

## MEMORANDUM

**DATE:** \_\_\_\_\_, 2020

**FROM:** Historic Conservation Board

**SUBJECT:** The duties, obligations, and scope associated with the Board's delegation of authority to the Urban Conservator.

### I. Purpose

On February 27, 2017, the Historic Conservation Board (the "Board") passed a resolution delegating to the Urban Conservator discretion to act on certificate of appropriateness applications related to minor alterations. The Board resolved that this delegation of authority will improve the customer experience by shrinking building permit-related timelines and reducing building permit-related costs, without sacrificing the continued preservation of the City's Historic Assets.

The Board's delegation of authority is likely to increase efficiencies while preserving transparency. The Urban Conservator's reviews are flexible because it is a role that is more accessible than the Board. The Board convenes 24 times in a year, but the Urban Conservator is a dedicated government official available to the public daily. Also, review times will decrease because applications come before the Urban Conservator faster than they come before the Board. Projects subject to Board review increase project timelines by at least 60 days from application date, but the Urban Conservator must act within 30 days of an application. The delegation of authority will preserve transparency, as well. The Urban Conservator must continue to provide notice of applications to community councils and all persons who own real property within 200 feet of a subject property. Similarly, persons affected by determinations made by the Urban Conservator have the option to bring his or her concerns to the Board for a public hearing. Ultimately, this process change will benefit the permit process without impacts to due process or civic engagement.

### II. Delegation Terms

Section 1. **Duration.** This delegation of authority is effective from the time that a quorum of Board members present at the meeting vote by majority to approve the delegation of authority, until the end of the day of the last scheduled regular meeting of the Board term. The Board must vote to renew the delegation of authority annually at the last regular meeting of each Board term. "Board term" means one full calendar year commencing on January 1 and ending December 31. If the Board is unable to consider renewal of its delegation of authority at the last regular meeting of the Board term, the Urban Conservator has the authority to determine applications until the end of the day of the next regular meeting, at which meeting the Board must reconsider the delegation of authority.

Section 2. **Geographic Scope.** The Board authorizes the Urban Conservator to approve certificates of appropriateness in each historic district.

Section 3. **Decisions.** CZC Section 1435-09-1-C governs the Urban Conservator's discretion.

**Section 4. Document Compliance and Administrative Reporting.** The Urban Conservator must maintain an application table, which list must include a property address, historic district, applicant name, application date, scope of work, and determination date. The Urban Conservator must provide to the Board a copy of the application table at the last regular meeting of each month.

**Section 5. Revocation.** The Board may revoke its delegation of authority at any time.

**Section 6. Scope.** The Board retains authority over all matters not expressly delegated to the Urban Conservator. The Board delegates to the Urban Conservator discretionary authority to approve, approve with condition, or deny certificate of appropriateness applications involving those minor alterations listed in Schedule 6.2 and Schedule 6.3, whereby each certificate of appropriateness application approval must substantially conform to the applicable historic guidelines.

The Board also delegates to the Urban Conservator discretionary authority to approve, approve with conditions, or deny extensions of time to obtain building permits for unexpired certificates of appropriateness, where the requests for extension are otherwise consistent with approvals originally granted by the Board, are harmonious with the general purposes and intent of historic conservation, and are in the public interest. The Urban Conservator, upon written request made prior to expiration, may approve extensions of a certificate of appropriateness for up to six months beyond the certificate's expiration date.

The Board reserves the right to review decisions made under this delegation of authority. Any person affected by the Urban Conservator's determination may apply to the Board within 30 days of the date that the Urban Conservator transmits a final determination. All applications shall be made on forms furnished by the Board, and all applicants are subject to all obligations and procedures governing applications to the Board, including, but not limited to, fees and application deadlines.

#### **6.1. Definitions.**

- a. "Building Façade" is defined by CZC § 1401-01-F.
- b. "Street" is defined by CZC § 1401-01-S12.
- c. "Restoration and Rehabilitation" are defined by 36 C.F.R. § 68.2(b)-(c).
- d. "Historic Fabric" The physical elements, from a historically significant period, that were combined or deposited to form a structure as opposed to material used to maintain or restore a structure following its historic period(s). (as defined by National Park Service)
- e. "Character Defining Feature" A prominent or distinctive aspect, quality, or characteristic of a historic property that contributes significantly to its physical character. Structures, objects, vegetation, spatial relationships, views, furnishings, decorative details, and materials may be such features. (as defined by National Park Service)

6.2. Schedule: Minor Alterations to Existing Structures. [•] = Yes; [-] = No.

Type of Work	Restoration/ Rehabilitation	New	Remove
Awnings/Canopies	•	•	• <sup>1</sup>
Chimney, Flue, or Pipe	•	•	• <sup>2</sup>
Decks/Decking <sup>3 4</sup>	•	•	-
Doors/Garage Doors	•	•	-
All Door/Window Openings	•	-	-
Exterior Surface Alteration <sup>5</sup>	•	•	•
Fences/Walls <sup>6</sup>	•	•	•
Fire Escapes	•	• <sup>7</sup>	•
Landscaping/Site Alteration	•	•	•
Lighting	•	•	•
Mechanical Equipment <sup>8</sup>	-	•	•
Painting Masonry	•	• <sup>9</sup>	• <sup>10</sup>
Railings	•	•	• <sup>11</sup>
Ramps <sup>12</sup>	•	•	-
Roofing Material	•	-	-
Signs	•	•	•
Skylights <sup>13</sup>	•	•	•
Stairwells <sup>14</sup>	•	•	-
Storefront	•	-	-
Windows	•	• <sup>15</sup>	-

<sup>1</sup> Not historic fabric or non-character defining feature

<sup>2</sup> Non-character defining feature

<sup>3</sup> Not visible from an abutting street

<sup>4</sup> Rooftop decks are not included except when on a flat roof and any railing or flooring required is not visible from the street.

<sup>5</sup> Alterations not visible from abutting street that do not impact the form of the structure, and that do not impact historic fabric or character-defining feature

<sup>6</sup> Must satisfy underlying zoning requirements and must not be historic fabric or character defining feature.

<sup>7</sup> Not on a Building Façade, as defined by CZC Section 1401-01-F

<sup>8</sup> Not visible from an abutting street

<sup>9</sup> Presently unpainted masonry walls and foundations are permitted to be painted if large sections of original masonry walls that have been replaced with new masonry that clearly varies in color, size, shape, or mortar joint as compared to the original masonry or where more than 25% of original masonry is in very poor condition and painting masonry is likely to protect it from further damage. All mortar and masonry must first be repaired before painting. Only the walls affected by brick replacement or deterioration may be painted.

<sup>10</sup> May be removed if removal process is an accepted means of removal as outlined in National Park Service Preservation Brief 1: Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings

<sup>11</sup> Not historic fabric or character defining feature

<sup>12</sup> Not located on Building Façade, as defined by CZC Section 1401-01-F; not visible from abutting street; not historic fabric or character defining feature.

<sup>13</sup> Not visible from an abutting street

<sup>14</sup> Not located on Building Façade, as defined by CZC Section 1401-01-F; not visible from abutting street

<sup>15</sup> New windows are permitted when historic windows cannot be restored and must match historic windows in style, size, composition, material, and fit the entire opening.

**6.3. Schedule: Minor Alterations/Plan Revisions to Approved Plans for New Structures and Additions That Have Yet to be Constructed or Issued a Certificate of Occupancy.**

[•] = Yes; [-] = No.

Type of Work	Change from Approved plans	Remove from Approved Plans
Awnings/Canopies	•	• <sup>16</sup>
Chimney, Flue, or Pipe	•	• <sup>17</sup>
Decks/Decking <sup>18 19</sup>	•	-
Doors/Garage Doors	•	-
All Door/Window Openings	-	-
Exterior Surface Alteration <sup>20</sup>	•	•
Fences/Walls <sup>21</sup>	•	•
Fire Escapes	-	-
Landscaping/Site Alteration	•	•
Lighting	•	•
Mechanical Equipment <sup>22</sup>	•	•
Painting Masonry	•	-
Railings	•	• <sup>23</sup>
Ramps <sup>24</sup>	•	•
Roofing Material <sup>25</sup>	•	•
Signs	•	•
Skylights <sup>26</sup>	•	•
Stairwells <sup>27</sup>	•	•
Storefront	-	-
Windows <sup>28</sup>	•	-

<sup>16</sup> Non-character defining

<sup>17</sup> Non-character defining

<sup>18</sup> Not visible from an abutting street

<sup>19</sup> Rooftop decks are not included except when on a flat roof and any railing or flooring required is not visible from the street.

<sup>20</sup> Alterations not visible from abutting street that do not impact the form of the structure, and that do not impact significant architectural details or character-defining elements

<sup>21</sup> Must satisfy underlying zoning requirements

<sup>22</sup> Not visible from an abutting street

<sup>23</sup> Non-character defining.

<sup>24</sup> Not located on Building Façade; not visible from abutting street

<sup>25</sup> Roofing material must still be an appropriate material as defined by the Historic Conservation Guidelines for the district

<sup>26</sup> Non-visible from an abutting street

<sup>27</sup> Not located on Building Façade; not visible from abutting street

<sup>28</sup> Alternative windows must match proposed windows in style, size, configuration and material

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

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APPLICATION #: COA201984  
APPLICANT: City Studios Architecture  
OWNER: Willkommen Holdings  
ADDRESS: **213 Woodward Street**  
PARCELS: 075-0004-0048  
ZONING: CC-P  
OVERLAYS: Over the Rhine Historic District  
COMMUNITY: Over the Rhine  
REPORT DATE: January 6, 2020, update February 26, 2020  
HEARING DATE: January 27, 20120  
STAFF REVIEW: Beth Johnson, Urban Conservator

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### UPDATE

The application was tabled at the January 27, 2020 meeting with concerns from the HCB of the design. After the discussion at the HCB meeting, staff and the applicant identified the following design issues that needed to be addressed to bring the building into substantial compliance with the Design Guidelines.

- 1.) Height and scale of a one story building is too short.
- 2.) Design needs to be related to the neighboring buildings not the park. The Modern style, including the one story building, full class storefront and gray brick was too much of a contrast to the neighboring contributing buildings.
- 3.) Storefront base design should be more in line with traditional storefront organization.
- 4.) A recessed eating area didn't hold the street face or continuity and left too much of a gap on Woodward Street.
- 5.) A design needed to hold the edge of the neighborhood and not extend the park into the historic context.

The applicant has revised the submission to address these concerns and provides a detailed narrative to explain how they have addressed the concerns. Below is a brief summary of how staff feels they have addressed these concerns.

- 1.) Height and scale of a one story building is too short  
*The building is now 2+ stories tall. It has a visual of 3 stories but its height extends up with a parapet wall to take the building to 28'6" tall. The top of the third story at the building to the south is 32'4" tall.*

- 2.) Design needs to be related to the neighboring buildings not the park. The Modern style, including the one story building, full class storefront and gray brick was too much of a contrast to the neighboring contributing buildings.  
*The building is now a red brick building which blends in with the existing unpainted red and red-orange brick of the historic buildings. The even spacing of the windows at the second story height on both Woodward Street and Hanover Street mimic the spacing and rhythm of the windows on the neighboring historic buildings.*
- 3.) Storefront base design should be more in line with traditional storefront organization  
*The Storefront reflects the organization of a traditional storefront design with a base/kneewall, large glass windows, and transom windows. There are also pilasters to break up the storefront into bays.*
- 4.) A recessed eating area didn't hold the street face or continuity and left too much of a gap on Woodward Street.  
*A metal frame consisting of a continuation of the storefront lintel and corner columns and a planter at the base defines the eating area and holds the edge of the street. There is still a gap between the eating area and the neighboring building due to an access easement that has to be maintained.*
- 5.) A design needed to hold the edge of the neighborhood and not extent the park into the historic context.  
*Extending the building to the height of 28'6" and providing a stronger building edge along the Woodward Street façade have provided a stronger edge at the corner. Also having more traditional elements at the storefront and in the red brick material helps to bring the reference back to the contributing buildings in the neighborhood rather than to the park.*

**Nature of Request:**

The applicant is requesting a Certificate of Appropriateness for a demolition of a two and a half story non-contributing structure and a Certificate of Appropriateness for the construction of a commercial two-story building.

**Existing Conditions:**

A three story single family building that was built in 1999. It is listed as a non-contributing building as 215 Woodward, however when compared with the National Register Map which the non-contributing list was taken from the map does designate 213 Woodward on the Map.



Figure 1: Street view of 213 Woodward Street. Pictures provided by Google Street Views.



Figure 2: Map of 213 Woodward. Map is from the National Register Nomination and the properties in light gray are non-contributing.



Figure 3: Aerial view of 213 Woodward Street. Map provided by Cagis Maps.

**Proposed Conditions:**

The proposal at 213 Woodward Street

1. Demolish the non-contributing building.
2. Construct a new 2+ story commercial building.
  1. The new building will be sided in a red gray brick on the main mass and will have Cement Fiber panels on the rear and side portion that is recessed from the street. The color will match the brick.
  2. The new building will have a storefront system oriented toward the corner with storefronts on both Woodward and Hanover Street.
  3. The building will be massed with zero lot line setbacks at the north and east property lines.
  4. There will be an outdoor eating area at the west of the building with pivoting storefront windows open toward the patio.
  5. Mechanicals will be on the roof and obscured from the street by a parapet wall.

**Previous Review:** NA

**Applicable Zoning Code Sections:**

Zoning District:	Section 1409	Commercial
Variance Requests:	Section 1409	Development Standards

	Section 1425	Parking Regulations
Variance Authority:	<a href="#">Section 1445-07</a>	
HCB authority:	<a href="#">Section 1435-05-4</a>	
Variance Standard:	<a href="#">Section 1445-13</a>	General Standards: Public Interest
	<a href="#">Section 1445-15</a>	Standards for Variances
Overlays:	<a href="#">Section 1435</a>	Historic Preservation
Historic District/Reg:		Over the Rhine Historic District
COA Standard:	<a href="#">Section 1435-09-2</a>	COA; Standard of Review

**Zoning Analysis:**

The proposed use of the property is permitted, and the siting and location of the building meets all required setbacks.

The property is within the Urban Parking Overlay Zone and no parking is required for the use. Under the base zoning this property would have been exempt from parking as it is under 2000 sf within a CC-P Zone.

There is no proposed Outdoor Entertainment at this location. If the applicant or a future tenant would like Outdoor Entertainment, including background speakers, a Conditional Use will be required due to its proximity to a Residential Zoning District.

**Certificate of Appropriateness Review**

**DEMOLITION**

Before consideration on an infill development on the lot, the question of the appropriateness of the demolition needs to be addressed.

In the supplemental Demolition Guidelines, it states

**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.**

*The building is a non-contributing building. While 215 Woodward is listed within the guidelines, the non-contributing list was taken directly from the National Register Nomination. When compared to the map, the property that is actually listed is 213 Woodward. Staff believes this was either a typo or there has been readdressing in this area due to possible redrawing of lot lines.*

*Staff only recommends approval of the demolition of this building only if a new building is approved. We will recommend a condition that the demolition building permit will be released at the same time a building permit for the new building is released.*

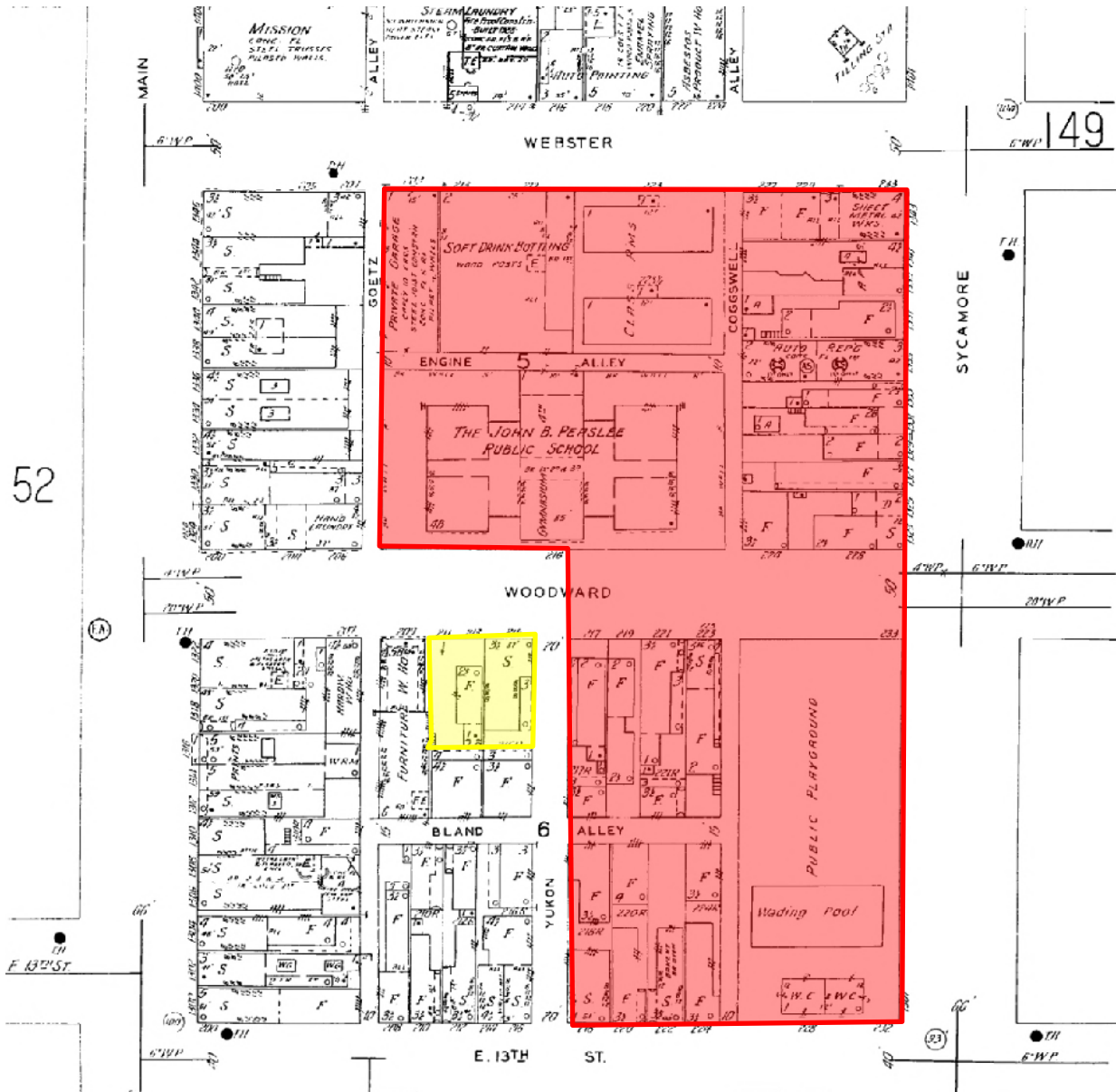
## **NEW CONSTRUCTION**

This site is a very unique site within the neighborhood. The base zoning is a commercial district; however, the streets are side streets and not a main corridor. Directly across the street to the north and east is Ziegler Park Pool. The buildings directly to the south and directly to the west of the building are multi-family residential buildings.

The applicants have changed their proposal from a one-story commercial building to a 2+ story commercial building due to the comments and concerns from the last Historic Conservation Board meeting on January 27, 2020. The building will have the appearance of a 2-story building but will remain a strictly commercial building designed for an eating and drinking establishment. At the last HCB meeting there were public comments regarding the desire to have a taller building that would have residential units above a commercial first floor or even the reuse of the first floor. If the board decides that 2 stories is still not tall enough and the applicant needs to show economic feasibility the applicant has provided information in their packet regarding the re-use of the existing building, 4-5 story mixed use building, and a 3-story mixed use to justify the decision that a single use commercial building is the economically viable option.

This project is part of the Willkommen multi-site low income housing project that is using a complicated financial layering scheme of Low-Income Housing Tax Credits, Historic Rehabilitation Tax Credits, and New Market Tax Credits. The Low-Income Housing Tax Credits and New Market Tax Credits each has its own requirements that have to be met in regard to accessibility, types of units, uses and commercial revenue. These requirements are layered on top of building code requirements in regard to egress and life-safety issues.

Staff's review of the compatibility and compliance with the guidelines is that the new proposal is substantially in compliance with the guidelines and the new submission of a 28-foot-tall 2 story building is appropriate. Staff's review of the financial and feasibility explanations is that this supports the need to be slightly flexible due to the programmatic needs of the project.



The above map is the 1937 Sanborn Map. The lot highlighted in yellow is the subject site. The proposed layout of the building is similar to what was historically on the lot. The lots highlighted in red have all been demolished for Ziegler Park and for Peaslee Neighborhood Center, formally Peaslee School Annex. Peaslee School Main Building was demolished in 1974 and Ziegler Park, originally created in 1975 on the blocks south of Woodward St, was renovated and expanded onto the former Peaslee school site in 2017.

**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.

*The lot would be vacant once the non-contributing building is demolished. As staff states above, staff is only supportive of the demolition in the case an infill project is simultaneously approved by both the Historic Conservation Board and wrecking and building permits are issued concurrently.*

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 does not replicate the existing buildings, but staff does feel that the building is contextually sensitive to the neighborhood and the historic architecture.*

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.

*The building has a defined base, middle and top. This is a appearance of a 2 story commercial building with a strong commercial base. The Storefront base has the traditional organization with a kneewall/base, large storefront windows, transoms, entrance and pilasters.*

**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.

*The addition of the appearance of a second story creates a middle that is defined by individual punched openings that mimic the spacing and openings of the neighboring buildings.*

**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.

*The top is defined by a patterned brick parapet wall that creates a distinctive and pronounced top.*

**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.

*The roof is a flat roof which is an appropriate for a one-story commercial building and is similar to other contributing one-story commercial buildings in the neighborhood.*

**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.

*With an added second story the openings on this floor are punched openings in a similar size and placement of windows on neighboring commercial buildings. The windows have a division, while not at the middle similar to double hung, towards the bottom to break up the window. The windows have a lintel piece within the opening and are recessed slightly from the façade line.*

**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.

*The storefront window systems are a similar height to the other commercial storefront on the street the top of the window and bottom of the top/lintel is at 12'. The system also details a transom window above the storefront system and a solid insulated panel at the bottom 2 feet to provide a substantial base.*

*The window system is divided into vertical bays on all three sides that have windows providing both a visual break but also reflecting the typical breaks in windows on storefronts as is seen on the other commercial building on the street. These breaks are accentuated by pilasters to divide the storefront into bays.*

**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.

*There is a zero-lot line setback at the east and north street faces. This setback is continued with a landscaping all to the west of the north façade to create a continuity at the street.*

*The façade does have slight recess at both the entrance on then north façade and a portion of the east façade to allow for planter boxes. As this recess is a shallow setback and the overall building line is retained by the planter box and the overall building at the top staff finds that this is in keeping with the intent of the setback and this is an appropriate treatment.*

**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.

*The rhythm of the building is found mostly in the placement of the vertical divisions of the windows along the storefront and by the second story windows. The building is wider than neighboring buildings, however it is broken up by the outdoor area*

**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.

*The building is slightly wider along Woodward Avenue than it is tall, however it does have a strong vertical emphasis through the windows on both the first and second floors. The strong corner column also creates a strong vertical element.*

**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.

*The adjacent contributing buildings are 3 and 4 story buildings. It can be interpreted that the building to the south is a 4 story building, however we have not typically counted a story within an attic space as a full story and would call it a 3.5 story building. The building to the west is also in staff's interpretation a 4 story building as the "5<sup>th</sup>" story is in a mansard roof, which while it creates a larger living space is within an architectural roof space. The building is a 2 story building by appearance, as the interior is a 1 story functional space. It is a tall 2 story compared to the building to the south the height of the parapet comes to approximate 2.5 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.

*The main material on the building is brick with a metal and glass storefront. These are appropriate materials. The brick work at the top is decorative is also an appropriate use of the brickwork. The use of Cement fiber on non-street fronting sections and to be painted the same color as the brick is acceptable.*

## **Other Considerations:**

### **Prehearing Results**

January 8, 2020 The applicant was present.

### **Comments provided to staff**

Frank Russell and Danny Klinger have both provided emails of support for the changes that the applicants have made with encouragement that more contemporary cladding material be allowed as the main cladding material. Their emails are included in the packet.

## **Recommendation:**

### **1. CERTIFICATE OF APPROPRIATENESS**

**A. APPROVE** the application for Certificate of Appropriateness for demolition of one non-contributing building and construction of a commercial two-story structure at 213 Woodward per the drawings submitted by City Studios and dated 3/6/9/2020 with the following conditions.

- 1) The building permit must be issued within 2 years or the Certificate of Appropriateness will expire.
- 2) Any Outdoor Entertainment, including but not limited to background music, will require a conditional use.
- 3) All mechanical systems on the roof shall not be visible from any street.

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

1. That the property owner and applicant has demonstrated by credible evidence that the proposal substantially conforms to the majority of the applicable guidelines for New Construction of the Over-the-Rhine Historic Conservation District.
2. A 2 story building at 28'6" is approximately the height of 2.5 stories in comparison to the contributing building to the south.
3. As part of the Willkommen mixed use and low income housing project, this property and use are needed to meet commercial revenue threshold for the use of New Market Tax Credits.

## Johnson, Beth

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**From:** Danny Klingler <dannyklingler@gmail.com>  
**Sent:** Saturday, February 29, 2020 4:00 PM  
**To:** frank russell  
**Cc:** Katie Westbrook; Johnson, Beth; Lann Field; Anna Barchick-Suter; Jennifer Walke  
**Subject:** [External Email] Re: 213 Woodward Revisions

### External Email Communication

Beth,

I would also like to provide written testimony to the Board, as I also will not be able to attend this hearing in person.

I would like to echo Frank's expression of support for the REVISED submission, with one caveat, expressed in the third paragraph below.

While I would prefer that there would be a pitched roof added to the proposed building, in order to echo the pitched roofs of the surrounding buildings and to better hold the space at the corner, I appreciate the compromise that these guys have made on this, and I do feel that the 2 story version holds the corner so much better.

Caveat: I used to be one who believed in replicative historic-looking brick. I have changed my views on this, having seen so many infill buildings in OTR that use a red colored brick with white mortar that end up not just fitting in. Therefore, consistent with Frank's recommendation, I would strongly recommend that the Board allow the designers to explore alternate exterior cladding materials, to form a more contemporary look on the finish. They are already accomplishing a fairly respectful form and punched opening pattern, and I think there could be leeway for either a more modern-colored brick, or a different contemporary material.

Thank you for your time,

Danny

On Fri, Feb 28, 2020 at 10:32 AM frank russell <[frankprussell@gmail.com](mailto:frankprussell@gmail.com)> wrote:

Dear Beth,

I provide the following statements of 1/28/20 and 2/28/20 for the Board in response to the COA application for 213 Woodward presented to the Board on January 27 and revised per submission of February 24<sup>th</sup>. Please convey them to the Board with the Board packet, as I will be unable to attend the hearing.

I make these statements as a nearly 30 year property owner of 207 Woodward, and as a longtime office occupant at same. I am a registered Architect and Urban Designer with 35 years of experience and have taught Urban Design at UC for nearly the same amount of time. I serve as VP of the Over-the-Rhine Foundation – but my statements are strictly my own.

## Johnson, Beth

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**From:** frank russell <frankprussell@gmail.com>  
**Sent:** Friday, February 28, 2020 10:33 AM  
**To:** 'Katie Westbrook'; Johnson, Beth  
**Cc:** 'Lann Field'; 'Anna Barchick-Suter'; 'Danny Klingler'; 'Jennifer Walke'  
**Subject:** [External Email] 213 Woodward Revisions

### External Email Communication

Dear Beth,

I provide the following statements of 1/28/20 and 2/28/20 for the Board in response to the COA application for 213 Woodward presented to the Board on January 27 and revised per submission of February 24<sup>th</sup>. Please convey them to the Board with the Board packet, as I will be unable to attend the hearing.

I make these statements as a nearly 30 year property owner of 207 Woodward, and as a longtime office occupant at same. I am a registered Architect and Urban Designer with 35 years of experience and have taught Urban Design at UC for nearly the same amount of time. I serve as VP of the Over-the-Rhine Foundation – but my statements are strictly my own.

I strongly support the current revisions shown in the 2/24/20 submission for 213 Woodward which shows a taller building. The volume achieved with the additional height appears to provide sufficient bulk to “hold” the corner and is tall enough to complete the blockface which fronts the park. While a taller building would be most appropriate situated adjacent to the 5 story 209 Woodward, the designers have a compelling observation that 1324 Main, which holds the northeast corner of Woodward and Main is just a few feet taller than what is proposed. It is regrettable that additional residential units could not be constructed above the restaurant, but the documentation shows that these options were given due consideration.

I am enthused that the desired level of transparency largely remains in the storefront while the articulation is more reflective of historic examples. The extension of the canopy to enclose the outdoor seating area is a welcome addition because it strengthens the streetwall on Woodward.

The aesthetic strength of the original submission was its experimentation with modern materials and using traditional materials in modern ways. With the revised submission I encourage the Board to give the designers leeway to explore materials other than brick, and/or use color or composition of traditional brick in a modern way. Alternative materials might also make wrapping the entire volume with the same finish which, in my opinion, is preferable to reducing the finish quality at the sides/rear of the building.

I thank the designers for their thoughtful response to input given at the January 27 hearing.

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**From:** frank russell [mailto:frankprussell@gmail.com]  
**Sent:** Tuesday, January 28, 2020 1:39 PM  
**To:** 'Katie Westbrook' <kwestbrook@3cdc.org>; 'Johnson, Beth' <beth.johnson@cincinnati-oh.gov>  
**Cc:** 'Lann Field' <lfield@3cdc.org>; 'Anna Barchick-Suter' <abarchicksuter@3CDC.org>; 'Danny Klingler' <dannyklingler@gmail.com>; 'Jennifer Walke' <jwalke@modelgroup.net>  
**Subject:** 213 Woodward

I am sorry that I did not make clear my last point about the proposal, so I am summarizing all of my intended comments. All are my opinions and I do not represent the OTR Foundation. I am a practicing Architect, Academic expert in urban design, and 30 year property owner of 207 Woodward.

1. The permitted height for a new building at this location would be based primarily on the building on the same block face – and that should be Woodward. The closest building there is 5 stories. The closest building on the secondary street is 3.5 joined to 4.5 stories. It is entirely reasonable to say that the new building should be within one story of the next building on its primary block face (Woodward) and that would require it to be at four stories.
2. Best practices in urban design call for taller buildings at the corner of blocks to solidify the massing of the block as a whole. (Kostof) This pattern promotes consistency and coherence in the built urban fabric and creates clear and well formed street corridors and public realm character. (There is always room for exceptions – but they must be exceptional to be a best practice)
3. Best practices in urban design call for the block face surrounding public space, like a park, to be relatively consistent in dimension (height) to provide a clear and consistent edge for the public space to prevent the space from “leaking” and to promote the perception of “enclosure” for people using the space. (Kostof) Consistency in height is especially desirable at the ends of the blocks where the gap of the perpendicular streets already break the block face. (There is always room for exceptions – but they must be exceptional to be a best practice)
4. Best practices in urban design call for the block face surrounding a public space, like parks and streets, to be proportional in height to the width of the public space in a 1:2 ratio. (A Jacobs) So the bigger the space, the taller the surrounding buildings should be. Obviously there are limitations on the practicality of surrounding building heights. And lower block faces are not objectionable on a larger public space, e.g. townhouses on the East Side of Broadway fronting Ziegler Park East as long as the block faces are mostly consistent in height throughout. In this proposal, a drop in the Yukon east facing block face is proposed from an average of 3.5 to a tall 1 story and this occurs at the worst place- the corner. (There is always room for exceptions – but they must be exceptional to be a best practice)
5. To conform at 4 stories and 2200 sf. (47.5x46.5) per floor the building could support 2 units per floor for a total of 6 units over a restaurant. An Elevator would be an expensive amenity for just 6 units. Perhaps an elevator tower could be situated on the southwest corner of the building with circulation designed to allow a covered open bridge to the open stairs fronting 211 and 215 Woodward. This maximizes accessibility and spreads the cost of the elevator over more units. As Danny points out, isn't it the goal of Wilkimmen to maximize the number of units?
6. To find a compromise, I could imagine that a tall 2.5 structure would be more effective than a tall 1 story structure at addressing the principles above. The footprint shown is 47.5 x 46.5 or about 2200 sf. I see no evidence in the packet that the light and air easement is a recorded easement or just a reasonable but arbitrary provision. If not then the footprint could be extended slightly to get to 2500 sf. In my opinion, a 2.5 story structure at this dimension would still allow adequate light and air access for the backing buildings. There are a number of existing compact free standing two story restaurants including Nada (3600 sf) Via Vite (3700 sf) and others like Good Fellas (1700 sf with 2 means of egress but no elevator). It is conceivable that a footprint of 2500 sf could support a two story restaurant. With a tall parapet this could extend as high as 30 feet which would be better than the proposed 20 foot height. (additional outdoor seating could be created with a sidewalk bumpout which would be entirely appropriate for this low/no traffic one way street)
7. There is always room for exceptions – but they must be exceptional to be a best practice. If the proposed building is permitted to be one story, even a tall one story, then the building will not accord with either the required guidelines or accepted best practices in urban design. It is my opinion that in this case, therefore, it should be an “exceptional” design and to do that the designer should not need to conform to any of the guidelines. The building should be free to take any form with any materials and any articulation that serve that form. The more interesting and unique the better, as is the case with existing OTR one story precedents that were submitted for the hearing. The structure could be a bit more of an object-in-the-round and a Jewel-like pavilion at the edge of the park. Something pleasant to look down on and a design that celebrates its exceptional situation.

February 24, 2020

Historic Conservation Office  
Cincinnati Zoning Department  
805 Central Ave., Suite 500  
Cincinnati, Ohio 45202

**Re: Certificate of Appropriateness  
Demolition / New Construction Request  
213 Woodward Street, Cincinnati, OH 45202**

This letter is to submit a Certificate of Appropriateness application for demolition of an existing 3 story, non-contributing single-family residential building at 213 Woodward Street to be replaced with new construction of a one story (2.5 story volume) commercial building with a potential mezzanine level and outdoor seating (no outdoor entertainment).

This application is continued from the Historic Conservation Board hearing on 1/27/2020. At that hearing, the proposed design was tabled with the option to redesign and re-present to the board at a later date. The following concerns were noted by the board members:

- The proposed building was too short for being adjacent to a 3.5 and 5 story building.
- The proposed building did not adequately hold the corner (too glassy) and it felt like the proposed design was extending the park into the corner instead of holding the urban edge against the park.
- The storefront needed to have a base.
- The design felt too modern for the context.
- The recessed open eating area left too much of a visual gap between the buildings and felt like an extension of the park.
- Not enough background was included as to how a single-story commercial space was determined to be the best use of the site.

The revised design shown in the attached graphic package and described in the following narrative seeks to address all these concerns.

The following information is included in addition to this narrative (items in bold have been added / revised since previous submission):

1. Adjudication Letter dated December 5, 2019 and checklist
2. Completed Certificate of Appropriateness Application
3. Demolition Case Sheet Letter – 3CDC
- 4. Historic Conservation Board Review Submission (Index of drawings on cover sheet)**
- 5. Narrative of Alternate Site Options with spreadsheet of costs and diagrams.**
- 6. Copy of existing light and air easement.**
7. Check for \$618.56 (submitted 12/13/19).

213 Woodward  
February 20, 2020  
Page 2 of 5

### **Project Narrative:**

213 Woodward Street is located at the corner of Woodward Street and Hanover Street (formally Yukon St.), and sits directly adjacent to Ziegler Park and Pool. This site falls within the Over-the-Rhine Historic District (CC-P).

This project is a proposed new construction commercial building on an existing lot currently containing a non-contributing 2-3 story (24'-34' tall) single-family residential building that was constructed in 1999. The scope of work includes proposed demolition of the non-contributing building. The demolition of the existing building will not adversely affect the streetscape as it will be immediately replaced with a new building that is built to the property line and extends the footprint to the west to further infill the empty space created by the existing driveway, strengthening the urban corner.

The proposed new building will be one story, but will read as a 2 ½ story volume, approximately 28'-6" tall and will have the potential for a mezzanine level. It will contain a white box commercial space with a patio for outdoor seating, slated for bar or restaurant use (A-2). There will be no outdoor entertainment as the site is located within 500' of a residential zone. Changing from a single family residential use to a commercial use at this corner location will strengthen the commercial vitality of Woodward Street and Ziegler Park. The proposed design also better holds the corner of the historic district where it meets the park edge by bringing the building all the way to the edge of the sidewalk and orienting the front to the primary street (Woodward).

This project is generally in compliance with the OTR Historic Guidelines and meets the CC-P zoning requirements for holding the street line and ground floor transparency. The following describes how the building meets the specific guidelines for new construction per the Over-the-Rhine Historic District Conservation Guidelines:

#### **1. Composition:**

Like most OTR buildings, the proposed new construction is made primarily of brick and the principal facades are parallel to both streets it faces. As a 2 ½ story volume, the proposed design takes cues from historic buildings of similar scale.

- *Base:* The "first floor" of the volume takes cues from historic OTR buildings with a continuous storefront fronting Woodward that wraps around the corner to Hanover. The height of this storefront is based on the height of the storefront at 207 Woodward. The building also has a 24"-48" high articulated brick base around the perimeter of the building at the non-storefront locations. This base transitions into a low wall and planter surrounding the outdoor eating area, which helps extend the visual street edge along Woodward. At the storefront, this 24" high base is continued with a divided lower section with a solid insulated panel in a finish to match the storefront.

- *Middle:* The “second floor” of the volume is a solid volume with punched openings, similar in scale to upper floor windows on typical OTR buildings.
- *Top:* The articulated brick above the windows provides a top to the building along with a simple painted metal coping. The coping continues around the entire building. A simple top is typical to buildings of the same typology (commercial, one – two story) found elsewhere in the historic district.

The rear (south) portion of the building is a more simple volume and switches from brick to a cement fiber panel siding above the brick base, in a similar color to the brick. There are no windows in the portion of the building. We feel this is appropriate for this small portion as it provides a buffer between the more active and open commercial space and the adjacent residential buildings to the south.

## 2. Roofs

The proposed building roof is low slope with a 36"-48" high parapet wall. This roof type is consistent with other buildings of the same typology (commercial, one-two story) found elsewhere in the historic district (see the OTR precedent images in the attached graphic package).

The low slope roof and tall parapet also allow all future mechanical equipment to be hidden. Concealing such mechanical equipment is important in maintaining the historic character of the district.

## 3. Windows

The “second floor” of the proposed building contains punched window openings, similar in scale and spacing to windows on historic OTR buildings. These windows have a contrasting brick detail at the top to give an implied header. Larger masonry openings are also used on the first floor beyond the return of the storefront onto Hanover. This switching from storefront to punched openings on the secondary street is typical of many historic OTR first floor corner configurations (see the OTR precedent images in the attached graphic packages). These first floor openings have the same contrasting brick at the top to give an implied header.

## 4. Storefront

The new storefront windows are recessed within the overall opening, similar to storefronts on historic OTR buildings. The windows are divided into larger bays with protruding vertical elements and further broken down in each bay in a way which maintains the vertical proportions at all the large sections of glass, similar to the historic configuration of storefronts. The overall storefront height is 12'-0" with a thickened band at 9'-0" to relate to the historic storefront divisions which typically had a larger pane of glass with a smaller transom above. A lower mullion is included at 24" above grade with a solid insulated panel below, continuing the brick base from the non-storefront portions of the building.

The storefront proportions are sized to relate to the adjacent commercial storefront at 207 Woodward (Collective Espresso) and the proposed corner wrapping storefront is consistent with the commercial spaces holding the nearby corners at Woodward / Main and 13<sup>th</sup> / Hanover and is a typical arrangement found throughout OTR at corner locations.

**5. Setback**

The proposed building is built to the property line, matching the setback of the adjacent buildings. The storefront windows and two masonry openings beyond the storefront on the east wall are recessed, but since the base and the corner columns hold tight to the property line, the overall volume reads as being continuous with the street line. In addition, the corner entry at the northwest corner is recessed slightly to allow for an out-swinging door. An exposed column holds the corner at this entry recess, typical of many recessed corner entries in OTR. These recesses are within the allowed zoning limits for building articulation.

The painted metal surround at the storefront is extended along the edge of the outdoor eating area to form a canopy. This with the low brick planter further extends the edge of the building along the open eating area.

**6. Rhythm**

The proposed building design incorporates articulation and rhythm by grouping bays of storefront windows with dividers and providing recesses which gives depth and shadow lines to the building. These design moves break down the building into vertical bays and mimics the rhythm of historic storefronts where there is often a change in proportions or recess at entries.

**7. Emphasis**

The proposed building incorporates tall, vertically proportioned storefront windows and breaks the storefront into sections which emphasizes the verticality as much as possible (see #6). In addition, the recess for the outdoor eating area breaks down a squarer site into a smaller proportion fronting the primary street that is more consistent with the scale of many historic OTR buildings. The "second floor" windows that are vertically proportioned extend this vertical emphasis.

**8. Height**

While the OTR Historic Guidelines prescribe that an infill building be within one story of the adjacent buildings (3.5 and 5 story buildings), we feel a 2.5 story volume within one story of the directly adjacent 215 Woodward and other nearby 3 story buildings at 1307 Hanover and 1324 Main and is appropriate for this location as it is similar in height to both the building it is replacing and to the original buildings located on this site (see the Sanborn Map in the attached graphic package).

213 Woodward  
February 20, 2020  
Page 5 of 5

In addition, building a shorter building allows the historic balconies as 211 and 215 Woodward to be somewhat visible to Woodward Street and the park – it is rare for these historic balconies to be visible within OTR and maintaining that view adds visual interest to the area.

**9. Materials**

The proposed materials include red brick as the dominant material with dark gray brick accents and a painted aluminum storefront and painted aluminum surrounds and coping. The rear of the building which is less visible will be a cement fiber panel painted in a color similar to the red brick. These materials are consistent with materials found within the historic district and are contemporary and compatible.

In addition to this narrative, City Studios has created a graphic package (attached) that provides visuals and further outlines how the proposed project complies with zoning and the OTR Historic Guidelines and how it strengthens the urban corner, the neighborhood and adjacent park.

Sincerely,



Chantelle Noble  
City Studios Architecture  
1148 Main Street  
Cincinnati, Ohio 45202  
P: 513-621-0750

**ADJUDICATION/DENIAL LETTER**

Date: December 5, 2019

Location: 213 Woodward Street

Request: New Construction/ Zoning Relief

Zoning District: CC-P/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 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. Please submit **only** 3 copies application and all documents that are required. You will be required to submit 10 copies of the packet closer to the date of the Historic Conservation Board meeting. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$618.56 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: Limited or full service Eating and Drinking Establishments: (e) Entertainment. Within 500 feet of a residential district boundary line, entertainment, including the use of audio/visual equipment or amplified sound is prohibited unless conditional use approval.

The 3 copies of the applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center **no later than 3pm on the deadline date**. It is highly encouraged that you make an appointment for submission to guarantee that your submission will be accepted by the deadline. Appointments can be made with Kasandra Maynes at 513-352-1559.

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

Sincerely,



Douglas Owen

Zoning Plans Examiner

(p): 513-352-2441

(e): [douglas.owen@cincinnati-oh.gov](mailto:douglas.owen@cincinnati-oh.gov)

no longer requesting zoning relief. There will be NO outdoor entertainment

# 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 – N/A~~
- ~~A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application – N/A~~
- 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. \$ 618.56

### 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

– 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](mailto: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.*



11 Centennial Plaza  
 805 Central Avenue, Suite 500  
 Cincinnati, Ohio 45202  
 Monday- Friday 7:30 am—4 pm  
 (513) 352-4848  
[Beth.Johnson@Cincinnati-OH.gov](mailto:Beth.Johnson@Cincinnati-OH.gov)

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

## CERTIFICATE OF APPROPRIATENESS APPLICATION

### SUBJECT PROPERTY

Site Address: \_\_\_\_\_  
 Hamilton Co. Parcel ID No.: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
 Historic District: \_\_\_\_\_ Overlay District: \_\_\_\_\_

### APPLICANT INFO PROPERTY OWNER OTHER \_\_\_\_\_ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: \_\_\_\_\_  
 Contact Person (if legal entity): Janelle Kelp  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### PROPERTY OWNER INFO SAME AS ABOVE

Name: \_\_\_\_\_  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

New Construction       Alteration       Demolition

Provide a very brief summary of the project:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### ZONING RELIEF Yes No

Provide a very brief summary of the zoning relief requested:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### 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: \_\_\_\_\_

December 13<sup>th</sup>, 2019

Beth Johnson, Urban Conservator  
Department of Buildings and Inspections  
City of Cincinnati  
805 Central Avenue  
Cincinnati, OH 45202

Dear Beth and Historic Conservation Board,

Please find documentation for the demolition of 213 Woodward Street based on the following condition:

*Section 1: A property owner who wished to demolish a local landmark or a building located in a local historic district must demonstrate to the Historic Conservation Board that they meet one or more of the following conditions*

*2. Demolition of a Non-Contributing building or addition: a. Must be listed in the application guidelines as non-contributing or if not listed as non-contributing, must provide justification why the building should be considered non-contributing; and b. The demolition will not adversely affect the streetscape.*

While 213 Woodward is not listed on the non-contributing list in the local guidelines (it seems to have been mistakenly listed as 215 Woodward), it has been confirmed by the Urban Conservator that the existing 3-story building is non-contributing as building permit records indicate it was constructed in 1999.

The demolition of the non-historic 3-story building will not adversely affect the streetscape as it will be replaced with a new building which is built to the property line and extends the footprint to the west to further infill the empty space created by the existing driveway, strengthening the urban corner.

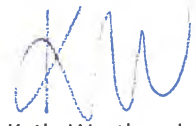
Additionally, this property is part of a large scattered site, mixed-income, mixed-use project known as Willkommen, on which we've been working closely with Urban Conservator over the last year. Prior to determining the building should be demolished, the project team explored two options for redevelopment: keeping the space residential and converting to commercial. Given the size of the building, the design could only support keeping the space as one residential unit, and, given the date the building was constructed, it is not eligible for historic tax credit financing. These two factors greatly limited the financial viability of keeping the building as residential only. The best path forward for 213 Woodward was then identified as commercial use (with no residential units) for three reasons:

1. The project relies on commercial rents to subsidize the affordable housing component. Without enough commercial square footage, the project isn't financially viable.
2. Located adjacent to Ziegler Park, this property is ideal for commercial use because it will help activate the streetscape, complement the activity levels found at the park, and support other local businesses on Woodward, such as Collective Espresso and Boom Box Buns, through increased foot traffic.

3. After months of exploration with our architects, we've determined that the building cannot be converted to a commercial use without undertaking cost prohibitive remodeling, which is detrimental to the financial viability of the entire project. The current residential layout does not lend itself to commercial use. Additionally, the building's façade is closed off from the street. Not only is this opacity discouraged by historic guidelines for commercial spaces but reworking the structural supports of the building to open up the façade is cost prohibitive.

For these reasons, we believe demolishing this non-contributing building and replacing it with a more open and active commercial space will add to Over-the-Rhine's vitality. Please reach out with any questions regarding this matter.

Sincerely,



Katie Westbrook  
Development Manager  
3CDC



# PROJECT DESCRIPTION

## 213 Woodward Street



Location Map (NTS)

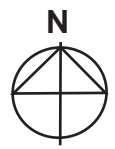
213 Woodward Street is located at the corner of Woodward Street and Hanover Street (formally Yukon St.), and sits directly adjacent to Ziegler Park and Pool. This site falls within the Over-the-Rhine Historic District (CC-P).

This project is a proposed new construction commercial building on an existing lot currently containing a non-contributing 3 story single family residential building that was constructed in 1999. The scope of work includes proposed demolition of the non-contributing building.

The proposed new building will be a ground floor commercial space in 2.5 story volume, approximately 28'-6" tall. It will contain a white box commercial space with a patio, slated for bar or restaurant use (A-2).



Aerial View of Site (NTS)



# BUILDING SITE EXISTING CONDITION

213 Woodward Street currently contains a 3 story single family residential building set back slightly from the northeast corner of the property and facing Hanover St. This building was constructed in 1999 and has been verified as a non-contributing structure within the historic district. There is a driveway to the west which provides access to the garages on the first floor of the existing building. The open site area is shared with 211 Woodward and 215 Woodward to the south.

The site is relatively flat with a series of brick posts and fencing along the site perimeter which will be removed along with the building.

There is a three and a half story building directly adjacent to the south (215 Woodward), a four and a half story building to the southwest (211 Woodward) and a five story building to the west (209 Woodward). Directly adjacent to the north is open space, containing Ziegler pool and a one story accessory building approximately 115' north. Directly adjacent east is also open space, containing Ziegler Park and a one story accessory building approximately 25' east.

The adjacent park extends between Hanover Street and Sycamore street and contains one other one story accessory building.



Site looking southwest from corner of Woodward and Hanover Streets



Site looking east from corner of Woodward and Goetz Alley



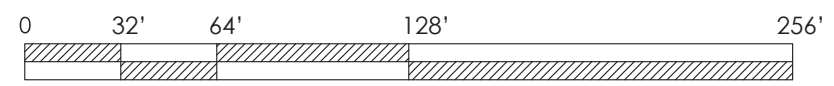
View of site from Ziegler Park



Adjacent 1 story accessory structure in park

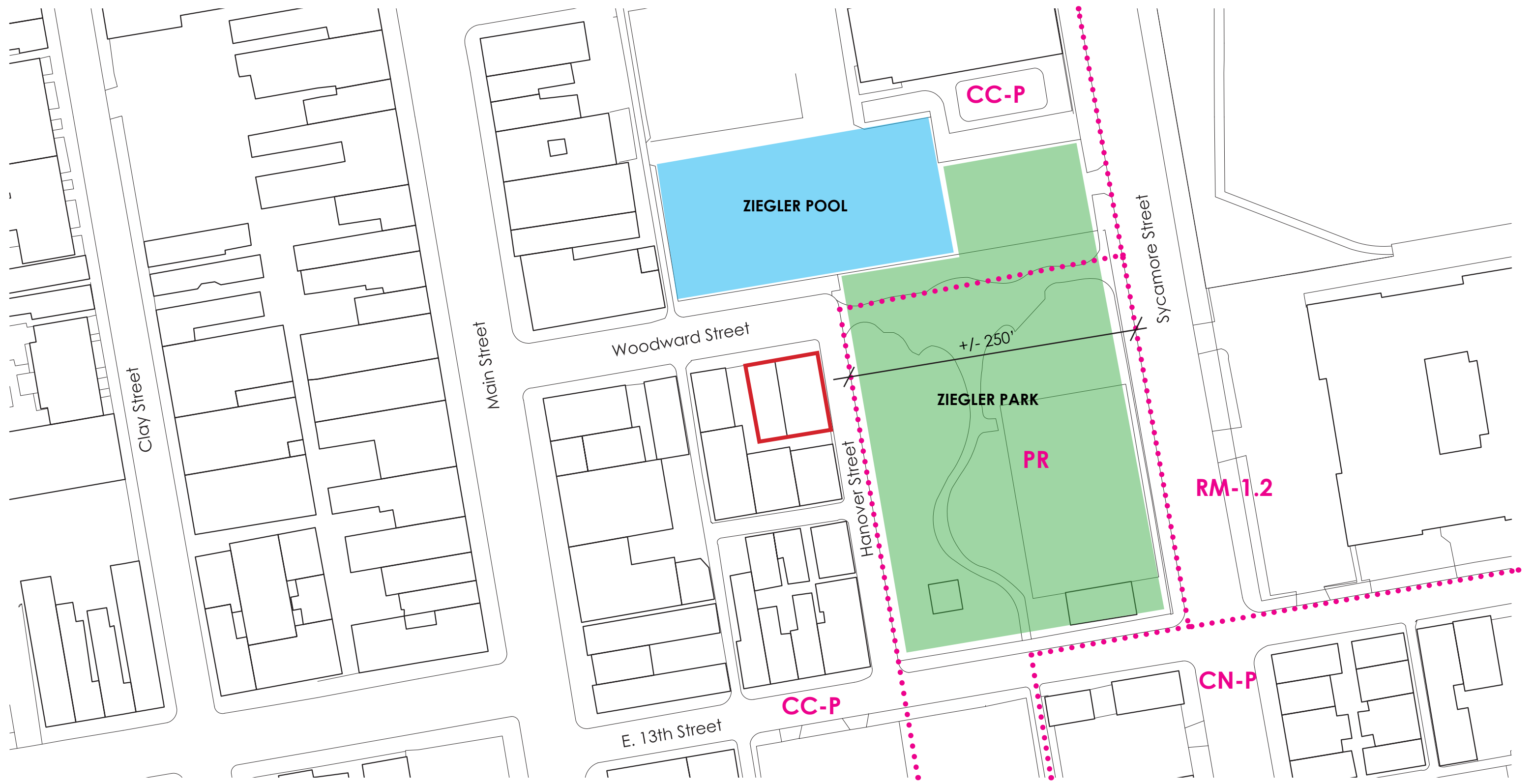


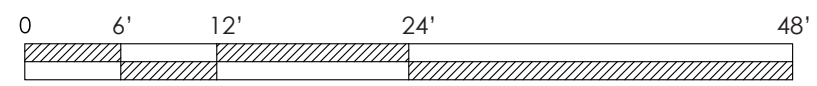
View from Woodward



**BUILDING SITE**  
 LOCATION PLAN (1/ 64" = 1'-0")

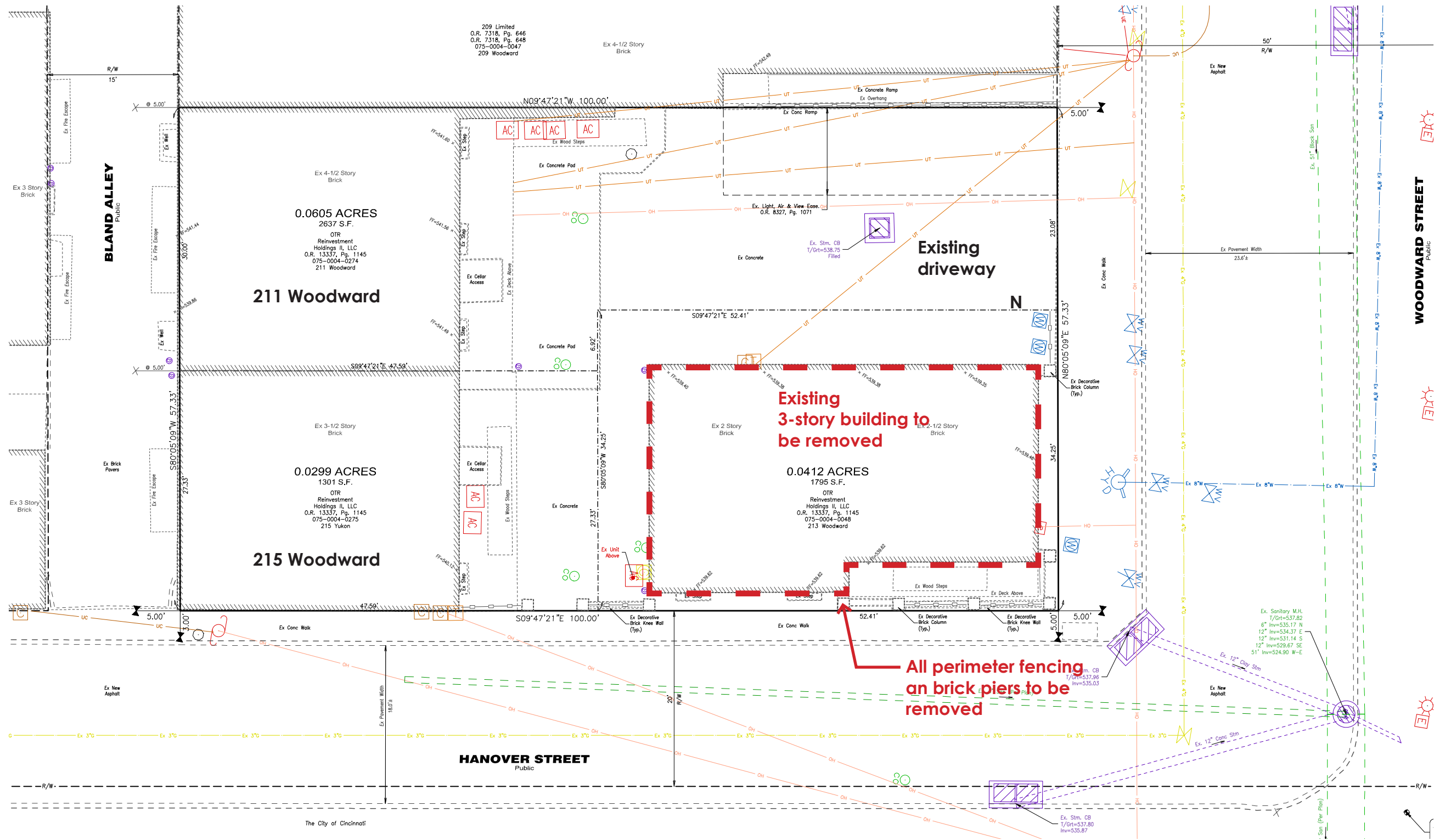
213 Woodward Street





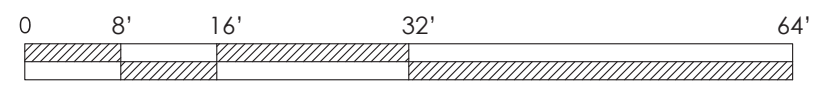
# BUILDING SITE EXISTING SITE PLAN (1" = 12'-0")

213 Woodward Street



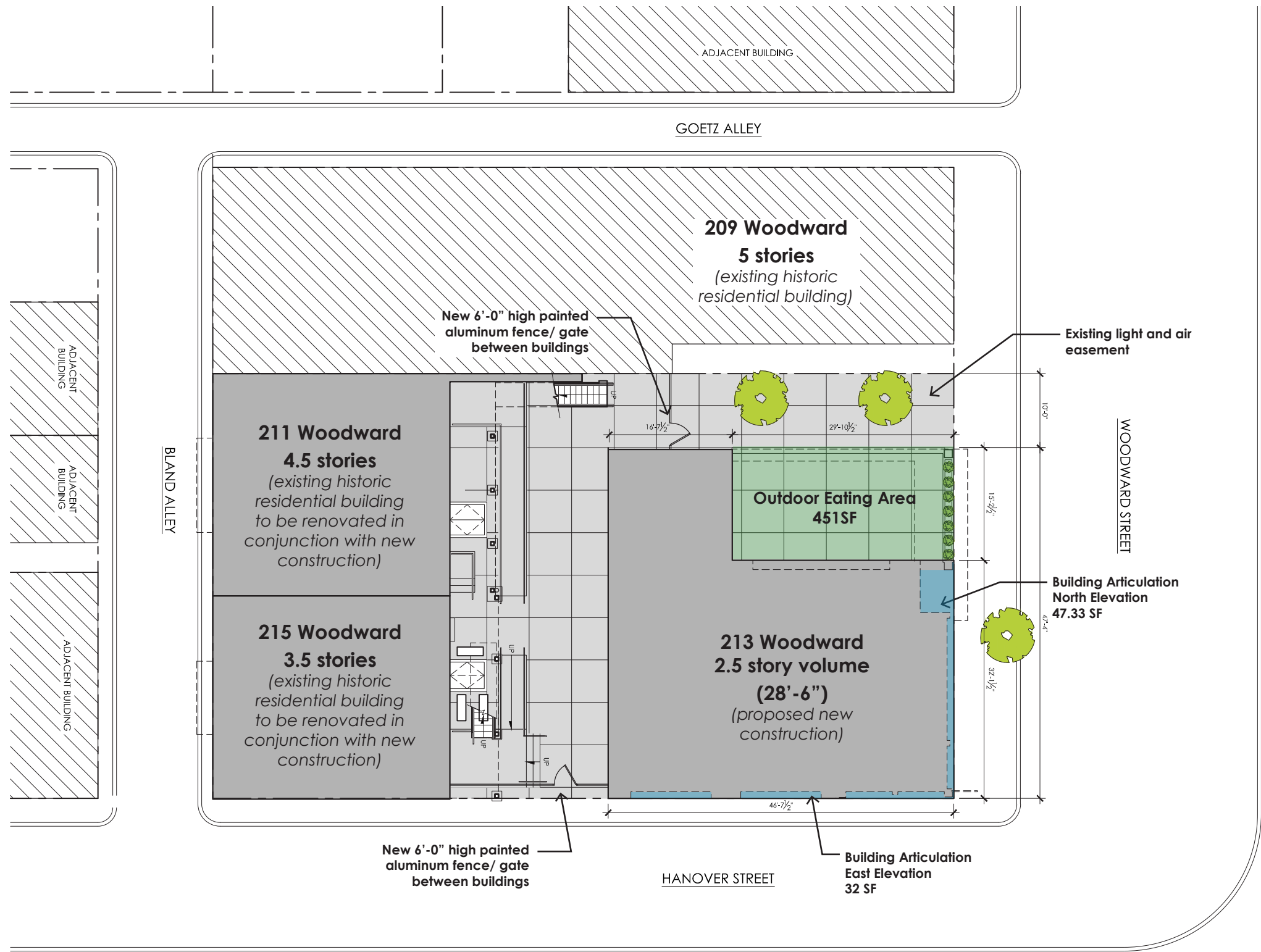
While 213 Woodward is not listed on the non-contributing list in the local guidelines (it may have been mistakenly listed as 215 Woodward), it has been confirmed by the Urban Conservator that the existing 3-story building is non-contributing as building permit records indicate it was constructed in 1999.

The demolition of the non-historic 3-story building will not adversely affect the streetscape as it will be replaced with a new building which is built to the property line and extends the footprint to the west to further infill the empty space created by the existing driveway.



# BUILDING SITE PROPOSED SITE PLAN (1/16" = 1'-0")

213 Woodward Street



### Building Articulation:

The CC-P zone requires a zero foot setback along the street facade for the first 15' high. Articulation is allowed up to 1 SF per property length = 47.33 SF allowed along the north side and 46.5 SF allowed on the east side. The actual design articulation is 47.33 SF along the north and 32 SF along the east side, allowing for setback at entry doors, deep recesses at the storefront and built-in planters. The articulation on the both sides is within the allowed limits.

### Outdoor Eating Area:

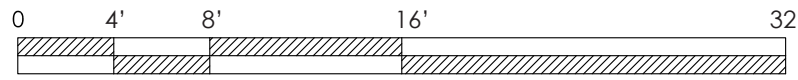
The CC-P zone allows for outdoor seating to be located on part of the street frontage (1409-19B) as long as 40% of the frontage is built to the lot line and the area does not exceed 12 times the frontage.

The design maintains 32.125' of the overall 47.33' frontage at the street (68%) and the area of the seating is 451 SF, less than the allowed area of 568 SF (47.33' X 12)

### Other Site Constraints:

There is an existing light and air easement with 209 Woodward that must be maintained along the west edge of the site. In addition, keeping this area provides access to 211 Woodward in the rear.

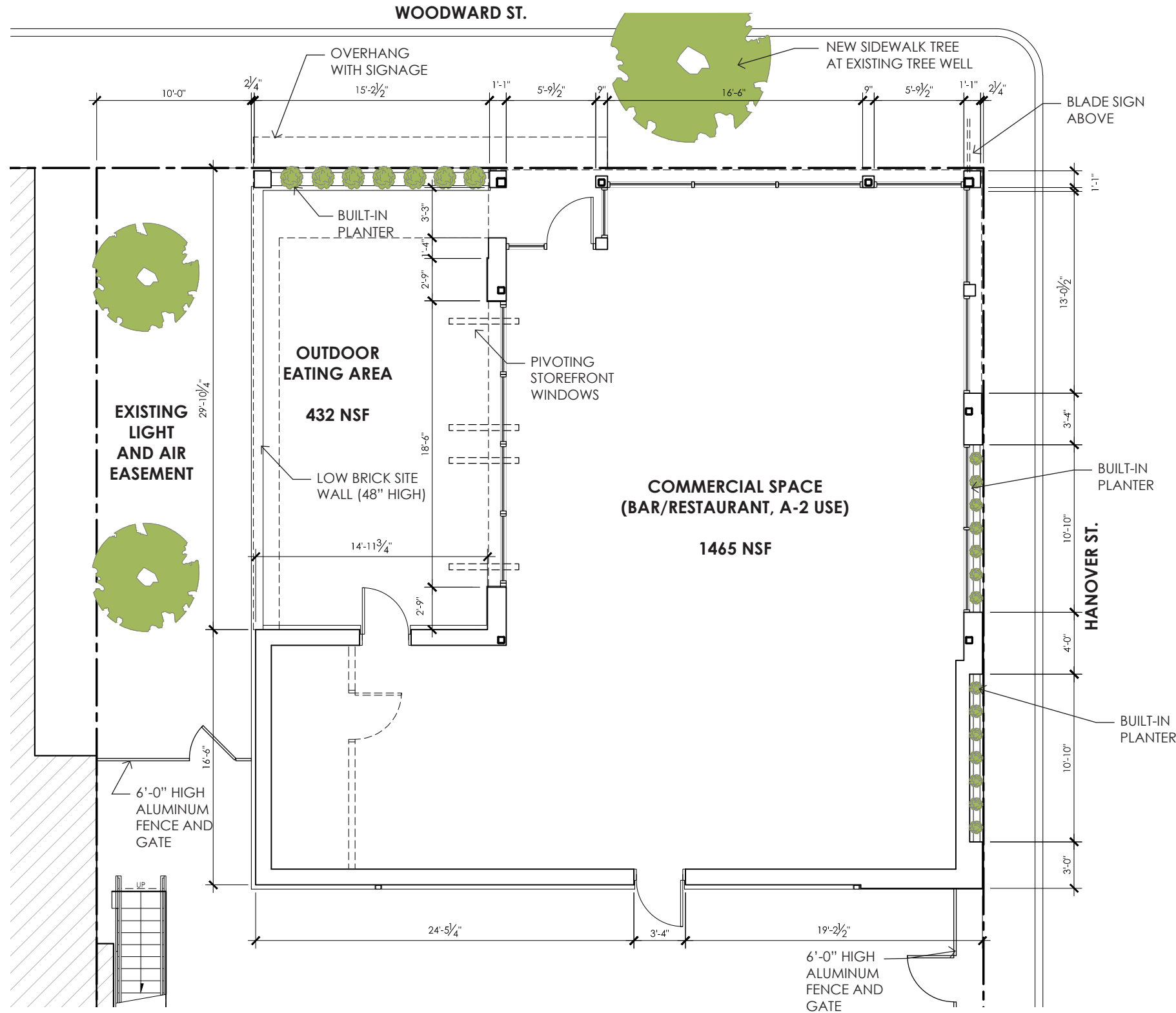
On the south side, space must be kept open between the existing egress stairs and the new building for required code separation. In addition, this space provides access to both 211 and 215 Woodward and provides a space for trash and recycling for all three buildings.



# BUILDING LAYOUT

213 Woodward Street

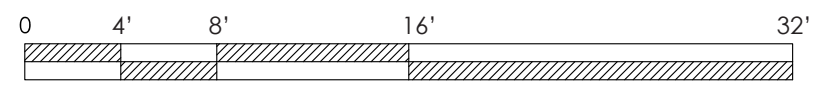
## PROPOSED FIRST FLOOR PLAN (1/8" = 1'-0")



The proposed new construction is a single story building with the potential for a mezzanine, in a 2.5 story volume. The construction is slab on grade with large fixed storefront windows facing the primary street to the north and east and pivoting storefront windows facing the outdoor eating area to the west. The southern portion of the building is mostly solid walls, to conceal a future kitchen, bathrooms and other back of house spaces. This solid portion also gives privacy to the residential buildings to the south and acts as a buffer between the residential and commercial uses.

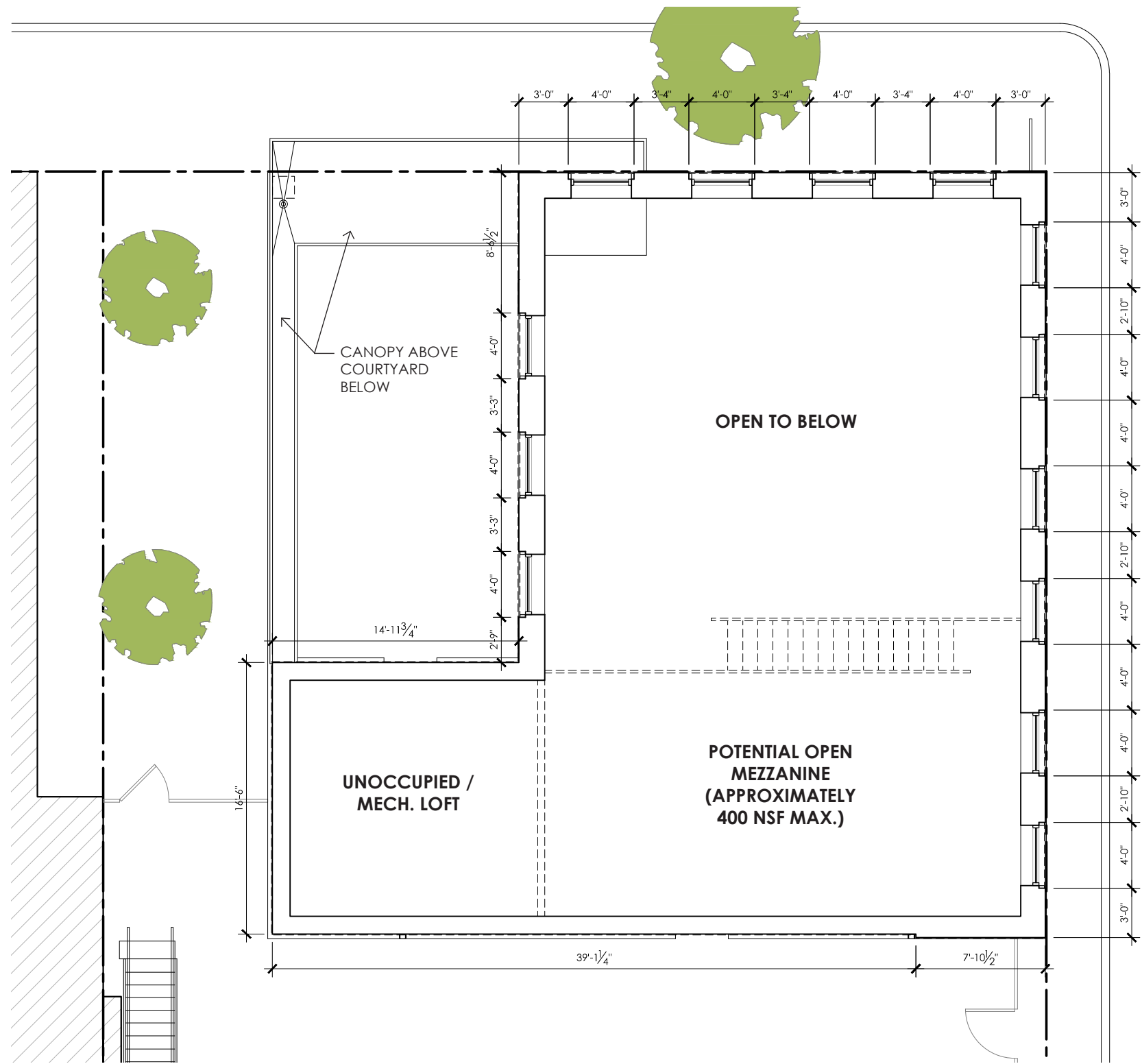
The storefront is recessed back from the "piers", similar to typical storefronts in OTR, which have deep returns between the structural elements and the glass. The layout also incorporates recesses for built-in planters at the two southern most bays on the east wall. A matching freestanding planter on the northern edge of the outdoor eating area helps extend the base of the building across to the open area.

A revocable street privilege application will be submitted to the city for the overhang at the entry and along the northern edge of the eating area and for the blade sign at the corner.



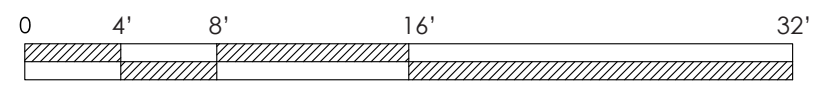
# BUILDING LAYOUT

## PROPOSED MEZZANINE PLAN (1/8" = 1'-0")



The upper level of the 2.5 story volume will have the potential for a built out mezzanine level open to the space below. The walls at this level are more solid with punched openings similar in scale to upper level windows on typical OTR buildings.

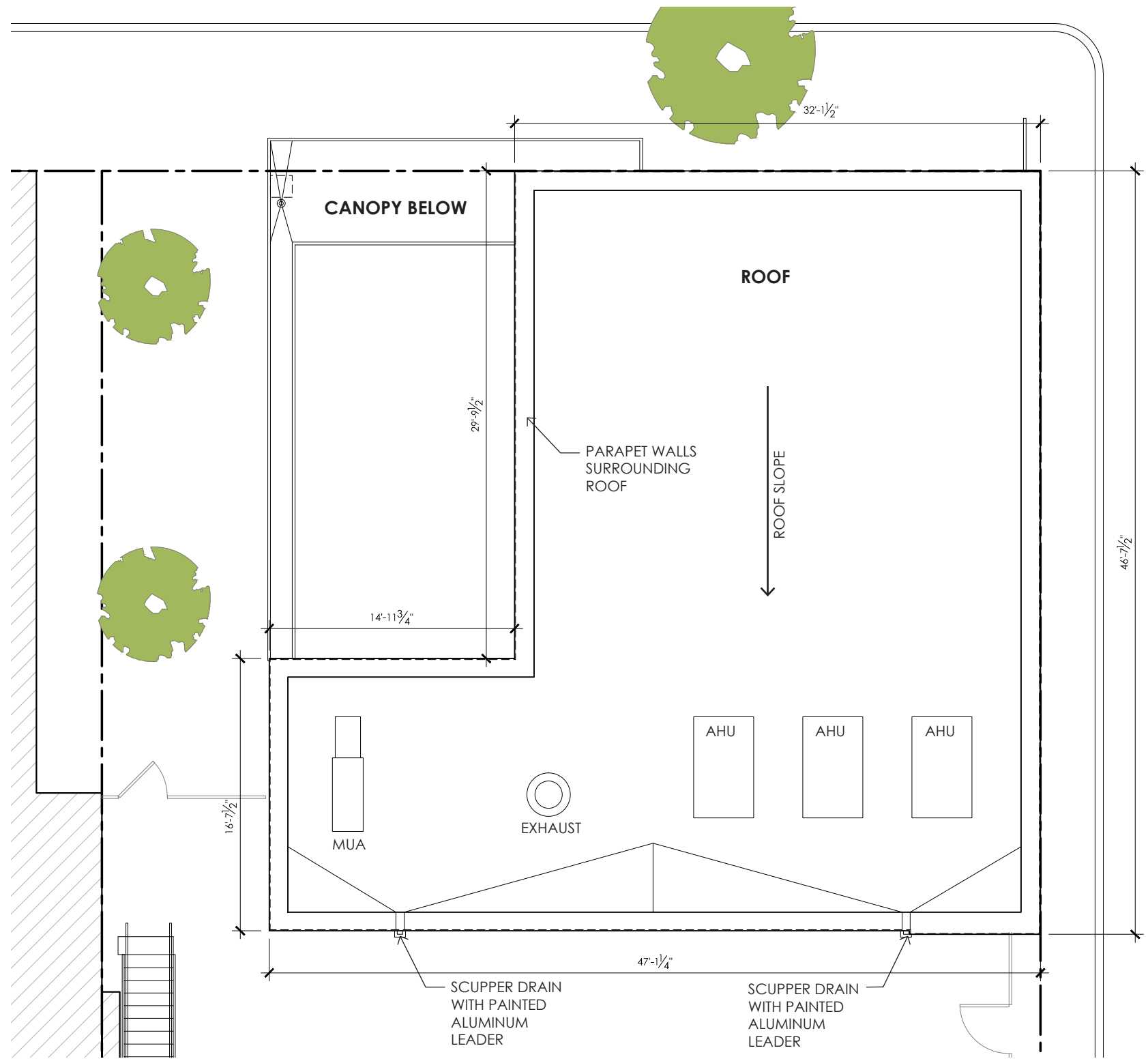
The canopy frame above the open eating area extends along the west side to define the space and provide a framework for hanging future lights.



# BUILDING LAYOUT

## PROPOSED ROOF PLAN (1/8" = 1'-0")

The roof will be a low slope roof, sloping from north to south with a parapet wall on all sides. The parapet at the southern portion will be 48-54" above the roof surface. All the future mechanical equipment will be located in this southern portion and the parapet walls will conceal the equipment from the street view.



Below is a selection of 2 - 3 story buildings throughout OTR at corner locations. These buildings were used as reference for the massing of the proposed building.



3 story at corner of Main & Woodward



2 story at corner of 12th and Walnut



2.5 story at corner of 14th and Pleasant



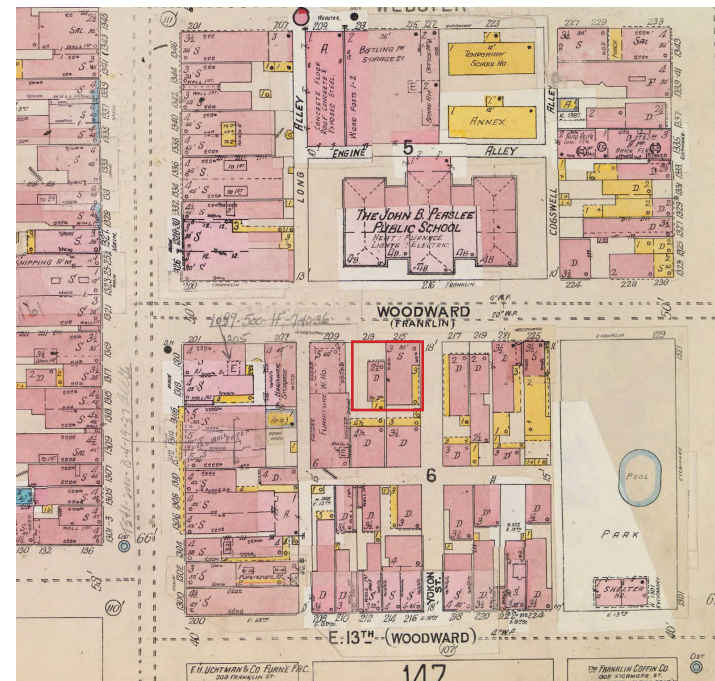
Barlow Motor Building: 2.5 story at corner of Race and Central Pkwy



2 story at corner of Reading & Broadway

## HISTORIC CONTEXT OTR BUILDINGS

213 Woodward Street



Sanborn map

Per the Sanborn Map, originally there was another block of buildings before the park and this site was a mid-block location, containing a 3 story and 2.5 story building, facing Woodward. The proposed building is a similar scale to the original buildings and is oriented to Woodward as the primary street, though the extension of the park now makes this a corner location.

The proposed storefront of the new building takes cues from the scale of the storefront at 207 Woodward, two doors down (see below) as well as the corner storefronts at the corner of Main and Woodward (see Takeaway storefront to the left).



Commercial space at 207 Woodward

# HISTORIC CONTEXT

## OTR BUILDINGS - CORNER STOREFRONTS

213 Woodward Street



Corner of Race and Green (deep set storefront with cast iron frame, returns one bay)



Corner of Vine & 14th (deep set storefront, returns one bay with wrapping awning)

At corners, historic storefronts typically span the entire length of the primary street they face and return one to two bays along the secondary street. The proposed design follows this rhythm, employing continuous storefront facing Woodward (the primary street) and only returning the storefront for two bays around the corner to Hanover Street. The additional openings facing Hanover read as large punched openings in the masonry wall.

In addition, OTR historic storefronts often have deep returns at the piers with the glass set back from the face of the building. The proposed design follows this example, pushing the glass back from the main piers and secondary piers, giving relief to the facade.



Corner of Race and Elder (storefront returns two bays)



Corner of 15th & Pleasant (returns one bay)



Corner of 14th & Race (deep set storefront with cast iron piers, returns two bays)

The proposed new infill building is 2.5 stories tall (28'-6") and is designed taking cues from a typical OTR building with first floor commercial. The storefront matches the proportions of the commercial space a few doors down and is primarily oriented toward Woodward St. with a return onto Hanover. The remainder of the first floor facing Hanover is more solid with large opening pushed back into the brick and a rusticated brick base. The "upper level" continues to be more solid with smaller punched openings, the proportions of which take cues from the adjacent residential buildings. The top repeats the patterning of the rusticated base to give an implied cornice to the building. A tall parapet hides the mechanical equipment from street view. A small awning defines the entrance and extends across the outdoor eating space to visually extend the edge of the building and lessen the gap between 209 and 213 Woodward.

## BUILDING DESIGN DESIGN APPROACH

213 Woodward Street



# BUILDING DESIGN

VIEW LOOKING SOUTHWEST FROM WOODWARD & HANOVER

213 Woodward Street



**BUILDING DESIGN**

VIEW LOOKING SOUTHEAST FROM WOODWARD

213 Woodward Street



**BUILDING DESIGN**

213 Woodward Street

VIEW LOOKING NORTHWEST FROM THE PARK ALONG HANOVER



**BUILDING DESIGN**

VIEW LOOKING EAST FROM MAIN & WOODWARD

213 Woodward Street



# BUILDING DESIGN

VIEW LOOKING NORTH FROM HANOVER & E. 13TH

213 Woodward Street



**BUILDING DESIGN**  
VIEW LOOKING WEST FROM ZIEGLER PARK

213 Woodward Street



# BUILDING DESIGN STREET CONTEXT

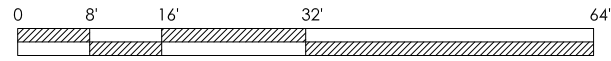
213 Woodward Street



Hanover Street Elevation between E. 13th St. and Woodward St.



Woodward Street Elevation between Hanover St. and Main St.



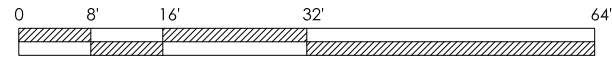
\* MAX AREA OF SIGNAGE AT CANOPY = 23 SF.  
 \*\* MAX AREA OF SIGNAGE AT BLADE SIGN = 9 SF PER SIDE

# BUILDING DESIGN

## NORTH ELEVATION (3/16" = 1'-0")

213 Woodward Street





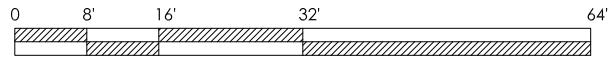
\* MAX AREA OF SIGNAGE AT CANOPY = 23 SF.  
 \*\* MAX AREA OF SIGNAGE AT BLADE SIGN = 9 SF PER SIDE

# BUILDING DESIGN

## EAST ELEVATION (3/16" = 1'-0")

213 Woodward Street





\* MAX AREA OF SIGNAGE AT CANOPY = 23 SF.  
 \*\* MAX AREA OF SIGNAGE AT BLADE SIGN = 9 SF PER SIDE

# BUILDING DESIGN

## WEST ELEVATION (3/16" = 1'-0")

213 Woodward Street



DARK GRAY BRICK WINDOW "HEADERS"

ALUMINUM FRAMED FIXED WINDOWS AT "UPPER LEVEL"

SOLID RED BRICK AT "UPPER LEVEL" AND SOUTH PORTION OF GROUND LEVEL

PAINTED METAL BLADE SIGN (42" W X 31"H) WITH CONCEALED MOUNTING BEHIND BRICK\*\*

PAINTED METAL CANOPY (WITH SIGNAGE\*) AND COLUMN SURROUNDS

"RUSTICATED" RED BRICK SITE WALL

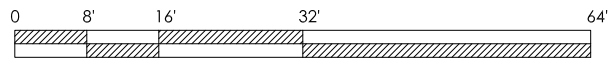
"RUSTICATED" RED BRICK CORNICE

PAINTED METAL COPING

CEMENT FIBER PANELING PAINTED TO MATCH RED BRICK AT REAR VOLUME.

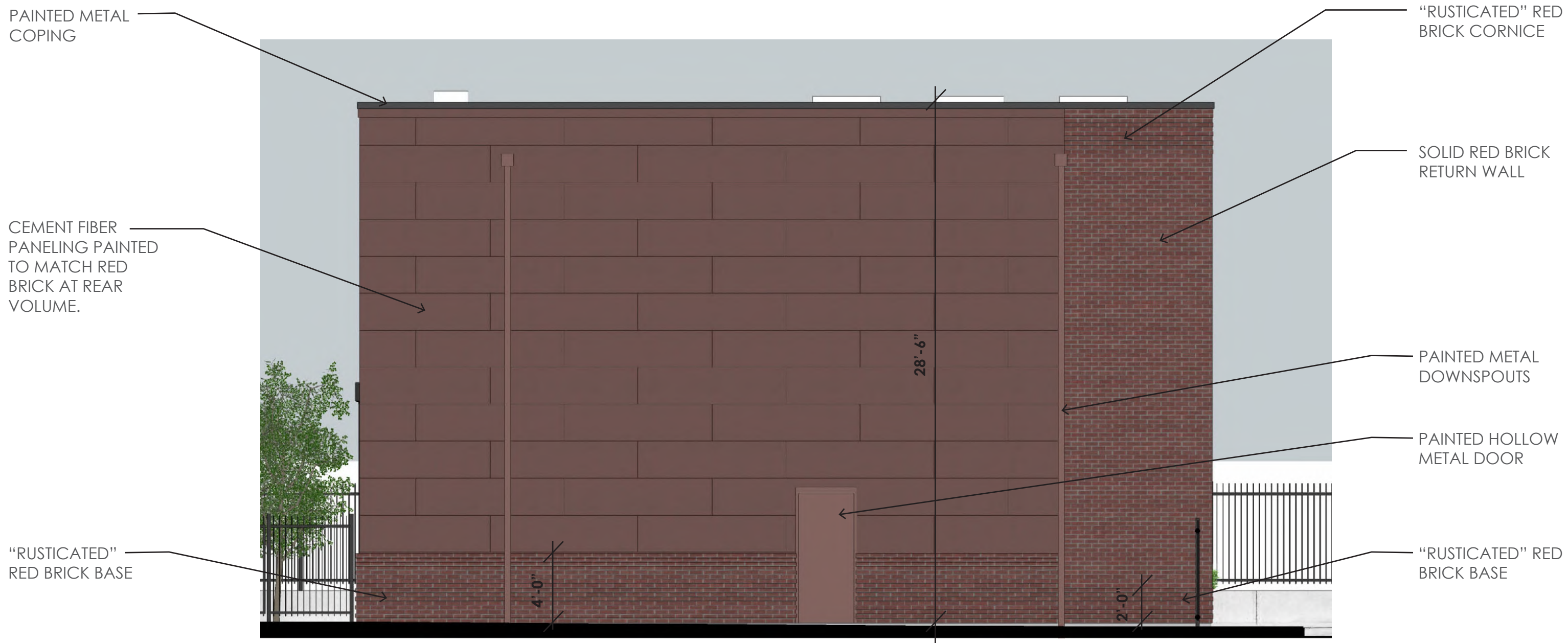
ALUMINUM / GLASS PIVOTING DOOR STOREFRONT SYSTEM

"RUSTICATED" RED BRICK BASE



**BUILDING DESIGN**  
 SOUTH ELEVATION (3/16" = 1'-0")

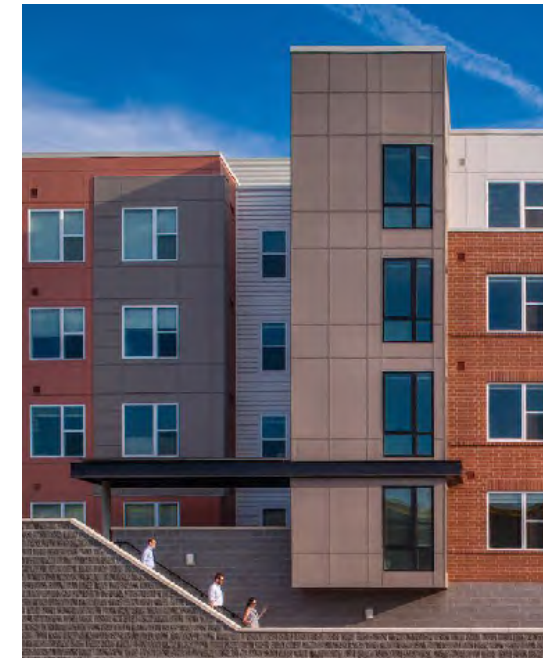
213 Woodward Street



# BUILDING MATERIALS EXAMPLES

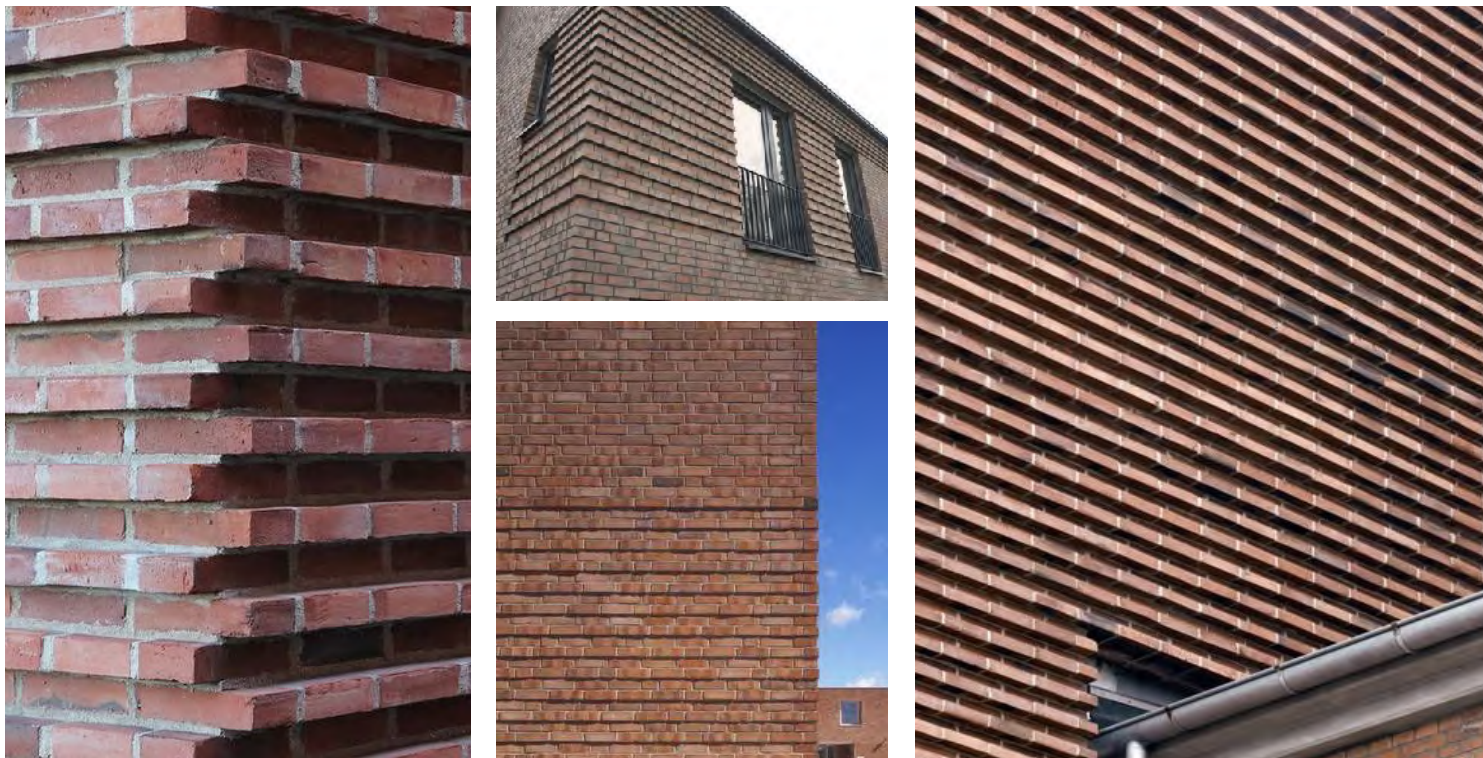


Overall color palette / material examples



This page show examples of the types of materials proposed for the building. These images are representative only - final colors and specific products are TBD.

Fiber Cement Board Panel (smooth) Example (rear portion only)



"Rusticated" brick examples



## **213 Woodward**

### **Narrative of Alternate Site Options**

HCB Hearing 3/9/20

See the attached diagrams and spreadsheet.

#### **Re-using the Existing Building**

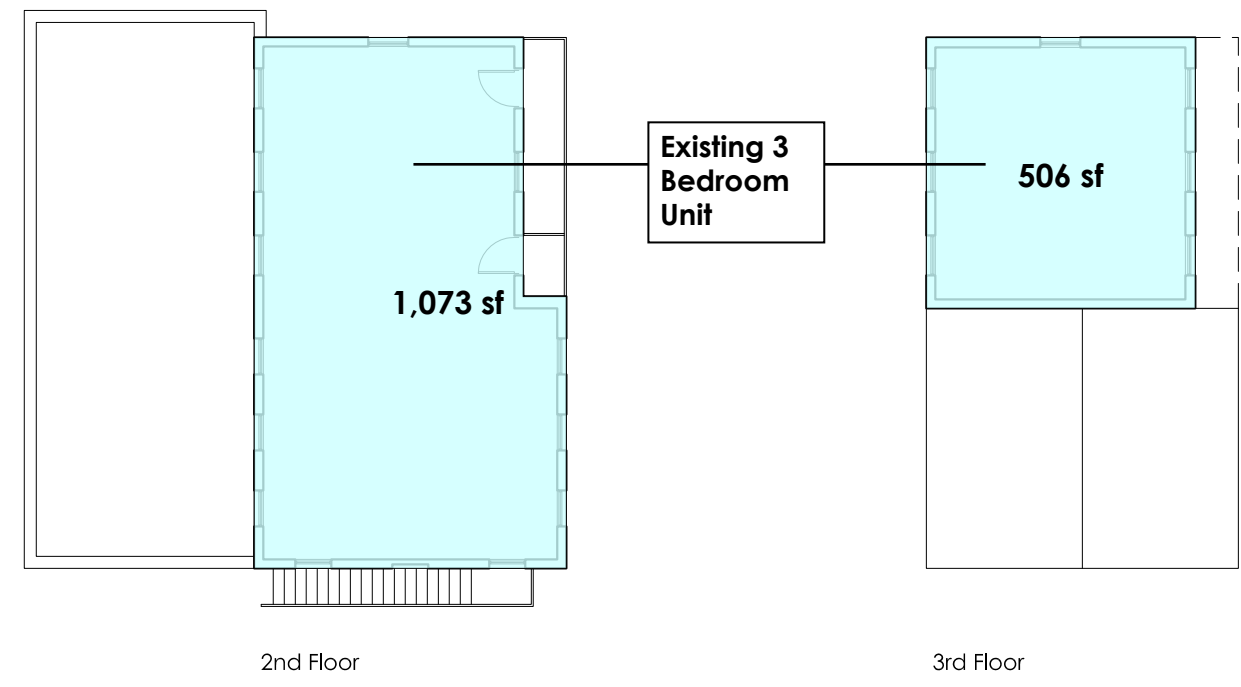
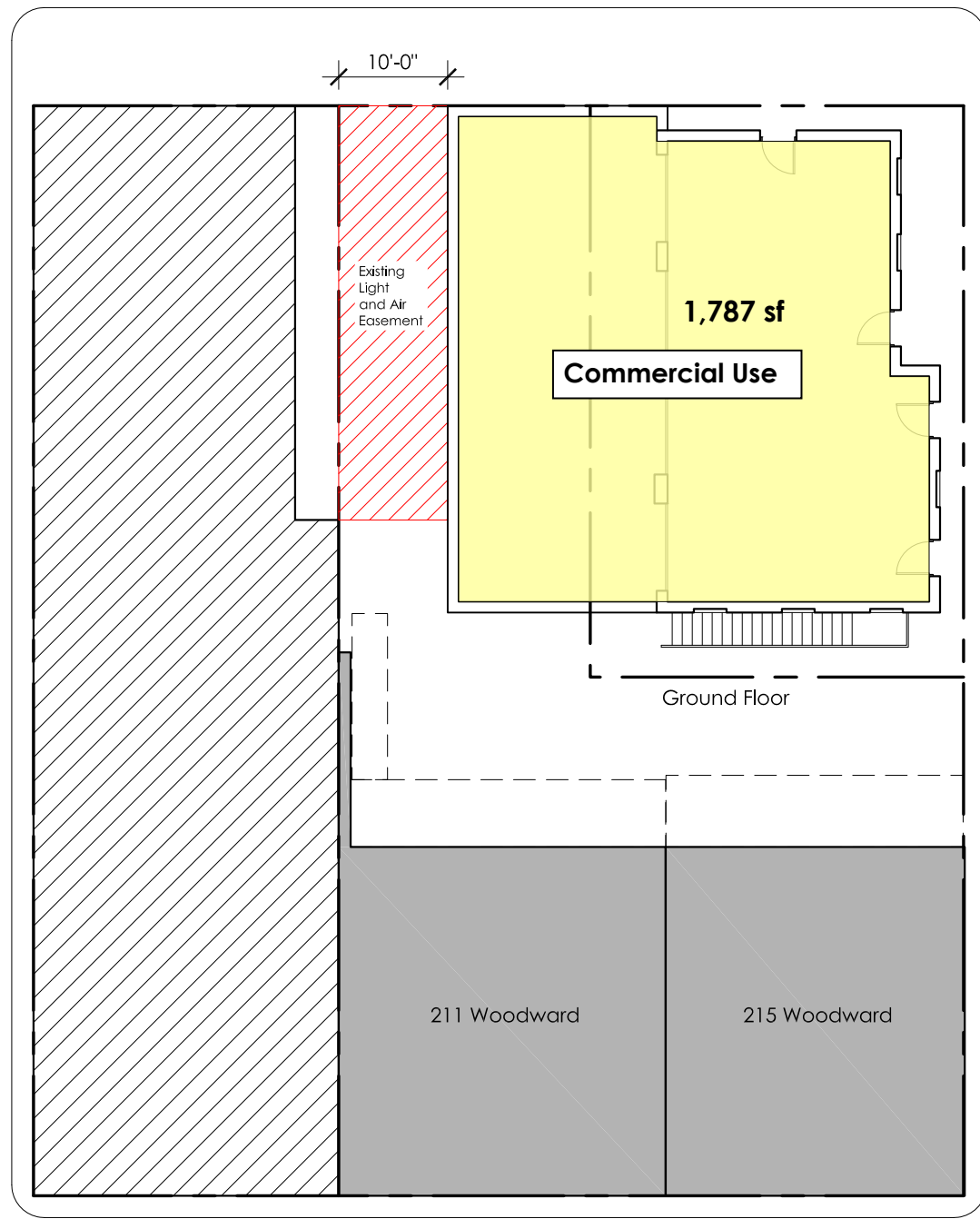
1. Option 1 maintains a residential unit on floors 2-3 while expanding the first floor to get a usable commercial footprint. This design, however, does not generate enough commercial income for the cluster, preventing the use of New Market Tax Credits (NMTCs) and making the financing infeasible. Additionally, the structural rework required to reconfigure the first-floor garage bays and façade increases the hard costs substantially.
2. Option 2 converts the entire building to a commercial use within the existing building footprint. While this increases the commercial revenue, so that NMTCs can be used in the cluster, the configuration is untenable. Despite the square footage technically generating enough commercial revenue for NMTCs, it's spread over three floors, rendering the space incredibly inefficient. Once basic amenities, such as bathrooms, are in place, the floor plates are left with too little space. Additionally, this configuration requires two egress stairs placed at opposite ends of the building. This further complicates interior layouts and prevents façade improvements that enhance the space's connection to the street

#### **Multi-story Infill Building**

3. Option 3 constructs a 4-5 story mixed-use building that includes a commercial first floor and 6-8 residential units. In this configuration, two stairs and an elevator are required. The combination of the building height and additional circulation (stairs and elevator) becomes cost prohibitive. Additionally, the cluster is not eligible for NMTCs because it does not generate enough commercial revenue.
4. Option 4 constructs a 3-story mixed-use building that includes a commercial space and residential unit on the first floor and 6 residential units above. In this configuration, only one stairwell is required; however, the first-floor residential unit is necessary to meet accessibility requirements. Splitting the first floor in this way decreases the commercial revenue, meaning the cluster is not eligible for NMTCs because it does not generate enough commercial revenue.

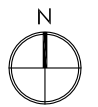
	Re-use Existing Building		Multi-story Infill		Proposal
	Option 1	Option 2	Option 3	Option 4	
<b>First Floor</b>	Commercial only; expanded footprint	Commercial only; current footprint	Commercial only	Commercial and residential	Commercial only
<b>Upper Floors</b>	Residential only 1 story 1 unit	Commercial only; current footprint	Residential only 4-5 stories 6-8 units	Residential only 3 stories 7 units	N/A
<b>Elevator</b>	N	N	Y	N	N/A
<b>NMTC-Eligible</b>	N	Y	N	N	Y
<b>Hard Costs</b>	\$673,800	\$367,500	\$2,050,400	\$1,429,925	\$396,180

Option to keep existing residential unit and expand 1st floor to create commercial space



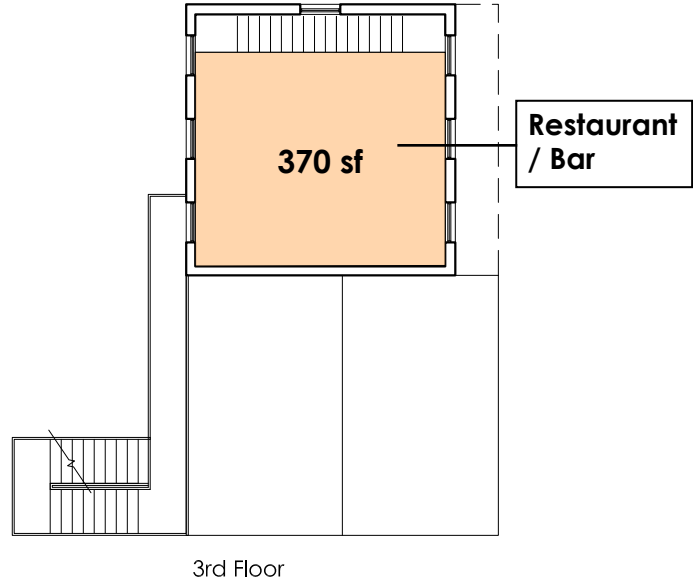
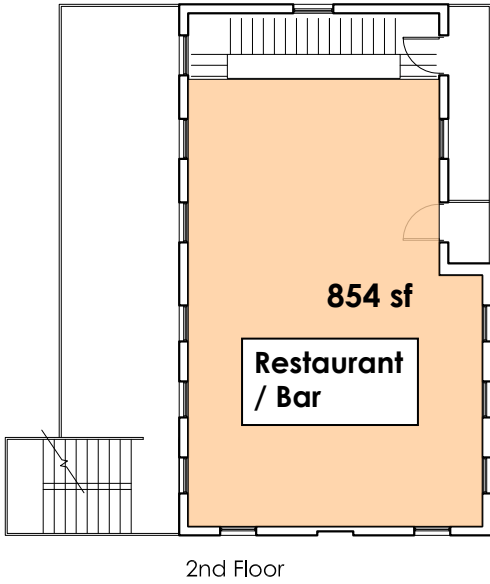
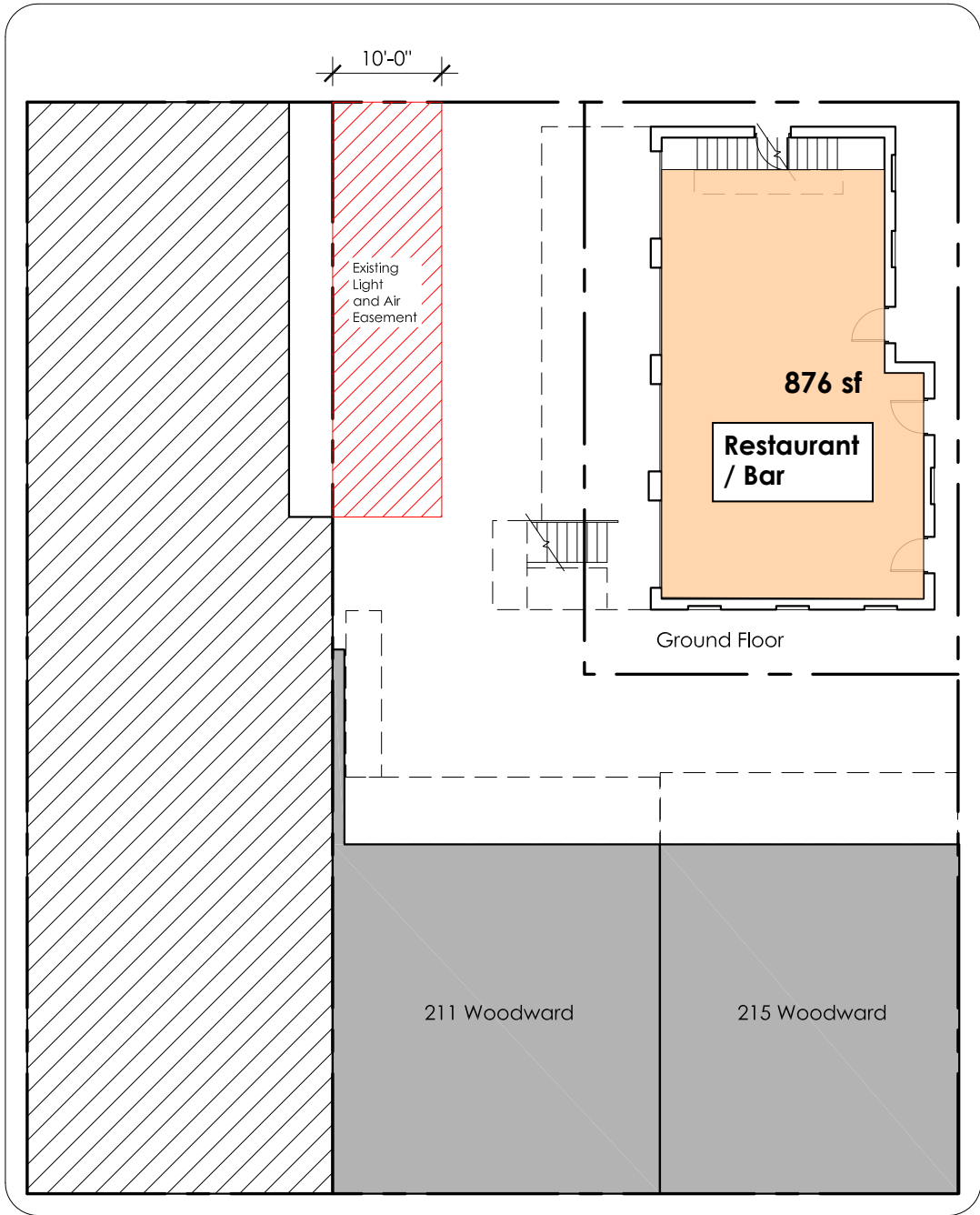
**1-Story Commercial Use**  
Total 1787 NSF

**Residential Use**  
(1) 3 Bedroom Unit - 1579 GSF



213 Woodward  
Existing Building + 1-story Addition  
Commercial Use + Residential above  
**OPTION 1**

Option to use existing building as restaurant / bar space

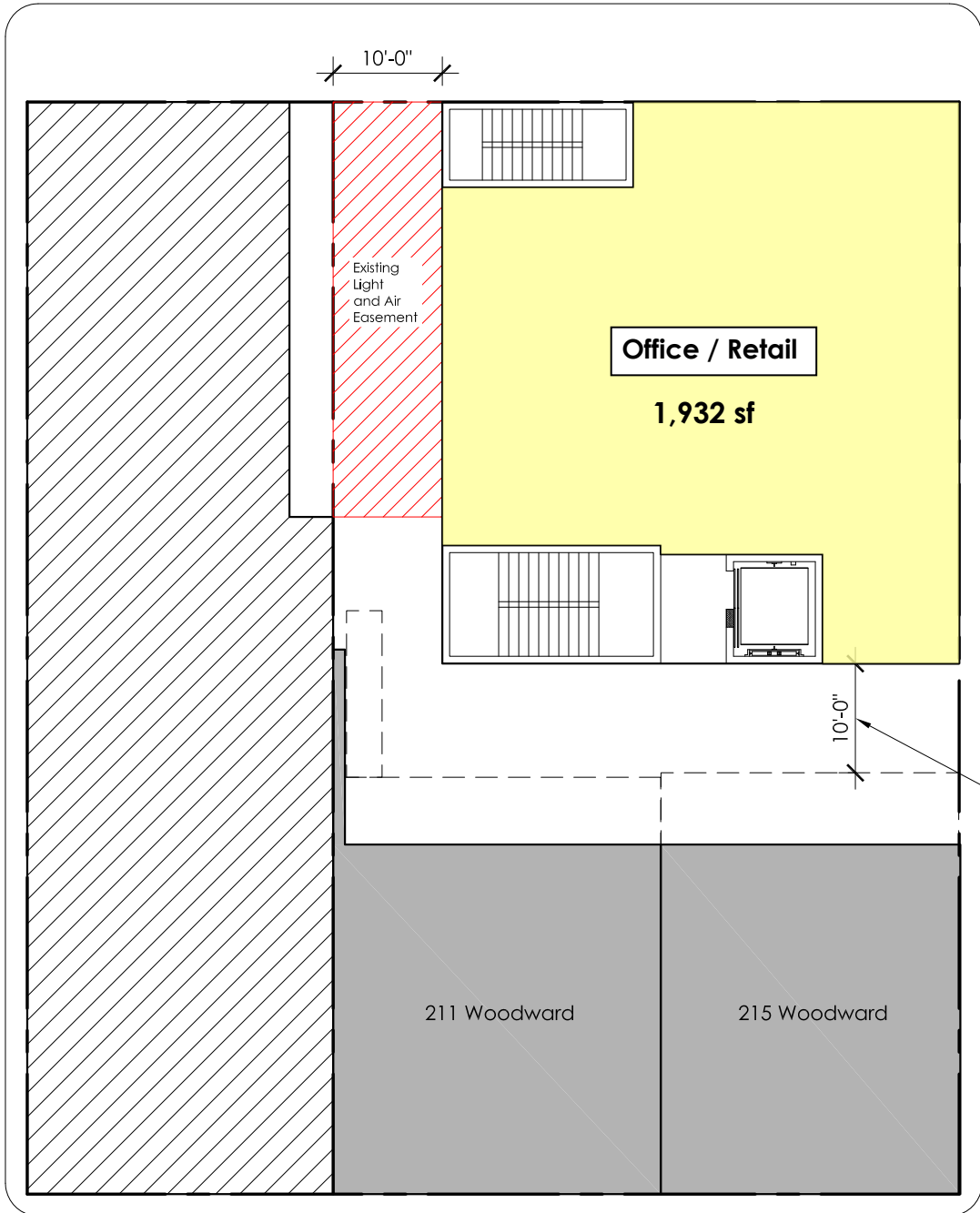


**3-Story Assembly Use with Two Exits**  
Total 2100 NSF



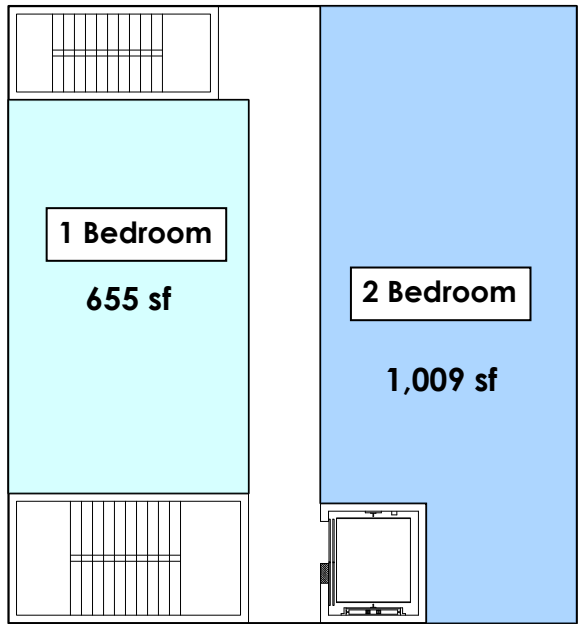
213 Woodward  
Existing Building  
Restaurant / Bar Use  
**OPTION 2**

Option with Elevator and 2 stairs (all commercial on ground floor)



Ground Floor / Site Plan  
1/16" = 1'-0"

MIN. SEPARATION BETWEEN EXTERIOR STAIR AND ADJACENT BUILDING ON SAME LOT OR TO LOT LINE



Upper Floors  
1/16" = 1'-0"

Building can be 4 or 5 floors (5 floors requires full sprinkler system)

**4 Floors:**  
3 1 bedroom  
3 2 bedroom  
6 units total

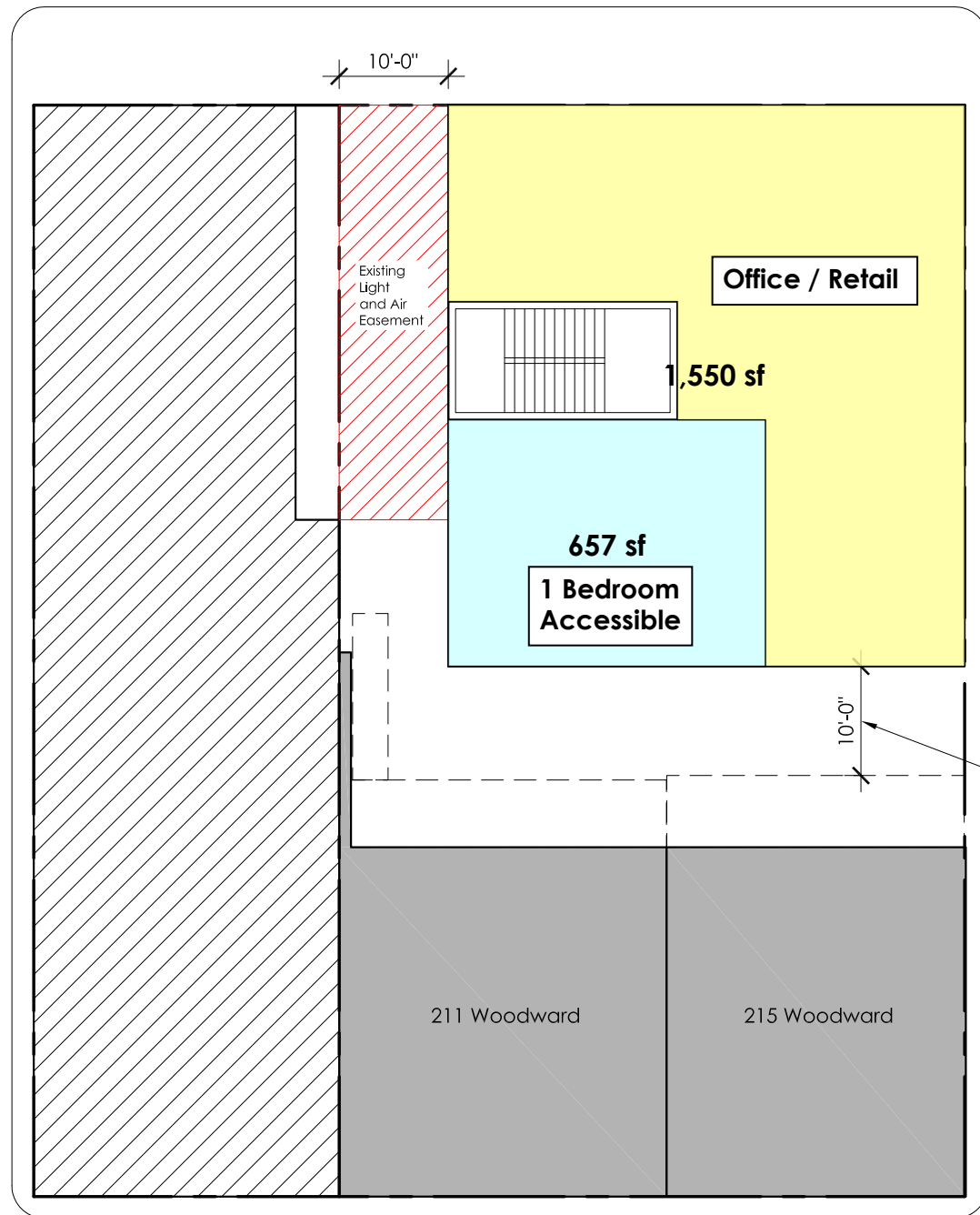
**5 Floors:**  
4 1 bedroom  
4 2 bedroom  
8 units total



213 Woodward Infill Site (2 Means of Egress)  
Unit Diagram

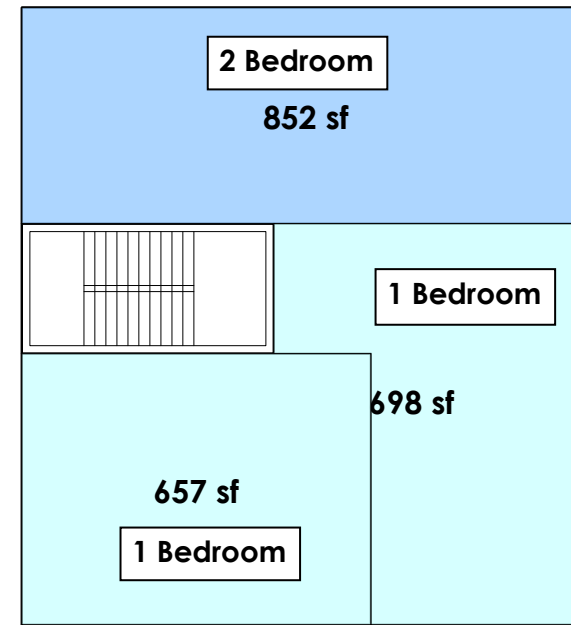
**OPTION 3**

Option with 1 stair, no elevator (requires one Type B unit on ground floor and limits height to 3 stories)



Ground Floor / Site Plan  
1/16" = 1'-0"

MIN. SEPARATION BETWEEN EXTERIOR STAIR AND ADJACENT BUILDING ON SAME LOT OR TO LOT LINE



Upper Floors  
1/16" = 1'-0"

Building can be max 3 floors (single exit)  
5 1 Bedrooms  
2 2 Bedrooms  
7 units total

213 Woodward Infill Site (1 Means of Egress)  
Unit Diagram

**OPTION 4**



**EASEMENT**

This easement made this 24<sup>th</sup> day of <sup>May</sup> April, 2000, involves Franciscan Homes IV, Ltd., an Ohio limited partnership ("Franciscan Homes"), which owns real property described on Exhibit A attached hereto and incorporated by this reference ("Franciscan Homes Property") and 209 Limited, an Ohio limited liability company ("209 Ltd."), which owns real property described on Exhibit B attached hereto ("209 Property"), is on the following terms.

1. Franciscan Homes, for valuable consideration paid, grants to 209 Ltd., a perpetual easement for light, air, and view from, over, and across a portion of Franciscan Homes Property more particularly described on Exhibit C attached hereto (the "Easement Area"). The Easement Area is also depicted on Exhibit D attached hereto.

2. Grantor agrees that no permanent structure shall be erected on the Easement Area but Grantor reserves all other rights to use the Easement Area for parking of automobiles, driveway, and other similar surface uses not inconsistent with the rights herein granted.

3. The provisions of this easement shall be binding upon and inure to the benefit of Franciscan Homes and 209 Ltd., and their respective successors and assigns and shall be deemed to run with the Franciscan Homes Property and the 209 Ltd. Property.

WITNESS the execution of this easement effective as of this 24<sup>th</sup> day of <sup>May</sup> April, 2000.

Signed and acknowledged in the presence of:

[Signature]  
Claire Grandpre Combs  
Printed Name  
[Signature]  
E. Richard Oberstman, Jr.  
Printed Name

**FRANCISCAN HOMES IV LTD.**, an Ohio limited partnership

By: Franciscan Homes IV, Inc., an Ohio Corporation, its general partner

By: [Signature]  
Thomas S. Urban, President

TRANSFER NOT NECESSARY  
APV  
DUSTY RHODES  
COUNTY AUDITOR

REC'D FOR TRANS

8327 1071

REBECCA PREM: GROPPE  
HAMILTON COUNTY RECORDER  
Doc #: 0 - 112604 Type: DE  
Filed: 07/25/2000 10:32:23 AM \$ 38.00  
Off. Rec.: 8327 1071 F B10 8 350

Wayne Coates  
Hamilton County Recorders Office  
Doc #: 00-0112604 Type: DE  
Filed: 07/25/2000 10:32:23 AM \$38.00  
Off. Rec.: 08327 01071 F B10 8 350

00832701071Fb

STATE OF OHIO )  
 ) SS:  
COUNTY OF HAMILTON )

The foregoing instrument was acknowledged before me this 24 day of <sup>May</sup> ~~April~~, 2000, by Thomas S. Urban, the President of Franciscan Homes IV, Inc., an Ohio corporation, general partner of Franciscan Homes IV Ltd., an Ohio limited partnership, on behalf of such corporation and such limited partnership.

  
\_\_\_\_\_  
Notary Public

CLAIRE GRANDPRE COMBS, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration  
date. Section 147.03 O.R.C.

**SUBORDINATION**

SEE ATTACHED

~~Fifth Third Bank, mortgagee of Franciscan Homes, by virtue of its mortgage in the amount of \$2,993,000.00 dated December 20, 1999, recorded December 22, 1999, at Official Record Vol. 8153, Page 2120 of the records of the Recorder of Hamilton County, Ohio, (the "Mortgage") subordinates the lien of the Mortgage to the easement above granted so that the easement shall have the same force and effect as though executed, delivered, and recorded prior to the Mortgage.~~

Signed and acknowledged in the presence of:

**FIFTH THIRD BANK**

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF OHIO )  
 ) SS:  
COUNTY OF HAMILTON )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of April, 2000, by Thomas S. Urban, the President of Franciscan Homes IV, Inc., an Ohio corporation, general partner of Franciscan Homes IV Ltd., an Ohio limited partnership, on behalf of such corporation and such limited partnership.

\_\_\_\_\_  
Notary Public

**SUBORDINATION**

Fifth Third Bank, mortgagee of Franciscan Homes, by virtue of its mortgage in the amount of \$2,993,000.00 dated December 20, 1999, recorded December 22, 1999, at Official Record Vol. 8153, Page 2120 of the records of the Recorder of Hamilton County, Ohio, (the "Mortgage") subordinates the lien of the Mortgage to the easement above granted so that the easement shall have the same force and effect as though executed, delivered, and recorded prior to the Mortgage.

Signed and acknowledged in the presence of:

**FIFTH THIRD BANK**

\_\_\_\_\_  
Director of Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

Matthew W. Carrothers  
Printed Name

By: \_\_\_\_\_

Name: Gregory A. Szymanski

Title: Vice President

STATE OF OHIO )  
 ) SS:  
COUNTY OF HAMILTON )

The foregoing instrument was acknowledged before me this 22 <sup>June</sup> day of April, 2000, by Gregory A. Schrock, in his capacity as Vice President of Fifth Third Bank, as duly authorized, on behalf of the bank.

Sharlene K. Garvey  
Notary Public

THIS INSTRUMENT PREPARED BY:

Joseph H. Feldhaus, Esq.  
BECKMAN, WEIL, SHEPARDSON AND FALLER, LLC  
1200 Mercantile Center  
120 E. Fourth Street  
Cincinnati, OH 45202-4007  
Telephone: (513) 621-2100  
Telefax: (513) 621-0106



SHARLENE K. GARVEY  
Notary Public, State of Ohio  
My Commission Expires Feb. 14, 2001

TAUrbn - 5873208 Lufessment.wpd

EXHIBIT A

LEGAL DESCRIPTION FOR PROPOSED 211 WOODWARD STREET

Situated in Section 18, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Commencing at the intersection of the southerly line of Woodward Street (a 50 foot right of way) and the westerly line of Yukon Street (a 20 foot right of way), said point being referenced by a set cross notch North 15° 32' 30" West, 5.00 feet;

Thence along the southerly line of Woodward Street South 74° 20' 00" West, 34.25 feet to the real place of beginning, said point being referenced by a set cross notch North 15° 32' 30" West, 5.00 feet;

Thence leaving said southerly line along a new division line South 15° 32' 30" East, 52.41 feet to a point being referenced by a set cross notch South 15° 32' 30" East, 9.00 feet;

Thence North 74° 20' 00" East, 6.92 feet to a set 5/8" iron pin with cap;

Thence South 15° 32' 30" East, 47.59 feet to the northerly line of Bland Alley, (a 15 foot right of way), said point being referenced by a set cross notch South 15° 32' 30" East, 5.00 feet;

Thence along the northerly line of Bland Alley North 74° 20' 00" West, 30.00 feet to a point, said point being referenced by a set cross notch South 15° 32' 30" East, 5.00 feet;

Thence leaving said northerly line North 15° 32' 30" West, 100.00 feet to the southerly line of Woodward Street, said point being referenced by a set cross notch North 15° 32' 30" West, 5.00 feet;

Thence along the southerly line of Woodward Street North 74° 20' 00" East, 23.08 feet to the place of beginning.

Containing 0.0605 acres.

Prior Instrument Reference: Official Record Vol. 8173, page 2294 of the records of the Recorder of Hamilton County, Ohio.

8327 1075

**EXHIBIT B**

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, described as follows, to wit:

Beginning on the south line of Franklin Street (now Woodward Street) one hundred (100) feet east of Main Street and in the east line of Long Alley; thence running south on said alley line one hundred (100) feet to Niles Alley; thence east on the north line of Niles Alley twenty-eight (28) feet; thence north one hundred (100) feet parallel to Long Alley to the south line of Franklin Street (now Woodward Street); thence west on said street twenty-eight (28) feet to the point of beginning.

Prior Instrument Reference: Official Record Book 7318, page 1648 of the records of the Recorder of Hamilton County, Ohio.

8327 1076

**EXHIBIT C**

**Legal Description: Easement Area**

Situated in Section 18, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Commencing at the point of intersection of the southerly right-of-way line of Woodward Street and the westerly right-of-way line of Yukon Street, thence along said southerly right-of-way line of Woodward Street, South 74°20'00" West a distance of 47.33 feet to a point, said point being in the northerly line of a tract now or formerly owned by Franciscan Homes IV Ltd. as recorded in Official Record 8173, Page 2293 and said point also being the true point of beginning for the easement area herein described; thence departing said southerly right-of-way line of Woodward Street and northerly line of Franciscan Homes IV Ltd., South 15°32'30" East a distance of 38.02 feet to a point; thence South 74°20'00" West a distance of 10.00 feet to a point in the westerly line of said Franciscan Homes IV Ltd., said point also being in the easterly line of a tract now or formerly owned by 209 Limited as recorded in Official Record 7318, Page 1648; thence along said westerly line of Franciscan Homes IV Ltd. and said easterly line of 209 Limited, North 15°32'30" West a distance of 38.02 feet to a point in said southerly right-of-way line of Woodward Street, said point also being the northwesterly corner of said Franciscan Homes IV Ltd. and also being the northeasterly corner of said 209 Limited; thence along said southerly right-of-way line of Woodward Street and said Northerly line of Franciscan Homes IV Ltd. North 74°20'00" East a distance of 10.00 feet to the true point of beginning containing 0.0087 acres (380.1 Sq. Ft.) of land, more or less, and being subject to roadways, easements and restrictions of record, if any.

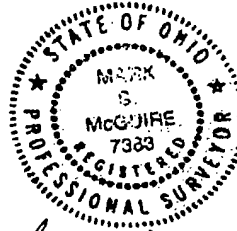
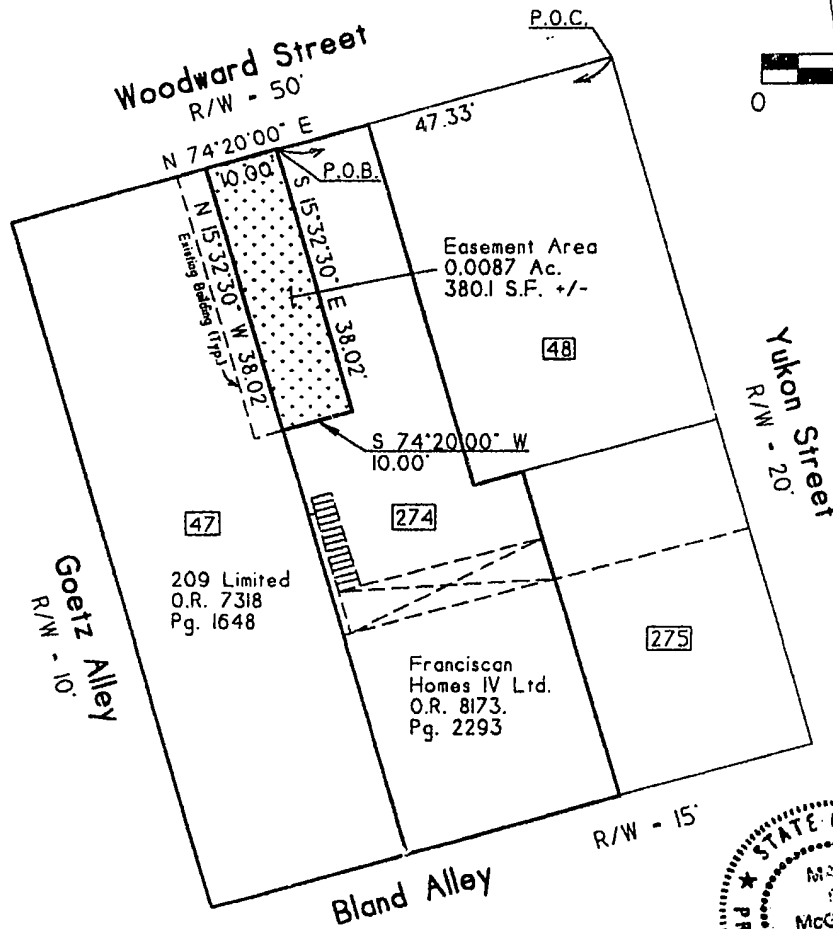
The above description was prepared by Mark S. McGuire, P.S. #7383, State of Ohio, d.b.a. Northstar Surveying Services. All references are per Hamilton County Recorder's Office.

EZ00150.SAM

8327 1077

**EXHIBIT D**

Scale: 1" = 20'



8327 1078

*Mark S. McGuire*  
Mark S. McGuire P.S. #7333

Bearings Shown Hereon Are Of Record:  
P.B. 349, Pg. 75 and O.R. 8173, Pg. 2293

Situated At:  
Section 18, Town 4, Fractional Range 1,  
City of Cincinnati,  
Hamilton County, Ohio



**Northstar Surveying Services**  
P.O. Box 53709  
Cincinnati, Ohio 45253-0709  
Voice & Fax: 513.741.876

Job #: 00150	File #:	Drawn By: MSM	Date: 4/4/00	Page 1 of 1
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