

Johnson, Beth

From: Robert Sehlhorst <robertsehlhorst@gmail.com>
Sent: Sunday, September 6, 2020 9:44 PM
To: Johnson, Beth
Cc: Dyson, Ryan
Subject: [External Email] Letter In Support of Project at 120 W Elder

External Email Communication

Dear Ms Beth Johnson,

This letter is in support of the single family project located at 120 W Elder in Findlay Market. As a resident and small business owner in OTR I can speak with first hand knowledge about the need for appropriate historic development in our neighborhood. This project is a win for our citizens, Findlay Market, the City of Cincinnati and for the preservation of historic buildings in OTR. These are challenging times for urban areas in our nation and in OTR in particular. Over half of the 362 acres that make up OTR are in desperate need of development. We need a tremendous influx of dedicated people who are willing to invest and live in our neighborhood. We need many more developments such as this project and people to reach a sustainable level of urban density. This project is a small, but vital step in that direction.

The developer is purchasing the space from the city at a price above the appraised value. Residential space in Findlay Market is desperately needed to sustain the businesses in the market. The proposed rooftop deck design meets historic guidelines and similar designs have been approved by HCB in numerous historic projects throughout OTR. I strongly encourage the HCB and the City of Cincinnati to approve this project.

Respectfully,
Robert Sehlhorst

Sent from my iPad

Excerpt from Staff Report December 2018 for 528 E. 12th St.- figure 1 of 2

Proposed Conditions:

The proposal at 528 E 12th Street

1. Construct a new 5-story, 56 unit residential building with a lobby and parking on the first floor and 4 stories of apartments above.
2. The first floor will have a portion that is set back from the street
3. The building will be clad in brick as a main material with wood and black metal accents.
4. The garage will be accessed with automated garage doors that are glass.

Previous Review: NA

Applicable Zoning Code Sections:

Zoning District:	Section 1409	Commercial
Variance Requests:	Section 1409	Development Standards
	Section 1425	Parking Regulations
Variance Authority:	Section 1445-07	
HCB authority:	Section 1435-05-4	
Variance Standard:	Section 1445-13	General Standards: Public Interest
	Section 1445-15	Standards for Variances
Overlays:	Section 1435	Historic Preservation
Historic District/Reg:		Over the Rhine Historic District
COA Standard:	Section 1435-09-2	COA; Standard of Review

Zoning Analysis:

Density:

When considering Density Variances, three of the major issues that staff consider are the ramifications that a Density Variance would have on 1) Parking and Traffic patterns 2) Trash and Utility management and 3) Design of the Building. The design of the building and its appropriateness with the neighborhood will be discussed in the COA section below.

1) Parking and Traffic Patterns

On September 19, 2018, City Council passed the Urban Parking Overlay Zone #1, which exempts all projects within the boundary of the overlay from parking requirements. This overlay became law on October 20, 2018.

While the property would be exempt from parking requirements, the project is still substantially providing parking for the project within the building and at a nearby proposed parking lot at the corner of 12th Street and Reading. The building will have 29 parking spaces at the first floor and there will be an additional 25 spaces at the proposed surface lot to be submitted under separate permit. With the new parking overlay, the project would have been exempt to provide parking for the permitted density which would have been 23 spaces. This is an increased parking demand of 33

Parking and Traffic Excerpt from Staff Report December 2018 for 528 E. 12th St.- figure 2 of 2

spaces. Applicants are providing between garage parking and a lot at 600 E 12th Street 54 spaces serving 56 dwelling units. The proposed parking lot layout is included in page 8 of the 11x17 inch bound document. The applicants have stated twice (once in a letter dated 11/2/2018 and one dated 12/3/2018) in their submitted materials, that they are providing for 54 spots for this project. The proposal is providing parking to manage the most significant negative impact of the proposed significant increase in density. Staff has stated from its initial meeting with the applicant that such a significant density proposal would require a significant provision of parking at or near the zoning minimum requirements, consistent with previous staff recommendations to the Board prior to and since the enactment of the overlay. Without this parking, Staff would have been unsupportive of the density proposed.

As for on street parking demand: There concerns have been raised that this project is removing on-street parking. Currently there are 2 curb cuts at the site which take away 2 spaces from on-street parking. While the curb cuts will be moved, there will still only be 2 curb cuts and therefore on-street parking will not be impacted (page 5 of revised submission).

This project is also within a CC-P zone which requires that alleys be used whenever practical. The applicants have provided analysis which shows that this alley is not practical for use due to the narrow width of the alley, only around 8.5 feet in some spots due to retaining walls directly on the property line. A turn radius analysis submitted by the applicant's civil engineer has also been performed and if alley access or alley circulation were required for the parking area, it would result in a net decrease of 4 parking spaces. In a project that is trying to balance parking demand in a neighborhood that expressed concerns for on-street parking, this would create more demand for on-street parking. DOTE has reviewed the information provided and concurred that for the scale of the site, alley only access is not encouraged and concurs with the proposal. It should be noted that DOTE, in consideration of this issue, supported Staff efforts to narrow the automated garage door accesses, to limit their visual impact along the street. Staff will be encouraging grading to be matched as close as possible to the alley grade to allow for potential 'breathing room" in the event some of the other smaller scale property owners in the future chooses to utilize alley access for their vehicles.

2) Trash and Utility Management

When an increase in density is requested for a property, providing adequate trash and utility management within the building or on the property is necessary as to not create a collection of trash receptacles on public right of ways, either on streets or on alleys. The applicants have made accommodations on the first floor for trash enclosed entirely within the building. This is providing a large buffer from trash and associated issues with trash enclosures.

**Re: 528 E 12th Street & 600 E 12th Street, Proposed Infill Buildings, Pendleton Neighborhood of Over the Rhine
9/7/2020**

Dear Members of the Historic Conservation Board, Beth Johnson, Emily Ahouse

It is my understanding from the last HCB review (8/17/2020) of the Bennet Point project:

- The HCB approved the COA and all requested Variances for 600 Est. 12th. St.
- The HCB approved all requested zoning Variances for 528 Est. 12th. St.
- The COA for 528 Est.12th.St. was tabled with direction from the HCB for the applicants to address:
 1. The windows on the front façade of the 528 building.
 2. The cornice line was too similar across the top of the building.

After my review of the changes submitted by the Architects, it is my opinion that we now have two different building styles that do not relate to each other.

Both buildings have the same programmatic needs, must meet the same historic guidelines, have their front façade entry and address on 12th St. and are economically tied together. The 528 building is predominately brick faced while the 600 building has cement panels as the predominate façade material. The windows on the 600 Est. 12th. St. have six different styles which are more square than vertical. The windows on 528 Est. 12th. St. are now individual single hung with a vertical appearance on the front façade to replicate those on the existing historic buildings found on the street. The grills for the HVAC units are integrated with the window groupings on the 600 building but the grills on the 528 building are now made the size of the new single hung windows and placed to become a part of the window pattern. This sets a new precedent for how the HVAC units can be expressed and integrated onto the front façade of buildings within the historic district. The new design for the 528 front building façade appears more like a faux façade for a studio film stage for a western movie while the 600 building is more contemporary in style.

It is hard to understand the rationale and decisions made by the HCB and staff to justify the major differences between the two buildings, when no explanation has been shared with the public and those affected around this project.

Several residents and owners on 12th St. expressed concerns over the design and the impact to the existing residents as well as issues that will affect the quality of life for the new occupants:

- The total lack of parking for the 108 to 216 new occupants.
- The loss of scarce on-street parking for the existing residents.
- The total lack of outdoor sitting and gathering space for the new residents.
- Lack of security and safety for all residents without any fencing and gates to control the areas around the buildings.
- The entire area around the outside of the building is hardscape.
- No landscaping as required to soften the area.
- The children's area for both buildings is about the size of a handicap parking space and located next to the alley.
- There is a four foot plus drop in elevation from East to West along 12th. St. for the 528 building which has not been addressed, shown on the drawings or mentioned in the staff report.
- The trash area shown is not large enough for the number of residents and access to the street for pickup has not been addressed.

528 E 12th St. & 600 E 12th St. - Letter of Opposition

9/7/2020

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During the last HCB hearing none of the above concerns were discussed or addressed and no explanations given. All of the variances requested by the owner were approved without any request for documentation from the owner as required by law.

It is difficult to determine fact from fiction without any explanation from the HCB, especially when the outcome is two different style buildings on the same street with the same guidelines, same programmatic needs and no attention being given to the concerns of the existing residents and nearby owners.

I am **opposed** to this development and ask the Historic Conservation Board to deny the COA and Zoning variances.

Thank you for your consideration of my statement.

Sincerely,

Ken Jones

**Deborah R. Mays
519 East 12th Street, Apt. #1
Cincinnati, OH 45202
(513) 375-0394**

August 17, 2020

**Historic Conservation Board
805 Central Avenue, II Centennial
Fifth Floor
Cincinnati, OH 45202**

Re: Proposed Development of 528 & 600 East 12th Street

Dear Board Members:

My name is Deborah Mays. I have lived at 519 East 12th Street since August 2007 and witnessed first-hand major renovations of two-to-four story multifamily units.

My December 17, 2018 communications to the Historic Conservation Board (HCB) noted between September 2000 and June 2002, I served as co-chairs of the Housing plus Economic Development Committees while Over-the-Rhine (OTR) stakeholders gathered to develop the Over-the-Rhine Comprehensive Master Plan. Via the July 15, 2020 and today's virtual hearings, I again wish to share with you my thoughts/observations/opinions associated with the proposed development plans for Bennett Point, 528 & 600 East 12th Street. (See Attachment A)

First, I want to note we are gathered for a second time (following pre-hearing/hearing meetings in November & December 2018) to revisit development plans at one of these sites. If Urban Sites and the Cincinnati Metropolitan Housing Authority's (CMHA) primary goal is to maximize their tax credits on this project, I consciously wonder how much serious thought(s) was given to the human aspects associated with Bennett Point?

We have been experiencing a major life-threatening challenge(s) post March 2020 that must be incorporated into today's future housing and economic plans. Citizens living within the Over-the-Rhine/Pendleton subarea as well as the City of Cincinnati at-large are being attacked by an international pandemic that dramatically impacts our future health, economic and housing issues/concerns ... better known as the Coronavirus (aka COVID-19). We have received on-going daily reminders how the Coronavirus kills mass numbers of low-to-moderate income family members. Fifty percent of those deaths happen to be people of color. While the world awaits a vaccine to be developed (current projection date is early 2021) ... and serve as a primary cure, we are being asked to "social distance" ourselves from fellow humans in order to neutralize and/or eliminate the virus!

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Historic Conservation Board
Re: Proposed Development of 528 &
600 East 12th Street
August 17, 2020

I once again remind you the 2002 OTR Comprehensive Master Plan Future Land Use Map lists the Pendleton subarea as Residential/Medium Density. Most of the residential structures in the 500 block are three-to-four stories and contain a varied number of three-to-eight units. According to the proposed summary, Bennett Point is a proposed 56-unit, mixed-income development (88% at “attainable rents” for those earning 60% of Area Median Income ... approximately 45-49 units at 528 East 12th and 7 units at 600 East 12th). There is no significant change(s) being proposed for the total units at the 528 site, except more varied bedroom types at lower monthly rental rates. It, too, requires a significant zoning change from Medium to High Density?

I believe the project fails to foresee how the physical size of the structure impacts existing residents/property owners/business owners in the 500 blocks of East 12th and East 13th Streets. How can the “social distancing” objective be achieved (when residents and their guests travel outside residential units) in common areas (communal spaces) including front entry & rear-yard setbacks along property borders? There are no designated greenspaces (except trees along street sidewalks), patios/balconies (except metal protectors across patio doors), buffer yard, or even some kind of fence separating boundary lines! What about sanitation throughout the premises; avoiding the reemergence of drug trafficking (that once existed within the East 13th, Pendleton & East 12th Streets loop to Interstates 71/471); plus domestic violence and black-on-black crimes without adequate on-site security services?

As a person of color with a few pre-existing conditions that are vulnerable to COVID-19, I know my relatives, friends and neighbors enjoy daily and/or periodic social gatherings. How will Bennett Point accommodate these human needs without disrupting other East 12th residents and regularly jamming our one-way traffic flow?

Effective June 1, 2020, the City of Cincinnati Transportation & Engineering Department implemented the expanded Residential Permit Parking Zone in Pendleton. This allowed cars with “valid residential permit parking decals or visitor passes” to park in the designated green & white “Permit Parking Only” sections. Some communication gaps between CT&ED and the City Parking Enforcement Department still exist. Both 528 and 600 East 12th are located beyond the above designation (within Commercial Zoning). Current residents with decals are not guaranteed street parking within the parking zones (specifically due to violators who ignore this parking requirement).

I must admit the first Urban Sites development plan included a 29-car parking garage on the ground level ... The Bennett Point proposal offers “six (6) restricted spaces at 528 and

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Historic Conversation Board

Re: Proposed Development of 528 &

600 East 12th Street

August 17, 2020

only two (2) spaces at 600” for its residents (creating unforeseen, major competition with not only East 12th, but also the overflow of East 13th Street residents)!?

What about construction workers who arrive between 5:30 & 7 a.m. searching for free parking? Based on prior renovation projects, I estimate new construction of two buildings will take 1-1/2 to 2 years before completion? After construction is completed and resident occupancy begins, how much accessibility to parking on/near these structures will be reserved for home care service providers and delivery services (e.g., Federal Express, United Parcel Services and US Postal Services)?

Other available residential services include:

- Designated handicap entryways ... access to bicycle storage areas;
- # of Rumpke dumpster pick-ups per week ... 45-49 units will require at least two per week spaced on Monday or Tuesday (to dispose of weekend trash) and Friday (to handle weekday trash);
- Laundry facility @ 600 East 12th – Will this facility be restricted to Bennett Point residents only ... open to commercial business by other Pendleton residents ... # of washers and dryers ... accessible seven (7) days with restricted hours;
- Building maintenance (again noting COVID-19 necessitates disinfecting commonly used areas regularly);
- Security services – 24/7 ... AM or PM only ... weekdays and weekends/holidays.

During my lifetime while living throughout the Greater Cincinnati area, I have lived in private ... CMHA ... and HUD/Section 8 housing. I believe a better option for 528 East 12th would be 6-12 units contained within 2-3 individual buildings (totaling no more than 24 units that also provide a majority of off-street parking), which incorporate as many of the above recommendations as possible plus hoping we do not ignore any COVID-19 requirements! A viable infill construction project like Bennett Point requires direct, face-to-face communications between/among all major Pendleton stakeholders surrounding 528 and 600 East 12th Street!

Sincerely,

Deborah R. Mays

Attachment

**August 17, 2020
Historic Conservation Board
Re: Opposition Summary Update(s) to
Proposed Development of 528 and
600 East 12th Street**

I again want to note the 500 Block of East 12th is a one-way street that runs east between Pendleton Street and Reading Road, southeast section of the Pendleton/Over-the-Rhine subarea.

On July 30, 2020, I personally visited three (3) Cincinnati Metropolitan Housing Authority (CMHA) tax credit and HUD/Section 8 properties located in Greater Cincinnati suburban neighborhoods. I immediately recognized all of the properties shared one common trait – all had an abundance of parking as well as greenspace surrounding them. I then questioned why Urban Sites along with its new partner(s), CMHA, desired to present a second proposal (August 17, 2020) that is “worst” than the first (December 17, 2018)?

Two of the three CMHA tax credit complexes were large buildings housing one-and-two-bedroom units. The third was scattered, containing one-and-two-bedroom units that housed only disabled persons. All targeted applicants 55 years and older plus had been constructed within the past five (5) years. They were nicely designed and very well maintained to accommodate today’s residents housing needs. They reminded me of independent senior living facilities. I also observed all of the properties strictly adhered to the “social distancing” requirement (closing those accommodations that allowed group gatherings)! The newly-constructed infill properties at 528 & 600 East 12th are designated to be one-, two-and- three-bedroom units. I am not certain CMHA has any sample properties to tour.

The above then raised the question why must the daily lives of residents/property & business owners (who currently reside in the 500 blocks of East 12th & East 13th) be disrupted because these development partners desire to maximize their tax credit opportunities by jamming 56 units (46-49 units at 528 plus 7 units at 600) into two parcel lots that cannot adequately house their newly-constructed infill buildings?

My final inquiry questions who are the “active voices and collective consciousness of the Pendleton/OTR community” that determine what is in the best interests for the 500 block of East 12th? Numerous families already occupy one-to-four-bedroom apartments and houses which consume two-thirds of the street. None of us were individually/collectively advised of these pending development plans until June 2020.

Our only exit pathway is to pass 528 & 600 East 12th ... also the street width north-to-south will not accommodate double-parked vehicles! How much serious thought (again beyond maximizing the available tax credits) has been given to constructing two buildings containing 56 units along a strip that consumes only one-third of the street between Dodt Alley and Reading Road?

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Historic Conservation Board

Re: Opposition Summary Update(s) to

Proposed Development of 528 and

600 East 12th Street

August 17, 2020

If Urban Sites and CMHA are both sincere about developing 1-3 bedroom, mixed-income apartments within the Pendleton/OTR subarea of the City of Cincinnati, I suggest they scrap their current development plans for 528 and 600 East 12th and begin a third proposal! Next, they need to prepare a concrete, descriptive definition that explains “what is an affordable and/or attainable housing rate in the 21st century” for individual families? To acquire an immediate answer, they also need to invite those neighbors (resident heads of households as well as property & business owners) whose lives will be most impacted to attend a designing session(s) that can be held on-site and outdoors in the 528 gated, parking lot.

Prepared by:

Deborah R. Mays

519 East 12th Street

Cincinnati, OH 45202

513-375-0394

ATTACHMENT A

**Deborah R. Mays
519 East 12th Street, Apt. 1
Cincinnati, OH 45202
(513) 375-0394**

December 17, 2018

**City of Cincinnati
Historic Conservation Board
805 Central Avenue, II Centennial
Cincinnati, OH 45202**

Re: Urban Sites Proposed Development of 528 East 12th Street

Dear Board Members:

Post my November 28, 2018 communication, I have had opportunities to attend the November 28th Historic Conservation Board preliminary meeting as well as the December 3rd Pendleton Community Council meeting regarding Urban Sites proposed development of 528 East 12th Street. I am writing your Board this communication today in order to expand and/or clarify my earlier thoughts.

Between September 2000 and June 2002, several Over-The-Rhine stakeholders gathered regularly to develop the Over-The-Rhine Comprehensive Master Plan. I served as co-chair of its Housing Committee and Economic Development Committee. The Housing Committee focused on the diverse needs of OTR's sub-areas, which included Pendleton. I have lived at 519 East 12th since August 2007, witnessing first-hand major renovations of two-to-four story multifamily units. Today, I wish to share with you why I believe the 528 East 12th development project is not in compliance with the 2002 OTR Plan.

Pages two through five provide outlines of the Future Land Use Map and Strategic Plan Map illustrating the plan's recommendations and vision for the neighborhood's revitalization. Based on the color coding of the Future Land Use Map, the 500 block of East 12th Street is listed as a residential/medium-density area, representing places where "residential reuses will be created at a lower-density level. The buildings in this area lend themselves more to single- and two-family housing, and homeownership is encouraged. The Strategic Plan Map identifies those areas where the initial redevelopment efforts are preferred." (See Attachment A)

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Historic Conservation Board

Re: Development of 528 East 12th Street

December 17, 2018

I am again sharing with you the ground-level photographs of the 500 block of East 12th. Several three-family and six-plus multi-family units have already undergone extremely difficult renovations to provide new modern systems, structural repairs and upgrades such as air conditioning, computer hook-ups, and sprinkler systems. Providing off-street parking to tenants presents itself as a greater challenge.

I believe Urban Sites' 528 East 12th project intrudes upon as well as violates the civil rights of owner-occupied property/business owners and tenants within the 500 block of East 12th:

- **Zoning** – (a) The project requires a 33-unit variance; and (b) The five-story structure would obstruct views and daylight of 542 East 12th as well as properties in the 500 block of East 13th (south side).
- **Parking** – (a) The project includes 29 parking spaces on the first floor of structure while 25 additional spaces will be provided at East 12th & Reading Road. (b) East 12th already has a parking shortage for residents living between 500 & 526. The City of Cincinnati Transportation & Engineering Department and I reviewed our situation and were able to upgrade street signs in 2017, creating four additional parking spaces. (c) On December 3rd, Urban Sites CEO, Greg Olsen could not guarantee “all of its occupants would always park in their garage and lot”.
- **Rental costs** – Urban Sites estimates a studio apartment will cost \$1,000 per month ... this price is higher than other immediate surrounding rental fees for three-and-four bedroom units.
- **Construction period** – The construction manager for 526, 528 and lot at East 12th & Reading Road estimates these projects would take one-plus years to complete. If the north side of East 12th is not available, that means approximately 12 parking spaces would be lost between 524 and 542 East 12th. What about those occasions when the entire one-way street is blocked by construction and supply vehicles?

I would again appreciate your serious consideration and scrutiny as Board Members of our City's Historic Conservation Districts when reviewing the proposal(s) for 528 East 12th.

Thank you in advance.

Sincerely,

Deborah R. Mays

Attachment

December 17, 2018

**Re: Opposition to Proposed Development
of 528 East 12th Street**

Note: The 500 Block of East 12th is a one-way street that runs east between Pendleton Street and Reading Road, southeast section of the Pendleton/Over-the-Rhine subarea.

- **The 2002 Over-the-Rhine Comprehensive Master Plan Future Land Use Map lists the Pendleton subarea as Residential/Medium Density. Most of the residential structures in the 500 block of East 12th are three-to-four stories. The development project being proposed by Urban Sites for 528 East 12th is five stories with a 29 car parking garage occupying the first floor. The development complex would contain 56 studio and one-bedroom units, requiring a 33 units zoning variance.**
- **The 500 block of East 12th currently accommodates two parking lanes (on the north and south curbs) plus one drive-thru lane in the middle. Two-thirds of the block is zoned residential (between Pendleton Street & Dodt Alley); and the remaining third is zoned commercial (between Dodt Alley & Reading Road). Urban Sites owns properties at 526 East 12th (a vacant 8-multi-families units); 528-540 East 12th (storage building and a useable parking lot); 531-33 East 12th (a useable parking lot); and the corner lot at East 12th & Reading Road (a recent acquisition).**
- **Residents who live in the 500 block of East 12th Street and rely on street parking daily face many challenges. First, Hamilton County and downtown workers as well as court patrons park on the street to avoid paying expensive parking fees. Second, for the past five years, several multi-family, residential buildings have been and/or are in the process of being rehabbed. Construction workers arrive weekday mornings between 5:30 and 7 a.m. searching for free parking spaces. If “no parking” signs are not posted until/after 8 a.m., residents were screwed.**

My March 2017 communications with the Cincinnati Transportation and Engineering Office and Mr. Ken Jones (an architect and property owner of 542 East 12th Street) revealed one of the “Truck Zone” signs (the arrow pointing west) was missing in front of 544 East 12th when sidewalks were repaired but not replaced.

Follow-up communications with CT&EO staff identified this area as a commercial zone; and arrangements were made to replace not only the missing sign outside 544 but also correct those signs in front of 535 East 12th Street. The targeted completion

date was mid-May 2017 ... It was actually completed in December 2017 and increased our on-street parking by four spaces.

- The building being proposed by Urban Sites for 528 East 12th will contain 29 parking spaces on the first floor of the complex, while 25 additional spaces are assigned to its corner lot. On December 3, 2018, Urban Sites CEO, Greg Olsen could not guarantee “all of its registered occupants would always park in their garage and lot”. What about move-in dates for 56 units? Will Urban Sites hire a special security team to accommodate the flow of traffic on this one-way street? Can I assume laundry facilities will be provided on the premises ... what happens when residents go grocery shopping and need to make several trips to their vehicles? Another challenge for a 56 unit complex, where will friends and family members park when they come to visit ... whether daily, on a weekend or special gatherings?
- Urban Sites estimates the rental costs for a studio unit will be \$1,000 per month. This price is higher than the fair-market rental fees for three-and-four bedroom units that currently exist on East 12th and 13th Streets. This gentrification tactic will instantly create higher monthly rental costs generated by Hamilton County raising individual property taxes.
- How much serious thought has been given to the construction period? The construction manager on December 3rd estimated the timetable to complete the remodeling of 526 and infill construction of 528 East 12th coupled with the corner parking lot would take one-plus years. If the north side curb lane is not available, that means approximately 12 on-street parking spaces will be lost between 524, 526, 528-540 East 12th Street! What about construction workers needing/seeking “free” daily parking; as well as those occasions when construction and supply vehicles will block the entire one-way street?

Prepared by:
Deborah R. Mays
519 East 12th Street
Cincinnati, OH 45202
513-375-0394

September 7, 2020
Re: COA Application for 528 East 12th Street

Dear Members of the Historic Conservation Board, Ms Johnson and Ms Ahouse

The Owners-Applicants' COA should be denied for the following reasons:

CHARACTER

The design and property plan do not substantially comply with the Over-the-Rhine Design Guidelines.

When heeded, the Design Guidelines serve to protect the OTR Historic District's existing historic assets. The Guidelines and their sustained, legitimate application are essential to Cincinnati remaining recognized as a Certified Local Government by federal and state preservation agencies charged with carrying out federal and state laws and regulations.

Because most of the nation's preservation work is carried out at the local level, the local government's OTR Guidelines serve to protect Over-the-Rhine's landmarked assets, not only singularly but also *as an ensemble*. Individual buildings and structures together create a district's townscape. Whether individually or grouped as an ensemble or townscape, historic buildings and structures compose Over-the-Rhine's unique culturally-defining character.

CHARACTER DEFINING

Whether a group of existing owners and residents work together because they wish protection of the District's buildings and structures, or an Owner and its partners seeking approvals for environmental changes, or the group charged with purposefully acting on behalf of the citizens of Cincinnati, it's critical the City's Preservation Ordinance, District Guidelines and Zoning Laws be applied vigorously.

This building is out of character for the District.

It is also out of character for the site on East 12th Street (and Bolivar Alley) principally because it is not compatible with the existing historic buildings and their arrangement along 12th and 13th Streets.

The design of the new building now approved for 600 East 12th Street is out of character with its historic neighbors. It could be built anywhere in the US. It could be built as proposed its first or second time in any community not landmarked. That is its defining singular character.

I believe this is why the Design for 528 has been changed once more – now for the third time.

The Owner's first COA Application, submitted in 2018, was denied by this same HCB. That building was 4 stories perched atop an open, first-floor carport accessible only from East 12th Street. The Owner stated off-street parking for the building's tenants was essential for market-rate tenants. (Plus, Owner's representatives had declared the 600 site was to become a surface parking lot – to accommodate growing parking needs in Pendleton but also Downtown.) On behalf of the Owner and the City, an engineer stated Bolivar Alley was not viable as an ingress-egress path for vehicles to the proposed carport. Bolivar Alley was too narrow, thus not allowed by the City.

Residents and nearby property owners opposed the project: The project's design did not substantially comply with the OTR Guidelines nor protect nearby historic buildings – the design did not protect the interests of other property owners and residents. It was out of character with its neighbors due to its height, mass, scale, materials, open carport, windows and other openings, but also its density, and sure propensity to create congestion and hardships for existing residents and their mobility needs requiring cars. Many of those same residents live below the area's income median – they know the area's bus system won't meet all of their 24/7 needs; parking at the Casino is beyond reach (and poses safety risks for those on foot); and using UBER or Red Bikes or Scooters are not options for everyone or every time mobility is essential.

Urban Sites CEO Gregory Olson expressed his surprise the HCB could deny his COA principally because he had gained the approval of the Pendleton Neighborhood Council! In so many words, he expressed surprise the HCB would deny a COA after he had worked to gain the approval of a *local nonprofit organization*. He then went on to say, to win HCB's support, he should have gotten more members of the PNC, an Ohio nonprofit corporation, to volunteer their time on his behalf and for his interests only.

He thought he should urge people to volunteer their time speaking on his behalf about what? ... OTR Guidelines? Residents' hardships? Zoning? Adverse Impacts? Planning? Parking? Compatibility? Pocket Parks? Because, none of these things matter to people in Pendleton? After all, he and other developers have played that card before.

Then, Mr Gregory Olson did something only he would think appropriate: He spoke at length disparaging a woman who owns property on the block, a resident and homeowner in the District, and who leases a business space from Urban Sites on Main Street. His vulgar attempt at 'blaming and shaming' a woman who spoke in opposition to the 2018 project *after the HCB denied his project* was itself character-defining. He's done this before. The woman who spoke in opposition in 2018 did not return to speak out about the 2020 project. Again, his contempt for his fellow citizens lawfully and fairly exercising their 1st Amendment rights has been displayed before. And Mr Olson has no business throwing contempt at *anyone* for the condition of their property.

DUE PROCESS AND THE FUNDAMENTAL NOTIONS OF FAIR PLAY

1. The Prehearing

Despite the Owners proposing two (2) COAs and citizens received two (2) Notices, citizens were granted only 30 minutes total for both projects.

After 30 minutes, the zoom room went dark. We were not granted 30 minutes for each COA which is standard procedure. Making matters worse, no one presided or chaired the prehearing meeting. For example, property owners whose property (and tenants) would be directly affected by one or both proposals were not recognized, or could not gain the floor, or could not follow up with the preposterous answers given by CMHA representatives.

After the prehearing, we requested documents from the Urban Conservator and CMHA.

We received some drawings and renderings. To me, they were inherently dishonest.

The aerial drawing showing 600 purposefully obscured the height of the 5-story tower next to the 2-story historic firehouse.

The street views made East 12th Street look quite wide and roomy – they displayed cars going both ways, and no cars parked on the street – no congestion, no cars stopped waiting for the greenlight, no vehicles double-parked.

The drawings did not show the thru-the-wall units for either building.

Nor did any drawings show the backsides of either building, or how each building related to Bolivar Alley or the historic buildings on East 13th Street.

The drawings showed the ‘green’ parking lot next to the firehouse as if it were a greenspace park, or a shady pocket park, useable for CMHA’s new tenants.

No drawings showed where the proposed trees would be planted in Bolivar Alley despite the Owners saying they would plant trees in the 10-foot wide alley AND use the alley for access to the proprietary parking spaces bunked behind the buildings.

No landscaping plan was provided.

No photos of the existing historic buildings were provided – none showing both front and back, or the sites slopes, or the alley including the walls on the south side of Bolivar Alley.

We requested documents and records from CMHA.

Specifically, we requested:

- 1) Links to all of the City and Community Plans which were referenced to during the Prehearing by CMHA representatives.
- 2) A copy of the Community Outreach Plan, required by Ohio Home Finance Agency as a condition for allocating an Ohio Low-Income Housing Tax Credit (LIHTC).
- 3) Copies of all emails, letters, texts, statements and correspondences received or sent, by or to, PNC officers, PNC members, nearby property owners and residents.
- 4) CMHA Minutes regarding 528 and 600.

We have not received those documents or records. CMHA's attorney has been reminded three times that CMHA's folders sent to us in their Dropbox link, are still empty.

2. The HCB Hearings

Citizens were granted only two (2) minutes for comments despite 2 COAs being considered at the same time.

It is standard procedure, and essential to the interests of historic preservation but also the City's legitimacy as a democratic government, to provide some time for citizens to speak about a project. The HCB's standard is two (2) minutes for each COA. For this complex multi-family project, citizens did not get standard procedure.

These buildings, and plans, and requested zoning variances, were much more complex than whether 1) a dormer should stay or vanish because an Owner wanted to construct a rooftop deck or 2) whether an Owner wanted to build an opaque garage door on the front façade (at \$25k or more) because off-street parking is essential for those types of folk. (These two COAs immediately preceded the CMHA-Urban Sites projects.)

No written statement was submitted by Owners, for either building, justifying their requested zoning variances. Nor did the members of the HCB request these written statements. The Owners did not speak to them during the Hearing. Mr Gregory Johnson repeatedly said CMHA needed the two Plans approved in order to receive Ohio Home Finance Agency's tax credit and the County needs 40,000 more units of affordable housing. Those bare recitals do not comport with the justifications required by Chapter 1435CMC nor rise to a written statement normally required by a Zoning Examiner. We, as citizens, deserved to see, review and respond to a written statement.

Instead, it appears the members of the HCB substituted the conditions of the Ohio Home Finance Agency's for allocating its Low-Income Housing Tax Credit (a tax coupon) for the City's own Standards of Review and Zoning requirements as set forth in the City of Cincinnati's preservation and zoning ordinances. That is the wrong standard of review and wrong legal standard.

For an Owner to not comply, and for members of the HCB not insist on a written statement supported with credible evidence (which can be independently supported), and not review such a statement, is a zoning process which is fundamentally illegal, arbitrary and capricious.

The HCB granted zoning variances for both buildings, and then approved a COA for 600 but not for 528. The HCB approved the zoning variances for 528 but not its COA – for the second time. This is backwards especially when the CMHA offered no proof of its economic hardship other than the possible loss or reduction of its public-issued tax coupon, at taxpayers' dime. What's next? An Owner saying US Bank won't provide a loan unless a building is faced with stucco? Or won't provide financing unless a new-build is faced with old bricks and glass balconies?

3. The Staff Report

Incomplete, fuzzy, flawed. Missed important elements of the Owners' proposed designs such the thru-the-wall units, landscaping plan, the 5-story tower next to the 2-story historic firehouse, emphasizing the proposed Urban Design Overlay while not mentioning the proposed OTR Guidelines relative to height and other matters. And now Bolivar Alley can magically be used for driving vehicles to their off-the-alley spots.

No mention of what occurred or was emphasized during the Prehearing, or how many citizens spent time trying to 'preview' the two (2) COAs.

Disappointing but not surprising.

Not all citizens' statements were included in the HCB packet posted online. We had to ask if others were also omitted. We were told no others but only that one resident.

Seven natural persons were opposed and one corporate person. Credible members of the Pendleton Neighborhood Council have said the members voted to not approve CMHA-Urban Sites' projects.

The PNC meeting to 'review' the project was set for July 13, starting at or around 6pm via Zoom.

Members of the nonprofit were sent the following documents:

2020-07-13 4:38 pm | 3 pages CMHA's Bennett Parking Reduction Statement

2020-07-13 4:39 pm | 18 pages 600 East 12th Street pdf

2020-07-13 4:41 pm | 19 pages 528 East 12th Street pdf

The members of the nonprofit were scheduled to vote during its August meeting. (I am not a member.)

Mr Gregory Olson probably knows this though:

He joined the PNC and voted for his own project according to the PNC treasurer. Apparently, no one asked him to recuse himself due to his obvious Conflict of Interests nor did he recognize his own Conflict. That's bad form for any member, officer, trustee or director of a nonprofit organization which is supposed to conduct its affairs in accordance with Section 501(c)(3) of the Federal Tax Code. That's self-dealing. In the end, he did try to gain approval of the members of this local nonprofit corporation, by paying dues and voting, but the motion (or question) failed. Neither he nor anyone associated with CMHA has mentioned this.

Local support is essential for tax credits and taxpayer-funded grants.

Mr Daniel Lipson did send an email thanking the president of the Pendleton Neighborhood Council for her help after the HCB approved all zoning variances and the COA for 600.

Thanks for your help! It matters and is very much appreciated!

Initially, he only thanked the putative president for her help, and no others. That email thread is appended to this statement of opposition.

To the best of my knowledge, no PNC officer has yet submitted a true, correct statement about the membership's vote to not approve or support 600 and 528 East 12th Street.

For all of the reasons set forth in this statement plus those in other people's statements submitted, written and oral, I respectfully urge the members of the Historic Conservation Board to deny the COA.

Myra Greenberg
Pendleton resident

From [Tissot, Abbigail \(tissotam\)](#) <> on 2020-08-18 8:38 am

From [Tissot, Abbigail \(tissotam\)](#) <>

To danny@urbansites.com <danny@urbansites.com>

Cc [Tissot, Abbigail \(tissotam\)](#) <>

Date 2020-08-18 8:38 am

Hello Mr. Lipson,

Perhaps you could help me understand why you are thanking our Council president for "help" getting a project approved... given that our Council voted not to support the project.

I'm sure you can understand why the email you have sent seems curious to me.

Thank you in advance for providing clarity,
-Abbey
Member- Pendleton Neighborhood Council

From [Danny Lipson <danny@urbansites.com>](mailto:danny@urbansites.com) on 2020-08-18 7:20 am

From [Danny Lipson <danny@urbansites.com>](mailto:danny@urbansites.com)
Sender pendletonneighborhood@googlegroups.com
To PendletonNeighborhood@googlegroups.com
<PendletonNeighborhood@googlegroups.com>
Reply-To PendletonNeighborhood@googlegroups.com
Date 2020-08-18 7:20 am

Tabatha,

At the hearing last night, 600 E 12th was approved and 528 e 12th (bigger building) had its zoning approved but the board wants us to come back to tweak window shapes/rhythm and roof line. Not a perfect win but it's a win with a few week delay to iron out details. Thanks for your help! It matters and is very much appreciated!

djLipson.....
sent from my mobile device
please excuse minor typos

On Aug 17, 2020, at 2:26 PM, mgbrecords via Pendleton Neighborhood Council
<PendletonNeighborhood@googlegroups.com> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We will agree to disagree as a council title be it officer or member is still a title and could also muddy the waters if not carefully read, but no worries at this point.
I will deal with that too.

Tabatha

-----Original Message-----
From: Danny Klingler <dannyklingler@gmail.com>
To: PendletonNeighborhood@googlegroups.com
Cc: ruamaxwell <ruamaxwell@gmail.com>
Sent: Mon, Aug 17, 2020 2:11 pm
Subject: Re: [[PendletonNeighborhood](mailto:PendletonNeighborhood@googlegroups.com)] Bennett Point

Thank you Tabatha for sending your new letter. I think it does a much better job of distinguishing the individual opinions of the identified members from the rest of the PNC. I appreciate you following through.

I do not think it is necessary for anyone else who wrote a letter as an individual member to rescind their letter, as they are not Officers or Trustees, and their position can be easily separated from that of the PNC.

Thank you for responding about Andrew. The Pendleton Letterhead is the very first thing that HCB will see today in their packet of responses from community members.

Danny

On Mon, Aug 17, 2020 at 1:41 PM historicpendleton <historicpendleton@gmail.com> wrote:

Danny,

I have rescinded and resubmitted my letter and copied all of the necessary people, but not seeing anyone else's rescinded letters.

I will let Andrew answer for himself on that as until Friday, I was not aware of any letter sent on PNC Letterhead, but appreciate it being brought to my attention and Andrew and I will have a discussion on it.

Tabatha

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Danny Klingler <dannyklingler@gmail.com>
Date: 8/17/20 12:49 AM (GMT-05:00)
To: PendletonNeighborhood@googlegroups.com
Cc: ruamaxwell <ruamaxwell@gmail.com>
Subject: Re: [PendletonNeighborhood] Bennett Point

Tabatha,

Thank you for agreeing to rescind your letter. Because of the confusion inherent in this situation, I trust you will also provide an explanation to Beth Johnson of the PNC's 11-9 vote and why the letter is being rescinded.

Tabatha and/or Andrew -- can you please respond to my question about rescinding the letter sent by Andrew on PNC letterhead?

Sincerely,
Danny Klingler

On Sun, Aug 16, 2020 at 10:44 PM 'mgbrecords' via Pendleton Neighborhood Council

<PendletonNeighborhood@googlegroups.com> wrote:

Danny,

Because you do not typically attend our Community Council meetings except in the case of development issues, you would not know that a letter of support is only the first step Pendleton Neighborhood Council takes in supporting or opposing anything and a no vote on a letter of support requested by the developer is very different from supporting opposing projects...but then you know that.

Our council under normal circumstances would have had a member any member put out a motion to take a formal position, but it did not happen. Now to take and expand the no vote on a letter to full on position is a stretch.

Now...I will rescind my initial letter, and resubmit minus the words President and executive committee. By the same token...each and every person, who submitted a letter stating they they are members of the Pendleton Neighborhood Council should rescind and resubmit as well...a title is a title no matter who submits it.

Have a great night.

Tabatha

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Danny Klingler <dannyklingler@gmail.com>
Date: 8/16/20 9:38 PM (GMT-05:00)
To: PendletonNeighborhood@googlegroups.com
Subject: Re: [PendletonNeighborhood] Bennett Point

Hi Tabatha,

Could you please respond to my request that the 2 letters be withdrawn?

I have watched the video of the meeting that Andrew sent over, from the beginning of the Bennett Point conversation until the end of the meeting. I understand that the motion that was voted on and failed was a motion to provide a letter of support for the Bennett Point project, and I understand that no direct vote was taken to oppose the project.

Nonetheless, the key point is that the Executive Committee (and individual Officers) do not have authority to take action independent of a vote by the PNC membership. In order to send out those letters, leadership would have first needed a vote from the membership authorizing them to do so.

Membership in fact voted on this very issue -- i.e., whether to send a letter of support for Bennett Point -- and they voted against it. Soon thereafter, two letters of support were sent out by leadership -- one on official PNC letterhead and both using official titles.

Again, I am very concerned by the precedent this sets and by the appearance that these letters give. I am simply asking that we follow our own rules.

Sincerely,
Danny Klingler

On Sun, Aug 16, 2020 at 4:32 PM Tabatha Anderson <historicpendleton@gmail.com> wrote:

Dear neighbors...

The vote taken resulted in a no, CMHA could not get a letter of support. No member put any motion out to oppose the development nor was there any motion or request to submit a letter of opposition or formal council position.

Tabatha

There was no motion

On Fri, Aug 14, 2020, 11:35 AM patziannes via Pendleton Neighborhood Council <PendletonNeighborhood@googlegroups.com> wrote:

Dear Community Council Members

Attached is a letter that concerns us all. It was written by Andrew Salzburn and one by Tabatha in support of Bennett Point to the Historic Conservation Board as a members of Pendleton Community Council executive board. Mr. Salzburn has every right to support this project as does Ms Anseron. However, what concerns me, and should concern anyone who clings to the idea that community councils should be somewhat democratic, is the fact that support of Bennett point was **voted down** at the last meeting by a vote of 11 to 8. In their letters, Mr. Salzburn and Ms. Anderson state that because the meeting was held via Zoom, and therefore the viewpoints of many MAY have been underrepresented, the results should be dismissed in favor of the executive team's view. I have attended many community council meetings and 19 is a good showing. How do they know that were there more votes they would be in favor? This is awfully presumptuous of them don't you think? I wonder (but not much) if they would want the results to be dismissed if the votes had gone in their favor? "The Executive Team's" attitude toward toward this community council is paternalistic and contrary to the whole idea of a community council. Perhaps we should just put our community in their more capable hands and do away with these inconvenient and apparently extremely hard to access meetings. I am appalled and more than a little upset that community voices can be so smoothly dismissed.

Patricia Schneider, Spring St.

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Pendleton Neighborhood Council
www.pendletonneighborhood.org

You received this message because you are subscribed to the Google Groups "Pendleton Neighborhood Council" group.

To unsubscribe from this group and stop receiving emails from it, send an email to PendletonNeighborhood+unsubscribe@googlegroups.com.

To view this discussion on the web

visit <https://groups.google.com/d/msgid/PendletonNeighborhood/1050729615.1531975.1597419316742%40mail.yahoo.com>.

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To Members of the Historic Conservation Board,

All of my objections to this development (previous letter) remain unchanged. Preserving and protecting an historical district... obviously not on the agenda, and I don't understand your willingness to ignore research on low income housing which suggests dispersing the housing citywide (51 other city neighborhoods) in smaller numbers, and especially not into already saturated neighborhoods. The anticipated number of residents for this project will overwhelm East 12th Street, creating "quality of life" issues for new residents and old...lack of parking/ congested traffic/ non-stop activity, noise and trash on East 12th Street/ little to no "common " space in the plans.

Who benefits from a development where the cost of each unit is astronomical and at taxpayer's expense? Housing should be built, but this is not the way.

Being more competitive for low income housing tax credits should not be the overriding factor.

Simply to say we need affordable housing without responding to any of the issues raised, makes me feel that other people's concerns are already in play.

In any of your neighborhoods, this development would not pass the smell test and residents would be up in arms!

Sincerely, Jack Hennen

**Re: 528 E 12th Street, Proposed Infill Building, Pendleton Neighborhood of Over the Rhine
Building 2, Bennet Point- HCB Hearing
9/7/2020**

Dear Members of the Historic Conservation Board, Beth Johnson, Emily Ahouse:

I appeal to this board to take a good hard look at the Bennet Point project and whether the proposal strengthens or weakens this already vulnerable block within the Pendleton neighborhood. This project will crush the historic character of this area and take away the scarce parking that residents rely on to have access to good paying jobs, groceries, doctor's appointments, etc. The new affordable housing residents, significantly more than the number allowed by Zoning Code regulations, will have cars and need cars in order to have more job options to earn a living wage. The December 2018 Staff Report for a similar increased density proposal for this same site (which had only 56 bedrooms and provided 54 parking spaces compared to the current proposal which has 69 bedrooms at 528 E. 12th St. by itself and only 6 parking spaces) states the following: "The proposal is providing parking to manage the most significant negative impact of the proposed significant increase in density. Staff has stated...that such a significant density proposal would require a significant provision of parking at or near the zoning minimum requirement, consistent with previous staff recommendations to the Board prior to and since the enactment of the (parking) overlay. Without this parking, staff would have been unsupportive of the density proposed." Please see Staff Report excerpt at back of this letter pages 6 & 7. The new residents will have substandard accommodations with no parking, no outdoor communal space and no safe children's play area. In this area public transit cannot even come close to matching the efficiency of having a car.

528 E. 12th St. Historic COA Analysis

I have worked as an architect on many adaptive reuse and infill building projects in the Over the Rhine Historic District over a period of many years. The proposed building does not even come close to compliance with the Over the Rhine Historic Conservation Guidelines for new construction, and would set a dangerous precedent for the design and quality of future infill construction throughout OTR. According to the architect's statement on p. 134 of the September 14 HCB Agenda: "Summary of design changes: The south façade has been segmented vertically to read as townhomes to try to closely replicate the existing facades along East 12th Street while implementing the materials previously proposed." The Urban Conservator often states that new work should not attempt to replicate the existing historic architecture. This should not be approved.

- The proposed 12th St. Elevation looks like a cardboard cut-out imitation of the prevalent historic style, with notable elements being considerably cheapened, with the fake look of Townhouses. The guidelines state that "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."
 - Through the wall heating and cooling units (motel style) in the front facade look like "black eyes" and extremely cheap. They will blow hot air onto the sidewalk and be noisy. For new construction in OTR, roll down shutters and metal bar systems installed on the exterior of the building that cover window openings are not allowed. The mechanical grills in the windows look similar to metal bar systems and should not be allowed.
 - There are 2 large full height sections of cement fiber board exterior siding on the front facade, approximately 25' wide each. One of these sections of cement board extends from the cornice all the way down to the sidewalk, with no

change of material at the base or foundation. Cement fiber board siding is a cheap looking material, when used this way. It looks very similar to stucco which is not considered appropriate and should not be considered as an exposed finish material for new construction in the historic district.

- A 4-story height is being proposed adjacent to a 2-story historically important firehouse (Harry Hake architect) and a 2-story historic union hall. 8 out of the 9 contributing buildings on the south side of street are 3 stories and the building directly across the street is one story. OTR guidelines state that new infill buildings should not vary by more than one story from adjacent contributing buildings. The proposed infill building is two stories taller than the firehouse and historic union hall and does not comply with OTR Historic Guidelines.
 - The buildings to the North of the site are on East 13th Street and separated from the 12th Street buildings by Bolivar Alley and rear yards, and are not considered adjacent buildings as the Staff Report suggests.
- The massing is not compatible. It is a monolithic block with 150' of street frontage, with one large flat roof. The pattern in this area is for smaller scale buildings, 20 to 25' wide, with light courts in between buildings that double as exterior passageways from the front sidewalk to the back yards or patios.
- A survey of site elevations has not been provided and was a requirement for this submittal. The applicant's drawings show grade as being level with the first floor all around the building, both along the 12th street façade and from front to back at the alley. This is not the case. The following review of grade utilizes contour elevations that were part of the previous COA application for this site by Urban Sites:
 - Along the 12th street façade the sidewalk elevation rises approx. 4.5 feet moving from west to east.
 - The is quite a large difference and the plans and elevations will need to be changed to reflect actual grade. The changes will be significant and will need to be reviewed by HCB.
 - Grade from front to back is not level as shown by applicant's drawings. The 12th street sidewalk at the front is in the range of 30"-18" higher than Bolivar Alley paving at the rear
 - First floor handicap access does not work, the main entry and alley entry need to be at the same level because the required handicap parking spaces are located off the alley. There are no handicap ramps shown.
- Bolivar Alley access was deemed impractical for use by the Urban Conservator in the Staff Report from December 2018 (Please see excerpt at the back of this letter pages 6 & 7.)

- 12th Street is too narrow to accommodate such an increased density without additional parking being provided. 13th St is wider and there is room to get by a double-parked vehicle on 13th St, but not on 12th St. No traffic analysis has been presented.

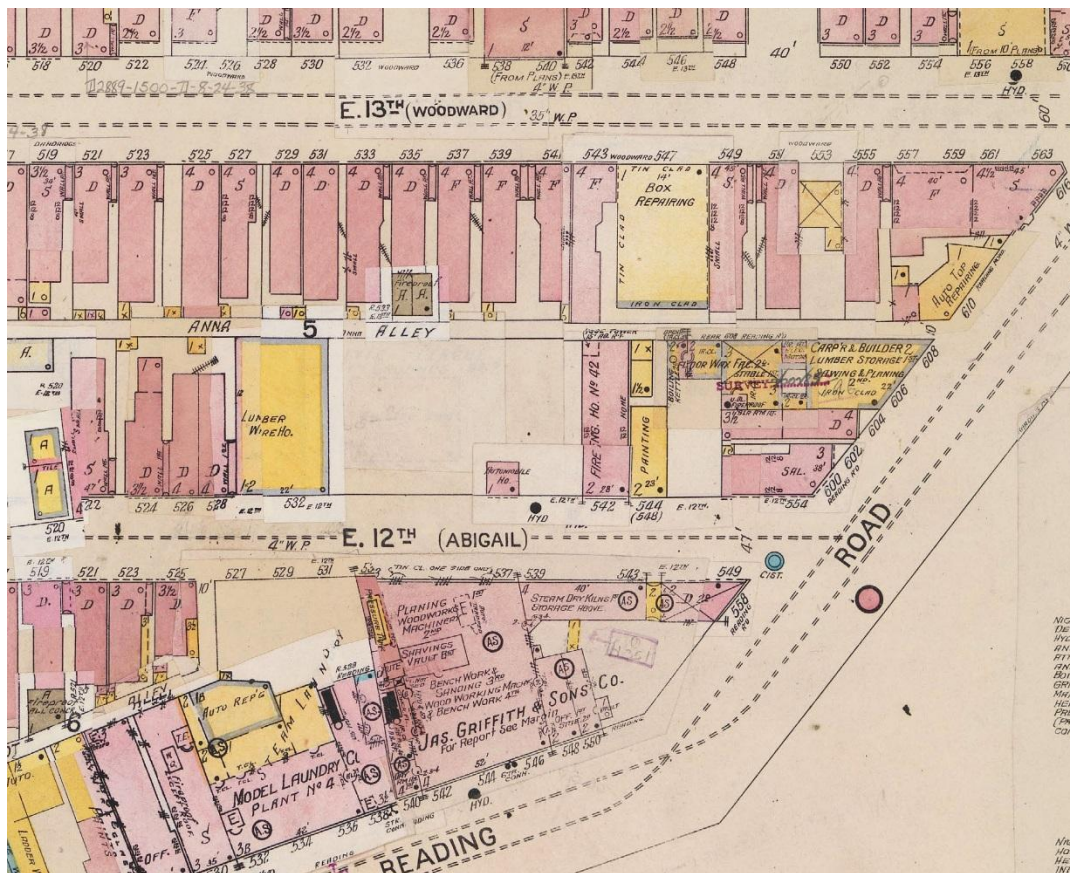


12th St. narrow one lane for traffic



13th St. wider two lanes for traffic

- The property at 528 E. 12th St. is not blighted. Since 1904 or longer, this property was a lumber yard, in much the same configuration and use as it is now and took part in the building effort that created many of the wonderful buildings in OTR. Urban Sites has been using this site as a base for its construction projects for years. Please see Sanborn map excerpt below from the year 1904.



- The garbage area is not enclosed. It has an 8' wide opening to the neighbor's side yard. Garbage and recycling from 33 units will be a nuisance: unsightly, smelly and likely to attract rats. The garbage area seems too small and likely to have overflow issues. On garbage collection day, garbage carts (& recycle bins) for 33 units will line the sidewalks, behind the solid line of parked cars and pick-up will be difficult.
- Only the 12th St. facade elevation has been provided. The Side and Rear elevations are missing. These elevations and their materials need to be submitted for review by the HCB.
- The proposed building does not respect the rear yard setback pattern established by existing residential buildings and required by the Zoning development regulations (1409-09) A 25' rear yard setback is required, the proposal has only a 10' rear yard setback. No variance has been granted for this. It should not be allowed.
 - The Urban Conservator's Adjudication/Denial letter of June 10 that is part of the official zoning submission listed this as a required variance, but it is was missing in August 17 Staff Report.
 - 528 E. 12th St. is a Residential building - the small Laundromat is a specific amenity that supports the Residential use and is only 9% of first floor area. The August 17 Staff Report on p. 4, states that the new building use is "identical" to the adjacent Residential building.

During the August 17 HCB hearing the Vice President of the Pendleton Neighborhood Council stated that even though the PNC voted against supporting the project, 11 to 9, the vote should be dismissed from consideration because of the under-represented nature of the vote. If there was not a quorum for the vote, why did it take place at all? If the vote had been to support the project, would it still have been dismissed? Instead of relaying the results of the vote, the PNC Vice President submitted, on PNC letterhead, a letter of support of the Executive Committee to be included in the HCB agenda.

This is my first good opportunity to address new information and materials that first came out in the August 17 HCB agenda. The 2 minutes of time to speak at the hearing was too short to cover so many issues for 2 separate large buildings and sites. Following are some of the key new issues that apply to the COA for 528 E 12th St project:

- Most, if not all, of the letters of support for this application are from people who do NOT live or work on this block of 12th St. and will not have to suffer from having their parking taken away.
- A well researched letter of opposition, from a longtime (13 years) resident on this block, Deborah Mays, turned in a paper copy to the Urban Conservator several days before the August 10 deadline for comments. But it was not included in the digital packet, and not even counted in the Staff Report tally of letters of support & opposition that were received. When the resident called to report that it was missing on August 13, it still was not included in the digital packet before the August 17 hearing, and is still not in the digital packet even though the revised Staff Report to the letters in the August 17 digital packet with a hyperlink. It seems that this resident's experience and opinion after living on this block, 24/7 for 13 years would be important to learn. I for one would like the chance to read her letter, but was only able to take a quick look at someone else's copy. The digital packet is the most convenient way to review the information.
- The August 17 Staff Report listed properties with increase densities in support of this project. But the properties are not comparable:
 - Residential properties referenced on 12th Street are too small to compare.

- Commercial properties referenced as comparable are quite far away (.3 to 1 mile) and are located in larger scale areas with more parking. Three of the four commercial properties referenced are on streets with 2 lanes of traffic. At least one of them was required to provide a significant amount of parking. Whereas this block of 12th Street has only one extremely narrow lane of traffic that is frequently blocked by double parked vehicles because street parking spaces are virtually always filled.
- The Staff Report included what was referred to as a "proposed zoning amendment" for an "Urban Housing Overlay District" in support of the increased density zoning relief being requested in this application. There was no mention of this proposed amendment anywhere that I could find on the City's website and it was not included on the City Planning Department's list of Planning Projects & Studies either as Active/Ongoing or Completed/Past. I did email the Planning Department to find out what this is. According to a senior city planner this is a brand new draft ordinance referred to the Planning Department by City Council on August 5 and has not yet gone through the public process: "which City staff is visiting all 5 Community Councils in September, with a public staff conference in October, and City Planning Commission in September." It cannot be known at this time what its final form will be and whether or not a significant provision of parking will be required to reduce the significant negative impact of loss of parking to existing residents, as has been the Urban Conservator's policy before and after the enactment of the Parking Overlay Zone, which eliminated parking requirements for projects in OTR that were built to the density allowed by the Zoning code. It should not have been used to support approval of the increased density request without the provision of parking to reduce the burden on existing residents.

I request that the Board deny the COA for this project as it does not comply with either the letter or the intent of the historic conservation guidelines, which is to protect the quality and character of the historic district. This project is like a Disney Land version of the historic architecture with window-sized through-the-wall heating and cooling systems prominently featured on the front facade. Granting the COA would set a dangerous precedent for future infill projects in OTR, while at the same time destabilize this area by stealing all of the parking that the existing residents rely upon. The proposed affordable housing accommodations are substandard and not integrated with the broader neighborhood. Thank you for your consideration.

Sincerely,
Michelle Avery Keely, RA
Ken Jones & Associates Architects
542 E. 12th St.

Excerpt from Staff Report December 2018 for 528 E. 12th St.- figure 1 of 2

Proposed Conditions:

The proposal at 528 E 12th Street

1. Construct a new 5-story, 56 unit residential building with a lobby and parking on the first floor and 4 stories of apartments above.
2. The first floor will have a portion that is set back from the street
3. The building will be clad in brick as a main material with wood and black metal accents.
4. The garage will be accessed with automated garage doors that are glass.

Previous Review: NA

Applicable Zoning Code Sections:

Zoning District:	Section 1409	Commercial
Variance Requests:	Section 1409	Development Standards
	Section 1425	Parking Regulations
Variance Authority:	Section 1445-07	
HCB authority:	Section 1435-05-4	
Variance Standard:	Section 1445-13	General Standards: Public Interest
	Section 1445-15	Standards for Variances
Overlays:	Section 1435	Historic Preservation
Historic District/Reg:		Over the Rhine Historic District
COA Standard:	Section 1435-09-2	COA; Standard of Review

Zoning Analysis:

Density:

When considering Density Variances, three of the major issues that staff consider are the ramifications that a Density Variance would have on 1) Parking and Traffic patterns 2) Trash and Utility management and 3) Design of the Building. The design of the building and its appropriateness with the neighborhood will be discussed in the COA section below.

1) Parking and Traffic Patterns

On September 19, 2018, City Council passed the Urban Parking Overlay Zone #1, which exempts all projects within the boundary of the overlay from parking requirements. This overlay became law on October 20, 2018.

While the property would be exempt from parking requirements, the project is still substantially providing parking for the project within the building and at a nearby proposed parking lot at the corner of 12th Street and Reading. The building will have 29 parking spaces at the first floor and there will be an additional 25 spaces at the proposed surface lot to be submitted under separate permit. With the new parking overlay, the project would have been exempt to provide parking for the permitted density which would have been 23 spaces. This is an increased parking demand of 33

Parking and Traffic Excerpt from Staff Report December 2018 for 528 E. 12th St.- figure 2 of 2

spaces. Applicants are providing between garage parking and a lot at 600 E 12th Street 54 spaces serving 56 dwelling units. The proposed parking lot layout is included in page 8 of the 11x17 inch bound document. The applicants have stated twice (once in a letter dated 11/2/2018 and one dated 12/3/2018) in their submitted materials, that they are providing for 54 spots for this project. The proposal is providing parking to manage the most significant negative impact of the proposed significant increase in density. Staff has stated from its initial meeting with the applicant that such a significant density proposal would require a significant provision of parking at or near the zoning minimum requirements, consistent with previous staff recommendations to the Board prior to and since the enactment of the overlay. Without this parking, Staff would have been unsupportive of the density proposed.

As for on street parking demand: There concerns have been raised that this project is removing on-street parking. Currently there are 2 curb cuts at the site which take away 2 spaces from on-street parking. While the curb cuts will be moved, there will still only be 2 curb cuts and therefore on-street parking will not be impacted (page 5 of revised submission).

This project is also within a CC-P zone which requires that alleys be used whenever practical. The applicants have provided analysis which shows that this alley is not practical for use due to the narrow width of the alley, only around 8.5 feet in some spots due to retaining walls directly on the property line. A turn radius analysis submitted by the applicant's civil engineer has also been performed and if alley access or alley circulation were required for the parking area, it would result in a net decrease of 4 parking spaces. In a project that is trying to balance parking demand in a neighborhood that expressed concerns for on-street parking, this would create more demand for on-street parking. DOTE has reviewed the information provided and concurred that for the scale of the site, alley only access is not encouraged and concurs with the proposal. It should be noted that DOTE, in consideration of this issue, supported Staff efforts to narrow the automated garage door accesses, to limit their visual impact along the street. Staff will be encouraging grading to be matched as close as possible to the alley grade to allow for potential 'breathing room' in the event some of the other smaller scale property owners in the future chooses to utilize alley access for their vehicles.

2) Trash and Utility Management

When an increase in density is requested for a property, providing adequate trash and utility management within the building or on the property is necessary as to not create a collection of trash receptacles on public right of ways, either on streets or on alleys. The applicants have made accommodations on the first floor for trash enclosed entirely within the building. This is providing a large buffer from trash and associated issues with trash enclosures.