati's total population of 115,435. German immigrants made up 27 percent (30,758) of the total, and Irish-born residents comprised 12 percent (13,616). The next largest immigrant group at that time, the English, accounted for only 4 percent of the city's population.

Limited building technology and natural barriers influenced the expansion of the city and development of Over-the-Rhine. Pre-1850 building techniques did not permit the construction

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Church, later St. John's Unitarian Church. William Nast, a German immigrant, established the nation's first German Methodist church, Nast Trinity Methodist Church, in Over-the-Rhine in 1835. These churches became important stabilizing forces, as their sturdy construction and massive proportions symbolized the permanence of the emerging community while the church services themselves provided important cultural links to the homeland.

In 1848 and for almost a decade after, the German immigration to Cincinnati accelerated. Thousands of immigrants, collectively referred to as the "Forty-Eighters," left the European German states, leaving behind economic depression, political instability and unsuccessful land reforms. Whole families left to seek a new life in the United States. Cincinnati's existing German community, coupled with the economic growth and increasing job opportunities that the city offered, encouraged the immigration of the "Forty-Eighters" here. By 1850 the total population of the city was 115,435, of which 30,758 were German immigrants. At that time, Over-the-Rhine's population numbered approximately 43,000.

The neighborhood took on a "German" character, although it was diverse in its ethnic makeup. The new German immigrants originated from various European German states, including Prussia, Bavaria, and Saxony, and brought with them a variety of customs, habits, attitudes and dialects of the German language. (The German states did not join as a unified country until 1871.) These immigrants also displayed a range of religions, occupations, and classes, and this multi-dimensional diversity characterized the Over-the-Rhine German community for the rest of the century. The percentage of German and German-American residents in the neighborhood would continue to grow, peaking at an estimated 75% in the early twentieth century.

Industry developed along the Miami and Erie Canal. Pork-packing plants, soap and tallow factories, and various light industries lined the canal and provided job opportunities for Over-the-Rhine residents. German entrepreneurs also gradually built up a profitable brewing industry that became identified with Over-the-Rhine. The English had operated breweries in the city earlier but on a relatively small scale. With the introduction of lager beer in the 1830s, German brewers became the predominant force in the industry, and the number of breweries in the city increased from eight in 1840 to 36 in 1860. Producing for both local consumption and export, brewers like George Herancourt, John Hauck, Christian Moerlein, and Conrad Windisch became wealthy and influential figures in the German community. In the financial panic of 1857, many Cincinnati Germans entrusted their savings to the brewers rather than with the banks.

Other entrepreneurs opened bakeries, dry goods stores, stables, lumber yards, grocery stores, theaters, and various small businesses. Beginning in 1855, commercial activity centered on Findlay Market, located between Elm and Race Streets on land left to the city by former mayor James Findlay. The market has remained in continuous operation since its opening and is the only original public market building still open in the city. Second-, third-, and fourth-generation German-

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The establishment of building and loan institutions in Cincinnati's German community dramatically affected the streetscapes of Over-the-Rhine. Building and loan associations made homeownership a reality for thousands of early German-Americans in Cincinnati. Initially, members would contribute 25 to 50 cents weekly towards the purchase of a home. When the association collected enough money, members drew straws to see who could purchase property and build next. The *Bauervereine* soon evolved into the main money lending institutions of Cincinnati. They were, for the most part, localized institutions with such names as Green Street #2 Loan and Building Company and 11th Ward Building Association #2. Others were more widespread and had such names as Germania Building Association #2, Teutonia Loan and Building Company, Central Turner Building Association, German Building Association #7, and others. The building and loan associations financed several thousand buildings. In 1870, at the start of the building boom, 26 building and loans were active in Over-the-Rhine alone. Although building associations were not unique to Cincinnati's German community, other immigrant groups, such as the Irish, established only a handful of mutual aid societies and building associations.

The largest and best known German society in Cincinnati during this period was *Der Deutsche Pionier-Verein von Cincinnati* (The German Pioneer Society of Cincinnati). Its original statutes of 1868 required members to be at least 40 years of age and residents of Cincinnati for at least 25 years. These requirements limited membership to only the city's earliest German residents and excluded the majority of the German immigrants, particularly the "Forty-Eighters." The purpose of the society was to renew old friendships, establish new ones, and to preserve the history of Cincinnati's German pioneers for future generations. Between 1869 and 1887 they published the historical journal *Der Deutsche Pionier*. Its members included many prominent local citizens, including Christian Moerlein, Judge A. K. Nippert, Jakob Seasongood, Friedrich S. Spiegel, Gustav Tafel and Isaac M. Wise.

The beer gardens of Over-the-Rhine evolved as strong social centers for the German culture during this period and attracted patrons from a broad range of economic and ethnic backgrounds. Serving a wide variety of German foods and locally brewed beer, patrons would occupy their customary tables and discuss the events of the day. Numerous singing societies, building and loan associations, Turner groups, and other social and cultural organizations patronized these local institutions and conducted their meetings and business activities at them. On Sundays, after church, the beer gardens became a place where social activities and music set the pace for the rest of the afternoon. Wielert's Beer Gardens was one such establishment. Opened in 1873 by Heinrich Wielert, it contained several drinking rooms, meeting rooms, and the garden, which hosted many social functions for Germans and non-Germans alike.

For entertainment, Over-the-Rhine offered numerous theaters and opera houses in addition to its beer gardens, restaurants and clubs. These

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listed as a National Historic Landmark, an honor reserved for the nation's most historically and architecturally significant properties.)

Industry continued to be an important factor in Over-the-Rhine's development. The canal area was still the location of many diversified industries, including lumber yards, foundries, pork packers, tanneries, and glycerin works. The brewing industry tended to concentrate in the northern portion near McMicken Avenue. By 1866 the Jackson Brewery, J. G. Sohn & Sons Brewery, Christian Moerlein Brewing Company, and John Kauffmann Brewing Company dominated the industrial use of the area. In close association, on the west side of the canal were the John Hauck and Windisch Mulhauser Brewing Companies. Between 1875 and 1900 seventeen breweries were located in Over-the-Rhine.

Retail trade also was an important economic factor in Over-the-Rhine and attracted patrons from throughout the Cincinnati area. In 1876 Herman Adolph Hanke opened his first department store in Over-the-Rhine and in 1897 opened a new store at 1130 Main Street. In 1878 the Alms and Doepke Department Store opened its store on Main Street, near the Hanke Department Store, on the banks of the Miami and Erie Canal. The store became the largest department store in Cincinnati and the headquarters of one of the largest wholesale and retail dry goods businesses in the Midwestern United States. The L. D. Siefert company also operated a retail and wholesale dry goods store nearby on Vine Street.

Over-the-Rhine and the city as a whole entered a period of transition by the early 1890s, as the settlement pattern in Cincinnati changed. The Germans, especially second-generation German-Americans, were dispersing to other areas of the city in large numbers. Numerous reasons accounted for this shift. During the 1870s five new inclined-plane railways provided easy access to the hilltop areas above the basin. The implementation of the electric rapid transit in the mid-1880s also provided for easy transportation. With accelerating population growth and evolving modes of transportation, the population, industry, and commerce became decentralized. The city grew at a greater rate than its German community. German immigration was still an important factor; however, many immigrants settled outside Over-the-Rhine.

Emergence of a New Identity—Twentieth Century

As Over-the-Rhine entered the twentieth century, it continued to change. The German-American community expanded and settled throughout the city, and Over-the-Rhine lost some of its old German character. While the area lost economic and political significance, it gained importance as a social-cultural center, with numerous German restaurants, churches, bakeries, markets, beer gardens and shops remaining in the district. The area continued to serve as the cultural center of the German-American community throughout most of the first half of the twentieth century. The neighborhood's population slowly declined from a high of 44,475 in 1900 to 27,577 by 1960, with a slight rise in 1940-1950 with the first influx of Appalachians into the community.

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Between 1910 and 1930 a number of large public buildings were constructed in the community. Along with the creation of Central Parkway in the old canal bed, these new buildings tended to tie the community more closely to the downtown area and to the city as a whole. In 1908 the Hamilton County Memorial Building was completed near Music Hall in honor of the military veterans of Cincinnati and Hamilton County. The Cincinnati Board of Education built substantial new schools in the community, including the former Woodward High School (now the School for the Creative and Performing Arts) in 1910 and the Rothenberg School in 1913. In 1911 the Ohio Mechanics Institute opened its new school building, which also housed the lavish Emery Auditorium, on the north bank of the canal at Walnut Street. In 1918 the YMCA dedicated its new facility on Elm Street, after it determined that its former downtown facilities were too small. Over-the-Rhine's first tall office building, the American Building, was completed in 1927, and Central Parkway opened to traffic in 1928 along the old Miami and Erie Canal right-of-way.

Longtime businesses in the community closed their doors during this period, and by the 1940s Over-the-Rhine was considered a neighborhood in decline. The Great Depression forced the Hanke Department Store at 1128 Main Street to close in 1933. The Alms and Doepke Department Store, once the city's largest department store, closed in 1953. During the late 1950s the City acquired a number of properties along the southern edge of Liberty Street in order to widen the street and create a major east-west transportation corridor. The increasing importance of Central Parkway and the continued development of downtown northward placed additional development pressures on buildings along the parkway and resulted in the demolition of historic properties.

Beginning in the 1930s and accelerating through the 1940s, rural Appalachians, primarily from eastern Kentucky, migrated to and through Over-the-Rhine and nearby basin neighborhoods looking for jobs and better economic conditions. They found Over-the-Rhine attractive due to its low-cost rental housing and employment opportunities in nearby light industry and warehouses, similar to many of the earlier German immigrants. Initially, these new residents tended to be relatively transient. Many would live in the neighborhood only for a brief period before moving to other neighborhoods or to greater economic opportunities in the industrial cities along the Great Lakes. By the 1960s, in-migration had slowed, and Over-the-Rhine's urban Appalachian population could be identified as a relatively permanent community. A majority of Over-the-Rhine's Appalachians were unable to purchase the buildings they lived in or to change significantly the condition of the neighborhood around them. A sense of community, however, did develop in the neighborhood. The mutual aid functions of the working-class family, peer group, and church systems helped urban newcomers find housing, employment, and other needed services. In addition, beginning in the 1960s, leaders in the Appalachian community led efforts to fight poverty, develop the neighborhood, promote an understanding of Appala-

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ment program. Other community efforts to provide needed services include the programs at Prince of Peace Church, the Free Store, the St. John's Social Service Center, and the City Gospel Mission, which is entering its seventieth year of service to the residents of the neighborhood.

One of the most pressing issues in Over-the-Rhine is the provision of quality, affordable housing for its low-income residents. Over-the-Rhine has lost many of its housing units through disinvestment and demolition. Nearly a quarter of the apartments in Over-the-Rhine stood vacant in 1990, and most of these units were uninhabitable without rehabilitation. The community has worked to bring new housing into the neighborhood, to gain quality rehabilitation for low-income people, and to seek passage of demolition controls and anti-displacement ordinances. Several low-income housing self-help groups, including ReStoc, are actively rehabilitating residential buildings. In addition, the Western-Southern Insurance Company has launched a major project for the rehabilitation of existing dwelling units and the construction of new residences in a two-block area between Walnut and Clay Streets and East Twelfth and East Fourteenth Streets.

Since the late 1980s owners of small businesses have shown a renewed interest in locating in Over-the-Rhine. The community's proximity to downtown and major transportation corridors and its lower property values and rents have attracted these investors, just as the same factors attracted Over-the-Rhine's original builders. The neighborhood's architectural character and sense of time and place also have been major factors in bringing new businesses into the area. Since the mid-1980s the Over-the-Rhine Chamber of Commerce has actively encouraged the maintenance and establishment of businesses in the area. Some shops provide for the community's residents, and others attract customers from throughout the Cincinnati region. Scattered throughout the area are small groceries, specialty stores, restaurants, and light industrial shops. The Main Street area has experienced the greatest commercial redevelopment and now offers a variety of shops, art galleries, restaurants and night spots.

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Physical Description

The historical and physical factors that limited outward expansion and contributed to the high-density development of Over-the-Rhine during the late nineteenth century now help to define the boundaries of the Over-the-Rhine (South) Historic District. Central Parkway, running along the path of the old Miami and Erie Canal, forms the southern and western boundaries of the district. The central business district south of Central Parkway contrasts sharply in scale and use with the historic district. On the east, Reading Road and Liberty Street mark the historic and physical boundaries of the community. Liberty Street and the buildings facing it provide a strong visual edge along the district's northern boundary. The hillsides also contrast visually with the generally flat basin in which the district is located. Prominent landmarks or focal points that rise above the skyline provide further visual contrast. These historic and physical boundaries and geographical factors contribute to the distinctiveness of the district.

The Over-the-Rhine (South) Historic District encompasses approximately 1,050 structures, of which 986 (@ 94%) contribute to the district's distinctive character. This dense, urban district displays a visual continuity that conveys a sense of time and place. The physical relationship of adjacent buildings in a dense environment is accentuated by the uniform facade lines imposed on the streets. The buildings' consistent scale and height, similar materials, and architectural detailing blend to create distinctive streetscapes reflecting the historic development of Over-the-Rhine. The buildings are mostly single-family, multifamily, or mixed commercial/residential in use. Building types include row houses, semi-detached row houses, single-family detached buildings, and free-standing commercial, industrial, or institutional buildings.

An important aspect of the district's historic fabric is that the architectural character is not universally Germanic, but rather a German-American synthesis of various architectural styles and elements. Numerous written accounts describe German life in Over-the-Rhine and its association with the buildings. These accounts chiefly describe how people lived in, used or took care of the buildings. These accounts do not ascribe to the buildings any architectural characteristics that are uniquely "German," although further research may lead to this conclusion.

Many structures do nevertheless reflect the German influence. The most significant is the Germania Building, erected in 1877 by Heinrich Rattermann for the German Mutual Fire Insurance Company. Of particular note is the statue of the "Germania," who personifies the German spirit and culture. The numerous churches that stand within the district also reflect the German presence, as do the numerous German-language inscriptions.

The buildings found in the Over-the-Rhine (South) Historic District reflect the urban domestic architectural styles prevalent during their period of construction, as interpreted by German-American craftsmen. The styles include simple vernacular, muted Greek Revival, Italianate, Second Empire and Queen Anne. Original owners and builders used popular builders' manuals for inspiration or created functional

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occupies the site of the original temporary *Saengerhalle,* erected in 1870 to house the *Saengerfest.* With the addition of exhibition halls, the earlier wooden barn-like structure also became the site of the Cincinnati Industrial Expositions beginning in 1870. In 1873 the first May Festival was held there. The present structure dates from 1877–78, when local businessman Reuben R. Springer provided substantial funding and encouragement for the construction of a new hall. Architects Samuel Hannaford and Edwin R. Procter designed the unique edifice. This large building is characterized by its steep gable roofs, multiple colors of brick, and elaborate stone and brick ornamentation. The main hall features an imposing front gable that peaks at 150 feet above the street level and is flanked by square, projecting towers with pyramidal roofs. On each side stand the exhibition wings completed in 1879. Decorative details include contrasting belt courses, brick corbel tables, a profusion of round and pointed arches, and a multigabled roof line. Since its completion, the structure has housed the *Saengerfest,* the May Festival, the Cincinnati Industrial Exposition, the 1880 Democratic National Convention, and a variety of religious, industrial, and sporting events. Music Hall has been designated a National Historic Landmark.

To the south of Music Hall stands the Hamilton County Memorial Building, erected in 1908 by the Grand Army of the Republic in memory of the county's soldiers, sailors and marines. Samuel Hannaford and Sons designed this Beaux-Arts style structure. The building's theater and meeting rooms have been used by various veterans organizations throughout its history. The Cincinnati Preservation Association, now the building's primary tenant, completed the restoration of the theater in 1992. Characteristic architectural elements include a rusticated stone facade, round-arched openings, a triple portal entrance defined by engaged Corinthian columns supporting a pedimented entablature, a parapet roof line, and freestanding statuary. The hall is one of twelve existing Memorial Halls in Ohio.

The Cincinnati College of Music was established in Over-the-Rhine in 1878, the same year Music Hall opened. In 1955 the college merged with the Conservatory of Music and moved to the former Shillito mansion on Highland Avenue. Odeon Hall, located behind Memorial Hall at 1228 Central Parkway, served as the college's office building and is all that remains of the school's Over-the-Rhine complex. The building's facade displays the college's coat of arms and noted composers of classical music.

Three churches also face Washington Park. The oldest is the former St. Johannes Church, now the Bethlehem Temple Apostolic Church. This painted brick building was erected in 1867–68 on the northwest corner of Elm and 12th Streets and housed the city's oldest German Protestant congregation until 1946. The structure, designed by local architect Sigmund Kutznitzky, is Gothic in detail with lancet windows, buttresses, pinnacles, and machicolated gables. A central tower rises above the gabled roof to a crown spire. A wooden spire, added in 1871, was destroyed by a storm and never replaced. In order to pay off a $30,000

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bay window on the second floor, and a mansard roof with a central gabled dormer. The fourth structure at 1215 Elm Street is a brick edifice of similar size. Brick corbelling and belt courses decorate the front facade, and an elaborate bracketed cornice with wide frieze projects from the roof edge. A low pediment is centered above the cornice.

Race Street features a similar mixture of Greek Revival, Queen Anne, and transitional style residential and mixed residential/commercial structures. Focal points include the Nast Church, the First English Lutheran Church, and the former *Deutsche Evangelische St. Paulus Kirche.* St. Paul's German Evangelical Church stands at the southwest corner of Race and 15th Streets. This structure dates from 1850 and features both Classical and Gothic Revival details. The simple Doric pilasters along the facades and at the corners of the clock tower and the full entablature are Classical, but the pointed-arch windows and gabled entry are Gothic Revival. The original congregation established the storefront in the corner of the church when the church was formed to give it a source of income in addition to offerings.

Another significant residential building stands at 112–114 West 14th Street. This two-and-a-half story brick Italianate structure features a bracketed cornice along the eaves line of the gabled roof. Small windows are recessed in the frieze between the brackets. Bracketed entablatures head the one-over-one sash windows on the second floor. The first-floor wooden storefront is a rare survivor in this district.

The former Kolping Society House at 1523 Republic Street was constructed in 1870 as the Third District Police Station. Local architect Sigmund Kutznitzky designed this three-story, Italian Renaissance Revival-style building. In 1928 the German Kolping Society purchased the building for use as a club house and a residence for Catholic workers. One of their members inscribed their motto, *Gott Segne das Ehrbare Handwerk* (God blesses our honorable handiwork), above the front door. The society sold the building in 1958 when it moved to the northern suburbs.

Central Commercial-Residential Sub-area

This section of the community historically has been a major focus for business and mercantile activities in the Over-the-Rhine. This subarea contained activities that not only helped to sustain the daily needs of its residents, but also reflected the German culture by housing numerous beer gardens, opera houses, and meeting halls. Vine, Walnut, and Main Streets became important to the Over-the-Rhine, because they developed as the focus for numerous commercial and business activities.

The overall architectural character is composed of compact streetscapes with a variety of historic architectural styles displayed by buildings that incorporate residential uses in the upper levels and storefronts on the first floor. Italianate and Queen Anne are the dominant styles of the architecture. The majority of buildings were constructed circa 1860–1888. The Queen Anne architecture is later in its construction, replacing earlier buildings. Because of the cohesive, solid

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The distinctive brick and stone front facade still features the initials "H. W." and the date "1873." Stone pilasters run between the first-floor windows and doors and support a simple bracketed entablature. The symmetrical upper portion features segmental-arched two-over-two sash windows set in elaborate stone surrounds. Stone pilasters flank the central bay and rise to a richly detailed pediment. Decorative parapets, brackets, panels, and cresting add further detail to the elaborate roof line.

Walnut Street runs up the middle of this subarea. The southern end of Walnut Street is anchored by the Art Deco-style American Building and the Tudor Revival-style Ohio Mechanics' Institute building, which houses the Emery Auditorium. The American Building was completed in 1928 and was designed by local architect Joseph G. Steinkamp. Steinkamp was a descendant of Bernard Steinkamp, the builder of St. Mary's Church. This seventeen-story building exhibits a series of terraced setbacks and geometric forms at the upper levels and paired windows. When the building opened, newspapers advertised it as the first downtown office building to offer air conditioning.Across Walnut Street is the Ohio Mechanics' Institute building. This building opened in 1911 and was designed by Samuel Hannaford and Sons. The building was a gift to the institute from Mary M. Emery in memory of her husband, Thomas Emery. The Emery Auditorium was designed to meet the needs of the Cincinnati Symphony Orchestra, which performed its regular subscription concerts in the hall from 1912 until 1936. The auditorium is noted for its superb acoustics and for its association with major performing artists in music, theater and dance through the mid-twentieth century.

At the intersection of Walnut and 12th Streets stands perhaps the most German-influenced structure in the district—the Germania Building, constructed in 1875. The building's Walnut Street facade is dominated by a heavy, round-arched pediment that rises above the ornate, bracketed cornice. The building is richly detailed with decorative bracketed lintels, a rusticated stone front facade, and a cornice pierced by small square windows. The dressed limestone is elaborately incised. A statue of Germania, the personification of the German culture, is found in a niche above the first floor. On the side facade, above the central entrance, a smaller carving of Apollo driving four horses is displayed. The Germania Building exhibits numerous symbols for the arts, music, science, and poetry. Local architect John Bast designed the building, and Cincinnati sculptor Leopold Fettweis carved the stone statues and embellishments.

Across Walnut Street from the Germania Building stands the Gobrecht Building. This four-story, Queen Anne-style building was constructed in 1884 and was designed by local architect Emil G. Rueckert. Christian Gobrecht was a tuba player with the early Cincinnati Orchestra and operated a saloon here until his death in 1889.

Further north, a vacant lot at 1407 Walnut Street indicates the former site of the Central Turner Hall. The Cincinnati *Turnverein* met in a vacant lot at this site from 1848 until the construction of its headquarters in 1850. In 1859 they replaced the original wood frame building with a larger

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Cincinnati architect, included both Classical and Gothic Revival style elements in the design. Features of the former style include a symmetrical window arrangement, a projecting center tower, a full entablature, and plain Doric pilasters at the corners, dividing the bays, and on the clock tower. It is known as the "Beacon of the Basin" because its high spire can be seen from many points throughout the basin area. Adjacent to the church stands a Greek Revival style school that was erected in 1843.

Another Catholic church is located at the northwest corner of Vine and Liberty Streets, the site of the first Catholic church in Cincinnati (1819). The present church, St. Francis Seraph, dates from 1859. James W. McLaughlin designed this Romanesque Revival structure, which features twin flanking towers, round-arched windows, and strip pilasters. In 1925 a glazed brick veneer was added to the church's exterior to preserve it.

Broadway-Pendleton Subarea

The area around Broadway and Pendleton Streets in the eastern portion of the district saw the last major subdivision and development of land in the Over-the-Rhine. It was primarily high-density residential in land use and still exhibits this distinctive characteristic. Numerous large-scale apartment buildings with Italianate and functional vernacular architectural styles, constructed circa 1860–1875, characterize the area.

This subarea has experienced an erosion of its built environment because of demolitions and neglect. The southern edge near Sycamore Street is near the Hamilton County Court House. Parking lots now break the once cohesive streetscape. Recreational areas associated with the School for Creative and Performing Arts, the former Peaslee School and Ziegler Park (named for Cincinnati's first mayor, David Ziegler) break the continuity of the streetscape and have physically and visually opened up the area to expose facades of buildings a block away. Housing abandonment has left many buildings vacant and in blighted condition. City-sponsored demolition activities along with private actions opened up an increasing number of vacant lots. The result is an increasing threat to the area's continuity and cohesiveness. During the late 1960s the city sponsored rehabilitation projects in this subarea, using federal funds, which resulted in the unsympathetic rehabilitation of several buildings that today exhibit missing cornices, louvered or blocked-down windows and damage due to sandblasting.

Thirteenth Street exhibits a distinctive streetscape composed of three- and four-story Italianate-style rowhouses. Its visual integrity is further accentuated by the undulation of the street, as it drops toward the west to expose an imposing view of Old St. Mary's Church in the distance. These simple brick structures feature decorative stone hood moulds above rectangular wood sash windows and bracketed cornices with paneled friezes.

Smaller scale residential buildings with Italianate and functional vernacular styling can be found just south of Liberty Street. They are mixed in height ranging from two to three stories, two or three bays wide, and have flat, low gable or mansard roof treatments. These buildings are representative of the smaller scale buildings

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nati manufacturer of bells, has renovated the church complex as a design center and church supply center. The Verdin Company has become a major factor in stabilizing the architectural character of this area and has assisted the rehabilitation of several other structures in the immediate vicinity.

The other church in this area is the *Deutsche Evangelische Reformirt Salem's Kirche* (Salem's German Evangelical Reformed Church). This brick Gothic Revival-style structure stands on Sycamore between Orchard and Liberty Streets, and dates from 1867. Details include pointed-arch windows, buttresses, and an octagonal spire resting on a central buttressed Gothic Revival tower base. A gilded angel ornaments the spire and serves as a weathervane. The church was originally described as a replica of a church in Frankfurt am Main, Germany.

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Findings

The City of Cincinnati must consider a number of broad issues in its review of the proposed designation of the Over-the-Rhine (South) Historic District as a local zoning overlay district. These considerations include:

- whether the area was significant in Cincinnati's past and whether the buildings in the district convey this significance;
- whether the designation would be consistent with comprehensive plans for the area and for the city as a whole;
- what effect the proposed designation would have on the surrounding area and the economic development plans of the City;
- the relationship of the proposed designation to low-income housing in the community;
- the relationship to zoning requirements
- the relationship to the proposed creation of an Environmental Quality District in the area; and
- the relationship to the existing Neighborhood Housing Retention Ordinance.

Historic Significance

The previous sections of this report clearly demonstrate that the proposed Over-the-Rhine (South) Historic District is based on historical, architectural and developmental features that distinguish the district from its surroundings and that qualify it as an identifiable historic district. The majority of the buildings in the district possess integrity of location, design, setting, materials, workmanship, feeling and association. They represent a variety of architectural styles and periods of development that date from circa 1850 to the early twentieth century. Together they convey a "sense of time and place" that distinguishes the district from its surroundings. In addition to their architectural significance, the buildings in the district provide physical links to historical events and to people of all walks of life who helped to shape the history of Over-the-Rhine and all of Cincinnati.

The district is associated with events that have made significant contributions to the broad patterns of our history. These patterns include:

- establishment of an influential German community in Cincinnati during the mid- to late-nineteenth century
- creation of a dense, urban neighborhood typical of the Basin in Cincinnati during the nineteenth century
- migration of urban residents to the suburbs
- post-war migration of low-income families from the South to northern industrial cities
- relocation caused by early urban renewal in other sections of the city
- continuing efforts to nurture inner-city neighborhoods nationwide by the government, social welfare groups, and church agencies

Comprehensive Plans

The designation of the Over-the-Rhine (South) Historic District conforms to the applicable comprehensive plans of the city and of the community. The existing plans for Over-the-Rhine call for the retention and reuse of the community's historic resources. The *Cincinnati Coordinated City Plan* also supports the adoption of historic districts.

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- Protection of Over-the-Rhine's architectural character will aid in the maintenance of the area's general desirability as a residential community.
- Civic pride will be fostered; tourism will be promoted; motion pictures will continue investment in the city; and physical evidence of the city's past will be maintained.
- Urban blight caused by the neglect of aging buildings will be combated.
- Investment in historic resources will be encouraged, and the city's economy will be strengthened.
- New construction that will be compatible with and will take advantage of the district's distinctive character will be encouraged.
- Individual property values will be protected from diminution caused by the destruction or degradation of historic features in the vicinity.
- Property owners may qualify for special zoning exceptions and variances, where deemed necessary or appropriate by the Historic Conservation Board.
- Public health, safety, prosperity and welfare will be protected.
- The environmental and aesthetic quality of the city will be enhanced.

Low-Income Housing

The *Over-the-Rhine Comprehensive Plan* and the *Over-the-Rhine Urban Renewal Plan* list a variety of goals and objectives for the balanced development of Over-the-Rhine. Both plans call for the provision of affordable housing in Over-the-Rhine and for the protection and enhancement of the community's historic resources. Low-income housing and historic district designation are not mutually exclusive; however, they are separate issues that the City must address as it contemplates the continued development of Over-the-Rhine and the entire city.

Designation of the Over-the-Rhine (South) Historic District by the City would neither aid nor deter the retention and creation of low-income housing in the community. Low-income housing advocates have expressed concern that historic district designation will result in gentrification of the neighborhood and displacement of its existing low-income residents. One of their concerns is that designation may lead to an increase in property values, causing an increase in taxes and ultimately in rental costs. National studies, however, suggest that local historic designation does not increase or decrease property values. Instead, the designation of a historic district tends to stabilize swings in property values. In historic districts, property values tend not to rise as rapidly as they do citywide or in comparable non-designated communities, nor do they drop as sharply when the real estate market turns downward. (Dennis E. Gale, "The Impacts of Historic District Designation: Planning and Policy Implications." *Journal of the American Planning Association*, Vol. 57, No. 3, Summer 1991: 325-340.)

Nomination of the Over-the-Rhine to the National Register of Historic Places in 1983 also has not resulted in substantial gentrification or displacement, although some low-income housing advocates opposed the nomination for those reasons. The National Register nomination

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of the Over-the-Rhine (South) Historic District. Although an environmental quality district is an excellent tool for balancing development in some areas of the city, it is unable to respond to cultural resources like those found in Over-the-Rhine. The City's historic conservation legislation, however, was created specifically to protect and promote the city's historic, architectural, and cultural resources. The following points suggest that the Over-the-Rhine (South) Historic District is the better tool for enhancing the character of the area and that designation of both an environmental quality and historic district would be redundant and unnecessary.

- The Zoning Code provides that, in cases where environmental quality and historic districts overlap, the Historic Conservation Board acts as the hearing examiner for both. It is unnecessary to designate Over-the-Rhine as both an environmental quality and historic district.

- Environmental Quality District guidelines are intended primarily to regulate new development and do not address rehabilitation of historic buildings. Design guidelines for historic districts are tailored specifically for the types of resources in each district.

- Environmental Quality District guidelines are general in nature and are open to individual interpretation. Design guidelines for historic districts are more specific in nature and provide information on the treatment of building materials to prevent physical damage to building fabric. These guidelines are less open to subjective interpretation. In addition, the historic conservation legislation enables the Historic Conservation Board to take economic issues into account when reviewing projects, which the Board does on a regular basis without intrusive or embarrassing requirements for documentation of financial hardship.

- Environmental Quality District decisions are made by a single City staff person. National studies show that the decisions by a single reviewer are open to individual interpretation and vulnerable to appeal. Reviews under the historic conservation legislation, however, are conducted by a board of nine private citizens who represent various points of view. The Historic Conservation Board includes a lawyer, real estate developer, two architects, historians and three community representatives. Since the Board was established in 1980, over 2,000 building permits have been reviewed, and only four have been appealed to City Council. Of these four, three decisions were overturned.

- Applications for work within Environmental Quality Districts require an existing conditions report, a physical improvements report, and, for certain permits, environmental assessment statements that address abutting land uses, traffic, noise, air, drainage, vegetation and visual quality. Historic district review requires only a building permit application, including architectural drawings and specifications. For those projects not requiring a building permit—cleaning, masonry

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Background

This report presents the Cincinnati Urban Conservator's findings and recommendations for the designation of an Over-the-Rhine (South) Historic District. The Cincinnati City Planning Department's Historic Conservation Office has prepared this documentation as the product of a year-long study.

The establishment of Interim Development Control (IDC) District No. 36, Over-the-Rhine, by City Council on March 4, 1992, precipitated the study of Over-the-Rhine's historic resources. At the February 5, 1992, meeting of City Council, Councilwoman Roxanne Qualls introduced the motion for the enactment of this IDC district to encompass the southern portion of Over-the-Rhine. The following statement accompanied Ms. Qualls's motion:

> "A process is underway, with the proposal of an Over-the-Rhine Historic District, to establish an outline of desirable changes in the area of Over-the-Rhine. While this work is being done, many projects are underway which conflict with the intent of the city's plan for preservation of the neighborhood's character. Major losses of buildings for low-income rental and changes in the types of commercial uses could significantly alter the face of the neighborhood, before the value of this historical district can be fully protected."

Ms. Qualls made this motion in response to the proposed demolition and redevelopment of the Alms & Doepke Department Store site on Central Parkway and of the Priority Dispatch property at 123 East Liberty Street. Both of these buildings contribute to the historic character of the Over-the-Rhine Historic District, which is listed in the National Register of Historic Places. The Neighborhood Housing Retention Ordinance deals only with residential structures and does not protect either of these properties.

The IDC district was extended twice to permit the continued study of the area for designation as an historic district without the potential loss of significant properties. The district was first extended for an additional six-month period on March 3, 1983. On September 1, 1993, it was again extended for a four-month period until January 4, 1994.

Historic preservation is not, however, a new issue in Over-the-Rhine. City Council acknowledged the need to control demolition, monitor new construction, and protect the historic housing stock of the neighborhood as early as December 1979, when the City established the first IDC district in the area. City Council established this IDC district in the Washington Park area as a response to the proposed partial demolition of the YMCA. The IDC gave the City a chance to consider "zoning district changes for the protection of historic qualities and residential land uses within the area." While the first IDC district was in place, the City applied additional IDC districts to the Findlay Market area and to the rest of Over-the-Rhine.

In 1981, when the Washington Park IDC District expired, City Council enacted the first Neighborhood Housing Retention Ordinance (NHRO) to deter the demolition of low-income housing and the conversion of low-income units to upper-

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The comprehensive plan also recommended that new urban design plans encourage development and public improvements that respect the architectural character, density and scale of the buildings in Over-the-Rhine.

In August 1985 City Council adopted the *Over-the-Rhine Urban Renewal Plan.* This plan's goals and objectives called for the following:

- ❑ Preserve the architectural character of OTR in a manner that does not impede the low-income housing goals and objectives or displace residents.

- ❑ Retain the historic urban qualities of scale, density and architecture that contribute to the character and image of Over-the-Rhine.

Most recently, in October 1991, the Over-the-Rhine Chamber of Commerce presented an action plan entitled, *Surveying the Scene: A Focus Area in Cincinnati's Over-the-Rhine.* This plan also called for the designation of Over-the-Rhine as a local historic district.

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Sources

The Historic Conservation Office acknowledges and thanks the numerous authors whose words and ideas are quoted and paraphrased in this document. Although their efforts have not been cited in a scholarly fashion, the preparation of this report would have been impossible without their research, analysis, and insightful writing. The Historic Conservation Office staff, however, is entirely responsible for any errors in fact or misinterpretation.

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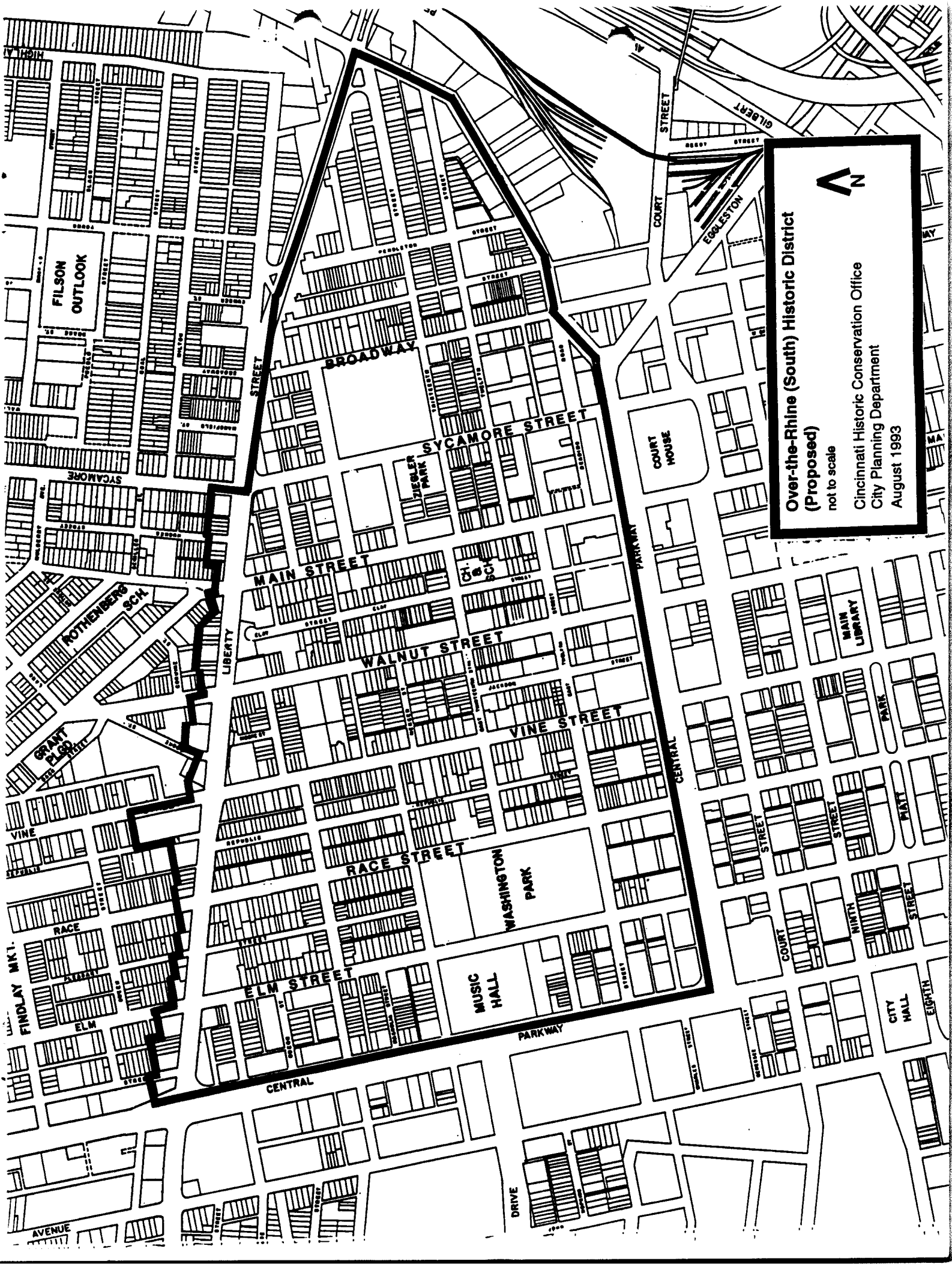

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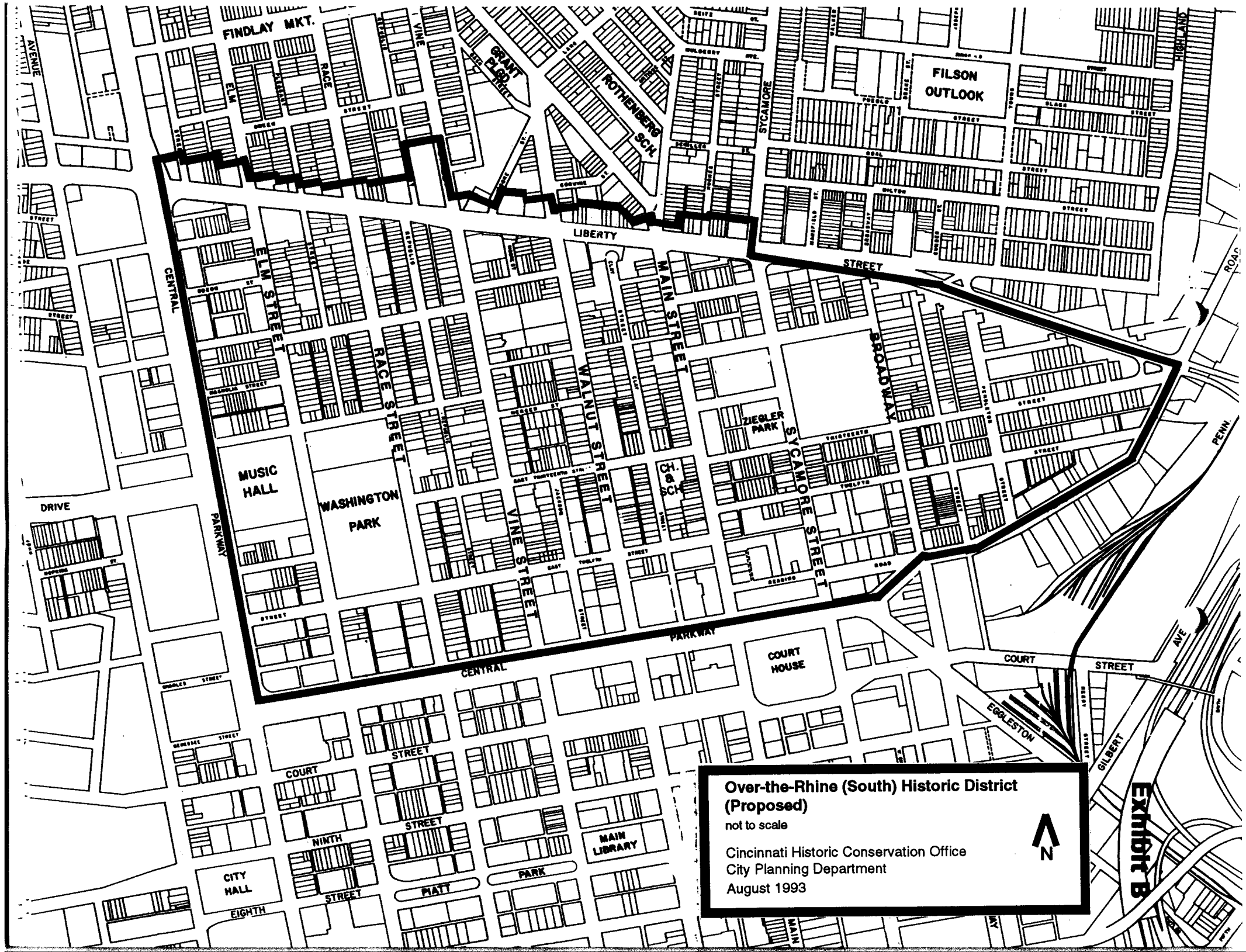

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Exhibit C

Over-the-Rhine (South) Historic District

Conservation Guidelines

—— September 1993

Cincinnati City Planning Department
Historic Conservation Office

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GENERAL CHARACTERISTICS

The historical and physical factors that influenced outward expansion and contributed to the high-density development of Over-the-Rhine during the late nineteenth century now help to define the boundaries of the Over-the-Rhine (South) Historic District. Central Parkway, running along the path of the old Miami and Erie Canal, forms the southern and western boundaries of the district. The central business district south of Central Parkway contrasts sharply in scale and use with the historic district. On the east, Reading Road and Liberty Street mark the historic and physical boundaries of the community. Liberty Street and the buildings facing it provide a strong visual edge along the district's northern boundary. The hillsides also contrast visually with the generally flat basin in which the district is located. Prominent landmarks or focal points that rise above the skyline provide further visual contrast. These historic and physical boundaries and geographical factors contribute to the distinctiveness of the district.

This dense, urban district displays a visual continuity that conveys a sense of time and place. In the nineteenth century Over-the-Rhine was home to businessmen of means and their families, shop owners, working-class families, and the poorest of immigrants. Like other urban centers of the period, Over-the-Rhine was part of the "walking city," in which most people could easily walk from their homes to places of employment, entertainment and worship. Building exteriors were designed to be experienced and appreciated by pedestrians along the sidewalks, and buildings were placed at the front of their lots for easy pedestrian access. The idea that provisions should be made for parking automobiles came about long after the development of Over-the-Rhine.

The district is characterized by narrow, two- to five-story buildings that are constructed along the front property lines at the sidewalk. Facades are capped by distinctive cornices, and most buildings display either low-pitched shed or side-gabled roofs. Brick is the primary building material throughout the district, and cast-iron storefronts and stone details are common. The consistent scale and height, cornice lines, similar materials, and architectural detailing of the buildings blend to create distinctive streetscapes reflecting the historic development of Over-the-Rhine. Various additional elements such as granite-paved alleys, granite curbs, some wood-block streets, incised street markers, and faded advertisements on the sides of buildings also add to the district's historic character.

The buildings found in the district reflect the urban domestic architectural styles prevalent during their period of construction, as interpreted by German-American craftsmen. The Italianate style is the predominant style in the district. Other nineteenth-century styles include simple vernacular, Greek Revival, Gothic Revival, Second Empire, Queen Anne and Second Renaissance Revival. Original owners and builders used popular builders' manuals for inspiration or created functional designs. Also, local directories and newspapers displayed numerous advertisements for skilled craftsmen and for architectural ornaments that would enhance the character of new buildings or modernize the appearance of older structures.

The district displays a variety of basic building types. These can be differentiated by the original uses of the buildings and by differences in architectural form. Common building types include single-family residences, multi-family row houses (most with first-floor storefronts), apartment buildings, retail structures, light industrial buildings, and large-scale institutional structures. The

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earlier twentieth century. These buildings generally conform to construction patterns set throughout the district, including brick exteriors, heights of three to five stories, siting at the front property line, and decorative details including a strong cornice line.

The district's institutional buildings include churches, schools, and places of assembly. These buildings are usually monumental in size and scale and tend to be landmarks in the community. They are frequently the best examples of "high" architectural styles in the district, representing the work of noted local architects. The buildings tend to be formal and symmetrical in design. Many of the institutions, including Music Hall, Memorial Hall, the Elm Street Health Center, and the School for Creative and Performing Arts, are set back a considerable distance from the front property line, providing space for larger numbers of people to gather and giving a pedestrian on the sidewalk a better perspective of the building's architectural character.

The structures in the district generally stand in good condition, despite some deterioration. Many remain essentially unaltered. Newer, incompatible developments that differ from the contributing buildings in scale, building materials and detailing include gas stations, parking lots, and other commercial buildings, but they are confined in most cases to the major streets. Deterioration, alterations, and intrusions, however, have not destroyed the fabric of the district. Its overall sense of integrity is, in fact, unparalleled in the city.

DEVELOPMENT PRINCIPLES

In June 1993 Cincinnati City Council adopted the following Development Principles to replace the Development Policies contained in the original Over-the-Rhine Urban Renewal Plan of 1985. These principles will guide continued development in the Over-the-Rhine (South) Historic District.

An updated list of principles is essential as efforts become directed toward designing an aggressive program of redevelopment to serve all income levels and interests in Over-the-Rhine. The Principles are based on the policies contained in the original plan; however, they have been revised to reflect the current "climate" in both Over-the-Rhine and the city. They are essential to form a development strategy that will attract potential developers and provide assurance to funders that investing in Over-the-Rhine is good business.

A. General Development

1. Over-the-Rhine should continue to develop as a mixed-use area (residential, commercial and industrial) with clearly defined and protected residential "core" areas.
2. Establish clearly defined land-use objectives for each sub-neighborhood of Over-the-Rhine, and address the lack of transition between the various uses.
3. Demolition of buildings in Over-the-Rhine should be viewed as a last resort, unless part of a broader plan. Preservation and systematic renovation of all historically contributing buildings shall be a top priority.
4. A complete staff review and public examination of appropriate land uses and zoning regulations for all of Over-the-Rhine shall be undertaken using the 1985 Over-the-Rhine Urban Renewal Plan as a beginning point for discussion.

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3. Residential development projects should include a reasonable plan for off-street parking within or near the site.
4. Safe, off-street parking on centralized lots or parking structures is the preferred means of meeting the parking needs of residential and commercial areas.
5. Pedestrian circulation should link community open space and pedestrian areas.

E. **Parks and Open Space**

1. There should be a reasonable and adequate supply of open space, and park and recreation facilities in and around residential core areas.
2. Washington, Ziegler, Hanna and Baymiller Parks, and Findlay Playground should be developed to provide increased recreational outlets and accessibility.
3. Unused, vacant lots should continue to be cleared through private and public initiatives, and used for community gardens, parks or recreation.
4. Undeveloped hillsides, which form Over-the-Rhine's northern boundary, should be preserved as passive recreation areas or natural preserves to the maximum extent possible.
5. Landbanking by public entities, nonprofit organizations or foundations should be the preferred means of preserving hillside open space.

F. **Industrial**

1. Over-the-Rhine's two existing industrial areas should be developed for small or light manufacturing and warehousing. Any existing industries located outside of these two areas should be provided incentives to relocate to appropriate sites within one of the two areas.
2. Rehabilitation of vacant industrial building should be the preferred development strategy.

G. **Cultural**

1. The cultural center in the vicinity of Washington Park and Music Hall should be preserved and enhanced.

REHABILITATION

1. **Materials:** Missing or deteriorated materials should be replaced with recycled or new materials that match the original as closely as possible with regard to the following: type, color, style, shape, and texture of material. The composition, type of joint, size of units, placement and detailing should be appropriate for the building. Imitation or synthetic materials such as aluminum or vinyl siding, imitation brick or stone or similar plastic materials are inappropriate.
2. **Door and Window Openings:** Among the most important features of any building are its openings–its windows and doors. The size and location of openings are an essential part of the overall design and an important element in the building' s architecture. Don' t alter or fill-in original openings.

these buildings and should be maintained. Paint also protects porous nineteenth century masonry and masks alterations and inappropriate repairs. Masonry that has not been painted in the past should not be painted. Because color can have a significant impact on the neighborhood, use paint colors that are appropriate to your building' s age and style. Historically, most paint schemes were relatively simple. The Historic Conservation Office can provide owners with color combinations that are appropriate for a building's age and style.

10. **Wood Siding:** Retain and repair original wood siding. When replacement is necessary, the new wood should match the original in size, shape, profile and detail. All wood siding should be painted. Aluminum or vinyl siding is not appropriate for replacing or covering original wood siding. Artificial stone, asbestos, asphalt siding and other similar resurfacing materials are not acceptable.

11. **Shutters and other outside attachments:** Original shutters should be repaired and retained. Many buildings in Over-the-Rhine have or had wood shutters for the windows. Reintroducing missing shutters must be based on physical evidence and the shutters must fit the opening and be operable.

    Exterior light fixtures should be appropriate to the style of the building. Colonial "coach" lights are not appropriate.

12. **Storefronts**: Retain and repair the design and materials of storefronts in historic buildings. First-floor storefronts are common in Over-the-Rhine and are found in all types of architectural styles. Detailing and materials vary considerably. Each design should be considered individually and original materials should be retained. If the storefront has been altered or if none of the original materials remain, old photographs may indicate the original design. Original masonry storefront materials should be cleaned with the gentlest method possible (see section on cleaning). Cast-iron storefronts may be cleaned by abrasive methods including sandblasting. Adjacent materials must be protected and the pressure should be less than 100 p.s.i.

    Don' t reduce the size of storefront openings. Transparency and scale are very important to storefronts and their relationship to the remainder of the building as well as to the streetscape. Don' t cover or remove significant elements such as piers, lintels, transoms, original doors or other similar details.

13. **Signs**: Signs should be designed for clarity, legibility and compatibility with the building or property on which they are located. Signs should be located above the storefront, on the storefront windows or on awnings and should not cover any architectural features. Signs should capitalize on the special character of the building and reflect the nature of the business. Small projecting signs such as symbol signs are appropriate. Billboards, standardized internally-illuminated signs and temporary illuminated signs are not permitted.

14. **Awnings**: The installation of fabric awnings on storefronts is encouraged. Awnings add color and variety to commercial buildings and highlight the businesses. Awnings should be installed so they do not cover or require the removal of any original architectural

Rhine are elaborate projecting cornices, decorative parapets and the expressive use of materials.

2. **Roofs**: Roofs for new construction should be similar to roofs of adjacent and nearby buildings of similar size and use. In the district, buildings of three or more stories generally have low-pitched shed roofs that are not visible above the principal facade. Smaller buildings in the district typically have simple gable roofs on which the gables are perpendicular to the principal facade. Institutional buildings in Over-the-Rhine have a variety of roof shapes, including dormers, multiple gables, hip roofs and towers. Roofs in this district have little or no overhang.

3. **Window Openings**: Window openings are extremely important in this district. The openings of new buildings should be related to the size and placement of openings found on historic structures of similar use in the district. In residential buildings, window openings are typically found individually rather than in pairs or grouped. The openings are taller and wide (typically in a proportion of 2:1), window sash are set back from the wall surface, and openings have some form of definition, such as lintels, sills or decorative surrounds. Window openings, which are typically aligned vertically, usually occupy between 20% and 50% of the principal facade.

   In commercial, industrial and institutional buildings, windows are often grouped within a single opening. These building types may also use a combination of window sash, including double-hung, awning and hopper.

   If muntins are used in new window sash, they must provide true divided lights. Within the individual opening, window sash are usually divided into two or more lights. In all cases the glass must be clear; tinted or reflective glass is not acceptable.

4. **Storefronts**: New storefronts should relate to the characteristics of existing storefronts on historic buildings. Storefronts in the district are typically taller than individual upper floors; framed by piers and/or columns and have a lintel separating them from the upper floors; are divided into bays which increases their verticality and provides a pedestrian scale and proportion; and have large, fixed expanses of clear (not tinted or reflective) glass.

   The storefront lintels are 12 to 18 feet above grade; the window sill height is between 18 inches and 3 feet above grade; and storefront windows are set back from the structural elements approximately 12 inches.

5. **Setback**: Setback is an important issue in a dense urban area such as Over-the-Rhine. The setback for new construction should be consistent with the buildings of similar use on adjacent and nearby sites. In Over-the-Rhine, most commercial buildings are built up to the property line. Some residential property, especially detached buildings, have shallow setbacks but retain an "edge" at the property line with a fence. Some larger institutional buildings such as schools, churches and public buildings are setback from the street to provide public space and to add to their monumentality. In most cases new construction on corner sites should be built up to the edge of both outside property lines.

SITE IMPROVEMENTS

A. **Intent and General Guidelines**

1. Site improvements, such as parking lots, parking pads, paving, fences, decks, street furniture and trees, should be in character with the contributing buildings in the district and should respond to the colors, textures, materials and scale found in the area of the improvement.
2. The design of any site improvement should be compatible with district buildings and not detract from the character of the district.
3. The design of site improvements should capitalize on the unique character of the area but should not incorporate elements from an earlier or different period. Site improvements should enhance the experience of pedestrians in the district.

B. **Specific Guidelines**

1. **Parking Lots**: Cars in parking lots should be screened from public view. Appropriate screening includes low masonry walls in conjunction with planting areas and landscaping, low masonry walls with wrought-iron fencing and planting areas with landscaping and wrought-iron fencing. Chain link fence along side walks is inappropriate.

   Parking lots with a capacity of ten or more cars should contain trees within the lot as well as around the perimeter of the lot. Concrete curbs, not rolled asphalt bumpers, are appropriate edges for parking lots.

2. **Parking Pads**: Parking pads (parking for one or two cars) are permitted at the rear of the property, with access at alleys or existing curb cuts whenever possible. Parking pads in areas other than the rear yard shall be judged on a case-by-case basis and judged by their impact on the property and on the district.
3. **Fences and Walls**: Wrought-iron or cast-iron fences that are less than three feet in height are encouraged along the sidewalks of vacant lots or where buildings are setback from the sidewalk. Fencing may be set between wrought-iron and cast-iron posts, natural stone posts or pre-cast concrete posts. Fencing may also be set on a concrete curb or on top of a retaining wall. Plain board fences (vertical boards nailed side-by-side on horizontal stringers) or wire fences are appropriate at the rear of the property or along the side of the property. Wood fences should be painted or stained but not left to weather naturally. Chain link, stockade, shadow board, basket weave, lattice and other contemporary designs are not appropriate. Masonry privacy walls are not encouraged.

   Retaining walls built along the front property line or along street frontage should be built of or faced with fieldstone or limestone. Retaining walls at other locations should be built of fieldstone, limestone, brick or specialized masonry block designed for retaining walls. Concrete block or exposed concrete should not be used as the finish material for any retaining wall.

4. **Decks**: Wood decks that are built on the ground should be stained or painted. Decks accessed above the first-floor are discouraged, as are rooftop decks that can be seen above the principal facade.

1. **Newer buildings**: Most buildings that were built within the past fifty years do not fit the historic or architectural context of the neighborhood. Due to their more recent date of construction, these buildings did not contribute to the development of Over-the-Rhine as an urban, nineteenth-century neighborhood. The majority of these newer buildings differ architecturally from the district's historic buildings, especially in scale, building materials, and detailing.
2. **Significantly altered buildings**: Some older buildings have lost the integrity of their original design due to substantial, incompatible exterior alterations. Buildings in this category not only have been stripped of architectural details, but have been altered completely in their appearance. The basic design, scale and rhythm of these buildings no longer relate to the historic buildings of the district.

B. **Specific Guidelines**

1. **Rehabilitation**: The rehabilitation of non-contributing buildings should comply with the guidelines for rehabilitation, as outlined in the "Rehabilitation" section of this document. These rehabilitation guidelines provide a framework for maintaining a building's basic architectural character; they do not suggest that a building be redesigned or altered to appear older than it is. Alterations to a newer building should be compatible with the original architectural character of that structure or should help the building to relate better architecturally to the surrounding historic district. The rehabilitation of an older, altered structure should restore elements of the building's historic character, whenever possible, based on remaining physical evidence, historic documentation, or similar buildings nearby. Alterations to non-contributing buildings should not create a false sense of history. In many cases it is preferable to rehabilitate and reuse a non-contributing building than to have a vacant parcel or parking lot.
2. **Additions**: Additions to non-contributing buildings should comply with the guidelines outlined in the "Additions" section of this document. Additions should be designed to relate architecturally to adjacent buildings and to the building of which they are a part. Additions should not overpower the original building.
3. **Demolition**: Non-contributing buildings may be demolished if the demolition will not adversely affect the character of the district. The Historic Conservation Board's review of an application to demolish a non-contributing building will include an evaluation of plans for the redevelopment of the cleared site, based on the "New Construction" and "Site Improvements" sections of this document.

C. **List of Non-Contributing Buildings**: The following buildings do not contribute to historic or architectural character of the Over-the-Rhine (South) Historic District:

(See list on next page.)

1416-1430 CENTRAL PKWY
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List of Non-Contributing Buildings

217 W. 12th Street–addition
532–534 E. 12th Street
101 E. 13th Street
106 E. 13th Street
333 E. 13th Street
510 E. 13th Street
115 W. 14th Street
215 E. 14th Street
214 W. 15th Street–addition
1117–1119 Broadway (rear)
1129 Broadway
16 W. Central Parkway
114–120 E. Central Parkway
1400 Central Parkway
1424 Central Parkway
1430 Central Parkway–addition
1510 Central Parkway
1522 Central Parkway
1317 Clay Street
1329 Clay Street
1335 Clay Street
1411 Elm Street
1429 Elm Street
1435 Elm Street
1507 Elm Street
1604 Elm Street
1126 Jackson Street
123 W. Liberty Street
202 W. Liberty Street
5 E. Liberty Street
30 E. Liberty Street
112 E. Liberty Street
128 E. Liberty Street
228 E. Liberty Street
1434 Main Street
1440 Main Street
1440 Pleasant Street
1511–1525 Pleasant Street
1530 Race Street
580 Reading Road
1332 Republic Street
1615 Republic Street
1133 Sycamore Street
1203 Sycamore Street
1301 Sycamore Street
1404 Sycamore Street
1425 Sycamore Street–addition
1320 Vine Street
1408 Vine Street–rear
1420 Vine Street
210 Wade Street
1200 Walnut Street
1201 Walnut Street–addition
1212 Walnut Street
1218 Walnut Street
1228 Walnut Street
1302 Walnut Street
1306 Walnut Street
1316 Walnut Street
1328 Walnut Street
1340 Walnut Street
1350 Walnut Street
1429 Walnut Street
1432 Walnut Street

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 196

2.P.
E.M.T.R.

City of Cincinnati

An Ordinance No. 0195 - 2003

CONSOLIDATING the Over-the-Rhine (North) Historic District and the Over-the-Rhine (South) Historic District as the Over-the-Rhine Historic District and adopting revised Conservation Guidelines for the consolidated District.

WHEREAS, Ordinance No. 408-1993 established the Over-the-Rhine (South) Historic District; and

WHEREAS, Ordinance No. 309-2001 established the Over-the-Rhine (North) Historic District; and

WHEREAS, the Urban Conservator has prepared a designation report including conservation guidelines for the proposed consolidated Over-the-Rhine Historic District; and

WHEREAS, following a public hearing, the Historic Conservation Board, at its meeting held on May 5, 2003, favorably recommended consolidating the Over-the-Rhine (North) Historic District and the Over-the-Rhine (South) Historic District as the Over-the-Rhine Historic District and adopting revised Conservation Guidelines for the consolidated District; and

WHEREAS, upon receipt of the decision of the Historic Conservation Board and following a public hearing, the City Planning Commission at its meeting on May 16, 2003, taking into account the factors enumerated in Section 741-7(c) of the Cincinnati Municipal Code, approved the consolidation of the Over-the-Rhine (North) Historic District and the Over-the-Rhine (South) Historic District as the Over-the-Rhine Historic District and the adoption of revised Conservation Guidelines for the consolidated District; and

WHEREAS, Council considers the consolidation of the Over-the-Rhine (North) Historic District and the Over-the-Rhine (South) Historic District as the Over-the-Rhine Historic District and the adoption of revised Conservation Guidelines for the consolidated District to be in the best interest of the City and general public; and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. Council adopts the Designation Report prepared by the Urban Conservator for the Over-the-Rhine Historic District, "Exhibit A," attached. Council specifically adopts as its own finding that the Over-the-Rhine Historic District has historic significance as defined by Section 741-1-H1 of the Cincinnati Municipal Code and qualifies in all respects for Historic Designation under Chapter 741 of the Cincinnati Municipal Code and Chapter 1461 of the Cincinnati Zoning Code.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 197

Section 2. Building Maps Nos. 330, 331, 335 and 336 are amended by consolidating the existing Over-the-Rhine (North) Historic District and the existing Over-the-Rhine (South) Historic District as the Over-the-Rhine Historic District.

Section 3. "Exhibit B," attached, is a plat of the territory in the consolidated Over-the-Rhine Historic District.

Section 4. Pursuant to Section 741-11 of the Cincinnati Municipal Code, Council adopts the "Revised Over-the-Rhine Historic District Conservation Guidelines," Exhibit C, attached.

Section 5. The Clerk of Council is directed to notify the Historic Conservation Board, the City Planning Commission, the Director of Buildings and Inspections, and the City Solicitor of the consolidation of the existing Over-the-Rhine (North) Historic District and the existing Over-the-Rhine (South) Historic District as the Over-the-Rhine Historic District. The Historic Conservation Board shall notify all interested or affected property owners, groups, City department's boards and commissions.

Section 6. This ordinance shall go into effect and be in force from and after the earliest time allowed by law.

Passed: June 18, 2003

Mayor

Attest: Brenda Williams
Acting Clerk

I HEREBY CERTIFY THAT ORDINANCE NO. 195 2003 WAS PUBLISHED IN THE CITY BULLETIN IN ACCORDANCE WITH THE CHARTER ON 7-1-03

Melissa Autry
Clerk of Council

Exhibit A

Over-the-Rhine Historic District
Designation Report

May 2003

The intent of this designation is to combine the Over-the-Rhine (South) and Over-the-Rhine (North) Historic Districts in order to create one coordinated district, instead of two separate districts with differing guidelines. This report updates the two earlier designation reports for Over-the-Rhine (North) and Over-the-Rhine (South), which are incorporated into this report by reference.

The result of this combination will be liberalized guidelines in the previous (South) district, as it will now be governed by the guidelines from the more recently designated (North) district. The guidelines in the (North) will not change. Additionally, a new list of non-contributing buildings for both the (North) and (South) are included in the revised guidelines.

Since the designation of the Over-the-Rhine (South) district in 1993, a number of buildings in that district have been demolished due to issues of health and safety or as a result of redevelopment efforts. To a greater extent, a number of previously vacant or underutilized buildings have been renovated and returned to productive use. As a result, the overall character of the neighborhood has improved in the last 10 years.

The combination of these two districts has no effect on the Mohawk Bellevue Historic District, also located within the Over-the-Rhine neighborhood.

This report is a combination of previous designation reports for the Over-the-Rhine (South) and Over-the-Rhine (North) Districts (copies of both on file with the Urban Conservator). The information presented in both reports is still valid, with the exception of the following additions or corrections:

- The Over-the-Rhine (North) Historic District designation report made reference to the Neighborhood Housing Retention Ordinance (NHRO) and its scheduled expiration date of October 1, 2001. The NHRO did officially expire, thus motivating the creation of the Over-the-Rhine (North) Historic District.

- Both designation reports make reference to the *Cincinnati Coordinated City Plan* (1980), the *Over-the-Rhine Comprehensive Plan* (1985), the *Over-the-Rhine Urban Renewal Plan* (1985), and the Over-the-Rhine Chamber of Commerce's plan *Surveying the Scene: A Focus Area in Cincinnati's Over-the-Rhine* (1991). The Over-the-Rhine (North) designation report also makes reference to a planning process for an updated Over-the-Rhine plan that was underway at the time of designation. Since that time, the *Over-the-Rhine Comprehensive Plan* (2002) has been approved by both City Planning Commission and Cincinnati City Council. The 2002 Comprehensive Plan replaces the previous 1985 Comprehensive Plan. However, all other plans mentioned, including the *Over-the-Rhine Urban Renewal Plan* (1985) are still valid, recognized plans.

- The *Over-the-Rhine Comprehensive Plan* (2002) recommended the designation of the two newer historic districts – Over-the-Rhine (North) and Mohawk-Bellevue NBD – and future support of the previously existing Over-the-Rhine (South) district in order to "protect irreplaceable historic buildings and encourage their conservation, renovation and reuse." Throughout the document, the plan also made reference to the historic character of the neighborhood and its important role in future revitalization efforts.

1416-1430 CENTRAL PKWY
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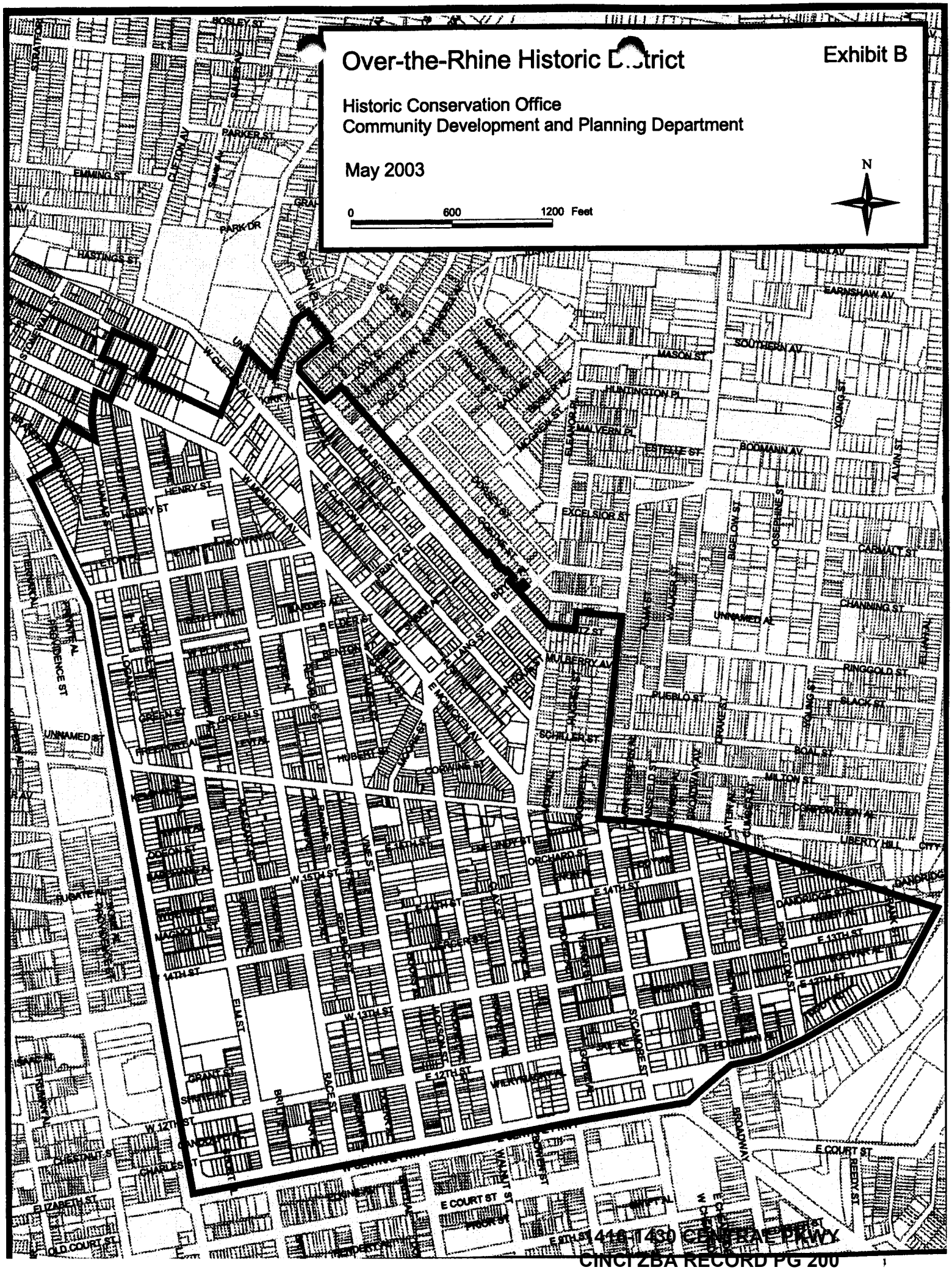
Over-the-Rhine Historic District
Exhibit B
Historic Conservation Office
Community Development and Planning Department
May 2003
0
600
1200 Feet
N
1416-1430 CENTRAL PKWY.

EXHIBIT C

REVISED OVER-THE-RHINE HISTORIC DISTRICT CONSERVATION GUIDELINES

as revised May 5, 2003

New Construction

A. Intent and General Guidelines

1. Infill construction is allowed on vacant sites in Over-the-Rhine, because gaps due to demolition weaken the streetscape and the overall character of the district. New construction can improve both the physical quality and economic vitality of the neighborhood.

2. New construction should be well-designed but should not replicate the existing buildings. The exceptional quality of the existing buildings in the district provides an outstanding framework for new construction.

3. The Historic Conservation Board's review of new construction will focus on the design compatibility with the surrounding contributing structures. The appropriateness of design solutions will be based on balancing the programmatic needs of the applicant with how well the design relates to the neighboring buildings and to the intent of these guidelines. New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.

4. The new construction guidelines for this district will be used to judge the compatibility of new work. The specific site and programmatic needs of each project will be taken into consideration.

B. Specific Guidelines

1. **Composition**: New buildings should respond to the traditional subdivisions found on historic property: a base, a middle and a top. Most buildings in Over-the-Rhine are built of brick with the principal facade parallel to the street it faces. The most important features of buildings in Over-the-Rhine are the arrangement of openings on the principal facade and an overall vertical emphasis of the whole design. Each building provides its own variations, but collectively they share many basic features.

   Base: New buildings should have a well-defined base. Within the district most buildings have a base that is distinguishable from the rest of the building. This is accomplished through a change of materials, a change of scale, and/or a lintel or other type of horizontal banding. In larger buildings the original base may include more than the first floor.

   Middle: Details on new buildings should relate to the detailing of adjacent or nearby buildings. Buildings in the district often incorporate architectural details such as changes in plane or changes in materials on their upper floors. Decorative, horizontal bands indicating the floor lines, sill heights or lintel heights should not overpower the vertical emphasis of the design.

   Top: New construction must employ a strong element that terminates the uppermost part of the building. Distinctive elements in the architecture of Over-the-Rhine are elaborate projecting cornices, decorative parapets and the expressive use of materials.

2. **Roofs**: Roofs for new construction should be similar to roofs of adjacent and nearby buildings of similar size and use. In the district, buildings of three or more stories generally have low-pitched shed roofs that are not visible above the principal facade. Smaller buildings in the district typically have simple gable roofs on which the gables are perpendicular to the principal facade. Institutional buildings in Over-the-Rhine have a variety of roof shapes, including dormers, multiple gables, hip roofs and towers. Roofs in this district have little or no overhang.

3. **Window Openings**: Window openings are extremely important in this district. The openings of new buildings should be related to the size and placement of openings found on historic structures of similar use in the district. In residential buildings, window openings are typically found individually rather than in pairs or grouped. The openings are taller and wide (typically in a proportion of 2:1), window sash are set back from the wall surface, and openings have some form of definition, such as lintels, sills or decorative surrounds. Window openings, which are typically aligned vertically, usually occupy between 20% and 50% of the principal facade.

   In commercial, industrial and institutional buildings, windows are often grouped within a single opening. These building types may also use a combination of window sash, including double-hung, awning and hopper.

   If muntins are used in new window sash, they must provide true divided lights. Within the individual opening, window sash are usually divided into two or more lights. In all cases the glass must be clear; tinted or reflective glass is not acceptable. Also, roll down shutters and metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate.

4. **Storefronts**: New storefronts should relate to the characteristics of existing storefronts on historic buildings. Storefronts in the district are typically taller than individual upper floors; framed by piers and/or columns and have a lintel separating them from the upper floors; are divided into bays which increases their verticality and provides a pedestrian scale and proportion; and have large, fixed expanses of clear (not tinted or reflective) glass. As with rehabilitated original storefronts, roll down shutters and metal bar systems installed on the exterior of the building are not appropriate elements for new storefronts.

   The storefront lintels are 12 to 18 feet above grade; the window sill height is between 18 inches and 3 feet above grade; and storefront windows are set back from the structural elements approximately 12 inches.

5. **Setback**: Setback is an important issue in a dense urban area such as Over-the-Rhine. The setback for new construction should be consistent with the buildings of similar use on adjacent and nearby sites. In Over-the-Rhine, most commercial buildings are built up to the property line. Some residential property, especially detached buildings, have shallow setbacks but retain an "edge" at the property line with a fence. Some larger institutional buildings such as schools, churches and public buildings are setback from the street to provide public space and to add to their monumentality. In most cases new construction on corner sites should be built up to the edge of both outside property lines.

6. **Rhythm**: New buildings should incorporate design features, such as window groupings, articulation of wall surfaces, and decorative elements such as columns or piers in an effort to maintain the rhythm that already exists in the district. New construction should avoid creating long unrelieved expanses of wall along the street by maintaining the rhythm of bays found on

the district. Most buildings in Over-the-Rhine are relatively narrow, 25 to 50 feet in width. A building facade typically displays vertical subdivisions that establish a visual rhythm. In dense commercial areas such as Vine Street, there are no setbacks, creating a solid wall along the street. This wall is articulated by the individual buildings, which in turn are divided by window groupings, changes in wall planes and decorative elements such as pilasters, columns or piers.

7. **Emphasis**: New residential and mixed-use construction should have a vertical emphasis, because in Over-the-Rhine buildings are taller than they are wide, window openings are tall and narrow, and storefronts have slender columns, which emphasize verticality. Commercial and industrial buildings, which may have an overall horizontal emphasis, often incorporate vertical elements, such as pilasters or vertically oriented openings.

8. **Height**: The height of new construction should not vary more than one story from adjacent contributing buildings. Most buildings in Over-the-Rhine are between two- and five-stories.

9. **Materials**: New construction should use materials that are found on the historic buildings in Over-the-Rhine. Clearly the dominant material in Over-the-Rhine is brick, but other materials such as limestone, sandstone, cast-iron, slate, wood and sheet metal are important as well. Materials such as stucco, synthetic stucco and plastic are not appropriate and should not be considered as exposed finish materials for new construction in this district.

Additions

Intent and General Guidelines

1. Additions are allowed and should follow new construction guidelines. They should be compatible in character with the original. They should be sympathetic but not imitative in design.

2. Additions should be designed to relate architecturally to adjacent buildings in general and to the building they are a part of in particular.

3. Additions should not overpower the original building.

4. The appropriateness of design solutions will be based on balancing the program needs of the applicant with 1) how well the proposed design relates to the original building and neighboring buildings and 2) how closely the proposal meets the intent of these general guidelines and the specific guidelines for new construction.

Rehabilitation

A. Intent and General Guidelines

These guidelines are intended to assure that rehabilitation will maintain significant features of buildings. The guidelines are not hard-and-fast rules, but are used by the Historic Conservation Board as a guide to assess the compatibility and the appropriateness of proposed changes. Reviews are limited to the exterior changes proposed for buildings; alterations made to the interior of buildings are not reviewed by the Historic Conservation Office.

1. Ordinary repair and maintenance which does not change the appearance of the building shall not be reviewed.

2. Existing features in good condition should be conserved, and damaged features should be repaired wherever possible.

3. Replace badly damaged or missing features sensitively to harmonize with the character of the original feature. Replication is appropriate, but it is not essential.

4. Completely new features and materials should be compatible with the building in design, color, detailing, texture, size and shape. By their nature adaptively reused buildings may require more flexible and creative design approaches.

B. Specific Guidelines

1. **Materials**: Missing or deteriorated materials should be replaced with recycled or new materials that match the original as closely as possible with regard to the following: type, color, style, shape, and texture of material. The composition, type of joint, size of units, placement and detailing should be appropriate for the building. Synthetic materials such as aluminum or vinyl siding, imitation brick or plastic are inappropriate. Other types of synthetic materials such as split-face concrete block may be approved on a case-by-case basis.

2. **Door and Window Openings**: Among the most important features of any building are its openings – its windows and doors. The size and location of openings are an essential part of the overall design and an important element in the building's architecture. Don't alter or fill-in original openings. Roll down shutters and metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate.

3. **Door and Window Sash**: Repair original doors and window sashes rather than replace whenever possible. If replacement is necessary, the new door or window sash should match the original in material, size and style as closely as possible. Synthetic replacement windows are generally discouraged. Consult with the Historic Conservation Office about acceptable replacement windows.

4. **Ornamentation**: Significant architectural features such as window hoods, decorative piers, quoins, bay windows, door and window surrounds, porches, cast-iron storefronts and other ornamental elements should be preserved. These distinctive features help identify and distinguish the buildings in Over-the-Rhine. Don't remove or replace ornamentation with substitutes that are of a different scale or design or an incompatible material. Make replacement ornamentation match the character of the existing feature closely as possible with respect to type, color, style, shape and texture of material. Some synthetic materials including fiberglass castings may be approved on a case-by-case basis.

5. **Roofs**: Chimneys, dormers or towers and other architectural features that give the roofline of an existing building its identifying character should be preserved. Most of the buildings in Over-the-Rhine have flat or single-pitch roofs. The addition of vents, skylights, and roof top utilities should be inconspicuously placed or screened where necessary. Retain and repair the original roof materials such as slate, which is common on churches, institutional buildings and buildings with mansard roofs, and standing seam metal roofs, which are common on smaller buildings with gable roofs. Do not use wood shakes and plastic roofing products, which are inappropriate materials in Over-the-Rhine. Simulated slate may be approved on a case-by-case basis.

6. **Cleaning**: Clean exterior surfaces with the gentlest method possible. For masonry structures, begin with scraping by hand or scrubbing with a bristle brush and mild detergent. Some types of chemical cleaning can be used, but test patches should be carried out in inconspicuous

areas first. Don't sandblast or use other abrasive cleaning methods that destroy the surface of brick and stone and shorten the life of the building. Don't use wire brushes, because they can also damage masonry surfaces.

7. **Repointing Masonry**: Repoint historic masonry with mortar that matches the existing in color, content and texture and with joints that match in type and thickness. The mortar joints in masonry construction deteriorate for a variety of reasons. Repointing these joints can significantly aid the rehabilitation of a structure. Generally, buildings built prior to 1900 used a lime-based mortar. A typical lime-based mortar has the following formula: 8 parts sand, 2 parts lime, and 1 part portland cement. This mortar is softer than the portland cement-based mortar of today. Hard modern mortar used on historic masonry causes bricks to crack or spall during the freeze-thaw cycle.

8. **Water-Repellent Coatings**: Don't use water-repellent coatings on historic masonry. Most historic structures have survived without the need of water-repellent coatings. Water-related damage on the interior of buildings is usually the result of a failing roof, deteriorated or faulty gutters and downspouts, deteriorated mortar, rising damp or condensation. Water-repellent coatings will not solve these problems and may make them worse.

9. **Painting**: Repaint buildings that were historically painted. Most buildings built before 1890 in Over-the-Rhine were originally painted. Paint is part of the aesthetic design of these buildings and should be maintained. Paint also protects porous nineteenth century masonry and masks alterations and inappropriate repairs. Masonry that has not been painted in the past should not be painted. Because color can have a significant impact on the neighborhood, use paint colors that are appropriate to your building's age and style. Historically, most paint schemes were relatively simple. The Historic Conservation Office can provide owners with color combinations that are appropriate for a building's age and style. Varying the choice of color between neighboring buildings is preferred.

10. **Wood Siding**: Retain and repair original wood siding. When replacement is necessary, the new wood should match the original in size, shape, profile and detail. All wood siding should be painted. Aluminum or vinyl siding is not appropriate for replacing or covering original wood siding. Artificial stone, asbestos, asphalt siding and other similar resurfacing materials are not acceptable. The use of composite cement siding may be approved on a case-by-case basis.

11. **Shutters and other outside attachments**: Original shutters should be repaired and retained. Many buildings in Over-the-Rhine have or had wood shutters for the windows. Reintroducing missing shutters must be based on physical evidence and the shutters must fit the opening and be operable.

    Exterior light fixtures should be appropriate to the style of the building. Colonial "coach" lights are not appropriate. Mercury vapor and other streetlights are not appropriate for attachment to the façade. Exterior light fixtures should be mounted in a way that does not cast undue glare onto neighboring properties.

12. **Storefronts**: Retain and repair the design and materials of storefronts in historic buildings. First-floor storefronts are common in Over-the-Rhine and are found in all types of architectural styles. Detailing and materials vary considerably. Each design should be considered individually and original materials should be retained. If the storefront has been altered or if none of the original materials remain, old photographs may indicate the original design. Original masonry storefront materials should be cleaned with the gentlest method

possible (see section on cleaning). Cast-iron storefronts may be cleaned by abrasive methods including sandblasting. Adjacent materials must be protected and the pressure should be less than 100 p.s.i.

Don't reduce the size of storefront openings. Transparency and scale are very important to storefronts and their relationship to the remainder of the building as well as to the streetscape. Don't cover or remove significant elements such as piers, lintels, transoms, original doors or other similar details. Roll down shutters and metal bar systems installed on the exterior of the building are not appropriate.

13. **Signs**: Signs should be designed for clarity, legibility and compatibility with the building or property on which they are located. Signs should be located above the storefront, on the storefront windows or on awnings and should not cover any architectural features. Signs should capitalize on the special character of the building and reflect the nature of the business.

    Wall and projecting signs should be located above the storefront or first story and below the second story sills. The size of wall signs shall be limited to one square foot per lineal foot of building frontage. Projecting signs should be no larger than 3 feet, 6 inches in width or height. Small projecting signs such as symbol signs are appropriate. Billboards and internally illuminated signs are not permitted. Neon signs may be approved on a case-by-case basis.

14. **Awnings**: The installation of fabric awnings on storefronts is encouraged. Awnings add color and variety to commercial buildings and highlight the businesses. Awnings should be installed so they do not cover or require the removal of any original architectural feature. Awnings of metal, plastic, vinyl (not vinyl coated fabric) or wood will be reviewed on a case-by-case basis. Internally illuminated awnings are not acceptable.

Site Improvements

A. Intent and General Guidelines

1. Site improvements, such as parking lots, parking pads, paving, fences, decks and trees should be in character with the contributing buildings in the district and should respond to the colors, textures, materials and scale found in the area of the improvement.

2. The design of any site improvement should be compatible with district buildings and not detract from the character of the district.

3. The design of site improvements should capitalize on the unique character of the area and could incorporate elements from the district. Site improvements should enhance the experience of pedestrians in the district.

B. Specific Guidelines

1. **Parking Lots**: Cars in parking lots should be screened from public view. Appropriate screening includes low masonry walls in conjunction with planting areas and landscaping, low masonry walls with wrought iron fencing and planting areas with landscaping and wrought iron fencing. Chain link fence along sidewalks is inappropriate.

   Parking lots with a capacity of 10 or more cars should contain trees within the lot as well as around the perimeter of the lot. Concrete curbs, not rolled asphalt bumpers, are appropriate edges for parking lots.

A lot used for surface parking of motor vehicles should be for the exclusive use of owners, occupants and customers of a building located within 300 feet of the lot, and shall be subject to a restrictive covenant to implement this provision.

2. **Parking Pads**: Parking pads (parking for one or two cars) are permitted at the rear of the property, with access at alleys or existing curb cuts whenever possible. Parking pads in areas other than the rear yard shall be judged on a case-by-case basis and judged by their impact on the property and on the district.

3. **Fences and Walls**: Wrought-iron or cast-iron fences are encouraged along the sidewalks of vacant lots or where buildings are setback from the sidewalk. Fencing may be set between wrought iron and cast-iron posts, natural stone posts or pre-cast concrete posts. Fencing may also be set on a concrete curb or on top of a retaining wall. Landscaping in front of a fence is encouraged. Plain board fences (vertical boards nailed side-by-side on horizontal stringers) or wire fences are appropriate at the rear of the property or along the side of the property. Wood fences should be painted or stained but not left to weather naturally. Chain link, stockade, shadow board, basket weave and lattice designs are not appropriate. Masonry privacy walls are not encouraged.

   Retaining walls built along the front property line or along street frontage should be built of or faced with fieldstone or limestone. Retaining walls at other locations should be built of fieldstone, limestone, brick or specialized masonry block such as split-face concrete block. Concrete products including cinder block, stucco and unfinished concrete masonry units should not be used as the finish material for any retaining wall.

4. **Decks**: Wood decks should be stained or painted. Rooftop decks should not be highly visible from the principal façade. Metal balconies should not be discouraged.

5. **Paving for sidewalks, patios and other similar areas**: Materials used for paving should have the appearance of individual units to give the surface scale. Appropriate materials include brick, stone, scored concrete and unit pavers. Concrete should be limited to sidewalks and should not be used in large slabs over big areas, such as driveways and parking lots.

6. **Street Furniture and Amenities**: Existing historic elements in the right-of-way such as steps, mounting blocks, fences, paving, natural stone curbs and splash blocks should be retained. Historic materials such as pavers, curbs or steps shall be returned to their same location, even if they are to be paved over, when they are removed to install or repair utilities such as water, sewer, electric, gas, cable, security or for any other purpose. Flower boxes, planters, urns and similar elements are encouraged but should be appropriate to the property where they are placed and with the district as a whole. The installation of these elements should not cover or require the alteration of any architectural details.

7. **Trees**: Street trees and trees on private property are encouraged. Don't cut down mature, healthy trees.

Demolition

Demolition regulations for designated property in Cincinnati set forth in Chapter, Historic Conservation, of the Cincinnati Municipal Code. See particularly Section 741-13, Regulation of Alterations, Demolitions and Environmental Changes, and Section 741-15, Demolition. Generally, demolition of existing buildings is permitted if one of the following conditions exist:

1. Demolition has been ordered by the Director of Buildings and Inspections for public safety because of an unsafe or dangerous condition which constitutes an emergency. See Section 741-21(c).

2. The owner can demonstrate to the satisfaction of the Historic Conservation Board that the structure cannot be reused for any use or a reasonable economic return from the use of all or part of the building or from the sale of the property proposed for demolition cannot be realized. See Section 741-13(h)(2).

3. The owner is a non-profit corporation or organization and can demonstrate to the satisfaction of the Historic Conservation Board that the denial of the application to demolish would also deny the owner the use of the property in a manner compatible with its organizational purposes and would amount to a taking of the owner's property without just compensation. See Section 741-13(h)(3).

4. The demolition request is for an inappropriate addition or a non-significant portion of a building and the demolition will not adversely affect those parts of the building which are significant as determined by the Historic Conservation Board.

Supplemental Demolition Guidelines for the Over-the-Rhine Historic District:

1. The Historic Conservation Board, when acting on any application for a Certificate of Appropriateness seeking approval of demolition, may:

2. Approve the demolition of a non-contributing building or a building of a later period and the demolition will not adversely affect the character of the streetscape or the district as determined by the Historic Conservation Board. A list of the non-contributing buildings is provided below.

3. Approve the demolition if it is necessary to carry out an Urban Design Plan or an Urban Renewal Plan, approved by Council or a Planned Unit Development (PUD).

4. Delay or deny the application if it finds that the reason that the structure cannot be reused for any use or the owner cannot realize a reasonable economic return from the use of all or part of the building or from the sale of the property proposed for demolition is that the owner has failed to provide the minimum maintenance required by Section 741-19(a) through willful action or neglect.

5. New construction on the cleared site will be subject to the guidelines for new construction and site improvements for the Over-the-Rhine Historic District.

Non-Contributing Buildings

A. Intent and General Guidelines

1. A number of buildings in the district do not contribute to the historic character of the district. The Historic Conservation Board will review the proposed alteration or demolition of these buildings based on the guidelines in this section. These guidelines encourage changes in the district that will reinforce its historic and architectural character, but acknowledge that some buildings are of a different age or architectural period.

2. Buildings that do no contribute to the historic character of the district fall into two general categories:

3. **Newer buildings**: Most buildings that were built within the past fifty years do not fit the historic or architectural context of the neighborhood. Due to their more recent date of construction, these buildings did not contribute to the development of Over-the-Rhine as an urban, nineteenth-century neighborhood. The majority of these newer buildings differ architecturally from the district's historic buildings, especially in scale, building materials, and detailing.

4. **Significantly altered buildings**: Some older buildings have lost the integrity of their original design due to substantial, incompatible exterior alterations. Buildings in this category not only have been stripped of architectural details, but have been altered completely in their appearance. The basic design, scale and rhythm of these buildings no longer relate to the historic buildings of the district.

B. Specific Guidelines

1. **Rehabilitation**: The rehabilitation of non-contributing buildings should comply with the guidelines for rehabilitation, as outlined in the "Rehabilitation" section of this document. These rehabilitation guidelines provide a framework for maintaining a building's basic architectural character; they do not suggest that a building be redesigned or altered to appear older than it is. Alterations to a newer building should be compatible with the original architectural character of that structure or should help the building to relate better architecturally to the surrounding historic district. The rehabilitation of an older, altered structure should restore elements of the building's historic character, whenever possible, based on remaining physical evidence, historic documentation, or similar buildings nearby. Alterations to non-contributing buildings should not create a false sense of history. In many cases it is preferable to rehabilitate and reuse a non-contributing building than to have a vacant parcel or parking lot.

2. **Additions**: Additions to non-contributing buildings should comply with the guidelines outlined in the "Additions" section of this document. Additions should be designed to relate architecturally to adjacent buildings and to the building of which they are a part. Additions should not overpower the original building.

3. **Demolition**: Non-contributing buildings may be demolished if the demolition will not adversely affect the character of the district. The Historic Conservation Board's review of an application to demolish a non-contributing building will include an evaluation of plans for the redevelopment of the cleared site, based on the "New Construction" and "Site Improvements" sections of this document.

List of Non-Contributing Buildings: The following buildings do not contribute to the historic or architectural character of the Over-the-Rhine Historic District.

(See Attached List)

Over-The-Rhine Local Historic District
Non-Contributing Resource List

Compiled in April 2003

No.	Address	Resource Name(s)
1	100 E 12th St (1200-1206 Walnut St)	hardware store
2	544 E 12th St	
3	211-225 W 12th St (1121-1129 Elm St)	Drop Inn Center Shelter House
4	12 E 13th St	
5	28 E 13th St (rear)	
6	101 E 13th St	
7	106 E 13th St	
8	331 E 13th St (1213 Broadway)	Cinti Plating & Repair
9	400 E 13th St	
10	510-512 E 13th St	Mr. Bubbles Detailing only
11	545 E 13th St	
12	227 E 14th St	Peaslee Center
13	115 W 14th St	Washington Park School
14	124 W 15th St	
15	218-220 W 15th St	Firehouse Annex
16	27-37 Back St (rear) (1636 Hamer St)	
17	2020-2024 Branch St	
18	1117-1119 Broadway (rear)	
19	1131 Broadway	
20	1211 Broadway	
21	1712 Campbell St	
22	114-116 E Central Pkwy (1110-1116 Clay St; 116-118 Wilkymacky)	Salvation Army Offices and Chapel
23	16 W Central Pkwy	Cincinnati Metropolitan Housing Authority
24	1317 Clay St	
25	1327-1331 Clay St	
26	1335 Clay St	
27	1343 Clay St	
28	1412 Clay St	
29	1413-1415 Clay St	
30	104-112 E Clifton Ave	
31	131 E Clifton Ave	
32	134-136 E Clifton Ave	
33	135 E Clifton Ave	Sharp Village Annex
34	139-143 E Clifton Ave (rear)	
35	145 E Clifton Ave	
36	200 E Clifton Ave	bar
37	201 E Clifton Ave	
38	207 E Clifton Ave (rear)	
39	211 E Clifton Ave (rear)	
40	N of 213 E Clifton Ave	
41	222-224 E Clifton Ave (221 Peete St)	
42	103 W Clifton Ave (rear)	
43	112 Corwine St	
44	1918 Dunlap St	Patton Awning Garage
45	2008 Dunlap St	garage
46	6 W Elder	Note: Includes only the rear portion of the building.
47	115-117 W Elder St	

48	1411-1417 Elm St	addition to City Gospel Mission
49	1428 Elm St	
50	1429 Elm St	
51	1437 Elm St	
52	1501-1511 Elm St	Samuel W. Bell Home for Sightless
53	1604 Elm St	Midtown Tire
54	1624 Elm St	
55	1715 Elm St	
56	1719-1721 Elm St	
57	1727-1729 Elm St	
58	1829-1831 Elm St & 209-211 Findlay St	New Prospect Baptist Church
59	1905 Elm St	
60	2001-2003 Elm St	
61	2010-2020 Elm St	Ziegler-Shafrey Storage; Walton Distributing
62	2017 Elm St (rear)	
63	132 Findlay St (1900 Elm St)	
64	220 Findlay St	
65	230 Findlay St	
66	1710 Frintz St	
67	S of 1710 Frintz St	
68	219-221 Grant St	
69	1120 Jackson St	former Karma Club
70	30 E Liberty St	Shell Gas Station
71	116 E Liberty St	Free Store
72	128 E Liberty St	garage
73	228 E Liberty St	
74	12-14 W Liberty St (1615 Republic St)	St. Anthony Messenger Press
75	26-32 W Liberty St	St. Anthony Messenger Press Addition
76	208 W Liberty St	Labor Solutions
77	1612 Logan St	Note: Property includes 2 non-contributing buildings.
78	NE corner of Dunlap St & W Elder St (1808-1812 Logan St & 214-218 W Elder St)	Globe Furniture
79	1822 Logan St	
80	1215 Main St	
81	1434 Main St	The J.B. Schmidt Co.
82	1440 Main St	
83	1604 Main St	
84	1622 Main St	
85	1630 Main St	cell tower
86	1701 Main St (240 E Clifton Ave)	
87	1722 Main St	
88	6-8 E McMicken Ave	Fire House
89	18-20 E McMicken Ave	
90	48 E McMicken Ave (rear)	
91	50-52 E McMicken Ave (rear)	
92	54 E McMicken Ave (rear)	
93	66 E McMicken Ave	
94	68 E McMicken Ave (rear)	
95	70 E McMicken Ave (rear)	
96	80-82 E McMicken Ave (1705 Lang)	Wesley Chapel United Methodist Church
97	111-113 E McMicken Ave	
98	38 W McMicken Ave	
99	48-54 W McMicken Ave	John E. Carrigan Plumbing Garage Note: Property includes 2 non-contributing buildings.

100	115-129 W McMicken Ave (116-122 Henry St)	
101	112-138 W McMicken Ave	Oral T. Carter & Assoc.
102	203 W McMicken Ave	
103	1608 Moore St	
104	1621 Moore St	Husman's Potato Chips
105	31-33 Mulberry St	
106	S of 73 Mulberry St	
107	127 Mulberry St	Church in the City
108	138 Mulberry St	
109	322 Mulberry St	
110	19 Peete St	
111	75 Peete St (rear)	garage Note: Building fronts on E Clifton Avenue and may have an address of 68 and/or 70 E Clifton Avenue.
112	106 Peete St	
113	107 Peete St	
114	114 Peete St	
115	119-121 Peete St	
116	124 Peete St	church
117	127-129 Peete St	
118	1301 Pendleton St	
119	1413 Pleasant St	
120	1440 Pleasant St (113-115 W 15th St)	shelter
121	1511-1519 Pleasant St	
122	1553-1561 Pleasant St	Kentucky Fried Chicken
123	1615-1617 Pleasant St	
124	1618 Pleasant St	
125	1914 Pleasant St	
126	1216 Race St	
127	1218-1220 Race St	
128	Bounded by Race St, Elm St, & E 12th St	Washington Park Comfort Station
129	1530 Race St	addition only
130	1538 Race St	laundry
131	1702 Race St (26-34 Green St)	
132	1715 Race St	Hub Center
133	1722-1724 Race St	Over-the-Rhine Senior Center
134	1723 Race St	
135	1725 Race St (13-19 W Elder; 13-17 Republic St)	
136	1730-1738 Race St	former IGA grocery store
137	1812 Race St (rear)	garage
138	1814 Race St (rear)	garage
139	1826-1828 Race St	
140	1910-1916 Race St	Catanzaro Produce
141	315-319 Reading Rd	addition to Sun Furniture Building
142	SW corner of Reading Rd & Liberty St	Over-the-Rhine Carillon
143	1332 Republic St	
144	1413 Republic St	
145	1308 Spring St	
146	1322-1326 Spring St	
147	NW corner Sycamore St & E 13th St (1301 Sycamore; 218-230 E 13th St)	Sycamore Park (pool, comfort station, picnic table and playground)
148	1123 Sycamore St (208-224 Reading Rd)	Alms & Doepke Park Haus
149	1203 Sycamore St (226 E 12th St)	The Diner on Sycamore

150	1408 Sycamore St	
151	1425-1427 Sycamore St	Gabriel's Corner
152	1113 Vine St	
153	1314 Vine St	Venus Club
154	1324 Vine St	laundromat
155	1331-1333 Vine St	
156	1335 Vine St	
157	1406-1408 Vine St (rear)	
158	1412 Vine St (rear)	
159	1414-1416 Vine St	Kroger Grocery Store
160	1518 Vine St (5 E Liberty St)	Crossroads Health Center
161	1521-1525 Vine St	former Empire Theatre
162	1630 Vine St	trailer
163	1800 Vine St	former Provident Bank
164	1801-1805 Vine St	
165	1929 Vine St (rear)	
166	1920 Vine St	
167	2026-2028 Vine St	
168	208-210 Wade St	
169	212 Wade St (rear)	garage
170	214 Wade St (rear)	garage
171	1209 Walnut St	
172	1212-1224 Walnut St	
173	1228-1232 Walnut St	
174	1302 Walnut St	
175	1306-1316 Walnut St	
176	1328 Walnut St	
177	1334-1340 Walnut St	
178	1350 Walnut St	
179	1422-1424 Walnut St (rear)	
180	1428-1432 Walnut St	Jack's Glass
181	1429 Walnut St	Urban Sites Properties, Inc.
182	1627 Walnut St (rear)	
183	1630 Walnut St	
184	215 Woodward St	

Notes:
1. All addresses based on CAGIS. Addresses in parenthesis are secondary addresses for the same property.
2. Addresses may be subject to change after field verification.

south is Shute Alley, which separates 1208 Central Parkway from another contributing building, 222 West 12th Street. To the east is a smaller single-story industrial building set back from the sidewalk. The building is two stories everywhere but the northeast quadrant, where it steps down to one story. Current tenants include a graphic design firm, photography studio, and manufacturer of marble tiles and accessories.

The overall appearance of the building is restrained and utilitarian, with a simple composition of aligned window bays and near symmetry. The primary elevations (to the north and west) are fronted with face brick that turns the corner at Shute Alley for the length of approximately ten feet (photo #15). This contiguous portion of façade rests upon a smooth-faced sandstone plinth extending up to the top of the first floor window sills. Above the plinth is dark red face brick, with water tables aligning with the sill (rowlock course) and head (soldier course)of the second story windows, as well as another soldier course water table directly below the sandstone belt course at the base of the parapet. The parapet is topped with sandstone coping.

The building retains its original steel casement windows with divided lights. Above, are steel lintels. There are two main entrances at the west façade on Central Parkway, located in step with the two central window bays. The south entry is a double-leaf door with single transom above. The north entry is a single-leaf door with transom and side-lights that terminate at the top of the sandstone plinth. The doors are not original, although in both cases the windows appear to be. The north façade includes a similarly centered single door with side-lights and transom at the westernmost window bay, and then two atypically configured openings at the east side (where the building drops down to one story) (photo #16). The western entry is a double-door that infills a much larger opening in the masonry. To the east is a single door with wood-infilled transom and no side-lights.

Constructed in 1923, this was one of many buildings on Central Parkway built to house film-industry businesses. The Williams Cincinnati Business Directory lists Vitagraph Films and Warner Brothers Pictures as tenants throughout the 1930s.

14. 1416 Central Parkway
1900
Contributing
Parcel # 081-0002-0205-00
Photos #17, 18, 19, 22

Constructed in 1900, 1416 Central Parkway is a two-story painted smooth stucco and masonry building in a muted Spanish Colonial Revival style. A small portion of the building extends up to a third story on the rear southeast corner. The façade (west elevation) is located on the right-of-way of Central Parkway (photo #17). The south elevation is located on the right-of-way of Magnolia Street. The building is adjacent to a contributing building, 1420 Central Parkway, to the north (photo #19 and 22). To the east of the building is a small parking lot. According to the 1904 Sanborn Fire Insurance Map for

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 214

Cincinnati, the building housed the New Standard Laundry Company in 1904 which was a steam laundry company.

The building has a rectangular footprint and has a parged foundation. The façade and western portion of the south elevation have a smooth painted finish while the rest of the walls are painted masonry. The building features decorative plaster friezes with a floral motif centered on the façade near the roofline and decorative plaster medallions placed below the roofline at the corners on the facade and south elevation and centered on the south elevation. The façade features a stepped parapet topped with stone caps, and decorative urns are placed at the corners of the building and on the center parapet. Some of the decorative urns appear to be missing.

The two-floors of the façade were historically separated by a simple storefront lintel which has been replaced or covered with modern signage. There are two recessed entrances on first floor of the façade and one near the center of the south elevation. Painted six-panel wood doors remain behind metal gates in both openings. The façade (west elevation) has a mixture of single and paired double-hung windows on the first and second floors. The original wood windows remain on the first floor behind metal security grilles, but the windows have been replaced on the second story. The painted stone window sills remain at all of the openings.

The historic door opening on the south elevation has been infilled to fit a smaller newer metal door. The first floor window openings on the south elevation have all been infilled with masonry and newer air vents. There are four paired window openings on the second floor. The two single window openings on the east end of the second story have been infilled with masonry as well as one of the two window openings on the third story. The stone sills have been removed from most of the infilled openings but remain at the second story window openings and the remaining third story window opening. An air conditioning unit has been hung below the eastern second floor window opening. A painted fire escape is located at the east end of the second story on this elevation and wraps around to the rear (east) elevation.

The rear (east) elevation has two pedestrian entrances with newer metal doors and three larger vehicular entrances with metal garage doors on the first floor (photo #18). There is one double-hung window and one small one-light window on the second story of the southern half of the east elevation. The north half of the rear elevation steps back at the second story and the second story portion of the elevation has been covered in siding.

Although many of the openings on the building have been altered, the historic character and massing of the building have been preserved. The historic windows have been replaced throughout most of the building, but the historic opening sizes and locations have been maintained on the primary (west) elevation.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 215

15. 1420 Central Parkway
1900
Contributing
Parcel # 081-0002-0204-00
Photos #17,19, 22

Constructed in 1900, 1420 Central Parkway is a three-story brick industrial style building. The primary (west) elevation is located on the right-of-way of Central Parkway. It is adjacent to a contributing building, 1416 Central Parkway, to the south (photo #17). To the east (rear) of the building is a small parking lot. According to the City of Cincinnati Sanborn Insurance maps and the 1926-27 Williams' Cincinnati directory, this building housed the Queen City Welding Company. The building most recently housed a machinery store that sold power tools and equipment. The building maintains integrity of form, character, and materials although the windows have been replaced and some window openings have been infilled.

1420 Central Parkway has a rectangular footprint. It stands three stories high at the front and two stories at the rear (east). The south elevation extends up to become a parapet, rising above the roof that slopes down from south to north and sheds water to the newer aluminum gutters along north roofline. The sloped roof is concealed by the parapet at the front (west) elevation. The roofs are covered in a composite material and are not visible from the ground.

The building is simply detailed. The façade is painted brick with a painted stone foundation (photo #19 and 22). The building is similarly detailed as 532 Reading Road and features arched window and door openings with brick segmental arch lintels above on the façade. The façade is topped with a simply detailed brick entablature with a newer aluminum gutter above where the historic cornice would have been. The first floor of the façade is comprised of a pedestrian entrance on the northern end, a double-hung window with a stone sill in the center and a larger historic cart or wagon entrance on the east end. The doors have been replaced with a newer metal door in the pedestrian opening and a metal garage door in the larger opening. The window opening and the transom opening above the pedestrian entrance on the first floor have been infilled. The upper two floors of the façade are comprised of single double-hung windows with painted stone sills. The windows have been replaced throughout the building with newer vinyl windows.

Only the front third story portion of the south elevation is visible above the adjacent building. A newer billboard sign covers this elevation. The north elevation has a painted textured parged finish. The secondary northern elevation originally had arched window openings on the first and second floor and rectangular openings on the third floor. The first floor window openings have been infilled with recessed painted CMU. The second and third floors have paired double-hung windows. The painted stone sills remain on all the floors and the painted stone lintels remain above the third floor window openings.

The rear (east) elevation also has a painted textured parged finish. A larger opening with a newer metal

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 216

rolling garage door is located on the southern end of the first floor. A small window opening has been infilled on the northern half of the first floor. There are two double-hung windows on the second floor. The building steps back at the third floor of the east elevation. This third story east elevation is covered in siding and has two double-hung windows. The painted stone sills and lintels remain at all of the window openings on the first and second floors.

16. 1424 Central Parkway
ca.1943
Non-contributing
Parcel #081-0002-0202-00
Photos #19, 22

The Williams Directories for Cincinnati place the construction of this building at 1943, which is outside the expanded Period of Significance. As a result, it is non-contributing.

17. 1430 Central Parkway
ca. 1930; 1961
Contributing
Parcels # 081-0002-0200-90 and 081-0002-0201-90
Photos #20, 21, 22

This Neo-Classical Revival style two-story unpainted brick building was constructed in 1924. The building occupies the northwest corner of the block (photo #20). The north elevation is located on the right-of-way of West 15th Street (photo #21). The west elevation is on the right-of-way of Central Parkway. The building is adjacent to a non-contributing building, 1424 Central Parkway, to the south. To the east of the building is a small parking lot. According to the Sanborn Map of 1933, the building originally housed a Jewish Social Services Agency. It is currently occupied by the Metropolitan Baptist Church.

The original building has a rectangular footprint. According to the Hamilton County Auditor, a one-story non-historic brick and siding addition was constructed in 1961 off of the south elevation. The building still has a high level of integrity because the addition only covers less than half of the secondary south elevation and almost all of the other historic elements of the building are intact (photo #22). The original building has a smooth painted stone foundation and brick walls. The walls extend up past the roof as parapet walls. There is one unpainted brick chimney on the southeast corner of the building. The new addition has primarily brick walls with some sections clad in siding. The addition also has a flat roof hidden behind parapet walls. Both roofs are covered in a composite material.

The building features an elaborate entrance on the north and west elevation. The entrances are bound by Corinthian pilasters on pedestals supporting a plain entablature and arched dentiled pediment above.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 217

The building also has a decorative brick soldier course above the first floor windows and a tall, but simply detailed metal cornice above the second story windows on all of the elevations. The building has the original six-over-six double-hung windows with stone sills on all of the elevations.

18. 1544 Central Parkway
1870, 1923, 1947, 1960
Contributing
Parcel # 081-0001-0033-00
Photos #23, 24, 48

1544 Central Parkway is a two-story industrial/commercial building. It is bound by Kemp Alley to the north, Central Parkway to the west, and Wade Street to the south. A small parking lot is located behind the building to the east. The building is comprised of two adjacent and connected structures (photo #23). The northern structure was constructed around 1870 as the Windisch-Muhlhauser/Lion Brewery stables. In 1923, the Cincinnati Association for the Welfare of the Blind (CAWB) purchased the building and built an addition to the south. The building housed the CAWB headquarters and contract shop in the northern structure and a broom factory for blind employees in the southern section until 1968. More recently, from 1968 to 2010, the building housed Melbro Color Services' printing business.

The original ca. 1870 structure has brick load-bearing walls and a parged masonry foundation. The east and west elevation walls extend above a low-pitched roof covered with composite material. The roof drains to the north to a new aluminum gutter. An elevator penthouse is located near the southeast corner of the roof and a tall chimney is located near the center of the north edge of the roof. The 1923 structure has reinforced concrete walls clad in brick that extend on all sides above a flat roof covered with composite material. There is a chimney located near the center of the east edge of the roof.

The ca. 1870 structure's façade (west elevation) was replaced sometime in the 1940s. The replacement façade consists of limestone cladding with granite panels surrounding the recessed front entry. Windows openings on the first and second floors of the façade are large openings infilled with glass block, and the entry doors are double-leaf metal doors. Signage for "Digital Express" is located above the entryway on the facade. The façade (west elevation) of the 1923 addition features one narrow entry bay on the north and two wider window bays on the south of the elevation. The walls are red brick that extend up past the roof as stepped parapet walls between the bays. There are stone medallions and stone caps along the parapet walls. The bays historically featured large window openings on both floors, common in 1920s commercial buildings. The window openings on the first floor have been bricked-in, with parts of the deteriorated sash remaining on certain sections of the interior. The historic industrial metal window sashes remain in the wider bays of the second floor, but are damaged and the glass panes removed. The northern bay on the second floor, above the front entrance, is bricked-in with a small replacement aluminum window. Historic stone pilasters are on either wide of the door supporting a simple cornice and toplight above. The historic door has been replaced with a metal door, and covered with painted plywood.

1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 218

Assessing Economic Hardship Claims
under historic preservation ordinances

By Julia Miller

Historic preservation ordinances in effect around the country often include a process for administrative relief from preservation restriction in situations of "economic hardship." Under typical economic hardship procedures, an applicant may apply for a "certificate of economic hardship" after a preservation commission has denied his or her request to alter or demolish a historic property protected under a preservation ordinance. In support of an application for relief on economic hardship grounds, the applicant must submit evidence sufficient to enable the decision making body to render a decision. The type of evidence required is generally spelled out in preservation ordinances or interpreting regulations. The burden of proof is on the applicant.

The exact meaning of the term "economic hardship" depends on how the standard is defined in the ordinance. Under many preservation ordinances economic hardship is defined as consistent with the legal standard for an unconstitutional regulatory taking, which requires a property owner to establish that he or she has been denied all reasonable beneficial use or return on the property as a result of the commission's denial of a permit for alteration or demolition.

Requests for relief on economic hardship grounds are usually decided by historic preservation commissions, although some preservation ordinances allow the commission's decision to be appealed to the city council. In some jurisdictions, the commission may be assisted by a hearing officer. A few localities have established a special economic review panel, comprised of members representing both the development and preservation community.

Economic Impact

In acting upon an application for a certificate of economic hardship, a commission is required to determine whether the economic impact of a historic preservation law, as applied to the property owner, has risen to the level of economic hardship. Thus, the first and most critical step in understanding economic hardship is to understand how to evaluate economic impact.

Commissions should look at a variety of factors in evaluating the economic impact of a proposed action on a particular property. Consideration of expenditures alone will not provide a complete or accurate picture of economic impact, whether income-producing property or owner-occupied residential property. Revenue, vacancy rates, operating expenses, financing, tax incentives, and other issues are all relevant considerations. With respect to income-producing property, economic impact is generally measured by looking at the effect of a particular course of action on a property's overall value or return. This approach allows a commission to focus on the 'bottom line' of the transaction rather than on individual expenditures.

In addition to economic impact, the Supreme Court has said that "reasonable" or "beneficial use" of the property is also an important factor. Thus, in evaluating an economic hardship claim based on the constitutional standard for a regulatory taking, commissions will need to consider an owner's ability to continue to carry out the traditional use of the property, or whether another viable use for the property remains. In Penn Central Transportation Co. v. City of New York, 438 U.S. 104 (1978), the landmark decision upholding the use of preservation ordinances to regulate historic property, the Supreme Court found that a taking did not arise because the owner could continue to use its property as a railroad station.

The Supreme Court has also said that the applicant's "reasonable investment-backed expectations" should be taken into consideration. Although the meaning of this phrase has not been delineated with precision, it is clear that "reasonable" expectations do not include those that are contrary to law. Thus, an applicant's expectation of demolishing a historic property subject to a preservation ordinance at the time of purchase (or subject to the likelihood of designation and regulation) may not be considered "reasonable." Also pertinent is whether the owner's objectives were realistic given the condition of the property at the time of purchase, or whether the owner simply overpaid for the property. Under takings law, government is not required to compensate property owners for bad business decisions. Nor is the government required to guarantee a return on a speculative investment.

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Commissions may also be able to take into account whether the alleged hardship is "self created." Clearly relevant is whether the value of the property declined or rehabilitation expenses increased because the owner allowed the building to deteriorate.

Application of the takings standard in the context of investment or income-producing property is usually fairly straightforward. The issue can be more complex, however, in situations involving hardship claims raised by homeowners. In the context of homeownership, it is extremely difficult for an applicant to meet the standard for a regulatory taking, that is, to establish that he or she has been denied all reasonable use of the property. When a commission insists that houses be painted rather than covered with vinyl siding, and windows be repaired rather than replaced, the applicant can still live in the house. The fact that these repairs may be more costly is not enough. Even if extensive rehabilitation is required, the applicant must show that the house cannot be sold "as is," or that the fair market value of the property in its current condition plus rehabilitation expenditures will exceed the fair market value of the house upon rehabilitation. See City of Pittsburgh v. Weinberg, 676 A.2d 207 (Pa.1996). It is also important to note that "investment-backed expectations" are different in the context of home ownership, owners often invest in home improvements or renovations without the expectation of recouping the full cost of the improvement in the form of increased property value.

In addressing hardship claims involving historic homes, commissions must be careful to be objective and consistent in their approach. Otherwise, a commission may undermine the integrity of its preservation program and raise due process concerns as well. Ideally, grant money, tax relief, and other programs should be made available to historic homeowners who need financial assistance.

Special standards for economic hardship may apply to nonprofit organizations. Because these entities serve charitable rather than commercial purposes, it is appropriate to focus on the beneficial use of their property, rather than rate of return, taking into account the particular circumstances of the owner (i.e., the obligation to serve a charitable purpose). In such situations, hardship analysis generally entails looking at a distinct set of questions, such as: the organization's charitable purpose, whether the regulation interferes with the organization's ability to carry out its charitable purpose, the condition of the building and the need and cost for repairs, and whether the organization can afford to pay for the repairs, if required. (Note, however, that while consideration of financial impact may be appropriate, a nonprofit organization is not entitled to relief simply on the basis that it could raise or retain more money without the restriction.)

The Proceeding

Under a typical hardship process, the applicant will be required to submit specific evidence in support of his or her claim. Once a completed application has been filed, a hearing will be scheduled, at which time the applicant generally presents expert testimony in support of the economic hardship claim on issues such as the structural integrity of the historic building, estimated costs of rehabilitation, and the projected market value of the property after rehabilitation. Once the applicant has presented its case, parties in opposition or others may then present their own evidence. The commission may also bring in its own expert witnesses to testify. As noted above, the burden of proof rests on the property owner.

In hearing economic hardship matters, commissions must be prepared to make a legally defensible decision based on all the evidence presented. In the event of conflicting expert testimony, which is often the case in economic hardship proceedings, the commission will need to weigh the evidence, making specific findings on the relative credibility or competency of expert witnesses.

In evaluating the evidence, the commission should ask itself five distinct questions:

1. Is the evidence sufficient? Does the commission have all the information it needs to understand the entire picture, or is something missing. The application is not complete unless all the required information has been submitted. If additional information is needed, ask for it.
2. Is the evidence relevant? Weed out any information that is not relevant to the issue of economic hardship in the case before you. Commissions may be given more information than they need or information that is not germane to the issues, such as how much money the project could make if the historic property were demolished. The property owner is not entitled to the highest and best use of the property.
3. Is the evidence competent? Make an assessment as to whether the evidence establishes what it purports to show.
4. Is the evidence credible? Consider whether the evidence is believable. For example, ask whether the figures make sense. A commission will need to take into consideration the source of the evidence and its reliability. (If the evidence is based on expert testimony, the commission should determine whether the expert is biased or qualified on the issue being addressed. For example, it may matter whether

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a contractor testifying on rehabilitation expenditures actually has experience in doing historic rehabilitations.)
5. Is the evidence consistent? Look for inconsistencies in the testimony or the evidence submitted. Request that inconsistencies be explained. If there is contradictory evidence, the commission needs to determine which evidence is credible and why.

In many instances the applicant's own evidence will fail to establish economic hardship. However, in some situations, the question may be less clear. The participation of preservation organizations in economic hardship proceedings can be helpful in developing the record. Commissions should also be prepared to hire or obtain experts of their own. For example, if a property owner submits evidence from a structural engineer that the property is structurally unsound, the commission may need to make an independent determination, through the use of a governmental engineer or other qualified expert, as to the accuracy of that information. It may be impossible to evaluate the credibility or competency of information submitted without expert advice.

The record as a whole becomes exceedingly important if the case goes to court. Under most standards of judicial review, a decision will be upheld if it is supported by substantial evidence. Thus, in conducting administrative proceedings, it is important that evidence provides a true and accurate story of the facts and circumstances and that the commission's decision is based directly on that evidence.

EVIDENTIARY CHECKLIST

The following checklist may serve as a useful tool for local commissions and other regulatory agencies considering economic hardship claims:

1. Current level of economic return:
- Amount paid for the property, date of purchase, party from whom purchased, and relationship between the owner of record, the applicant, and person from whom property was purchased,
- Annual gross and net income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period,
- Remaining balance on the mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years,
- Real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations,
- All appraisals obtained within the last two years by the owner or applicant in connection with the purchase, financing, or ownership of the property,
- Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other,
- Any state or federal income tax returns relating to the property for the last two years.

2. Any listing of property for sale or rent, price asked, and offers received, if any within the previous two years, including testimony and relevant documents regarding:
- Any real estate broker or firm engaged to sell or lease the property,
- Reasonableness of price or rent sought by the applicant,
- Any advertisements placed for the sale or rent of the property.

3. Feasibility of alternative uses for the property that could earn a reasonable economic return:
- Report from a licensed engineer or architect with experi ence in rehabilitation as to the structural soundness of any buildings on the property and their suitability for rehabilitation.
- Cost estimates for the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a certificate of appropriateness,
- Estimated market value of the property: (a) in its current condition, (b) after completion of the proposed alteration or demolition, and (c) after renovation of the existing property for continued use,

4. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property.

5. Knowledge of landmark designation or potential designation at time of acquisition.

6. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs. ■

Julia Miller works in the Law and Public Policy office at the National Trust for Historic Preservation.

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June 22, 2021

Mr. Art Dahlberg
Director of Buildings & Inspections
City of Cincinnati
805 Central Ave, Suite 500, Cincinnati, OH 45202

RE: 1416 - 1418 Central Parkway

Mr. Dahlberg:

Please find below DCED's analysis of the possible economic returns for the proposed development at 1416 - 1418 Central Parkway in Over-the-Rhine. We believe that the project would not be financially feasible should the demolition permit and requested Certificate of Appropriateness be denied. Four possible re-use scenarios have been analyzed, including (1) retail and office, (2) office only, (3) residential only, and (4) residential and retail. All four scenarios assume stabilization & adaptation of the existing buildings on the property.

Assumptions	**Retail & Office**	**Office**	**Residential**	**Res. & Retail**
Residential sq. ft.	-	-	11,500	5,400
Retail/Office sq. ft.	11,500	11,500	-	6,100
Hard Costs $ / sq. ft.	205.00	225.00	175.00	175.00
Residential Rent / sq. ft. (monthly)	-	-	2.00	2.00
Office/Retail Rent / sq. ft. (annual)	20.00	18.00	-	20.00
Uses				
Acquisition	775,000	775,000	775,000	775,000
Hard Costs	2,357,500	2,587,500	2,012,500	1,296,000
Site Work	1,600,000	1,600,000	1,600,000	1,600,000
Soft Costs	819,000	726,000	674,100	440,560
Total Development Cost	5,551,500	5,688,500	5,061,600	4,111,560
Sources				
Loan (80% Loan to FMV)	2,130,457	1,917,411	2,116,526	1,929,413
Equity	3,421,043	3,771,089	2,945,074	2,182,147
Total Sources of Funds	5,551,500	5,688,500	5,061,600	4,111,560
Proforma				
Rental Revenue	230,000	207,000	276,000	251,600
Less Vacancy (7%)	16,100	14,490	19,320	17,612
= Gross Revenue	213,900	192,510	256,680	233,988
Less Operating Expenses *	32,085	28,877	77,004	70,196
= Net Operating Income	181,815	163,634	179,676	163,792
Less Debt Service	129,537	116,583	128,689	117,313
= Projected Cash Flow	52,278	47,051	50,987	46,479
Economic Returns				
Debt Coverage Ratio	1.40	1.40	1.40	1.40
Cash on Cash	1.5%	1.2%	1.7%	2.1%
Cap Rate	7%	7%	7%	7%
FMV	2,663,071	2,396,764	2,645,657	2,411,766
Created Value Margin (FMV – TDC)	- 2,888,429	- 3,291,736	- 2,415,943	- 1,699,794

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* The first two scenarios assume triple-net lease, whereby any office or retail tenants would be responsible for most operating expenses (utilities, cleaning, property taxes, maintenance). The scenarios that include residential assume the property owner will be responsible for operating expenses, including real estate taxes.

Given the deteriorated condition of 1416 Central Parkway, any re-use will require substantial stabilization. The applicant supports this claim with a report submitted by a structural engineer and an estimate for stabilization costs from a reliable contractor, which exceeds $1.6 million. The cost to stabilize and rehabilitate this building in compliance with the historic conservation guidelines will exceed the potential value created by the project. The property owners, if denied the demolition permit and Certificate of Appropriateness, cannot successfully attract the necessary financing to complete the project.

Although the above analysis projects the property owner can meet its debt obligations, lenders generally would not finance a project that is worth less than what it costs to build. The above analysis also illustrates that none of the proposed use scenarios yield industry required equity returns (Cash on Cash), which in all four cases too low to attract the necessary private capital to proceed with the project.

Therefore, it is my belief that the denial of the requested demolition permit and Certificate of Appropriateness would deprive the property in question of its economic use. Furthermore, a denial of the requested permit would result in sustained vacancy and blight at the property, which decreases the overall wellbeing of the neighborhood and by extension City.

Should you have any questions regarding this analysis, please direct them to John Reiser at John.Reiser@Cincinnati-oh.gov.

Sincerely,

Dan Bower, Deputy Director
Department of Community & Economic Development

Assumptions	Retail & Office	Office	Residential	Res. & Retail
Residential sq. ft.	-	-	11,500	5,400
Retail/Office sq. ft.	11,500	11,500	-	6,100
Total sq. ft.	11,500	11,500	11,500	11,500
Hard Costs $ / sq. ft.	205.00	225.00	175	175
Residential Rent / sq. ft. (monthly)	-	-	2.00	2.00
Office/Retail Rent / sq. ft. (annual)	20.00	18.00	-	20.00
Uses				
Acquisition	775,000	775,000	775,000	775,000
Hard Costs	2,357,500	2,587,500	2,012,500	1,296,000
Site Work	1,600,000	1,600,000	1,600,000	1,600,000
Soft Costs	819,000	726,000	674,100	440,560
Total Uses	5,551,500	5,688,500	5,061,600	4,111,560
Sources				
Loan (80% Loan to FMV)	2,130,457	1,917,411	2,116,526	1,929,413
Federal Historic Tax Credit Equity	633,200	670,000	578,000	463,360
Equity	2,787,843	3,101,089	2,367,074	1,718,787
Total Sources	5,551,500	5,688,500	5,061,600	4,111,560
Proforma				
Rental Revenue	230,000	207,000	276,000	251,600
Less Vacancy (7%)	16,100	14,490	19,320	17,612
= Gross Revenue	213,900	192,510	256,680	233,988
Less Operating Expenses	32,085	28,877	77,004	70,196
= Net Operating Income	181,815	163,634	179,676	163,792
Less Debt Service	129,537	116,583	128,689	117,313
= Projected Cash Flow	52,278	47,051	50,987	46,479
Economic Returns				
Debt Coverage Ratio	1.40	1.40	1.40	1.40
Cash on Cash	1.9%	1.5%	2.2%	2.7%
Cap Rate	7%	7%	7%	7%
FMV	2,663,071	2,396,764	2,645,657	2,411,766
Created Value Margin	(2,888,429)	(3,291,736)	(2,415,943)	(1,699,794)
LTV %	80%	80%	80%	80%
LTV Amount	2,130,457	1,917,411	2,116,526	1,929,413
Historic Tax Credit Basis	3,957,500	4,187,500	3,612,500	2,896,000
Historic Tax Credit Rate	20%	20%	20%	20%
Historic Tax Credit	791,500	837,500	722,500	579,200
Syndication Price	0.80	0.80	0.80	0.80
Net HTC Equity	633,200.00	670,000.00	578,000.00	463,360.00

From: Reiser, John
Sent: Wednesday, June 23, 2021 9:24 AM
To: Johnson, Beth
Cc: Ahouse, Emily; Florea, Lindsey; Rocco, Giovanni
Subject: RE: [External Email] 15th & Central - COA Application
Attachments: 15th & Central HTC Assumptions.docx

Good Morning Beth,

It really only has a marginal impact. For the tax credit basis I used all hard costs and what the applicant refers to as "Site Work". Including all of this in basis is probably an aggressive assumption. Also – with the Federal Income tax rate being so low, we are seeing syndication prices lower than $0.80/credit in projects – and we've heard from many developers that any Federal Tax Credit award less than $1m is very difficult to syndicate. All that said, attached is an updated estimate with the Federal HTCs assumed. A federal HTC award will ultimately reduce the necessary developer equity required, and will drive up the Cash on Cash return. However, in this particular scenario the HTCs do not bring enough value to the project to drive the Cash on Cash return into a reasonable range. As you can see in the attached, the CoC returns still only range from 1.5% to 2.7%.

Let me know if you have any follow up questions. Thanks!

John

From: Johnson, Beth <beth.johnson@cincinnati-oh.gov>
Sent: Tuesday, June 22, 2021 6:21 PM
To: Reiser, John <John.Reiser@cincinnati-oh.gov>
Cc: Ahouse, Emily <Emily.Ahouse@cincinnati-oh.gov>
Subject: FW: [External Email] 15th & Central - COA Application

John,

Would you be able to run these numbers with including a federal historic tax credit at 20% at .80 on the dollar for the development cost-acquisition. This is a required portion of the economic hardship review for historic buildings.

Please let me know if this requests makes sense.

Beth Johnson, AICP | Urban Conservator
City of Cincinnati | Buildings & Inspections
Permit Center | 805 Central Avenue, Suite 500 | Cincinnati, OH 45202
513-352-4848 (p) | 513-352-2378 (f) | beth.johnson@cincinnati-oh.gov | Website

PUBLIC COMMENTS

From: Kevin Hassey
Sent: Wednesday, June 30, 2021 11:03 AM
To: Johnson, Beth
Subject: [External Email] Input Regarding Hotel Proposal at 1316 Central Parkway

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External Email Communication

Input Regarding Hotel Proposal

Hi, I am Kevin Hassey. My wife, Roseann, and I live on W. 15th St. Thank you for the opportunity to share thoughts regarding the hotel proposal. I have some overview thoughts and then some thoughts contributed by a land-use / zoning lawyer whom we have consulted with. All of the thoughts are about the fourth floor of the proposed project.

Kevin Hassey Overview Thoughts

I do not think you should allow a fourth floor on the project for the following reasons:

Buildings on Central Parkway can have higher density but as they progress to the residential streets like Magnolia and West 15th, they should have lesser density.

The majority of contributing buildings on the residential streets are two story buildings. There are six on Magnolia Street, and one to the east of the project. Yes, you can find 1100 ft.² of the third-floor on one of the buildings on Central Parkway… but that is not relevant to the residential streets.

I find 214 Magnolia, the contributing building just East of the project, to be the most impacted. It is two-story residential and has a zero lot line to the proposed four-story building. And the 4th floor is not set back in any way from it. The four floors of the proposed building just settle up against it and tower over it.

Also, the six two-story buildings on Magnolia will see four stories when they look out their windows. Yes, the fourth floor is set back but they will live in two-story buildings looking at a four-story building. The north elevation from Magnolia shows this.

And the fourth floor is all there to get seven more units in the project… 7.8% of units. The fourth floor does not represent a good balance between serving the neighborhood and the needs of the developer.

Lastly, while our buildings on West 15th are non-contributing and less relevant, we did go through a Historical review process when our homes were constructed, with the

intent of being respectful to our neighbors. The fourth floor is not respectful to us as it reduces daylight into our homes and our view of the city, two of the main reasons we bought our homes.

Legal Rationale

A four story hotel is inappropriate in the immediate neighborhood dominated by 2-story contributing structures. The specific guideline relative to height of new construction in the OTR Historic District Guidelines states “The height of new construction should not vary more than one story from adjacent contributing buildings. Most buildings in Over-the-Rhine are between two- and five-stories.” The word “adjacent” is not defined in the Guidelines. According to Black’s Law Dictionary (Sixth Ed., 1990), “adjacent” means “lying near or close to; sometimes, contiguous; neighboring. Adjacent implies that the two objects are not widely separated, though they may not actually touch. . . while adjoining imports that they are so joined or united to each other that no third object intervenes.” Therefore, properties across streets and alleys are considered adjacent.

Most of the contributing buildings that are immediately “adjacent” to this new site are two-stories tall. On Magnolia Street, directly across from the proposed hotel, there are six (6) contributing two-story houses. Due east of the hotel, and even adjoining the hotel property on Magnolia, is another two-story house. The Pitch, located at the northwest corner of this development complex, is only two stories tall. Similarly, the back part of the building on the southeast corner of Central Parkway and Whetsel Alley is only two stories. And please do not forget that the contributing structure contemplated for demolition is mostly two stories in height (except for a small section in the back). In essence, the applicant is seeking to construct a four story building in the midst of two-story contributing structures.

With respect to the fourth floor, the applicant states in its “Historic Conservation Narrative” that “the building will be four stories tall, which is only one story taller than the adjacent contributing buildings (as permitted by the historic conservation guidelines); however, the fourth story will be held back from the property line so that the building appears to be three stories tall from the public right of way – the same height as the adjacent contributing buildings.”

This statement is not true, as demonstrated above. The hotel will be two stories taller than most adjacent contributing structures. Additionally, this statement is not true because the fourth floor will not be held back from the property line that is defined by the Whetsel Alley right-of-way. This building will appear as a four-story building from Whetsel Alley, and from 15th Street. This building will not appear to be the same height as the adjacent contributing structures.

Additionally, the applicant’s “programmatic needs” do not suffer if the 4th floor addition is deemed inappropriate. The plans call for only 7 hotel rooms on the 4th floor. Thirteen rooms are planned for the 1st floor, 35 rooms for the 2nd floor, and 35 rooms

for the 3rd floor, for a total of 90 rooms. The loss of 7 rooms is a reduction of only 7.8% of total rooms.

In short, we ask that the seven fourth floor units be deleted from project consideration. Alternatively, those units could be moved to the front of the proposed hotel, at the Central Parkway façade, and away from the residential interior of this city block.
...

[Message clipped] View entire message

Maynes, Kasandra

From: Sean Suder <Sean@Ssuder.com>
Sent: Monday, July 5, 2021 4:36 PM
To: Maynes, Kasandra
Cc: dannyklingler@gmail.com; Margy Waller; Mary Burke Rivers
Subject: [External Email] 1416-1418 Central Parkway - Historic Conservation Board
Attachments: 1416-1418 Central Demo Opp Letter.pdf

External Email Communication

Kasandra,

Please file the attached letter in the above referenced case before the Historic Conservation Board.

Thank you,
Sean

Suder llc
Counsel for the
Built Environment

Sean S. Suder, Esq.
513.694.7501 (o)
513.235.3470 (c)
sean@ssuder.com

TOP RANKED Chambers USA 2020 Sean S Suder

www.ssuder.com
https://issuu.com/suderllc/docs/suder_spread

Main Office: 455 Delta Avenue, Suite 203, Cincinnati, OH 45226

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Suder llc
Counsel for the
Built Environment

Sean S. Suder, Esq.
455 Delta Avenue, Suite 203
Cincinnati, Ohio 45226
513.694-7501
sean@ssuder.com

July 5, 2021

Via E-Delivery
Honorable Cincinnati Historic Conservation Board
805 Central Avenue, 5th Floor
Cincinnati, Ohio 45202

Re: Proposed Demolition of Contributing Historic Structure at 1416-1418 Central Parkway

Hon. Members of the Historic Conservation Board:

I am writing on behalf of the following parties of record in the above referenced case scheduled to be heard by the Board at its regularly scheduled hearing on July 12, 2021 (the "Hearing"): Over-the-Rhine Community Housing; Margy Waller; and Danny Klingler (collectively, the "OTR Parties"). The OTR Parties oppose the proposed demolition of the pre-Civil War historic structure at 1416-1418 Central Parkway and its replacement with a new hotel building. First, we address the threshold issue before the Board – the demolition of the historic structure.

The Context

The historic structure is one of the last remaining industrial buildings located on what was previously the Miami & Erie Canal, which was converted to Central Parkway in the 1928. The history of the Miami & Erie Canal industrial waterway is the history of the Over-the-Rhine neighborhood – now one of the most important and treasured historic districts in North America. Buildings that were once situated on and supported commerce on the canal have been lost at an alarming rate in recent decades. This latest attempt is particularly egregious as the historic building is one of the last remaining canal buildings dating to Cincinnati's pre-Civil War history.

Like many historic buildings, its importance may not be readily apparent from its façade. Peeling back the history reveals the importance of this building to the history of the Over-the-Rhine neighborhood. The building has been occupied by its current owner since at least 1997 and is currently in use. Any argument for economic hardship is spurious at best.

Full History 1416-1418 Central Parkway

The property at 1416-1418 Central Parkway dates at least in part to 1855, when Ferdinand and Herman Witte constructed an icehouse (as evidence by file mechanic's liens). The 1855 city directory listed the Witte's as beef and pork packers on East Front Street with an ice house at

Madison (now Magnolia) and Canal. The Witte's lost ownership in a Sheriff's sale in 1856 to William Ernst, who sold it the same year to George Dominick.

An article from the Cincinnati Enquirer from 1864 described an incident where an employee of Dominick's "packing establishment" at the corner of Madison and Plum (Canal was changed to Plum), fell through a hatch and died. Dominick then leased the property listed as an ice and smoke house in 1866 to Charles Flack and in 1870 to Maescher & Johnson. In the city directory for 1870, Frietsch & Zeidler operated a pork and beef packing plant at this location and in 1880, Maescher & Shafer were listed in the same operations here. The property was listed for rent in 1881 in the Cincinnati Enquirer and described as a "ice and pork house with double cellars; smokehouses and stable; building 60x90; cor. Madison and Plum Sts."

Dominick retained ownership but continued to lease the property to various tenants including Wais & Roos in 1889, who owned a machine shop. George Dominick's wife and her estate sold to George Balch in 1909 and the new owner leased the property to the Split Fiber Keg Manufacturing Company, but they went into receivership in 1912.

Balch sold to Edward Pflueger who sold quickly to Adolph Woest. He operated the Standard Laundry Company until his murder at this location in 1933. Woest's wife, Alvina, became the owner in 1942 and Standard Linen Service, Inc. continued operations here until it was sold in 1951. The new owner was the Modernized Equipment Company, which sold store fixtures and appliances. The property was sold again in 1959 and the building was once again used for laundry services, first by Coin Laundry Sales Company and then by Clesco National, Inc., who advertised for a franchise dry cleaning business.

Clifton White sold to Jan Realty who sold in Helen Levin in 1961 and she leased to Ro Al Realty in 1962 and 1963, then sold to Staub and Bertke in April, 1963. The property was leased to Incore Electric in 1965 then sold in 1968 to Milton Staub. Upgrade Construction Company purchased the property in 1978 and listed it for rent as being remodeled. They also operated their business of restoring metal work, such as box gutters and metal ceilings at this location. They remained owners until 1997, when Downtown Property Management Inc. purchased it and located there offices here. In the same year, ABC Litho was operating a pre- press printing shop here. Downtown Property Management Inc. remains the current owner at the time of this summary.

Full file of historic research is available here.

Magnolia Street Looking West, @1920 (subject building right corner)

Magnolia and Plum/Canal, Looking East @1900 (subject building center left)

Demolition of the Historic Structure

For the following reasons, the property owner cannot demonstrate by any evidence other than self-serving claims that the proposed demolition substantially conforms to the Over-the-Rhine Historic District Guidelines, nor can the property owner demonstrate that they will suffer economic hardship if the certificate of appropriateness is not approved:

Suder llc
Counsel for the Built Environment
1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 234

1. The building is currently being used by the property owner as an office and has been since at least the early 1990's. While an opportunity has arisen to sell the property for demolition, this choice is not available to the property owner as the building is operational and is a going concern.

2. The building is in use and any economic hardships are the result of the property owner attempting to sell the property for demolition and redevelopment as a hotel. The property owner did not make any claims of economic hardship prior to receiving an opportunity to sell the property for demolition.

3. Any deterioration or maintenance challenges of the building have been in the complete control of the property owner as the user and steward of the building. The property owner cannot claim building conditions that they had control over as a basis for demolition.

4. Any alleged economic hardship can be mitigated through numerous programs including federal and state historic tax credits that could be used to rehabilitate this important pre-Civil War canal building. Those programs should be explored as a first step in the redevelopment process.

5. They may have been interior alterations and some exterior alterations made to the building over time, but the canal building in its historic context is listed and remains a contributing building in the Over-the-Rhine Historic District.

The Proposed New Infill Construction

There is a fabric, a rhythm, a scale, and texture to the historic Over-the-Rhine neighborhood that the city and its citizens have long insisted on protecting and preserving by way of guidelines and review processes. The proposed development threatens that fabric. Too much tearing of the delicate fabric of this nationally and internationally recognized historic neighborhood will ultimately lead to its unraveling. Appellants each have a particular interest in seeing that Over-the-Rhine is not unraveled by short-term decisions contrary to long-term ideals, vision, and laws.

The property owner cannot demonstrate by any evidence that the proposed new construction substantially conforms to the Over-the-Rhine Historic District Guidelines for the following reasons:

1. The proposed four-story building is out of character and scale with adjacent contributing residential buildings on Magnolia Street, particularly the adjacent two-story row house on the north side of Magnolia and the block of narrow row-houses on the south side of Magnolia. Because the four-story building is more than one story higher than the adjacent contributing two-story row house on Magnolia Street, the proposal does not meet the Guidelines for height.

2. While stepped back, the fourth floor of the building is clad in ribbon windows that are more reminiscent of a suburban office park than a historically sensitive building in Over-the-

Suder llc
Counsel for the Built Environment
1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 235

Rhine.

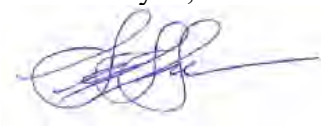
3. The pilasters are more reminiscent of a neo-classical or federal style than they are the predominant Italianate architecture of Over-the-Rhine.

Conclusion

For all of the foregoing reasons, the application for demolition must be denied as it has no basis in the Over-the-Rhine Historic District Guidelines and would eliminate one of the very few remaining canal buildings in the neighborhood and the city. Assuming *arguendo* that the demolition is granted, which it unequivocally should not be, then the new construction is also contrary to the Over-the-Rhine Historic District Guidelines and must be denied.

Thank you for your service to the City of Cincinnati and your consideration of the foregoing.

Thank you,



Sean S. Suder

c: Margy Waller
Danny Klingler
Mary Rivers, OTR Community Housing

Suder llc
Counsel for the Built Environment
1416-1430 CENTRAL PKWY
CINCI ZBA RECORD PG 236

OTRCH
COMMUNITY HOUSING

114 West 14th Street
Cincinnati, OH 45202-7506
513 381-1171
www.otrch.org

July 12, 2021

RE: COA 20210301 ZH20210086

Dear Members of the Historic Conservation Board,

My name is Mary Burke Rivers. I am the Executive Director of Over-the-Rhine Community Housing. **I am writing today to oppose the demolition of the contributing building located at 1416 Central Parkway.**

I've had the honor of working in Over-the-Rhine for nearly 30 years. The organization I work for has deep roots in the neighborhood where our founders fought for both the preservation of buildings and of the people who make up the community. Some of our founding members put their bodies in front of bulldozers in a last-ditch effort to save historic buildings. We've marched, we've testified, and with blood, sweat, and tears we've saved buildings.

For the most part, we've put this energy into saving buildings so that they could become housing for our neighbors. While the people here have always been our priority, over the last 3 decades I've come to develop a deeper appreciation of the buildings. The historic buildings have a life here. Unlike our human neighbors who have lived here for decades and generations, these old buildings have lived here for over a century. They are as much a part of the fabric of Over-the-Rhine as the people we love. The buildings tell the stories of Over-the-Rhine. They are a living material testimony of who we are.

Maybe it is the fact that we have lost so many of our neighbors that the historic buildings become that much more meaningful to me.

Our city has allowed "economics" to dictate the loss of our neighbors and the loss of or lack of affordable housing across our city. A developer simply says they can't afford to include affordable housing. While there is legitimacy to that argument – the math doesn't work – little or no effort is made to address the problem.

Over-the-Rhine is an historic district with protections for the historic buildings and yet you allow developers to tear down buildings. Again, a developer says the economics don't work and our history is destroyed. One has to wonder the value of the historic district if it isn't able to save our history.

I find this heartbreaking and discouraging. It is hard to remain hopeful when so many of our neighbors are struggling and those with political power and leadership refuse to take meaningful action. Yes, I know that I am combining what might seem to be two different issues. To me they are connected. We

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allow economic development efforts to move forward even when they violate our own rules – in this case the historic district protections – with the hope that the economic impact will trickle down to where it is most needed. The benefits never trickle down. We lose valuable assets that include our people and our buildings.

Sincerely,

Mary

Mary Burke Rivers
Executive Director

HISTORIC CONSERVATION BOARD AGENDA

Monday, July 12, 2021
at 3:00 pm

Due to ongoing elevated public health concerns, the Historic Conservation Board will continue to provide for remote access and this hearing will be conducted using video-conferencing technology. This hearing will be closed to in-person attendance to comply with social distancing requirements. Please visit www.cincinnati-oh.gov/boards to learn more about attendance and participation in virtual hearings.

CALL TO ORDER

CONSENT ITEMS

Item 1. 222 Mohawk Street — The applicant requests Zoning Relief for a density variance of 5 proposed units in an existing structure in the Over the Rhine Historic District.

Applicant: PAST
Owner: 222 MOHAWK LLC
Staff Report: Beth Johnson

Item 2. 1313 Vine Street — The applicant requests conditional use approval for outdoor entertainment for an eating and drinking establishment in the Over the Rhine Historic District.

Applicant: CITY STUDIOS
Owner: CINTRIFUSE INNOVATION HUB LLC
Staff Report: Beth Johnson

DISCUSSION ITEMS

Item 3. 2025 Vine Street — The applicant requests Zoning Relief for a density variance of 17 proposed units as well as a parking variance in the Over the Rhine Historic District.

Applicant: Saul Howard
Owner: Kanu Investments
Staff Report: Beth Johnson

Item 4. 1416 Central Parkway — The applicant requests a Certificate of Appropriateness for the demolition of existing structures, and to construct a hotel development with outdoor entertainment in the Over the Rhine Historic District. Also, the applicant requests Zoning Relief for outdoor entertainment and size of outdoor area.

Applicant: LUMINAUT
Owner: DOWNTOWN PROPERTY MANAGEMENT INC
Staff Report: Beth Johnson

ADJOURN

Registered Zoom Participants

HCB 7.12.21

Check-in	Item	Name	Position
	1	Mike Stehlin	Pro
x	1	John Blatchford	Pro
x	2	Saul Howard	Pro
	2	Enyi Kanu	Pro
x	3	Deanna Heil	Pro
x	3	Daejah Alexander	Pro
x	3	Linszie Gunnels	Pro
	3	Brandy Delfavero	Pro
x	4	Jeremiah Hahn	Pro
x	4	Ohm Patel	Pro
x	4	Kathy Ryan	Con
x	4	Matt Erdman	Pro
x	4	Brian Ragusa (Holly)	Con
x	4	John Walter	Con
x	4	Jeffery Quint	Con
x	4	Mary Rivers	Con
	4	Brandon Elliott	Con
	4	Margo Warminski	Con
x	4	Sean Suder	Con
x	4	Paul Muller	Con
x	4	Kevin Hassey	Con
x	4	Rosann Hassey	Con
x	4	Danny Klinger	Con
x	4	Michelle Avery-Keely	Con
x	4	Jennifer LeMasters Wirtz	Con
x	4	Margy Waller	Con
x	4	josh Tolchinsky	Pro

Check-in	Item	Name	Position
x	4	Brahma Ramineni	Pro
x	4	Matt Wirtz	Pro
x	4	Kevin Schubert	Pro

Public Hearing- 1416 Central Parkway

July 12, 2021

CITY OF CINCINNATI HISTORIC CONSERVATION BOARD OF APPEALS

513-233-3000
877.233.4403
FAX: 513-233-2310
depo@elitereportingagency.com

www.elitereportingagency.com

CITY OF CINCINNATI

HISTORIC CONSERVATION BOARD OF APPEALS

PUBLIC HEARING

Case No.:	Item 4
Location:	1416 Central Parkway
Appellant:	Luminaut
Owner:	Downtown Property Management, Inc.
Re:	The applicant requests a COA for the demolition of existing structures, and to construct a hotel development with outdoor entertainment in the Over-the-Rhine Historic District. Also the applicant requests Zoning Relief for outdoor entertainment and size of outdoor area.
District:	Over-the-Rhine Historic District

Date and Time:	Monday, July 12, 2021 3:00
Place:	Historic Conservation Board of Appeals II Centennial Plaza Fifth Floor Conference Room 805 Central Avenue Cincinnati, Ohio 45202
Board Members:	Tim Voss, Chairman Thomas Sundermann Robert Zielasko Herbert Weiss Allison McKenzie Pamela Smith-Dobbins (all via videoconference)
City Law Department:	David Sturkey, Esq. (via videoconference)
Reporter:	Kathleen S. Simpson, RPR (via videoconference)

MR. VOSS: Item Number 3 is approved. This brings us to Item Number 4, 1416 Central Parkway. Ms. Johnson -- before Ms. Johnson comes in, we received a request from Mr. Sean Suder requesting that we postpone this hearing because a couple people who are within the described district did not receive their postcards. The postcards did go out.

Given the fact that we've received that information this morning, I believe that people had an opportunity to either send something in or present something, so I'm not going to postpone this, but intend to proceed with Item Number 4.

With that, Ms. Johnson, would you give us a report?

MS. JOHNSON: Yes. This application is for 1416 and 1430 Central Parkway. The applicant is requesting a Certificate of Appropriateness to demolish the contributing structure located at 1416 Central Parkway and a noncontributing addition at 1430 Central Parkway.

If the demolition is approved, the applicant is requesting a Certificate of Appropriateness for new construction for a building at 1416 Central Parkway that will incorporate an existing historical building at 1420 and 1430 Central Parkway.

The request is also for a conditional use for outdoor entertainment and an outdoor patio associated with an eating and drinking establishment. All of the proposed buildings, both new construction and rehabilitation, will be connected into one complex.

The zoning relief that is requested is for a proposed outdoor area associated with an eating and drinking establishment that is 50 percent larger than the permitted indoor area, and is within 500 feet of a residential district. This requires a conditional use.

They are also requesting a conditional use for outdoor entertainment for an outdoor area associated with an eating and drinking establishment that is

within 500 feet of a residential district.

The project location is on the east side of Central Parkway in Over-the-Rhine Historic District, between Magnolia Street and 15th Street. The site is a combination of contributing buildings, noncontributing buildings, and a parking lot.

The addition to 1430 is a noncontributing building -- or, I'm sorry, is a noncontributing addition. 1424 is a noncontributing building that was previously approved for demolition. And the rest of the buildings are considered contributing buildings.

The work proposed is the following for each of the addresses. 1416 Central Parkway is a contributing building. The request is, demolition due to economic hardship and full development of a three-story building at the street line with a setback fourth story. The building will be mostly brick with arched openings on the first floor and large

grouped windows on the second and third, with strong vertical pilasters dividing the building into bays.

1420 Central Parkway will include the rehabilitation, including addition/facade changes with a fourth access hallway. The garage door will be removed for a recessed entrance into the large first floor opening.

1424 Central Parkway, its demolition has been previously approved, and infill construction.

1430 Central Parkway is demolition of a noncontributing addition and infill. Infill at 1424 and 1430, that will take the place of the two one-story structures. And it will be one structure that will maintain the two distinct facade treatments. There'll be a three-story building set at the street with a fourth-story setback.

1430 Central Parkway is rehabilitation that has previously been approved. There's a request for an addition of roof deck and roof access at

the southeast corner of the roof. The roof deck will also have an addition for access and then a glass railing setback from the edge of the roof.

And then 216 to 222 Magnolia Street is currently a parking lot. And there would be proposed infill. The proposal is for a three-story building at the street face with a fourth-story setback on the rear half of the lot.

So we are first going to discuss the Certificate of Appropriateness for the demolition of 1416 Central Parkway, which is the --

MR. SUDER: Mr. Chairman, I have a point of order and a question just as to how the hearing is going to proceed, if I may?

MR. VOSS: I'm sorry. Go ahead.

MR. SUDER: Thank you, Mr. Chairman.

I just have a question. I'm Sean Suder. I'm here on behalf of several of the neighbors, Margy Waller, Danny Klingler, and Over-the-Rhine Community Housing, and I appreciate being heard

today.

I just have a couple of questions for clarification. One is, are we going to hear -- I guess, Ms. Johnson, we're going to hear the demolition first, and then the infill question second? Will that be after a vote is taken, Mr. Chairman, on the demolition? And if we don't, if there isn't a favorable vote for demolition, we don't have to get back -- or go back to the alteration, is that right, or will they be taken at once?

MR. VOSS: Staff has requested to present the project in its entirety. So we would have a separate vote after the presentation and responses. We would have a separate vote on the demolition, and then a singular vote on the infill, should the demolition be approved.

MR. SUDER: Okay. Okay. So we should address it all at one time or --

MR. VOSS: Yeah.

MR. SUDER: Okay. Thank you.

And maybe a quick clarification is,

there was a hearing, if you recall, that was postponed that was on the outdoor drinking area for The Pitch bar establishment, and I think also a demolition of the noncontributing building. That's not being heard tonight, is it?

MS. JOHNSON: No. The demolition was approved at the meeting. The conditional use was tabled.

MR. SUDER: Okay. So the conditional use you're referring to at tonight's meeting is different from the conditional use that has been postponed?

MS. JOHNSON: Yes.

MR. SUDER: Okay. That's all. Thank you very much.

MR. VOSS: Ms. Johnson, please proceed.

MS. JOHNSON: In the historic conservation guidelines for Over-The-Rhine Historic District there is a list of noncontributing buildings. While 1416 Central Parkway was not on that list of noncontributing buildings,

the building has had significant and irreversible changes done to the building, altering the exterior from an industrial/warehousing vernacular to one with Spanish Revival detailing. These changes include stuccoing the brick facade, reducing window sizes, removing window openings, and adding a stepped parapet detailing.

According to the National Register, the building was built around 1900. A fire insurance map shows the building in 1887 without the third-story portion. It has been stated that the building was built in 1854. Since the writing of the staff report, there's no documentation supporting that date.

While there have been significant changes to the building, the National Register nomination states the following: Although many of the openings on the building have been altered, the historic character and masting of the building have been preserved. The historic windows have been replaced throughout

most of the building, but the historic openings' sizes and locations have been maintained on the primary west elevation.

When looking at demolition, the guidelines state that demolition of existing buildings shall not be permitted unless one of the following conditions exists; demolition has been ordered by the Director of Buildings & Inspections for the Public Safety because of an unsafe or dangerous condition which constitutes an emergency.

The City has -- at no time has ordered emergency demolition for this building.

And the second standard is that the owner can demonstrate to the satisfaction of the Historic Conservation Board that the structure cannot be reused, nor can a reasonable economic return be gained from the use of all or part of the building proposed for demolition.

First question that is considered, Will all economically viable use of the property be deprived without approval of

the COA?

The applicant has provided five different scenarios for proformas for the building. In all cases, their proformas showed that the base stabilization and restoration cost of 1.6 million is too much of a factor for any of the options to be economically viable.

The provided proforma analysis also incorporates being awarded Historic Tax Credits from the Federal Government into the analysis.

The Department of Community Economic Development conducted an independent analysis of the possible economic returns for the proposed development at 1416 Central Parkway. They looked at the four scenarios and concluded that the project would not be financially feasible should the COA be denied.

The DCED analysis concludes that the denial of the requested COA would deprive the property of its economic use, would result in sustained vacancy and blight, and decrease the overall

wellbeing of the neighborhood, and by extension, the City.

The second question is, Will the reasonable investment-backed expectations of the property owner be maintained without an approved COA?

The current owner acquired the property in July of 1997. The exterior of the building at that time was in a similar state as it is currently. It is unknown when the stucco and Spanish Revival detailing was added to the building prior to the purchase in 1997.

The applicant is seeking demolition after reviewing multiple potential means of redevelopment, including analysis of redevelopment for four different permitted uses, and reaching the conclusion that redevelopment is not economically viable.

The analysis concluded by DCED also concludes that development is not financially feasible.

Another consideration is, Whether the economic hardship was created or

exacerbated by the property owner. As previously noted, the existing owner purchased the property in 1997. The prior owner was a construction company that purchased the property in 1978.

In reviewing building permits/records for this property, there were not any permits submitted for substantial upgrades to the property, however there were also no property and maintenance code citations or violations issued for the property.

Since the current owners have purchased the property, they've been able to occupy a portion of the building and state they have been operating at a loss since they have owned it.

The property owner has occupied -- again, has occupied this with offices and state in there they have been operating at a loss.

I did not go over every single detail in my staff report, but those are the highlights and the staff analysis of the documentation that has been provided

by the applicant, and that the applicant has provided credible evidence and that the building cannot be reused nor can a reasonable economic return be gained from the use of all or part of the building.

Staff based their analysis on the following points of evidence.

The applicant provided proforma analysis for four different potential permitted uses within the building, none of which produced a reasonable rate of return, even when including a potential award of tax credits in the analysis.

The applicant did not deliberately neglect maintenance of the property and has not created or exacerbated the economic hardship.

DCED has conducted an independent analysis of the applicant's materials and potential redevelopment of the building, they've concluded that the project would not be financially feasible should the COA be denied.

Use of federal historic tax credits would not make the property economically

viable.

The second request in the application is for a demolition of a noncontributing addition for the property at 1430. It's the one-story addition.

While the 2003 guidelines that combined the Northern and the Southern OTR Historic Districts does not list the addition as a noncontributing addition, the 1993 OTR Southern Historic District did list the addition as a noncontributing addition.

The staff does feel that it is appropriate for the demolition. That it does meet the design guidelines.

In reviewing the zoning for -- the zoning Certificate of Appropriateness for the new construction project, I will first go over the conditional uses, and then I'll go over the design guidelines.

So the conditional use is for two outdoor areas -- bear with me. There you go -- is for two outdoor areas. One is within a courtyard, and one would be on the roof deck of the property.

And so the request is for both outdoor entertainment and for -- that the size of the outdoor area, that it exceeds 50 percent of the outdoor area -- I'm sorry -- indoor area that's accessible to the public.

In regards to the standards for conditional use, the outdoor area provides additional area for the business use within both the first-floor courtyard and at the rooftop deck.

Both of the proposed outdoor areas do not adversely affect the historic building as the courtyard is outside of the historic building and the rooftop deck is built on top of the existing roof and doesn't cut in or destroy any historic materials.

The railing is setback from the edge of the roof and is proposed -- and the roof railing is proposed to be glass as to not -- as to not be highly visible from the right-of-way.

The combined area of the roof deck and the courtyard are approximately 2,600

square feet, and the combined area of the two floors of the interior of 1430 Central Parkway and the first floor of the new construction is approximately 4,630 square feet; 50 percent of the interior would be 2,315. The requested outdoor area is 56 percent of interior area accessible to the public.

Some of the specific issues that we consider are the buffering. The outdoor area at the ground floor courtyard area is buffered from neighboring properties by two- to four-story buildings.

And the outdoor area at the rooftop of the property is physically buffered from adjacent properties by the new construction, which is taller than the roof deck.

The closest residential district, which is 150 feet away, is also buffered from the outdoor area and outdoor entertainment with other buildings which are all taller than the rooftop area.

The hours of operation will comply with 1419-21. As the property is more

than 100 feet from a residential zoning district, it does not require any approval for operating hours and is permitted to be open until 2:00 a.m.

In regards to zoning amendments, as of the submission of the staff report, there is not an official application submitted or under review by the City Planning Department. A request has been made to a council member for a zoning change, but it has not been referred to Council or to the Planning Department.

As far as adverse effects, there's no anticipated adverse effects to the extent of access of fire, police, or other public services. As the proposal is for use of a courtyard that is surrounded by the new development and one is on an existing development, the conditional uses for the outdoor patio will not have adverse effects to adjacent properties.

Now, in regards to the new construction. Again, staff is not going to go over every single detail, but we

will be going over some of the highlights and specific points that we wanted to make sure to put into the oral discussion.

Staff is supportive of the design and feels that the design substantially conforms to the Historic Conservation guidelines. The Over-The-Rhine Historic Conservation Design Guidelines give direction to both staff and an applicant on how to design and review proposed developments. When designing infill developments, context and existing surrounding buildings are the main guiding principles of reference.

We do not require or encourage stylistic replications or that an applicant use the language of one specific style. Staff details review within this report and we will highlight only specific issues in our oral report.

In regards to composition, all the buildings have defined base, middle, and top. The building that is at the corner of Central and Magnolia has a strong top

at the street facade and uses the fourth floor that is set back as the background portion of the building and minimizes this portion. So a decorative top is not at this portion. Staff finds this treatment appropriate.

One element that combines the Central Parkway facades together is the use of an arched form and pilasters that run the height of this facade. These provide a contextual element using the existing historic building as a reference for the arched openings, as well as other buildings along Central with arched forms, such as Music Hall, the plumbers and pipefitters building, and the Strietmann building.

The pilaster and arched forms came on both of these buildings -- on all three of these buildings and are used in a similar fashion on the Strietmann building to break up a large facade.

In regards to the setback, the setback is generally appropriate as it is at the street face. The one exception to

this is on the Magnolia Street section of the building. There is a slight setback of the building.

While the building is still a commercial building in use, the uses on the street are transitioning to a more residential use and vocabulary, and as the building directly to the east of the project is setback from the street. The slight setback is appropriate and contextual.

While the guidelines only address street setbacks, the applicants have also set back the rear of the building along Magnolia Street 10 feet from the alley to be contextual with the alley setbacks as well.

In regards to rhythm, staff wanted to comment specifically on the alleyway and the block rhythm. The overall rhythm of the block structure with the alley dividing the block along Central is respected as the alleyway remains open while a connector setback from the front of the building that is at level two

through four.

This also is proposed to be glass to be sympathetic to this having been an open division between the north side and the south side of the block.

In regards to emphasis, there is a lot of strong vertical emphasis, and this is seen with the pilasters that extend up the entire facade, to tall projecting cornices that adds visual height on both vertical alignment of the windows and the windows taller than they are wide.

In regards to height, all sections of the new construction have an overall height four stories, or 51 feet 8 inches tall, but are three stories, 43 feet, at the street face.

The existing historic buildings on the block facing Central Parkway are two stories, 33 to the top parapet at 1430 Central Parkway; and three stories, 40 feet 6 inches at 1420 Central Parkway. And the building directly south on Magnolia Street, which houses the Wooden Nickel, is three stories at 50 feet tall.

On Magnolia Street, the building directly to the east of the property is two stories tall. The rest of the buildings facing Magnolia Street are mostly three stories on the north and two stories on the south side of the street.

On 15th Street, the building directly to the east of the development is three stories, 35 feet tall, per building permit plans that have been submitted and approved. The majority of the buildings on 15th Street are new construction and are not considered contributing buildings. They are three stories at the street at 38 feet, per the building permits, and 46 feet per building permits to the top of the fourth floor.

The contributing buildings on the street are mostly three stories tall.

In regards to the materials, the building materials are all appropriate, but the main building material is brick. Different color bricks are used. But when they are used, they are in a

homogeneous color. It creates the different architectural elements such as a change in color for the base or pilasters.

Some other considerations are that there was a prehearing on June 22nd, 2021. The applicant's team and nine members of the public were present. The members from the public were generally opposed to the demolition. And, specifically, the height of the building. And comments from that are summarized in the report.

The applicants have provided a timeline of public engagement that they have done during the development of this project that was included in the staff packet.

One letter of opposition was submitted prior to the deadline for public comments, but three other letters were submitted after the deadline and were passed on to the Board chair.

So in regards to the recommendation, staff recommends to approve the

application for a Certificate of Appropriateness for demolition of a noncontributing building at 1430 Central Parkway, and demolition of a contributing building at 1416 with the following conditions: that the building permit must be issued within two years or the Certificate of Appropriateness will expire; the demolition permit shall be issued concurrently with the issuance of the new construction proposed on the site.

In regard to zoning relief, staff recommends to approve the conditional use to allow a maximum of 2,600 square feet outdoor area, which exceeds 50 percent of the indoor area, which is approximately 2,315 square feet.

And staff recommends to approve the outdoor entertainment allowing outdoor entertainment at the outdoor areas included on the rooftop deck and courtyard area within 500 feet of the residential zone.

Staff recommends the following

conditions: that if the property is found to exceed the requirements of Chapter 909, Community Noise, on three or more occasions within a 12-month period, such can be grounds for the Zoning Administrator to revoke this conditional approval; and the outdoor entertainment at the roof deck shall be limited to background music.

In regards to the Certificate of Appropriateness for new construction, staff recommends the following: to approve a Certificate of Appropriateness for new construction of a new building and rehabilitation and additions to two existing contributing buildings per plans from Luminaut dated 6/23, 2021, for the properties of 1416 to 1430 Central Parkway with the following conditions: that the building permit must be issued within two years or the Certificate of Appropriateness shall expire.

MR. VOSS: Thank you. All right. We're going to have, I think, extended reviews by the applicant and the

opposition. Each will be given an opportunity to cross-examine the other and then any witnesses, should they choose to.

Ms. Johnson, I have one question. You said the current owner acquired the property in 1997; is that correct?

MS. JOHNSON: Yes.

MR. VOSS: And are they applicants?

MS. JOHNSON: No. The applicant can explain their connection to the current owner, but it is not -- the applicant is not the owner, per the auditor's report.

MR. VOSS: All right. Okay. Who would -- who is going to speak on behalf of the applicant?

MS. RYAN: I am. Good afternoon. This is Kathy Ryan, attorney for the applicants.

MR. VOSS: Okay.

MS. RYAN: My address is Wood & Lamping, 600 Vine Street.

I have with me today a number of witnesses. We intend to present Ohm Patel, the representative of Moment

Development; Jeremiah Hahn, project manager and architect at Luminaut; and Matt Erdman, CEO of Luminaut and an architect for the project.

We also have with us Josh Tolchinsky, engineer for Advantage Group Engineers; Kevin Schubert from HGC Construction; and Matthew Wirtz, architect at Luminaut; all available to respond to questions should the need arise.

Before we get started, I'd like to verify that if the need arises, we would have an opportunity to present rebuttal witnesses and an opportunity to provide a closing argument?

MR. VOSS: Yes, absolutely.

MS. RYAN: Okay. Thank you. My first witness I would like to present is Mr. Ohm Patel.

MR. STURKEY: Ms. Ryan, I would like to just swear in all of the applicants' witnesses collectively. So if you could have all the witnesses or anyone intending on testifying in this hearing

on behalf of the applicant, if they can all take themselves off of mute now and raise their right hand. I need everyone to answer out loud.

(Witnesses duly sworn.)

MR. STURKEY: Okay. Thank you.

MR. VOSS: Okay. Ms. Ryan, do you want to proceed?

MS. RYAN: Yes. Mr. Patel is our first witness.

MR. PATEL: Hello. Thank you to the Board and all that are present. I wanted to just start off by saying that when we first came to the table here with the current owner, it was surrounding the opening of a bar, which is currently The Pitch that opened in May. And that's when the dialogue first began.

At the time, the landlord and/or owner wanted to start a dialogue to develop this property because they felt that they had -- they needed to do something because they were at a point where they needed to either move their business and/or develop the property.

That's when we first started the dialogue.

So the nature of my relationship with them is that I would be a partner with them on this development and they have basically given me the development role to put this project together.

And so that's kind of the background as to how I'm involved and why I'm the applicant. I'm acting on behalf of that partnership to do this development, as a whole.

So when we first started, when we were looking at how we proceed, it was first by starting to put a team together that could really kind of help us get to what we could possibly do here. And that's when we reached out to Luminaut, who is a local architect design firm that has done numerous amounts of projects within the Over-the-Rhine Historic District, as well as bringing in HGC, which is kind of -- in the market is known for historic conservation projects and construction.

And we felt that that was the team that would really help us put together the right development plan. And we worked together to get The Pitch open, and then also put the plan together that you see here today.

And when we did put this development plan together, we went through a series of various different forms of how this development would come to fruition. And we did do an extensive study, both on the historic building that we are going to keep as part of the development, as well as the one that we're discussing today.

And it was deemed by the architect, by HGC, and by the engineering firm that we've involved, that it just did not make sense from a financial perspective after we ran the numbers, right?

And so we ran the numbers in multiple different ways of how we could do this. And we concluded that at the end of day, by the time that we spent the dollars, it was just not going to give any sort of even reasonable return to

make sense of that type of an investment.

So we -- I also reached out to the Economic Development Department at the City of Cincinnati too to see if there was anything that we could do from an incentive perspective, et cetera. And we had various conversations with them as well, and they also concurred.

What we're doing today is we're trying to put together a project here that really meets the needs of the community, the City as a whole, and really also provides a synergistic plan moving forward for how development happens down Central Parkway, along with the stadium.

I know that more development will come down Central Parkway. And we really feel that this development, the way it's been designed, really sets the tone for how it should done, and how it should be done the right way.

We feel like we've been very respectful from a design standpoint to the nature of what's around us. And I

think that Luminaut did an excellent job of putting that design plan together.

And I think we've also done plenty of outreach and communication as to what our intentions are. We are clean operators, from a hotel perspective. We have about 35 hotels under ownership and management.

And so we really, truly understand how to meet the needs of a guest, of a visitor that's coming to the City, and we understand how to do it responsibly and do it well.

So from that respect, that's kind of what I had to present today, is just the background of how we got here and how I've leaned on a team of professionals to really kind of weigh in on what can and can't be done.

And after reach -- running the numbers in every way that we can, we just feel like it's fiscally impossible to salvage this building as a part of this development.

Thank you.

MS. RYAN: Next I have Matt Erdman.

MR. ERDMAN: Sure. I will save most of my comments just in response to any questions that the community has.

You know, Beth did a great job of summarizing our submittal and our proposal, but there's, literally, hundreds of pages of information that we submitted to the Board.

I won't go into all of the details of that, but I will say, you know, when we started this project with Ohm, we did look at saving all the buildings. And on the site, there's three contributing buildings. And two of them are going to be incorporated into this overall development.

The one that we're discussing today, we couldn't make work. Our firm is nationally recognized in historic preservation. We've gotten a preservation award nationally with Docomomo. We have multiple historic tax credit projects in the City. Currently we're getting ready to open the Ingalls

building at 4th and Vine.

So we're definitely a pro-preservation group. So I just wanted to say that as a perspective.

Secondly, we -- when we started this project, we started with the Urban Conservator to discuss the appropriate infill in this neighborhood. We've met with Beth and team four or five times now. And we met with the community council four times. We really did approach this to try to be collaborative and work as best we could with the members of the community.

So we do have some successes in that process. And you'll hear today that there's still some points of contention, but we're willing to discuss those today and see what Board has to say.

MR. VOSS: All right. Is that all --

MS. RYAN: All the other witnesses we have are available to either answer questions or be offered as rebuttal witnesses.

MR. VOSS: All right. In which case I would like to go to Mr. Suder, who is going to be, I guess, leading the discussion in opposition.

Mr. Suder, how would you like to present your case? Do you have multiple witnesses you intend to call?

MR. SUDER: Yes. Thank you, Mr. Chairman.

I plan on just presenting my opposition letter that I provided to the Board earlier this month. And then, I do have with me today Margy Waller, who is a property owner on Magnolia Avenue, as well as Danny Klingler, and Over-the-Rhine Community Housing.

So all three of them will be speaking in opposition -- various points in opposition to what you've heard today.

Generally, if I could just give, sort of, a general statement on behalf of my clients --

MR. VOSS: Mr. Suder, can I interrupt you just for a second?

MR. SUDER: Yeah.

MR. VOSS: Let's go ahead and have Ms. Waller and Mr. Klingler and whoever is going to speak on behalf of the Board, go ahead and be sworn in so that we can be seamless as possible with your presentation.

MR. SUDER: Yes. Thank you.

(Witnesses duly sworn.)

MR. STURKEY: Mr. Chair, one more point of order. I believe that Mr. Suder, as an attorney for parties of record here, does have the ability, if he would like, to cross-examine any of the witnesses that were just presented by the Applicant before he goes into the presentation of his case, so --

MR. VOSS: Mr. Suder, would you like to begin by cross-examining witnesses you've heard?

MR. SUDER: I only have one objection or maybe a question for Mr. Patel. So maybe I could ask him that.

I also have heard some of testimony -- I think it's testimony, I'm

not sure -- at least statements that were made about the Department of Community Development for -- the Economic Development Department for the City of Cincinnati having put together a report, and I was wondering if they would be available for cross-examination today?

MR. VOSS: Ms. Johnson, can you answer that?

MS. JOHNSON: No one from that department is on the call. Their letter and their analysis is what's provided in the packet.

MR. SUDER: So they are available for questions?

MS. JOHNSON: No. No one is on the call today.

MR. SUDER: Oh, okay.

MS. JOHNSON: But their letter and their analysis was included in the packet.

MR. SUDER: So, Mr. Chairman, I will just object to not having the opportunity to ask any questions of the Department of Community and Economic Development

representative who wrote that letter. Obviously, it is being presented as evidence in this matter. And so that evidence should be able to be tested. So I would object to that.

MR. VOSS: Objection is noted.

MR. SUDER: Thank you.

The other question I guess I would have is, is the property owner or a representative of the property owner available to testify here today?

Anyone? Ms. Ryan, do you --

MR. VOSS: Ms. Johnson?

MS. JOHNSON: I'm not sure.

MR. SUDER: Again -- and my understanding is that Mr. Patel is not the owner of the property, correct? I guess Mr. Patel can answer that question.

MR. PATEL: That is correct.

MR. SUDER: Okay. So I would object on that grounds, as well, that the property owner who must prove their case is not present here today; therefore, the case can't be made.

MS. RYAN: The applicants who have

the right to have filed the application are here to defend the case.

MR. SUDER: So I can ask some questions, maybe, of Mr. Patel, but I really need to ask questions of the owner, since one of the standards is whether the property owner has demonstrated an economic hardship that would overcome the no demolition rule that's in Chapter 1435.

MR. VOSS: Mr. Suder, your objection on that point is also noted.

Let's proceed as best we can and we can bring that back around after we have gotten through this.

MR. SUDER: Okay. Thank you, Mr. Chairman.

Generally, besides -- and you have in my letter the -- all of the justifications for why this building is a contributing building in the Over-the-Rhine Historic District, including the fact that it is a pre-Civil War building that dates back prior to the Civil War, is one of the last remaining

canal buildings -- canal-facing buildings. And for those who may not be familiar --

MS. RYAN: Chairman, just to be clear, I'm not clear if Mr. Suder is acting as a witness right now or where --

MR. VOSS: I think he's making an opening statement.

MR. SUDER: I'm making argument. The argument here is that it's a contributing building; it's in a historic district. The reason it's contributing is because it's one of the last remaining canal-facing buildings. Central Parkway used to be a canal. It's documented in our letter, in the photographs, and in written documentation that was done by a historic preservation professional.

And so the building is contributing. It is one of the last remaining buildings that is canal-oriented along Central Parkway, so it is a very valuable building to the Over-the-Rhine Historic District. We ask it be treated that way.

And the only way to demolish the

building under the law, under 1435-09-2, is if there is credible evidence that there is economic hardship. Essentially, what the code says is, if the applicant can prove that if the City does not allow them to demolish the building, the City would be taking their property from them. Then the Board must grant a Certificate of Appropriateness for demolition.

That is not the case here. It cannot be the case here because the property owner is currently using the building, and has been using the building. They're operating the building since at least when they owned it in 1997.

And so the building is what I would call a going concern, in that it is operational. So the City cannot possibly take the property by refusing to allow it to be demolished if it's occupied and being used currently.

How could there be such extreme economic hardship that without the demolition, the building would have to be

taken by the City and just compensation paid? That's absolutely not able to be proved.

We also can't even question the property owner about it because they're not present at today's hearing, which is another record deficiency.

And the fact that someone wants to come in, demolish it and make a profit on it, that is not the standard for demolition in the Over-the-Rhine Historic District.

There may be a lot of ways to use a lot of buildings in Over-the-Rhine for more profitable uses. We could tear the whole place down and start over with new, more profitable uses, but that is not the standard.

The standard is would there be a taking, would all economic and viable use be deprived if we don't let them tear it down. And for a building of this significance, there's no showing that can be made.

And even if there is, we don't have

the property owner here to be able to test the credibility of this evidence.

So for all the reasons set forth in our letter that we provided, and for the reasons that Ms. Waller, Ms. Rivers, and Mr. Klingler will present this evening, we ask that the Certificate of Appropriateness for demolition be denied.

Thank you.

MR. VOSS: All right. Now, Mr. Suder, do you want to continue with your witnesses?

MR. SUDER: Yes.

MR. VOSS: And I'll give Ms. Ryan an opportunity to cross-examine.

MR. SUDER: Yes. Now, I don't need to cross-examine any of the witnesses that have been called yet. I do reserve the right to -- if I could, to cross-examine any rebuttal witnesses.

But for the time being here, I would call Danny Klingler to start us off.

MR. KLINGLER: Should I go ahead, Mr. Voss?

MR. VOSS: Please. You've been

sworn?

MR. KLINGLER: Yes, I have. And I just would like to clarify before I start, is this solely the -- is there another chance to speak later on to the new construction or is all the speaking consolidated into this -- into the demolition with the new construction right now? Is this all of my time?

MR. VOSS: We're trying to cover both. I'll give you a significant latitude as far as time.

MR. KLINGLER: Thank you.

Thank you, Mr. Voss. Thank you, members of the Board, for taking the time here today.

My name is Danny Klingler. You guys know me from many other meetings. In this case, I live immediately across the street from this and own my house and own a couple of other houses on Magnolia that I rent. And so I guess it has -- in a sense, it has a little bit of extra significance to me today.

I wanted to provide for you a little

bit of perspective of what this process has been like for myself over the last several months, six or so months. And I think it'll provide some insight also into perhaps how it's been for some of my neighbors, though I won't speak for them.

We were approached, if you could imagine, several months ago by the development team and asked to respond to a project. And so if you can imagine, someone -- a developer comes and then says, okay, we have this project.

So you say -- we say, well, sure. Yeah. We'd love to. You want to just kind of bounce some ideas off of us about what you want to build here? We can work together on it.

No, no, no. We already designed it. We already know what it's going to be. It's going to be large project across the street on Magnolia.

Okay. Okay. So you've already designed it. Well, tell us about it. What is it?

Well, it's a 90-unit hotel.

Oh, wow. A 90-unit hotel building. Okay. And it has to be that big?

Yeah. It's got to be that big.

Okay. Well, I guess, you know, it will bring a lot of people to the neighborhood; that's is a good thing. Okay. So tell us some more about it. So it's going to be like a mom-and-pop, like a bed-and-breakfast kind of hotel?

No, no, no. No, it's not going to be that.

MS. RYAN: Mr. Chairman, I would object to any testimony regarding hotel use as it's permitted in the district.

MR. VOSS: I will note your objection. We've given some latitude to both sides to tell their story.

So, Mr. Klingler, please proceed.

MR. KLINGLER: Thank you. So we say, okay, well, is it kind of like a regional hotel, like a 21c or an Ace Hotel?

No, no, no. It's going to be a national or international hotel chain. That's who is going to run it.

Oh, really? Okay. Well, you know, we're -- that's kind of not what we're trying to do in Over-the-Rhine, but all right. Now we have -- so that's who is going to run the hotel. So are you keeping all the historic buildings? Are you going to preserve the historic buildings?

Oh, no. We're going to tear one down.

Which one is that going to be?

Well, it's going to be the one on the -- it's going to be the one on the corner. And we're going to tear that one down.

Well, are you aware that's, you know, a canal building and one of the only ones remaining?

No, no. We're not aware of that, but we've got to get rid of it.

Okay. Well, tell us about the height. So this is a lower-scale portion of Over-the-Rhine, you know, two- and three-story homes. And certainly our homes are two-stories tall. Can you

limit it to that height?

Well, no. We are going to build it four stories, but they are going to be set back so no one will notice it.

Well, you know, it is going to block folks' view, first of all. And secondly, more importantly, that will now be the highest point. It will supersede the historic buildings in this lower-scale area. Can you, at least, put that fourth story on the Central Parkway side, you know, where there is higher density and there's more height? Can you do that?

No, no. We can't do that.

And so what I've just described to you is my experience of this process. And it's been an experience of very little compromise, of a tremendous amount of work on the part of a lot of neighbors to try to exact some compromise. And just -- it feels futile.

And so the reason we're here today with an attorney is because how do you -- what else do you do at a certain point?

I don't think any neighbor here

would have an objection with a largely-sized development being built here.

But the attitude of Mr. Patel, quite frankly, specifically, and I don't mean to call him out personally, but the behavior has been, it's my way or the highway. We'll present it to you, but we won't change anything of substance. And that is what is so frustrating and disheartening about being here today.

So that's really my testimony. I wanted you guys to, kind of, understand the perspective of what this process has been like for me. Thank you.

MR. VOSS: Thank you. Ms. Ryan, would you like to go ahead and cross-examine Mr. Klingler at this point?

MR. SUDER: Before that, Mr. Voss, may I ask him a few clarifying questions on the record?

MR. VOSS: You may.

MR. SUDER: Thank you.

EXAMINATION

BY MR. SUDER:

Q. Mr. Klingler, can just clarify -- you stated a comment about the height. You were talking about the infill if this building is allowed to be demolished.

A. That's correct.

Q. And you were talking about four stories, three stories, two stories. Can you clarify, what's the height of your block of residential buildings on Magnolia?

And just give the Board an understanding and flavor of the heights of the buildings surrounding this property.

A. Yeah. So I think that it's true to say that all of the buildings in the immediate vicinity here are under four stories. On Magnolia, on the -- going as far east as the western facing side of Elm Street, 15th Street, all the historic buildings are at or below four stories.

And certainly, on Magnolia Street, it's one of the lowest-scale streets in the neighborhood. It's rows of 1840s and '50s two-story, single family homes on Magnolia Street.

Q. And then so what is the issue around

height? What is your objection on height of the infill development?

A. Well, the issue is that we have a part of the neighborhood with a particular flavor and a particular character, and we would like it to remain a two- and three-story section of neighborhood.

And that's what the guidelines say that, you know, it should remain because the within one-story rule -- within one story of adjacent contributing buildings, that is the rule for the height of new construction. And this building would be abutting a two-story building on the north side of Magnolia Street. And it would be directly across the street from the whole row of six-in-a-row two-story buildings.

So we believe it -- or I believe it should be -- the development should be consistent with the other buildings. And maybe it doesn't need to be two stories, but I think three stories would be very reasonable for this particular part of the neighborhood.

Q. Mr. Klingler, are you familiar with the infill drawings that were produced or the

drawings for the infill construction that were produced?

A. Yes, I am.

Q. And so, I believe, on the elevation, or at least on the front elevation of the building, it shows the fourth floor being proposed to be set back from Central Avenue.

Can you tell me why you would be opposed to that?

A. Well, personally, I would not be opposed to the -- what's called the fourth story that's on the Central Parkway side of the development; that's sort of -- that's part of -- on the new building that fronts on Central Parkway, there's a setback fourth story. I'm not sure if it's a roof deck or another -- exactly what it is. But I personally would not object to that fourth story.

It's the fourth story that moves down into the interior of Over-The-Rhine, down the side streets of Magnolia and Whetsel Alley that I personally take issue with.

And again, that's because all of the surrounding historic buildings that would

surround that fourth story are all three-stories or two-stories tall.

Q. Thank you. I just wanted you to clarify.

A. Okay. Thank you.

MR. VOSS: Sorry. Ms. Ryan, would you like to cross-examine Mr. Klingler?

MS. RYAN: Chairman, I have no questions for Mr. Klingler. I will point out that the owner, Brahma Ramineni, has come in and is available whenever it makes sense to do so.

MR. VOSS: All right. Let's -- this is getting out of order. Let's proceed with Ms. Waller.

Mr. Suder, you have two or three people that you were going to call to testify?

MR. STURKEY: Mr. Suder, you are muted.

MR. SUDER: Sorry. Ms. Waller is here along with Ms. Rivers. Those are the two other.

MR. VOSS: I would like to go ahead and have them do their presentations, and

then we'll circle back to the owner and give you an opportunity to respond.

And then we have a number of other people who we will ask to speak. And then both Ms. Ryan and Mr. Suder will have an opportunity to cross-examine them, should they choose so.

Let's go ahead, Mr. Suder, and complete what you're saying, and then we'll give Ms. Ryan an opportunity to call an additional witness.

MR. SUDER: Thank you, Mr. Chairman.

Ms. Waller, are you ready to go?

MS. WALLER: Yes, thank you.

MR. SUDER: Please proceed.

MS. WALLER: Thank you to Chairman Voss and the members of the Board.

I'm pleased to speak here today as another owner of property on Magnolia Street, directly across from the location planned for the hotel. I actually used to live in the building that is at the far eastern side of the proposed hotel, also owned by the same owner. So I actually paid by my rent in the building

that is proposed for demolition.

And I will say that I am, honestly, deeply confused, as an owner who bought an empty house and invested in this property, completely rehabbing it, and has invested many hours of my time in neighborhood issues, I'm confused to see the owner of the building that is proposed for demolition and who has been using it as his office since 1997, is now claiming there's absolutely no economically viable use for the building. It just really seems impossible.

Honestly, it strains any kind of logic to me that he bought it, claims he hasn't needed to make any changes to it, and yet, now, it needs to be torn down.

I really believe that when we buy buildings in Over-the-Rhine in this historic district and this very special place, that we are like temporary caretakers of buildings that need to be here for the future. This is a historic district because it is incredibly unique across the country. And it should be it

cherished and treated as such.

And if you buy a building here, you have an obligation to take care of it. This is a special building. I'm honestly looking at it as I'm speaking to you. And I look at it almost every day because my home office looks out on it.

It is special because it was on the canal. We have photographs that I cherish with kids swimming in the canal in front of this very same building. And you can recognize it. It's the same building. It's totally recognizable.

So to give the person who bought the building over three decades ago -- three-and-a-half decades ago, and who said he hasn't needed to make any changes to it to keep it in shape, but now it needs to be torn down -- it doesn't seem like the way we should treat these very special buildings in this important district and, you know, take care of them for the future for visitors.

It is what makes people want to visit this place. And if we continue to

tear down these buildings, it becomes a less special place that people will not want to visit.

I don't think the question is whether this development can be done with or without tearing down this building. You know, that's not question. The question is whether the building has a viable use. And it clearly does. It's been used for over three decades.

I just want to make a couple of other quick points that are not strictly about the demo.

First of all, I am a member of the board of the Over-the-Rhine Community Council, as is Danny Klingler. And I just, for the record, wanted to say that the Over-the-Rhine Community Council did consider this issue and did oppose it. They did oppose the demolition. They did oppose the use of having a hotel in this residential area. And that is the other point that I want to make.

This is a residential neighborhood. When we learned about the hotel and the

bar, we also learned that our neighborhood has been zoned commercial. Many of us did not know that. And so we immediately began taking a look around and wondering what does that mean for us, and what can we do about it.

And so we literally walked the neighborhood from 14th Street to Liberty, between Elm and Central where it is mostly zoned commercial, and categorized each of the buildings. And, you know, almost universally the buildings are being used as residential spaces. Sometimes they have commercial on the first floor, a small commercial that would be actually allowed in a residential zone as well. But it is really a residential district.

And so all of us -- well, as we're talking about this, need to think of --

MS. RYAN: I'm going to object to any testimony about the idea that this should be zoned differently. That is not on the table. This is not zoned residential.

And further, to the extent that the rezoning that's planning to be reconsidered, the one that they have pending at this time, was not brought forth until after the filing of this application.

MS. WALLER: I want just want to make one point because Beth Johnson mentioned it, and that is that the City code allows for a request from a City Council member to do a zone change.

That request was made by a City Council member, I think, a couple months ago. So I don't know about the timing, but the point really is that as we're thinking about -- and now this gets to the conditional use -- outdoor use of space with music and, again, literally like inches or feet from my window you're talking about putting an outdoor bar and entertainment area. That really does matter when it comes to thinking about the conditional use.

And so there is, you know, a pending request from a City Council member to the

Planning Commission to change the zoning. That is a matter that should be considered by the Board in this hearing today.

We have been experiencing the outdoor use of space from The Pitch bar now since it opened, and I will tell you as someone who -- I can hear it. I can hear the conversations, literally, the words being used by people because that's how the sound carries right now.

Granted, if the hotel is built, maybe I wouldn't hear the interior courtyard, but I bet you the people on 15th Street and the alley will be able to hear it. And if there's an outdoor space above my -- you know, just across the street and above my window, I will be able to hear that, too.

So we -- I do object to the -- that conditional use. I would ask you to recognize that this really is a residential neighborhood.

And with that, I'll conclude my testimony. Thank you.

MR. VOSS: Mr. Suder, do you have any additional questions for Ms. Waller?

MR. SUDER: No. Thank you, Ms. Waller.

MR. VOSS: Ms. Ryan, do you have any questions and cross-examination?

MS. RYAN: No, Chairman, I do not.

MR. VOSS: Thank you. All right.

Mr. Suder, Ms. Rivers is going to speak as well?

MR. SUDER: Yes, Mr. Chairman.

Ms. Rivers.

MS. RIVERS: Thank you. My name is Mary Burke Rivers. I'm the executive director at Over-the-Rhine Community Housing. And I've had the honor or working here in Over-the-Rhine for nearly 30 years.

The organization, Over-the-Rhine Community Housing, that I work for has deep roots in the neighborhood, where our founders fought for both the preservation of buildings, and the preservation of people who make up this community.

Some of our founding members put

their bodies in front of bulldozers in a last ditch effort to save historic buildings. We've marched; we've testified; and with blood, sweat, and tears, we've saved buildings.

For the most part, we put this energy into savings buildings so that they could become homes for our neighbors.

While the people here have always been our priority, over the last three decades I've come to develop a deeper appreciation for the buildings. The historic buildings have a life here. These old buildings have lived here for over a century. They are as much a part of the fabric of Over-the-Rhine as the people we love. The buildings tell the stories of Over-the-Rhine. They're a living, material testimony of who we have been and who we are.

Maybe it is the fact that we've lost so many of our neighbors that the historic buildings become that much more meaningful to me.

Our City has allowed economics to dictate the loss of our neighbors and the loss of a lack of affordable housing across our City -- the loss of or a lack of affordable housing across our City.

A developer simply says they can't afford to include affordable housing and that's it. While there's legitimacy to that argument that the math doesn't always work, little or no effort is made to address the problem.

Over-the-Rhine is an historic district with protections for the historic buildings, and yet we allow developers to tear down buildings. Once again, a developer says the economics don't work. Permission is granted, and a building is torn down and our history is destroyed.

I find this both heartbreaking and discouraging. It is hard to remain hopeful when so many of our neighbors are struggling, and those with political power and in leadership refuse to take meaningful action.

I know that I'm combining what might seem to be two different issues, but to me they are connected. We allow economic development efforts to move forward, even when they violate our own rules -- and in this case, the historic district protection -- with the hope that the economic impact will trickle down to where it is needed most.

The benefits never trickle down. And we lose valuable assets that include both our people and our collective history that live in the buildings.

Thank you.

MR. VOSS: Thank you.

Again, Mr. Suder, any questions for Ms. Rivers?

MR. SUDER: No, Mr. Chairman. Thank you.

MR. VOSS: Ms. Ryan, would you like to cross examine?

MS. RYAN: Chairman, I have no questions.

MR. VOSS: Okay. I'd like to circle back -- or I'm sorry, Mr. Suder.

Those were the people that you said you intended to have testify, correct?

MR. SUDER: That is correct, Mr. Chairman.

THE COURT: Ms. Ryan, you mentioned that Mr. Ramineni was present.

Would you like to have him speak?

MS. RYAN: Chairman, he is here for cross-examination, and I may have some redirect, but we have no preliminary testimonies.

MR. VOSS: I'm sorry. Say that again.

MS. RYAN: He is available for cross-examination by Mr. Suder. I may have some redirect, but we have no preliminary testimony.

MR. VOSS: Is Mr. Ramineni the owner?

MR. RAMINENI: Yeah. I'm Brahma Ramineni.

MR. VOSS: I understand Mr. Suder had some questions. First, we need to know -- we'll get Mr. Ramineni sworn in.

(Witness duly sworn.)

MR. VOSS: All right. Mr. Suder, you mentioned you wanted to cross-examine the owner?

MR. SUDER: Yes. Thank you, Mr. Chairman.

I'm getting bit of a reverb there. Is that --

MR. STURKEY: I think it's the audio in Ms. Ryan's office there. I'm not sure there is anything we can do on that front.

MR. SUDER: Okay. That's better.

CROSS-EXAMINATION

BY MR. SUDER:

Q. All right. Mr. Ramineni, good afternoon. My name is Sean Suder. I'm the attorney for Margy Waller, Danny Klingler, and the Over-the-Rhine Community Housing, and I'm here just to ask you some questions as the owner of the property.

You are the owner of this subject property; is that correct?

A. It is owned by our corporation Downtown Property Management, Inc. I'm one of the shareholders.

Q. Very good. Thank you.

And you purchased the property in 1997; is that correct? Or your entity purchased the property in 1997; is that right?

A. That is correct, yes.

Q. And what is the building currently being used for?

A. It's barely used. We have an office there. We're maintaining the office just to keep it maintained, keep the building maintained, but it is in a substantially bad shape, the building is.

Q. How long have you been operating an office in that property?

A. I believe we opened our office there in 2001.

Q. And have you made any alterations to the building inside or outside during that time period?

A. We -- actually, with the stadium opening up, we had to do some outside work, painting work outside. Other than that, nothing substantial.

Q. But you stated that the building is in disrepair; is that correct?

A. It is in disrepair, yes, sir.
Q. And was it in disrepair when you purchased it in 1997?
A. No. We had tenants living in there. We were renting it, commericial space. We had a lithograph company, a construction company, and an attorney's office was there when we bought it.
But over the course of time, the building has been substantially needing work. And as the people moved out, it's very hard to rent it now.
Q. And when you purchased the property, were you familiar or aware that the property is located in the Over-the-Rhine Historic District?
A. Yes.
Q. So can you tell us why you didn't make any of the necessary repairs to the building over the last 30 years?
A. The way the building is structured, it's not about getting the repairs. We don't mind -- we do sell buildings. That is what we do, our speciality is. We haven't gone to a single building in Over-the-Rhine over a course

of period -- check out our track record. We've owned and operated all three thousand units in Over-the-Rhine, always maintained them.

We would like to maintain a building and develop it, that's our goal. It's the best thing that would show the community. And this particular building, the way it's constructed, it's not a viable building. There's nothing you can do it. It has steep staircases. One going up. One going to the back. There's no elevator in it and you can't put an elevator in wood joist building that's crumbling. This building cannot be salvaged. It's beyond repair.

Q. So you chose not to invest in the building; is that what you're saying?

A. That's what we're planning on doing now, but that building there is not viable for repair. That's what I'm saying.

Q. So you purchased the building in 1997. It's 2021. You've been operating since 2001, I think; is that right?

A. We have an office there, yes, since 2001.

Q. And you've chosen not to make any

significant or substantial improvements to the building. You've let it deteriorate; is that correct?

A. I'm not saying we're letting it deteriorate. That's not my argument there. The argument is the building, the way it sits, there's no way you can do some repairs in it and make it code compliant. You'd have to have handicap access. You'd have to have an elevator in it in order for it to maintain. You cannot do it on this building. This is what we do for a living. This building is beyond repair, based on the code compliant.

Q. But you've been using the building since 2001, correct?

A. We maintain an office just to maintain an office, just to have an office.

Q. And you said you made improvements to the exterior because the stadium was located across the street. Can you tell us why you did that?

A. Just to keep the building a little bit cleaner from the outside look.

Q. And what was it that -- why did the stadium trigger that investment?

A. What was that?

Q. I said, why did the stadium trigger that investment by you in the exterior of the building?

A. I will say, number one, being a good partner, support the neighborhood. It was requested by some of the neighborhood neighbors that if we could paint the building outside, it would be more appropriate for the neighborhood and we did that. That was a year and a half ago when we painted.

Q. So just to recap, you've been using the building since 2001. When you purchased it in 1997, the building was not in disrepair. But in 2021, it is beyond repair?

A. I did not say it was not in disrepair. It was in a bad shape in the year when we purchased the building. The whole first floor was vacant when we purchased the building.

And over the course of time, people moved out and it's -- we opened an office just to maintain the building, just to have an office in the building because we don't want to have a vacant building and be paying a premium

fee to the City of Cincinnati just to have a vacant building. We're not against repairing it or developing it, but this particular building is not a repairable building; that I know. I have been doing this too long.

We actually -- there was a house next door that was condemned. The City wanted it torn down. We actually repaired that house. Margy Waller knows. She used to rent from us three years ago. The house was supposed to be torn down by the City of Cincinnati. We paid, we got the permits, we repaired the house. So I'm all for repairing buildings and keeping them up to date.

Q. Let me just understand. When you say, repairing the building, are you referring to a change in the use of a building to another use that would trigger a building code compliance?

A. Whatever it takes, we're there to do that. But this particular building has no fit. If it wouldn't fit an office. I mean, we do have people that wanted to use that as a garage or a car repair shop. There used to be a car repair shop across the street. He wanted to

buy this building and use it. But that's neither here nor there. Maybe for a car repair, you don't need to fix it for code compliant and all that. But for the best use of this building, it's not viable.

MR. SUDER: That's all I have, Mr. Ramineni.

MR. RAMINENI: Thank you.

MR. VOSS: All right. Any response, Ms. Ryan? Any other questions for Mr. Ramineni?

MS. RYAN: Yes. I have a couple of redirect questions.

REDIRECT EXAMINATION

BY MS. RYAN:

Q. Mr. Ramineni, so am I to assume you've maintained the building?

A. We've been doing maintenance.

Q. And can you explain, again, a little bit about the improvements that you would have to make to invest in the building?

A. It needs to be torn down and rebuild back up. You cannot repair this. The way this is building set up, it's beyond repair. It comes from the base -- the foundation. If the

foundation is bad, there's nothing you can do.

Q. And have you ever had any code violations on this building?

A. No.

MS. RYAN: That's all I have.

MR. VOSS: Thank you. Unless either Ms. Ryan or Mr. Suder have anything else? We've heard their arguments, I would like to go through -- we have a number of other people signed up. I would like to give each two minutes to share their thoughts. And I will give Ms. Ryan and Mr. Suder an opportunity to question them, should they wish to.

All right. We'll start with Brian Ragusa.

MS. RAGUSA: Holly Brians Ragusa. Thank you, Chairman Voss.

MR. VOSS: All right.

MS. RAGUSA: That's all right. And thank you to the Historic --

MR. VOSS: Have you been sworn in?

MS. RAGUSA: I've not actually. Thank you.

(Witness duly sworn.)

MR. VOSS: Thank you. Please go ahead.

MS. RAGUSA: Okay. Thank you. My name is Holly Brians Ragusa, a close neighbor to this current situation with a line of sight and sound and a quality of life concern for the activity that might shine and sound into my mother and daughter's room that face Elm.

I'm at 1414 Elm Street, essentially across from Magnolia. I'm also on the executive board for the Friends of Music Hall, another preservation board in Over-the-Rhine.

So I've lived in my home for just over three years. I've spent the last five years securing, designing, learning, redesigning, relearning, building, and actively restoring our home. We have a unique home. One that hadn't been lived in for decades, in great disrepair, and turned down by many builders. And by many standards, was not a contributing building.

It was an enormous undertaking and

economic hardship, made little sense financially, but my husband and I wanted to invest in a historic district, to be part of what makes and keeps OTR special.

I have history here. My father was born across the street at 1431 Elm. My great grandparents, Jenny and Almer Brown owned a candy store where Anchor and now Losanti is. My family knew the canal. They knew those buildings. They walked these streets. I came to this area drawn by its history, my history, and that of every person before and after.

This home project wasn't easy. It cost far more than anticipated, took a tremendous amount of care, energy, and consideration. In fact, the scaffolding only came down less than two weeks ago, even though we've been here three years, by restoring this facade back to its historical state. One that few could imagine would be restored.

And yet, the task set before me was a responsibility we accepted when I came before this very board four years ago

seeking a Certificate of Appropriateness. It wasn't a home run. I asked to table the vote and then engaged my neighbors. I heard concerns, and those of Beth Johnson. I paid for further redesign, learned the stories and the passion for preservation here.

I watched this building in question be painted and spruced up in its entirety, four sides of a brick building, two stories, which is an enormous financial investment, when FC went in, just like a lot of other buildings who hoped to increase their value. I can't imagine the state disrepair that they would invest that amount of money on it.

In the end, it's been painfully clear we've been asked to do more than most developers are. We've been willing to comply and invest, largely because we believe this Board had the power to act with preservation in mind. We respect and adhere to that.

More importantly, we believed the area would be protected from interests

where money or loopholes could be used to get around the intention and importance of historic conservation, often flying in the face of historic or neighbor concerns, and in many cases when conservation has not been demanded or expected.

This canal building -- this irreplaceable mark on our City's history, and its now seemingly foregone demise, has sadly become a retirement plan. And the recommendation is to proceed with demolition on a building that cannot be replaced and has the integrity to be restored.

I'm mindful of the very name of this Board, for which you the honorable members and chairs serve, the Historic Conservation Board. It's my hope that preservation remains above development, to save what would otherwise be lost, to demand that developers honor the privilege of preservation; that which is demanded from people like me, residents.

Please deny this request for

demolition. Thank you.

MR. VOSS: Thank you. I'm going to move through, but if either Ms. Ryan or Mr. Suder would like to question the witness, please let me know.

John Walter. Is Mr. Walter on the line?

MR. STURKEY: I believe John Walter is present. Mr. Walter, would you like to testify?

MR. VOSS: Unmute.

MR. STURKEY: And we'll need you to unmute, Mr. Walter. I think he is having technical difficulties, maybe come back.

MR. VOSS: All right. So I'll come back around.

Jeffrey Quint?

All right. Brandon Elliot? As it -- are we just not picking people up or --

MR. STURKEY: It looks like Mr. Walter is with us now. I think the other two individuals just named have dropped off.

MS. MAYNES: Brandon Elliot did not

didn't check in. He didn't check in.

MR. VOSS: Okay. Mr. Walter. Would you like to proceed?

MR. WALTER: Yes, sir.

(Witness duly sworn.)

MR. WALTER: Can I proceed?

MR. VOSS: Please.

MR. WALTER: I'm John Walter, a resident and small business owner in the Klotter Conroy neighborhood of Over-the-Rhine. I'm a trustee in the Over-the-Rhine Community Council and today, I'll only speak my own personal thoughts. As someone who's been -- has called Over-the-Rhine home since 1984, these are the most optimistic days the urban core has ever seen.

The opening of the FC Stadium, coupled with the opening of The Pitch and this proposed hotel would bring to life a large part of Central Parkway, the commercial corridor that's been dormant for many years.

Hotel patrons bring a seven-day-per-week sustainable customer

base that OTR small businesses need to prosper. I'm an avid walker covering the length and breadth of OTR daily. My observation is most OTR businesses have a reliable customer base Friday through Sunday, assuming the weather is good, however struggle to attract a customer base Monday through Thursdays. Many restaurants are closed Mondays through Wednesday or Thursday because of this.

A medium-sized hotel in Over-the-Rhine will provide the seven-day-per-week customer base that small business need and the stadiums. The existing buildings south of The Pitch leave a very blighted perception of Over-the-Rhine to the 25,000 soccer fans, many from out of town, many making -- kind of getting an impression of Cincinnati for the first time.

This proposed hotel would be a statement to many, both from Cincinnati and outside of Cincinnati, that Cincinnati is on the rise, not on the decline. And it's a tremendous taxpayer

investment in the FC Stadium, and in Over-the-Rhine, Washington Park, the street car, and everything else that taxpayers have paid for in Over-the-Rhine with the specific intent of attracting private investment.

This is the private investment that Cincinnati has been dying for. Outside of Cincinnati money coming in doing great things. A small number of the same individuals have opposed most large market-laid projects in Over-the-Rhine, including even the FC Stadium. Please consider approval of this hotel project to keep Over-the-Rhine and Cincinnati headed on a sustainable economic path for the future generations, including my daughter who's 20 years old up at UC and she loves Over-the-Rhine. And I would like her to, you know, have a reason to stay in Cincinnati.

So thank you very much.

MR. VOSS: Thank you.

Again, Jeffrey Quint?

All right. Moving on. Paul Muller.

MR. MULLER: Thank you. I have not been sworn in.

(Witness duly sworn.)

MR. MULLER: Thank you.

First of all, I'm Paul Muller, the executive director of the Cincinnati Preservation Association. We really appreciate the service of the Board in implementing our historic conservation ordinances. Those were put in place to protect the historic resources of Cincinnati.

And as we experience development, there is more and more pressure on the simpler, less dramatic buildings. I think it's really important that you consider the rarity of pre-Civil War buildings and you consider the richness of their connection to important parts of our history, such as the role the canal played in the development.

I appreciate that this project is keeping two of the contributing buildings, but I really think it needs to relook at the 1416 Central. I also think

the height on Magnolia is a really valid concern. If you look at the size of the buildings in that area, this building is clearly more than one-story out of scale with that. And that's a very strong recommendation -- or perhaps even more than a recommendation in the guidelines.

And I think you would be doing a disservice to the ordinance and the community to allow that scale or construction on Magnolia.

Thank you very much.

MR. VOSS: Thank you.

Kevin Hassey.

MR. HASSEY: I am Kevin Hassey --

MR. STURKEY: Hold on, Mr. Chair.

I believe Kathy Ryan may have had some questions.

MS. RYAN: I apologize. I have no questions.

(Witness duly sworn.)

MR. HASSEY: I am Kevin Hassey. I live in 217 -- okay. I live at 217 West 15th. I abut the Whetsel Alley.

As I look at this project, and to a

point raised earlier, I'm not somebody who objects to any projects. I don't think I've objected to any projects in Over-the-Rhine.

I think of the Central Park side of things as a higher density corridor, and one that should be a higher density corridor. This in line with what Danny said. But as you move down the residential streets, the higher density does not appear appropriate. I've been told that contributing buildings are the most relevant data points.

And as you move down the side streets of Whetsel Alley and Magnolia and say what contributing buildings immediately abut to the south, north, and east, there are eight contributing buildings, seven of which are two stories.

So I don't understand why we would have -- allow a four-story next to seven of eight contributing two-story buildings. I have raised this with the developer and asked if we could have a

session to just think about where that density -- there's only seven units in question of the 90 that form the fourth floor on the residential side of things -- on residential streets. And I've asked if we could just have a session on that topic to think about -- a brainstorming session to think about where else those seven of 90 units could go. That has not been allowed or it's been a session that is not desired by the developer. And he just moved ahead with the seven units on the 4th floor where there are seven contributing two-story buildings.

For all of those reasons, I ask you to not allow those seven units, hotel units that collectively make the 4th floor, to strike them from this project.

MR. VOSS: Thank you.

Also, Roseann Hassey was listed.

MS. HASSEY: Hello. I'm here.

(Witness duly sworn.)

MS. HASSEY: I'm married to Kevin, who just spoke. And I'm also a resident

of West 15th. I just want to start by saying that I feel like we've had a conversation that assumes that there's an all or nothing, and actually I think it's an and. And I think it needs to be clearly considered. I personally support, like many people on this call, building on Central Parkway.

I think it's actually an exciting time in our City's history, as we think about connecting Music Hall to FCC, up to Findlay and beyond, to get into John Walters' space.

I also think the renderings, as we've seen them, are very attractive. I know that's an individual point of view and others disagree. But I think it's a well-designed and beautiful building.

And I also want to just commend the architectural folks and Ohm in engaging in an initial conversation with that. I want to be clear that I also double down on what Danny said, that we had one conversation with no back and forth. And so to call it a relationship or a

partnership would be overstating.

On the other hand, they had the respect to show us the initial plan and for us to be stunned and overwhelmed. Within that, there's some things I think are important to think about.

The first thing that I think is important to think about is that this is the first in many decisions that the Historic Conservation Board is going to make on how to integrate Central Parkway into the existing, long-standing neighborhoods of OTR that have humans in that. Humans, families, adults, multi-generations that are all shared.

This is a neighborhood. And it's important to really seriously consider the density of Central Parkway with the human dynamic of a neighborhood abutting it, especially between Magnolia and, you know, up towards Liberty.

And I just urge you to think about it holistically and constructively because it's in your hands. And it's a historic neighborhood and it's your

place. So that's my first thought.

My second thought is who is occupying this space. So of course -- and I want to be clear, I don't necessarily object to a hotel in this space, I do object to the scale of it.

What would be in this space is a transient population. It will be people that pop in and pop out, that support industry and business. I'm a business person, I support that. However, I don't support a transient population on top of my building. I find it terribly disturbing that I would be out in my space and people I don't know every day will change and have access.

Specifically, I'm referencing Whetsel Alley and what was originally proposed as porches and now is I think they call them French doors. We actually have a child that lives in Madrid. I'm very familiar with the structure that is being proposed. It, actually, is a porch. It's proposed on streets that are wide for people to view what's going on

below and across the streets with their neighbors.

These will not be our neighbors. These will be transient people staring into our homes, opening up into our space, and I strongly object.

And so when this group says that they addressed our issue of porches, I disagree. They've allowed for people to continue to come into our space across an alley.

The final thing that I think about, and you've heard extensively about, is height. This is a neighborhood. As Danny said, Kevin reinforced, and you've heard time and time again, four stories on Central Parkway may not be problem, but it is when you back into a residential neighborhood, especially a miniature neighborhood of historic proportions like Magnolia.

It is a little delightful slice of our City and it will be overwhelmed by four floors of significant development. We will be overwhelmed on the West 15th

side, but they will be extraordinary overwhelmed.

And so within this, I want to say -- somebody summarized this really well for me in this or-or-and space. I feel like a hotel is a reasonable consideration and I feel like we're taking a ten-pound bag of potatoes and shoving it in a six-pound bag.

And so the scale and impact of this development is not in respect of the historic and existing humans who live to the east of Central Parkway. It's absolutely fine on Central Parkway, but I just urge you to think thoughtfully about how we're going to join Music Hall with FCC and up to Findlay Market in a respectful and historically conservation manner as you think through what to do in the space.

Thank you.

MR. VOSS: Thank you. Michelle Avery-Keely.

MS. AVERY-KEELY: Yes.

(Witness duly sworn.)

MS. AVERY-KEELY: 1416 Central Parkway is a pre-Civil War industrial building that started with the canal. It's an important part of the history of Over-the-Rhine and the canal and I'm opposed to its demolition. The economic hardship case to demolish it has not been proven.

The contractor's estimates for stabilization included a new automatic fire sprinkler system throughout that would not likely be needed if the building were to be renovated as a continuation of the current occupancy type. Sprinkler system is a big-ticket item.

The economic analyses all use this inflated cost making it much more difficult to show economic viability. And if an existing use were continued, there'd be fewer changes to the building. No effort has been made to find a buyer that would want the building for a use that is more compatible with the existing structure.

The owners have owned building for over 24 years and have not maintained or repaired the building. A statement on the staff report claim that changes made over the years are irreversible, but this has not been substantiated.

It seems possible that the brick arches that formed the original openings are intact behind the stucco and may still be usable. More investigation on the building is needed.

The proposed buildings are out of context and out of scale. The building is too large and too tall. Four-story areas are out of character. They are two-stories taller than the adjacent buildings. Four stories clad in ultra-modern, ribbon windows which detract from the character of the historic district.

The three-story bridge over Whetsel Alley connecting the proposed buildings is out of character for the historic building and is also clad in ribbon windows. This amounts to the

privatization of a public roadway and should not be allowed.

In my opinion, the overall expression of the building is not compatible with the historic context. Three-story tall columns with a modern style frame, with a vertical expression of base that is too strong and monumental. The base of the building is not expressed.

The variances requested for eating and drinking areas should be denied. They are located about 150 feet from a residential district and also directly adjacent to residential areas behind on both 15th Street and Magnolia Street.

The peace and quiet of all the neighboring residents should be protected. Outdoor entertainment should be minimized and certainly not allowed up to 2:00 p.m.

The size of the outdoor eating and dining areas are too large and would be loud even without entertainment.

The staff report states that the

total area of the roof deck and courtyard is 2,600 square feet. But this can't be right because just the third-floor roof deck along 15th Street by itself appears to be about 2,000 square feet, adding the courtyard of roughly the same size, plus the fourth-floor deck areas off the catering rooms bring the total figure to well above the stated 2,600 feet. So what is percentage of the variance that will be required? It's difficult to tell. The drawings have no visual scale, show very few dimensions with many floor plans being marked not to scale and the use several large spaces are not identified. For all these reasons, I urge the Board to deny the COAs and the variance request. Thank you.

MR. VOSS: Thank you.

Jennifer LeMasters Wirtz?

MS. LEMASTERS-WIRTZ: Good afternoon. Thank you.

(Witness duly sworn.)

MS. LEMASTERS-WIRTZ: Thank you. I apologize in advance if my video might

cut out. I have limited connection here.

But I am a resident and business owner of 20 years of the district. I will also advise that I am married to one of the design team members at Luminaut.

Some may see that, really, as a biased, but as my husband would attest, I hold very strongly to values, despite, you know, any conflict that that may cause.

So I am not here to offer my opinion on the demolition or the use of this site or the project. I really am here to speak to the design of the new construction only. I have reviewed almost every new construction infill project in the district over the last decade on a volunteer basis, and I'm here to offer my support to this project, for the thoughtful and creative and sensitive design that is presented in this architecture.

And that's all I have. Thank you.

MR. VOSS: Thank you. Before I come back to Ms. Ryan, Mr. Suder, that's

everybody I have that was checked in on my list. Have I missed anyone?

All right. I would like to give Mr. Suder an opportunity for rebuttal and closing, and then I'll do same for Ms. Ryan.

Mr. Suder?

MR. SUDER: Thank you, Mr. Voss.

MS. RYAN: Chairman, are we able to provide rebuttal witnesses to the testimony that was just presented?

MR. VOSS: Yes. All right. Before -- let's start there.

Mr. Suder, do you have any rebuttal witnesses for what you've heard?

MR. SUDER: No, Mr. Chairman. Thank you.

MR. VOSS: All right. Ms. Ryan, do you want to go with your rebuttal witnesses at this point?

MS. RYAN: Sure. I'd like to call Matt Erdman back, if he's available.

MR. VOSS: Yeah. He's been sworn. Is that correct?

MR. ERDMAN: I have been sworn in.

Give me one second, my battery is dying here. I'm trying to get it plugged in.

MR. VOSS: Got it.

MR. ERDMAN: Okay. Okay. I just wanted to respond to several items and just provide some context.

MS. RYAN: Mr. Erdman, if I could provide redirect questions -- I'm sorry, rebuttal questions.

MR. ERDMAN: Sure. Go ahead.

REBUTTAL EXAMINATION

BY MS. RYAN:

Q. First, you heard from Mr. Klingler and additional witnesses with respect to the height.

Could you respond to that issue?

A. Sure. Yeah. The guidelines are pretty clear that adjacent contributing structures, that you can go one story above.

And so where there is gray area around that, where there's multiple buildings that are adjacent, we -- you know, we go to the Urban Conservator and we get staff guidelines or staff input, which we did.

As I mentioned in the beginning,

we've talked to staff five times through this process and the neighborhood four plus times. And so we feel strongly that four stories is within the guidelines, as the staff concurs in their report.

With regard to height, I just want to clarify the height of adjacent buildings. So the adjacent Wooden Nickel building, which is -- within the guidelines would be considered adjacent to the structure is 50 foot tall. And our proposed top of fourth story is approximately 52 feet with some mechanical units inset on that. So we're within a few feet of that adjacent structure.

1420 is a contributing building that is incorporated into our development. It's three stories. And if you look on 15th at 222 15th, the top of that building, which is directly across from our project, is 53 feet which is exactly -- is within two or three feet of our structure. So we definitely are within the range of the adjacent buildings.

I know that some of the neighbors have testified about the fourth story. It's interesting that the Hassey's have a fourth

story. Their building is actually 45 foot tall, and they're responding to the height of this four-story structure.

So with regards to height, you know, four stories is permitted by the guidelines, which is one story within the -- above the adjacent structures and a staff has concurred on that.

Q. Mr. Erdman, you heard a number of witnesses discuss the level of community engagement. Could you respond to that point, please?

A. Sure. You know, we started early. It's funny that Danny had mentioned that we showed up with a full design. That's actually not true. We showed up with our first version of a massing model. It had no windows. It had no articulation to find out and get feedback on the scale. We knew from the beginning -- from that initial discussion that the neighbors would be opposed to demolition, but we asked that we go forward with the infill development and get their feedback, which we did.

The Community Council has set out their own process for reviews. With this

Over-The-Rhine Community Council, they refer the first review of all new projects to go to their infill committee. Their infill committee Jennifer LeMasters-Wirtz, Danny Klingler, and one other architect.

So we engaged with that group early on in the design process, got feedback; engaged with staff and got feedback. We took that feedback and developed a full-blown design, which we have now. And then started to engage with the community on where to go from there.

What we found was the community doesn't agree. It doesn't speak with one voice. So where the Hasseys have asked us to move the massing forward. Other community members, Ms. Waller, had objected the fourth story all together.

Where some people in the community wanted us to move the wing of the addition towards Magnolia, others wanted us to move it towards the alley.

With regard to the design, you heard several people say, well, I don't feel like this is consistent with the guidelines of the neighborhood. But we got strong support from

the infill committee, two of three members. And the design was compliant with the guidelines; that the tall orders that some people objected to, others felt strongly were for.

So we were getting all of these conflicting feedback. We tried our best to kind of consolidate that and move forward with what we thought was the best consensus version of the design, while still being feasible for what the owner wanted.

Q. Mr. Erdman, can you discuss a little bit more about the timeline at which this building fell into the historic preservation?

A. Yeah. I do want to clarify that a little bit. You know, there's two issues of timeline here. One is around zoning. And the building is zoned for a hotel by right. So I know there's a lot of testimony today about whether a hotel is appropriate or not appropriate. We're not asking for any concessions on the zoned use. The hotel is permitted.

In fact, residential uses -- full residential uses are not permitted. So the

testimony today from Margy and Danny and the Hasseys, they live in existing nonconforming uses in the zone that they are in. Now, they are grandfathered in because those uses preexisted the current zoning. So that's one issue on zoning.

The second issue is on the timeline of the designation. So in 1997 when this owner bought this building, the historic districts existed, but the current address that we're talking about wasn't included in the district.

So it was 2014 that this particular subject property was added to the historic district through the submission of part one to the state historic preservation office. And that documentation, I believe, is in the staff packet, but it is available and public record. It is in our summary.

Q. Mr. Erdman, did you hear the testimony of Mr. Ramineni regarding the structural condition?

A. Yeah. So the structural condition -- and I think there's some confusion around maintenance and how the property got to where it is. And I can't really respond to the

economics of the maintenance required.

There is economic testimony that's in the packet. This building is shown -- there's a P&L submitted, materials showing a $180,000 loss over the last three years. That's significant. Others can speak to that.

I can speak to the nature of the problems of the building. So there is structural report available or a structural engineer is on the line here.

I want to clarify that the standard is not if it's possible to renovate this building. It is possible. But the standard is, is it economically possible? So you have a building that originally was brick. You can see in the submitted packet by staff what that building looked like back in the day when it was originally still at some point likely outside of the period of significance, but we're not sure.

There was this muted Spanish Revival stucco renovation that was applied to the building. That specific design would not be approved by the current guidelines. So the renovation that took place would not get

approved by this Board if we were proposing it today. That's a significant point to think about.

While that renovation was going on, they stuccoed the building. And that stucco parging causes some problems over time with water infiltration. You know, bricks were meant to breathe. These bricks aren't able to breathe. And there's been significant deterioration of the structural integrity of the brick. Just by the nature of wicking and capillary action on the brick.

So it's not an issue of maintaining the building, it's that there was a significant harmful renovation that happened to this building at some point decades and decades ago, prior to this owner, that has over time caused structural integrity issues with the building.

And so the full summary or the full report by a structural engineer is available in the packet. We don't need to go necessarily into all that right now, but it is there. There's issues with the foundation. There's issues with face brick separating from the joists. So we've got lateral failure. We've

got some vertical failure in the basement that need to be addressed, that cannot be just maintained or covered over with drywall.

MS. RYAN: That is all I have for Mr. Erdman. I'd like to call Mr. Patel back.

MR. SUDER: Cross-examine of Mr. Erdman?

MS. RYAN: Sure.

MR. SUDER: Mr. Chairman?

MR. VOSS: Yes, please.

MR. SUDER: Thank you.

REBUTTAL CROSS EXAMINATION

BY MR. SUDER:

Q. Mr. Erdman, you mentioned that there are adjacent buildings. I think one of them was the antiques building with the Wooden Nickel across the street. But isn't there a building directly adjacent to the proposed new building on Magnolia, I believe it's 222 Magnolia -- or not 222 Magnolia. I'm sorry -- it's 214 Magnolia. Are you familiar with that building?

A. Sure. There are several buildings adjacent to the property that we considered.

214 Magnolia, 1408 Central are existing buildings that are in -- as part of project 1420, 1430 Central, 223 15th and 222 15th.

Q. Did you consider 214 Magnolia?

A. Sure did.

Q. How many stories is 214 Magnolia?

A. It's two. And if you read guidelines, you're allowed one story above adjacent structures. And as our feedback from staff concluded, we could go four stories with that. Clearly within the guidelines.

Q. My understanding is that you just testified that 214 Magnolia is two stories, correct?

A. It is. Maybe this is a question, Sean, for the actual expert that's on the line, which is the Urban Conservator.

Q. No. I'm asking you --

A. And I'm telling you that we are in compliance with the guidelines, that's one story above adjacent structures.

Q. Is one story on top of two stories four stories or three stories?

A. There are multiple adjacent structures.

Q. I'm asking about 214 Magnolia.
A. I've already answered that. It's two stories.
MS. RYAN: Objection. Asked and answered.
BY MR. SUDER:
Q. All right. So one additional story then for the Board would be three stories not four stories. We're focused on Magnolia. Okay.
MR. VOSS: Asked and answered. Move on.
MR. SUDER: Thank you.
BY MR. SUDER:
Q. Mr. Erdman, you testified about the fourth-story setback building or someone mentioned the fourth-story setback. My question is about the ribbon windows. Are those in your opinion in keeping with the character of the Over-the-Rhine Historic District?
A. They are.
Q. Ribbon windows are commonly used?
A. I wouldn't classify anything we have as ribbon windows. I'm not exactly sure which

windows you're talking about.

Based on our feedback from both the infill committee and the Urban Conservator, we feel that this whole design is in compliance with the guidelines, yes.

Q. But about those windows, they don't have any mullions --

A. All parts of the design we feel are in compliance with the guidelines.

Q. It's your testimony that ribbon windows are --

A. I just testified that we don't have any ribbon windows, so I'm not sure what you're talking about.

MR. STURKEY: Mr. Erdman, I'm sorry to interrupt. We do have a court reporter who is transcribing all of this testimony, so if you could wait until Mr. Suder has completed his question, I think that will help with the transcription. Thank you.

MS. RYAN: Chairman, I'd like to object to this line of questioning. Mr. Erdman responded on rebuttal to the height issue, but there was not any

rebuttal testimony given about the design of the window to which cross-examination would be appropriate.

MR. VOSS: Agreed.

MR. SUDER: That's fine. I'll move on from it.

BY MR. SUDER:

Q. You mentioned that it was -- the standard as to whether it's economically possible to redevelop?

A. No. I said it's not -- the standard is not whether it is possible to structurally renovate this building. The standard is if that renovation is economically feasible for the owner.

Q. Okay. And are you familiar with the standard that requires economic hardship, and the standards and the factors that go with economic hardship?

A. I am.

Q. And is economic feasibility one of those factors? Are you aware of that?

A. Economic feasibility, yes.

Q. I guess, one question you mentioned a little bit about what the damage was to the

building over time due to the stucco exterior, how that could possibly hurt the brick behind it.

Could the property owner have taken action to preserve the structure of the building?

A. Did you say could they have?

Q. Yes.

A. I'm not sure if they could have, actually. I think the appropriate remedy is to peel all the stucco, and then we would be in front of this Board talking about whether we could do that or not.

Q. Is that one option for repairing the building?

A. I mean, it is part of the evaluation of the renovation of the building.

Q. And so when you said in 2014 that this building became a contributing building in the Over-the-Rhine Historic District?

A. That's right.

Q. So it is a contributing building in the historic district?

A. Yes.

MR. SUDER: All right. That's all I

have. Thank you.

MR. VOSS: All right. Ms. Ryan, do you have any other rebuttal witnesses?

MS. RYAN: Yes. I'd like as to call Mr. Patel, please.

MR. VOSS: Okay. You're still under oath, Mr. Patel.

Ms. Ryan, go ahead.

REBUTTAL EXAMINATION

BY MS. RYAN:

Q. Mr. Patel, could you speak to the sprinkler issue that Ms. Waller commented on?

A. I believe it was --

Q. I'm sorry.

A. Avery --

Q. Ms. Avery-Keely.

A. Keely, yes.

Yes, I can. When doing our proforma, we created a break-even proforma, which is a proforma that really encompasses if one-third of the cost to repair the structure was reduced -- if it was reduced down to one-third of the actual cost, and whether the project would still be viable.

And even if we reduced the

structural stability cost by -- and really reduced it down to just a third of what the actual cost would be, the project still doesn't pencil from the renovation standpoint to get it to a mix of office and retail, which is the highest and best use in terms of rents for this commercial building.

So even if you take the sprinklers out of the equation, it's just a drop in the bucket in terms of the cost that it would take to salvage the building and actually make it economically viable.

MS. RYAN: I have no further questions, Mr. Patel.

MR. VOSS: Mr. Suder?

MR. SUDER: Nothing further. Thank you, sir.

MR. VOSS: All right.

MR. HASSEY: Do I get to say anything given that Matt's invoked our name a number of times?

MR. VOSS: No. I appreciate the inquiry, but at this point I'd like to ask Ms. Ryan and Mr. Suder if they have other witnesses they would like to

present?

MS. RYAN: I have none, Chairman.

MR. VOSS: All right.

MR. SUDER: No, Mr. Chairman.

MR. VOSS: Then I'd like to give Mr. Suder an opportunity for closing statement, then I'll give Ms. Ryan an opportunity for closing statement.

MR. SUDER: Thank you, Mr. Voss and members of the Historic Conservation Board for your time this afternoon. I know this has been going on for a while, so I appreciate your time and attention.

The long and short of it is we have to look at 1435-09-2, and that outlines the standards for review in determining whether there has been credible evidence that the no demolition of contributing buildings in Over-the-Rhine rule should be overcome here, and is there's credible evidence to overcome that rule.

Well, the answer to that, I think, lies in Mr. Ramineni's testimony. I mean, there are a lot of buildings in Over-the-Rhine that are expensive to

maintain, expensive to repair, and maybe expensive to bring up to code.

But that has not stopped scores of buildings throughout Over-the-Rhine from being renovated and the historic fabric being preserved. Look at what 3CDC is doing with tax credits. Look at all the buildings that OTR Adopt has saved, and on and on.

There are a number of small developers, small owners who have done incredible renovation to buildings in Over-the-Rhine who have acted as stewards of their buildings.

And purchasing a building on Central Parkway that's a pre-Civil War building that was canal-related, shame on the property owner for not preserving that.

They used it for decades now, but they've done nothing to preserve it, clearly with the intention that when the time was right, they could flip it to somebody who would pay them a lot of money for it and tear it down. That's the impression I get from the testimony.

And the testimony is, frankly, that all of these issues, if there are any, were brought on by the property owners themselves. And so that alone underlies the case here, and that alone makes it impossible for the Board to order the demolition of this building.

The testimony simply is not credible. And you cannot say there's no economically viable use of a building that's being used, and being used by the property owner for 24 years. That's not credible.

It may not be desirable anymore, but it's not credible testimony and it doesn't need meet the guidelines. It doesn't meet the standards in 1435-09-2.

Now, even if the Board disagrees with that and says, you know what, we'll let them tear it down and build something new. We don't believe that what they're proposing to put back complies with the guidelines either.

There are things like suburban-style ribbon windows that they approved for the

fourth floor, presumably because they don't think anybody can see it. But that's not the case. People can see the building from all adjacent buildings around it. And what they are going to see is a modern window type -- well, call it what you want -- on the fourth floor. The height doesn't relate at all to Magnolia Street -- Magnolia Avenue where my clients live.

And so the adjacent building next door, directly next door is two stories. They can do up to three, but not four because that's going to tower over them, the two-story resident they're directly adjacent to.

The other building that they use as a reference point is the antiques building and that's across the street, so you have that buffer of the street. The width of the street to buffer the building from the adjacent building.

It makes sense along Central Parkway. It does not make sense as you move back towards Magnolia to go up to

four stories.

So there are a lot of issues relative to the infill, but I think the threshold issue is whether we should allow another contributing building in Over-the-Rhine, especially one of this significance to be demolished. And the answer to that, from a preservation perspective, is no. Thank you very much for your time today.

MR. VOSS: Thank you. Ms. Ryan?

MS. RYAN: Thank you.

And Mr. Suder has mentioned that the standards before the Board today are regarding the credible evidence with respect to the demolition that this building has an economic hardship under 1435-09-2-B. These are a number of factors, which as the code states, shall be considered -- shall consider all the following factors.

And then it goes on to say that the Conservation Board may consider any or all of the following establishing economic hardships. This is the language

that provides the Board some leeway to provide which evidence to weigh more significantly than others with the sum of the circumstances here.

Before you you've heard a number of witnesses and we provided in the record a number of extensive documentations with respect to the structural condition of this property.

This is a property that, as has been testified to, there is an application on the facade, that as you will find under the Advantage Group Engineering report, if you were to remove that area, the parging, they require 50 percent brick replacement and 100 percent tuck pointing.

There are issues with the building, ones that have been established years before anybody involved at this point was around, that established there would be severe economic hardship to even bring this building to anything that would remotely establish it as an appropriate structure for this area in an

economically viable way.

Additionally, you've heard a lot of testimony from individuals about the idea that this is a commercial -- it's in a residential area to them. Again, we object to any kind of testimony that characterizes this as a residential neighborhood.

We recognize there are residences there. They are a conditional use and this is a commercial district.

There was a lot of testimony that you heard on the record that does not speak to the standards whatsoever. We heard things about whether there was a compromise, how much individuals felt that the applicant was willing to go back and forth.

Again, that is not a standard before the Board. There is no measure of how agreeable or what level of back and forth occurred.

The point is that they did engage with the community. They reviewed the code regulations and the district

standards and presented significant evidence from a number of qualified professionals to show you at the end of day that the Certificates of Appropriateness for both the demolition and the design are adequate.

In addition to this, Mr. Suder has mentioned the idea that, it's occupied, so therefore it's economically feasible to carry on this building. That simply is not the standard.

As Mr. Erdman has said, of course it's possible. One individual has stated that her investment -- Ms. Brians Ragusa, she said that she invested a lot in her house. And we appreciate that. But again, that standard of economics for a commercial building of this nature is different than what someone might do when they're renovating their home.

Part of that is whether or not a building can be economically renovated. This building has been shown to have no economic basis. The City of Cincinnati Economic Development Department ran four

different scenarios. The applicant has run five different scenarios. You've heard no qualified experts on those matters from the opposition providing why any of that analysis is faulty or inadequate.

In addition to that, you heard from Mr. Suder that the current owner has supposedly let this building be run into the ground.

During his cross-examination, I believe, he offered somewhat confusing questioning to Mr. Ramineni regarding the undefined terms of maintenance versus investment. We don't need to get into what everybody believed those to be, but I believe that the owner's testimony says one thing to you. He obtained the building and it has significant deficiencies in the foundation and other things that will prevent him from ever spending significantly in this building in any way that would allow it, 20 years later, to be economically feasible.

In addition to that, he mentioned a

number of ways that there are code requirements that would be triggered to bring in elevators or fire suppression systems or various handicap accessibility, things that greatly limited his use. He has testified to no code violations at this building.

He's maintained it on a minimal basis to keep that building occupiable and that is all that is expected. And again, that is just one of many factors to be weighed here.

In addition, the Certificates of Appropriateness, both for the demolition of the buildings at issue and the design have been recommended for approval by the staff.

We would respectfully request the Board approve these requests consistent with staff's recommendation. Thank you.

MR. STURKEY: Tim, you are muted.

MR. VOSS: Sorry. Thank you.

At this point, I'd like to give the Board members an opportunity to ask questions of staff of the applicant or

those in opposition.

Does anyone on the Board have questions at this time?

MR. SUNDERMANN: I have a question for Ms. Johnson. Ms. Johnson, when I'm reviewing these numbers, the $1.6 million number for site -- fixing of the site and everything, foundation. That's obviously a big number, and to get past that number with a viable use for this building is difficult.

So my question -- and I believe Ms. Ryan mentioned that some organization in the county ran some hypotheticals on how much it would cost to redo this building. Do we think that $1.6 million number is a valid number?

MS. JOHNSON: The estimate was provided by HGC, which has a very good reputation within the City of providing estimates, as well as doing work on historic buildings.

MR. SUNDERMANN: Okay.

MR. VOSS: Do we have other questions from the Board?

MS. SMITH-DOBBINS: This is Pam Smith-Dobbins. I don't necessarily have a question, it's more of a statement. And I think it might have been the attorney for the hotel developer talked about community engagement. And I was just questioning how meaningful that community engagement was.

Just in listening to the people that live in the neighborhood, and then with what Mr. Klingler was saying, yes, there was some engagement, but I'm just not quite sure if it was meaningful engagement on the part of the developer.

MR. VOSS: Thank you. I would like to make a motion that we go into closed session to consider this.

MR. SUNDERMANN: Second.

MR. VOSS: All right.

Mr. Sundermann?

MR. SUNDERMANN: Aye.

MR. VOSS: Ms. Smith-Dobbins?

MS. SMITH-DOBBINS: Yes.

MR. VOSS: Mr. Zielasko?

MR. ZIELASKO: Aye.

MR. VOSS: Mr. Weiss?
MR. WEISS: Yes.
MR. VOSS: Ms. McKenzie?
MS. MCKENZIE: Aye.
MR. VOSS: All right. I also signal aye.
We will go into private session and discuss this and we'll be back shortly.
(The Board deliberated in executive session.)
MS. MAYNES: All right. Tim, we're recording and on YouTube.
MR. VOSS: All right.
Ms. Ryan or Mr. Ramineni, we have one question for you. Has there been an attempt in the last couple of years to sell this property to anyone else? Have you made any efforts to market this building?
MR. RAMINENI: We did -- I mean, it wasn't listed to no real estate agent, but we did have a discussion with multiple developers, 3CDC, Model Group and they the approached the building multiple ways to see what they could do

for a development plan, and they figured it's not a viable structure, and they really couldn't come up with any kind of positive use for the building. So they backed out.

MR. VOSS: Thank you. We'll go back into private session, unless a Board member has another question while we're here?

MR. RAMINENI: Thank you.

(The Board continued deliberating in executive session.)

MR. VOSS: Okay. Thank you. We are dividing it into four parts and we're going to vote on all four for clarity purposes.

So I would like to start with the noncontributing building at 1430 Central Parkway. I would entertain a motion.

MR. SUNDERMANN: Mr. Chairman, I would like to make a motion that we approve the Certificate of Appropriateness for 1430 Central Parkway as laid out by staff.

MR. ZIELASKO: Second.

MR. VOSS: Right. We have a motion and a second. So 1430.

Mr. Sundermann?

MR. SUNDERMANN: Aye.

MR. VOSS: Ms. Smith-Dobbins?

MS. SMITH-DOBBINS: Yes.

MR. VOSS: Mr. Zielasko?

MR. ZIELASKO: Aye.

MR. VOSS: Mr. Weiss?

MR. STURKEY: Looks like he's just coming back now.

MR. VOSS: Mr. Weiss, it's your vote on 1430 demolition.

MR. WEISS: Yes.

MR. VOSS: Ms. McKenzie?

MS. MCKENZIE: Aye.

MR. VOSS: The Chair votes aye, subject to a replacement with -- we're okay with number -- with 1430.

Now, as to 1416 Central Parkway, I would entertain a motion.

MR. SUNDERMANN: Mr. Chairman, I would like to make a motion that we disapprove the Certificate of Appropriateness for 1460.

MR. VOSS: All right. So a positive vote or a yes vote will be in opposition to the demolition.

Do I have a second?

MR. ZIELASKO: Second.

MR. VOSS: All right. Mr. Zielasko?

MR. ZIELASKO: Aye.

MR. VOSS: Mr. Sundermann?

MR. SUNDERMANN: Aye.

MR. VOSS: Ms. Smith-Dobbins?

MS. SMITH-DOBBINS: Yes.

MR. VOSS: Ms. McKenzie?

MS. MCKENZIE: Aye.

MR. VOSS: Mr. Weiss?

MR. WEISS: Aye.

MR. VOSS: The chair votes no. I believe that the applicant has demonstrated the economic hardship required, but motion is defeated. We do not approve the demolition of 1416.

I do want to go ahead and have a -- since we took the time to talk to everybody on the zoning relief for the limited and full-time and restaurant and outdoor areas, I would entertain a

motion.

MR. SUNDERMANN: Mr. Chairman, I would like to make a motion that we approve the zoning relief as laid out by staff.

MR. ZIELASKO: Second.

MR. VOSS: Mr. Sundermann?

MR. SUNDERMANN: Aye.

MR. VOSS: Mr. Smith-Dobbins?

Did we lose her?

MS. SMITH-DOBBINS: Yes.

MR. VOSS: Mr. Zielasko?

MR. ZIELASKO: Aye.

MR. VOSS: Mr. Weiss?

MR. WEISS: Yes.

MR. VOSS: Ms. McKenzie?

MS. MCKENZIE: Aye.

MR. VOSS: The chair votes aye. The zoning relief is approved.

Finally, on the Certificate of Appropriateness for the new construction. I would entertain a motion.

MR. SUNDERMANN: Mr. Chairman, I would like to make a motion that we disapprove the Certificate of

Appropriateness for the new construction.

MS. SMITH-DOBBINS: Second.

MR. VOSS: Again, to be clear, a yes vote is against the proposal.

So Mr. Sundermann?

MR. SUNDERMANN: Yes.

MR. VOSS: Ms. Smith-Dobbins?

MS. SMITH-DOBBINS: Yes.

MR. VOSS: Mr. Zielasko?

MR. ZIELASKO: Aye.

MR. VOSS: Mr. Weiss?

MR. WEISS: Yes.

MR. VOSS: Ms. McKenzie?

MS. MCKENZIE: I like a lot of things about the proposal, and I think that parts of it are really well done and really contribute to the neighborhood. For me, it's really the massing as it comes up against the residences on Magnolia. I think it's too tall for that area. So I'm an aye, so against it.

MR. VOSS: Got it. I agree. My vote is aye. If it were necessary to have that partial fourth floor, I would prefer to see it on the Central Parkway

side where the massing makes more sense.

So we are six to nothing in rejecting the Certificate of Appropriateness for the new building and rehabilitation as laid out by staff.

Ms. Johnson, do we have any other business?

MS. JOHNSON: No.

MR. VOSS: Okay. I would entertain a motion to adjourn.

MR. SUNDERMANN: Chairman, I would like to make a motion to adjourn.

MR. ZIELASKO: Second.

MR. VOSS: All in favor?

THE BOARD: Aye.

MR. VOSS: We're adjourned. Thanks, everyone.

- - -

MEETING ADJOURNED AT 6:41 P.M.

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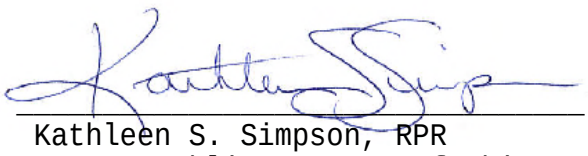
C E R T I F I C A T E

STATE OF OHIO :
: SS
COUNTY OF CLERMONT :

I, Kathleen S. Simpson, RPR, the undersigned, a duly qualified and commissioned notary public within and for the State of Ohio, do certify that the foregoing is the hearing given at said time and place; and that I am neither a relative of nor employee of any of the parties or their counsel, and have no interest whatever in the result of the action.

IN WITNESS WHEREOF, I hereunto set my hand and official seal of office at Cincinnati, Ohio, this 4th day of August 2021.



Kathleen S. Simpson, RPR
Notary Public - State of Ohio
My commission expires March 21, 2022

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DECISION
HISTORIC CONSERVATION BOARD
CITY OF CINCINNATI
DATE OF DECISION: AUGUST 12, 2021

APPLICANT: **Luminaut**

CASE TYPE: **COA/Zoning Relief**

CASE NO.: **COA2021030/ZH20210086**

PROPERTY: **1416-1430 Central Parkway Cincinnati OH 45202**

SUMMARY OF REQUEST:

Luminaut (the "Applicant") requests a Certificate of Appropriateness ("COA") to demolish a non-contributing addition at 1430 Central Parkway, demolish a contributing building at 1416 Central Parkway, for new construction at 1416-1430 Central Parkway and for Zoning Relief for an outdoor eating and drinking area with entertainment.

SUMMARY OF DECISION:

The application is **APPROVED in part and DENIED in part**.

PUBLIC HEARING:

The Historic Conservation Board (the "Board") conducted a public hearing (the "Hearing") on the above-cited application and is charged with evaluating the credibility of all witnesses and issuing findings of fact and conclusions of law based on the testimony and evidence presented to it.

The Board mailed notice to all persons entitled to receive notice of the application. Also, the Board published prior notice of the Hearing on the application in The City Bulletin. A quorum of Board members under Section 5 of the Rules of Procedure were present throughout the Hearing.

The Board recorded the Hearing, and a copy of the recording is available for review and transcription from the Office of Administrative Boards. Similarly, a representative from Elite Court Reporting Agency, LLC recorded the Hearing stenographically, and a transcript of the proceeding is available upon request.

FINDINGS OF FACT:

Based on the report and recommendations of Historic Conservation Office staff, the evidence submitted by the applicant and other concerned persons, and sworn testimony presented at the Hearing, the Board makes the following findings of fact and conclusions of law:

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1. This matter concerns the real property commonly known as 1416-1430 Central Parkway and more particularly identified as Hamilton County Auditor's parcel nos. 081-0002-0205-00, 081-0002-0204-00, 081-0002-0202-00, 081-0002-0201-90 (the "Property").

2. The Property is located in the CC-A, "Commercial Community Auto", Zoning District, in the Over-The-Rhine neighborhood,[1] and within the area designated as the Over-The-Rhine Historic District (the "District").

3. The Property currently contains a combination of contributing buildings, non-contributing buildings and a parking lot.

4. The Applicant's application for relief (the "Application") includes several proposals and requests as part of one larger project:

    a. The Applicant is requesting a COA to demolish the contributing building at 1416 Central Parkway due to economic hardship.

    b. The Applicant previously received approval to demolish the non-contributing building at 1424 Central Parkway and now requests COA approval to demolish the non-contributing addition to the building at 1430 Central Parkway.

    c. The Applicant is requesting a COA for infill development at 1416-1430 Central Parkway which includes:

        i. New construction at 1416 Central Parkway that would extend into the existing parking lot in the rear at 216-222 Magnolia Street. The Applicant proposes the infill development along 1416 Central Parkway to be a three-story building at the street line with a fourth story setback from the street. The rear of the building proposed along Magnolia Street would maintain a three-story façade along the street line with a fourth story set back from the street.

        ii. Rehabilitating and renovating the building located at 1420 Central Parkway including façade changes and removing the large garage door on the 1st floor.

        iii. New construction at 1424 Central Parkway and 1430 Central Parkway including infill development of one structure that will maintain two distinct facade treatments and will be three stories at the street line with a fourth story set back from the street. The Applicant proposes installing skyway connections over the alley between the structure at 1424, 1430 Central Parkway and the rehabilitated structure at 1420 Central Parkway at the second, third and fourth levels.

    d. The Applicant is requesting Zoning Relief to allow two outdoor areas on the Property (one courtyard area and one rooftop area) for eating, drinking and entertainment that collectively

[1] Cincinnati Municipal Code Section 1400-17 and Map Section 1400-17.

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exceed the permissible amount of square footage allowed on the Property which is within 500 feet of a residential district.

5. A representative for the current owner of the Property at 1416 Central Parkway testified that 1416 Central Parkway is in substantially poor condition and that only a small portion of the building is being put to any economically viable use – currently as an office. He further testified that the building is very difficult to maintain, and it is not practical or economically viable to rehabilitate.

6. A representative of the Applicant, Matt Erdman, testified that there was broad community engagement, that the community does not speak with one voice, and that there were many different preferences coming from the community regarding the design of the new construction. He discussed the extensive structural deficiencies with the building at 1416 Central Parkway and argued that a previous renovation that took place (Spanish stucco) would not have been approved by today's historic conservation standards and thus much of the historic character has been lost.

7. Several members of the community including Danny Klingler, Margy Waller, and Mary Rivers as well as attorney Sean Suder and others argued that the demolition of the building at 1416 Central Parkway and the proposed new construction on the Property did not comply with the certificate of appropriateness standards. Among other arguments contained in the record, they argued that the building at 1416 Central Parkway has historic value and should be preserved, there was insufficient evidence to prove an economic hardship claim, and that the new construction is out of context for the adjacent residential neighborhood and the scale of the new construction would adversely impact adjacent properties.

8. Urban Conservator, Beth Johnson submitted to the Board a report concerning the application (the "Report"). The Report is 31 pages and dated June 23, 2021. The Report contains a summary of the requests, as well as a professional analysis and opinion, including a recommendation. The Report recommends approval of each request.

CONCLUSIONS OF LAW:

1. City Administrative Code ("CAC") Article XXX, Section 4 establishes the Board and empowers it to "have the duties and powers imposed by ordinance and [administrative] code."

2. CMC Section 1435-05-4 designates the Board to function as the Zoning Hearing Examiner concerning requests for zoning relief in Cincinnati's local historic districts.

3. CMC Section 1435-05-4 provides that "[t]he Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the 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 property is located and either:

a) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset; or
b) Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below."

4. CMC Section 1435-09-2 sets forth the procedure for which the Board is to consider certificate of appropriateness applications and provides that "[n]o one shall make an alteration or undertake a demolition, or receive any permit to do so, without first obtaining a Certificate of Appropriateness."

5. CMC Section 1435-09-1-(b) provides that "[t]he Board may approve, approve with conditions, or deny an application for a Certificate of Appropriateness."

6. CMC Section 1435-09-2 establishes that "[t]he Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:

   a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or

   b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the Certificate of Appropriateness is not approved."

COA Demolition of Contributing Building – 1416 Central Parkway

7. The owner of the building at 1416 Central Parkway has not sought to demonstrate that its demolition conforms to the applicable conservation guidelines and instead claims that it will suffer economic hardship if it is not permitted to demolish the contributing building. Accordingly, the Board has limited its analysis to whether the Owner has demonstrated "economic hardship" pursuant to CMC 1435-09-2 (b).

8. CMC Section 1435-09-2 (b) establishes that the Board shall consider all of the following factors when determining whether the property owner has demonstrated an economic hardship:

   a) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;

   b) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and

   c) Whether the economic hardship was created or exacerbated by the property owner.

9. In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

a) A property's current level of economic return;
b) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;
c) The feasibility of alternative uses for the property that could earn a reasonable economic return;
d) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
e) Knowledge of landmark designation or potential designation at time of acquisition; and/or
f) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

10. After considering the recommendations of the Urban Conservator and the evidence and testimony provided at the Hearing, the Board determines that the current owner at 1416 Central Parkway and the Applicant have not demonstrated that they will suffer economic hardship if they are not permitted to demolish the building at 1416 Central Parkway.

THE OWNER FAILED TO DEMONSTRATE THAT IT WILL SUFFER ECONOMIC HARDSHIP

11. The evidence and testimony provided at the Hearing indicate that the current owner at 1416 Central Parkway failed to show that it will suffer economic hardship if it is not permitted to demolish the building.

12. The Board finds that the evidence does not demonstrate that all economically viable use of the Property will be deprived without approval of the COA.

    The Applicant's justification for demolishing the building is based on the premise that the building is in such disrepair that it cannot be rehabilitated or sold for the purposes of rehabilitation without suffering a financial loss. However, the Board finds that the Applicant failed to introduce evidence that sufficiently establishes the Applicant's argument. Instead, evidence was introduced at the hearing that the current owner at 1416 Central Parkway has received at least one offer to buy the building at 1416 Central Parkway and the offer did not include plans to demolish the building.

    Furthermore, although the Applicant argued that the building is in a significant state of disrepair, no evidence was introduced that the building currently has any outstanding building code violations or complaints from neighboring property owners of blight or disrepair. In fact, evidence was introduced that the building has been occupied since its most recent purchase and is still occupied and in use today, at least in part, as an office space.

    Finally, the Board finds that the building, despite past alterations and updates, still maintains its historic character and nature and contributes to the District.

    The Board does not question the Owner's desire to operate a hotel on the Property. But, for the purposes of the economic hardship analysis, it cannot be ignored that other development

scenarios for the Property may have the potential to reduce the hardship of which the Owner complains.

CONCLUSION

13. Upon motion duly made and seconded, a majority of the Board members present voted to **DENY** the application to demolish the building located at 1416 Central Parkway, finding that the owner of the building at 1416 Central Parkway and the Applicant have not demonstrated by the preponderance of the credible evidence that it will suffer economic hardship.

14. The following is a record of the motion to deny the Application:

Affirmative	**Negative**	**Recused**
Ms. McKenzie	Mr. Voss	
Mr. Sundermann		
Mr. Zielasko		
Mr. Weiss		
Ms. Smith-Dobbins		

COA to Demolish Non-Contributing Addition at 1430 Central Parkway

1. The Over-the-Rhine Historic Guidelines (the "Guidelines") generally allow for demolition of existing buildings when the demolition request is for an inappropriate addition or a non-significant portion of a building and the demolition will not adversely affect those parts of the building which are significant as determined by the Board.

2. After considering the recommendations of the Urban Conservator and the evidence and testimony provided at the Hearing, the Board determines that the Applicant demonstrated that the building addition at 1430 Central Parkway is a non-contributing addition and thus the requested COA is appropriate.

CONCLUSION

3. Upon motion duly made and seconded, a majority of the Board members present voted to **APPROVE** the application to demolish the non-contributing building addition located at 1430 Central Parkway, finding that the Applicant demonstrated that the demolition was appropriate for the District.

4. The following is a record of the motion to approve the Application:

Affirmative	**Negative**	**Recused**
Ms. McKenzie		
Mr. Sundermann		
Mr. Zielasko		
Mr. Weiss		

Ms. Smith-Dobbins
Mr. Voss

COA for In-fill development at 1416-1430 Central Parkway

1. The Applicant contends that the proposed new construction at 1416-1430 Central Parkway substantially conforms with the District Guidelines pursuant to CMC 1435-09-2 (a).

2. The District Guidelines establish that the Board's review of new construction will focus on the design compatibility with the surrounding contributing structures. The appropriateness of the design relates to the neighboring buildings and to the intent of the District Guidelines. New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.

THE OWNER FAILED TO DEMONSTRATE THAT THE NEW CONSTRUCTION SUBSTANTIALLY COMPLIES WITH THE DISTRICT GUIDELINES.

3. The Boards finds that the evidence and testimony provided at the Hearing does not demonstrate that the proposed new construction at 1416-1430 substantially complies with the District Guidelines.

   The Applicant demonstrated that the plans for the new construction successfully incorporated several of the specific design features required by the District Guidelines. However, the Board finds that the Applicant failed to demonstrate that the scale, proportion, and height of the proposed design is compatible with the surrounding contributing structures and nearby residential structures. In particular, the height and the massing of the new construction along 216-222 Magnolia Street overpowers adjacent residential buildings.

   The partial compliance with some design guidelines does not outweigh the incompatibility and lack of rhythm created by the massing and scale of the new construction compared to adjacent contributing buildings.

CONCLUSION

4. Upon motion duly made and seconded, a majority of the Board members present voted to **DENY** the application for a certificate of appropriateness for new construction at 1416-1430 Central Parkway, finding that the Applicant failed to demonstrate by the preponderance of the credible evidence that the new construction substantially complies with District Guidelines.

5. The following is a record of the motion to deny the Application:

Affirmative	**Negative**	**Recused**
Ms. McKenzie		
Mr. Sundermann		
Mr. Zielasko		

Mr. Weiss
Ms. Smith-Dobbins
Mr. Voss

Zoning Relief to Allow Two Outdoor Areas on the Property

1. The Boards finds that the evidence and testimony provided at the Hearing demonstrates that the proposed outdoor areas at 1416-1430 Central Parkway are necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the District or the buildings on the Property.

   The Applicant demonstrated that the two outdoor areas – one courtyard space and one rooftop space – do not adversely affect the building because the courtyard space is outside of the historic buildings and the rooftop deck is built on top of the existing roof and does not cut or destroy any historic materials. The railing on the rooftop deck is set back from the edge of the building and will be constructed of glass which will minimize visibility form street views. The courtyard area will be buffered from surrounding residential buildings by new construction and is compatible with the Zoning District and surrounding neighborhood.

CONCLUSION

1. Based on the evidence submitted by the Applicant, testimony received at the Hearing, and the professional analysis and recommendation presented in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **APPROVE** the Zoning Relief request, finding it 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. Specifically, the Board approves two outdoor areas to be used for eating, drinking and entertainment that exceed 50% of the indoor area accessible to the public and are within 500 feet of a residential district boundary line.

2. The following is a record of the motion to approve the Application:

Affirmative	**Negative**	**Recused**
Ms. McKenzie		
Mr. Sundermann		
Mr. Zielasko		
Mr. Weiss		
Ms. Smith-Dobbins		
Mr. Voss		

MADE this 12th day of August, 2021:

/s/ Tim Voss
Tim Voss, Chair
Historic Conservation Board

/s/ David Sturkey
David Sturkey, Staff Attorney
Historic Conservation Board

APPEALS:
This decision may be appealed to the Zoning Board of Appeals under Chapters 1435 and 1449 of the Zoning Code. Appeals must be filed within thirty days of the date of the mailing of this decision.

TRANSMITTED this 12th day of August, 2021, by certified mail to:

Kinglsey + Co.
Attn: Jeremiah Hahn
1100 Sycamore Street, Suite 200
Cincinnati, OH 45202

TRANSMITTED this 12th day of August, 2021, by interdepartmental mail to:

Beth Johnson
Department of Buildings and Inspections
805 Central Avenue, 5th Floor
Cincinnati, Ohio 45202