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

APPLICATION #: ZH20220101/ COA2022036
APPLICANT: Work Architecture + Design
OWNER: TSMT, LLC
ADDRESS: **214-218 Mulberry Street**
PARCELS: 094-0006-0018; 094-0006-0019; 094-0006-0020; 094-0006-0021;
094-0006-0022
ZONING: RM-0.7
OVERLAYS: Over-the-Rhine Historic District and Hillside District
COMMUNITY: Over-the-Rhine
REPORT DATE: August 5, 2022
STAFF REVIEW: Douglas Owen, Urban Conservator

Nature of Request:

The applicant is requesting a Certificate of Appropriateness for the construction of new 10-unit, multi-family residential building on Mulberry Street on a currently vacant lot.

Details of Zoning Relief Required:

1. **1433-17(c)** – Hillside Front yard. Required 5' setback along Mulberry Street based on Hillside averaging. A 1.5' setback provided. A **Hillside Review** is required for 3.5'.
2. **1433-17(d)** – Hillside Front Height. The maximum height for a front height is 35' and the proposed height is 40.67' at the highest point. A **Hillside Review** is required for 5.67'.
3. **1433-17(d)** – Retaining Wall Height. The maximum height for a retaining wall is 8'. A 10.5' retaining wall is proposed. A **Hillside Review** is required for 2.5'.
4. **1433-19(g)** – Excavation and Fill. A maximum of 8' is allow for cumulative excavation and fill. The proposal has a total amount of cumulative excavation and fill of 31.5'. A **Hillside Review** is required for 23.5'.
5. **1425-15(a)** – Parking Location – A **Special Exception** is required for parking in the front yard along Seitz Street.
6. **1425-27** – Parking Lot Screening – A **Special Exception** is required to eliminate the screening requirements along the west side of the Seitz parking lot.
7. **1425-29(a)** – Parking Lot Landscaping – A **Special Exception** is required to eliminate the 3' landscape buffer along the west side of the Seitz parking lot.



Figure 1: Map of 214-218 Mulberry. Map provided by Cagis Maps.



Figure 2: Street view of 200 block of Mulberry Street. Image provided by Google Street views.

Existing Conditions:

214-218 Mulberry Street consists of five (5) vacant parcels surrounded by other vacant land. The Main Street Steps are located adjacent to the east. This is a property with a double frontage on both Mulberry Street and Sietz Street. Sietz Street has mostly vacant lots with nearby properties including 206 Mulberry and 208 Mulberry which are oriented toward Mulberry Street. Buildings east of the Main Street Steps are oriented toward Seitz Street. There is a significant elevation change from Sietz Street to Mulberry Street of approximately 28 feet.

Proposed Conditions:

The proposal at 208 Mulberry Street

1. Construct a new 10-unit multi-family residential building.
2. The Mulberry portion of the building will be clad primarily in brick with a poured concrete pediment foundation.
3. The Seitz portion of the building will be clad in fiber cement lap siding.
4. It will have 3 story façade at Mulberry Street with the 4th and 5th stories set back from the street and fronting on Seitz. Four one-door width garage doors and a central front entrance are located within the base along Mulberry Street.
5. A parking pad with 2 spaces is included adjacent to the building to the southeast, which will require a retaining wall. An additional parking pad with 4 spaces will be located between the building and Seitz Street on the north.

Previous Review: N/A

Applicable Zoning Code Sections:

Zoning District:	Section 1405	Residential
Variance Requests:	Section 1405	Development Standards
	Section 1433	Hillside District
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:

The owner is proposing setbacks and height as outlined in the chart below. The chart also outlines the averaging calculations and relevant Hillside Review needed for setbacks and height. The vacant lot to the east contains the Main Street Steps and is listed with an address of 219 McGrew Street.

	219 McGrew (vacant)	212 Mulberry (vacant)	Average or Min.	Proposed	Relief Needed
Left (West)	5'	5'	5'	5'	n/a
Right (East)	5'	5'	5'	15'	n/a
Mulberry (South)	5'	5'	5'	1.5'	3.5'
Seitz - double frontage (North)	5'	5'	5'	29.58'	n/a
Front Height	35'	35'	35'	40.67'	5.67'
Rear Height	35'	35'	35'	25'	n/a

Additionally, the project requires a Hillside Review for a cumulative total of excavation and fill of approximately 31.5' and for a retaining wall of 10.5'.

In addition to the Hillside Review, Zoning Relief is required in the form of Special Exceptions to eliminate the required parking lot screening on the west of the 4-space parking pad along Seitz Street, and to allow a parking pad in the Seitz Street front yard of the double-frontage lot.

Hillside Development Standards

In addition to the Base Development Requirements of § 1433-19, the Zoning Hearing Examiner must consider the following standards to ensure harmonious relationships with adjacent buildings and the hillside environment:

(a) Avoid Cuts in the hillside if they would leave cliff-like vertical slopes and excessively high retaining walls.

The topography of the proposed lots slopes significantly from north to south. The proposed excavation and fill is required in order to step the building foundation into the hillside. As the proposed cuts are directly related to the foundation walls only, there will be no cliff-like vertical slopes or excessively high retaining walls on the property.

(b) Design buildings to fit into the hillside rather than altering the hillside to fit the buildings.

The proposed building generally fits into the existing hillside. The foundation of the building is stepped into the hillside with the largest cut at the front of the building amounting to approximately 9' and the largest amount of fill at the Seitz parking pad retaining wall, amounting to approximately 11'. The building steps up in height as it extends up the hill toward Seitz Street.

(c) Hillside development should be designed to minimize excavation required for foundations, parking and access drives.

Excavation will be required for the building foundation; however, it is not excessive considering the existing site conditions and location of the proposed work, which is spread across the site. Section 1422-19(g) notes that:

Excavation and fills should not exceed eight feet in cumulative height. Excavation and/or fill of any height or cumulative amount that is not tied to a specific development is expressly prohibited. Regardless of height,

documentation must be provided to show the excavation and/or fill is necessary to support a specific development and a staff review is required to determine conformance with all requirements of this chapter.

The proposed excavation is directly tied to the proposed development as excavation and fill will be required for the new building foundation as well as the parking pad. The largest single cut on the site amounts to approximately 9' cut at the Mulberry Street side of the site.

The excavation and fill work will not affect the topography, views, or vegetation as seen from the ROW. Staff feels that the proposed amount of excavation and fill is generally compatible with the intent of the Hillside Regulations, if not strictly meeting the specific requirements.

(d) ***Cluster new development to retain surrounding tree cover and minimize alterations to the existing topography.***

The new development is clustered near the center of the lot. While some tree cover will need to be removed for the proposed building site, there is little tree cover at the proposed building site.

(e) ***Maintain a clear sense of the hillside brow by locating buildings back from the brow of the hill.***

The proposed addition will be set back from the brow of the hill, as the hill continues to rise to the north toward Seitz Street.

(f) ***Site buildings so as to respect views from public viewing places within the HS District identified in a community plan or other documentation approved by the City Planning Commission.***

The proposed building is not expected to negatively impact views in the vicinity. The building height is below the allowable height at the front and rear with the center of the structure exceeding the height limit by approximately 5.67'. The topography of the area continues to rise sharply to the north of Seitz Street, so as not to impact the views from the houses to the north.

(g) ***Where applicable, consider the guidelines contained in the "Cincinnati Hillside Development Guidelines" report to evaluate development application.***

N/A.

Special Exception:

Three Special Exceptions are required for the project, all relating to the proposed 4-space parking pad along the Seitz Street frontage. Special Exceptions are required for the location in the front yard of a double-frontage lot and to eliminate the requirement for a 3' landscape buffer and parking lot screening along the western boundary. Per Section 1445-07(b), the [Historic Conservation Board] may consider applications for Special Exceptions listed in Schedule 1445-07: List of Allowable Special Exceptions.

- The requested Special Exceptions are listed in the schedule.

Standards for Special Exceptions:

An application for a special exception may not be approved unless the [Historic Conservation Board] determines that the proposed special exception is appropriate in the location proposed based on the following standards and, where applicable, the special standards for specific special exceptions. A special exception may be granted only if the examiner makes all of the following findings:

(a) Compliance with Code and District Purposes.

a. The proposed work will be consistent with the purposes of the Cincinnati Zoning Code and the RM-0.7 Zoning District.

- i. Front-yard parking is not permitted in the RM-0.7 Zoning District; however, the subject property is a double-frontage lot with no rear yard. Parking would only be permitted in the side yard of the property. The side yard has a substantial slope that makes it impractical for parking, making the Seitz frontage the most practical place for parking.
- ii. As a double-frontage lot, the primary frontage is considered to be Mulberry Street. Seitz Street is a relatively short street with much less development than Mulberry. The applicant has chosen to front the building on Mulberry Street, which is the most appropriate siting. While most lots on this block of Seitz are vacant, two other houses exist that have their primary frontage on Mulberry. One house is new construction with the rear of the building facing Seitz, while the other is a historic building with a garage addition fronting on Seitz. The other extant building on the block fronts Seitz, but has a legal nonconforming parking area adjacent to the building accessed off Seitz. As such, parking access off Seitz Street is well established on this block face and the proposed 4 space parking pad is in an appropriate location.
- iii. While this will remove two street parking spaces from use, it will create a parking area for four vehicles.
- iv. Not providing the required parking lot screening and landscaping along the west property line is appropriate in this circumstance, as installing the required screening and landscaping would result in the loss of one proposed parking space. Screening and landscaping are provided on the east lot line adjacent to the Main Street Steps.

iii. No Substantial Impairment of Property Value.

a. The proposed development will not substantially diminish or impair the value of property within the Over-the-Rhine neighborhood.

- i. As parking access off Seitz Street is already established on the subject block face, placing a parking pad in this location will not impair property values in the vicinity.
- ii. The lack of parking lot screening and landscaping along the west property line is not likely to substantially impair property values. The parking lot is relatively small in size with a depth of 19'. As a sight

triangle must be provided for the first 5' of depth, not landscaping the remaining 14' is not expected to impair property values.

iv. *No Undue Adverse Impact.*

a. *The proposed development will not have an adverse effect on the character of the area or the public health, safety and general welfare. The proposed Special Exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accord with applicable district regulations.*

i. As discussed above, the location of the proposed parking area is compatible with the development of neighboring properties.

ii. The location of the parking area and the lack of landscaping and screening on the west property line is not likely to adversely affect the character of the area or the public health safety and general welfare.

v. *Compliance with Other Standards.*

a. *The proposed development complies with all other standards imposed on it by the Cincinnati Zoning Code with the exception of the required Special Exceptions requested herein.*

i. The property is otherwise in conformance with the Zoning Code with the exception of the Hillside Relief discussed above.

General Standards; Public Interest

Below is analysis of the consideration factors for the requested Special Exceptions, utilizing Section 1445-13, General Standards; Public Interest. Staff is supportive of the requests for Zoning Relief.

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

The underlying zoning is RM 0.7. As discussed above, the proposed parking area along Seitz Street is the most appropriate location for a surface parking area, as there is precedent for parking access off Seitz Street.

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

The proposed work does substantially conform to the guidelines for the Over-the-Rhine Conservation District (Refer to Certificate of Appropriateness review below).

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

This project conforms to the Over the Rhine Comprehensive Plan through creating increased home ownership opportunities as well as providing for parking for the development.

The Comprehensive Plan also calls for developments within Historic Districts to support the historic conservation efforts and as in staff's review the new infill is contextually sensitive and does not detract from the district.

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

Traffic will be impacted as it will be creating a use on currently vacant parcels but the project is providing off street parking of 10 spaces for 10 proposed units. The four-space parking area along Seitz Street will require the removal of two street parking spaces. While not requiring Zoning Relief, it should be noted that the curb cut on Mulberry Street is substantial at over 93' in length, requiring the removal of 4-5 additional street parking spaces for the 6 off-street spaces provided off Mulberry.

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

The proposed use of a 10-unit multi-family development is an appropriate use within the densest multi-family residential district in the City (RM-0.7).

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

There are no proposed amendments under consideration by the City Planning Commission or City Council that would impact this proposed project.

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

There is no anticipated adverse effect, with the possible exception of the loss of several street parking spaces.

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

This will provide a new use to a currently vacant and unimproved lot.

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

The proposed work will increase the property value of the subject parcels.

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

The proposed project will create temporary jobs during construction and will provide permanent jobs with the property management of the apartments.

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

Property taxes will increase due to the improved value of the currently vacant lot.

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

The owner has an economic benefit to the proposed project.

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

There is no anticipated detriment to the public peace health, safety or general welfare of the public or neighbors.

Standards for Special Exceptions per Section 1435-05-4

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

The proposed work is compatible with the historic district and will provide an example of development that is contemporary in style while compatible with the historic district is scale, massing, and materials.

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

The denial will not result in the deprivation of all economically viable uses.

Certificate of Appropriateness Review

Staff is supportive of the design and feels that the design substantially conforms to the Historic Conservation District Guidelines, with minor alterations as Staff recommendations, including facing the poured concrete podium base with stone, cast stone or brick or adding a treatment or scoring to the concrete to give the appearance of individual masonry units, while maintaining the change in color. The proposed development sits next to a collection of vacant lots.

NEW CONSTRUCTION

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 is currently vacant and an unimproved lot.

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 uses materials, massing and rhythm to influence the design choices.

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 strong base on the Mulberry frontage, established by a concrete raised foundation with four garage door openings and a central recessed pedestrian entry door. While garage doors are not a historic aspect on buildings, as there has been infill along Mulberry this form has been introduced. This infill has mostly been on the 300 and 100 blocks on Mulberry on the north side of the street, and also includes the recent new construction at 208 Mulberry. The south side of the street retains intact historic fabric that does not have garage door openings. While staff does not encourage garage doors, the proposed single width garage doors reduce the impact of this feature on the building. The doors are proposed to be a dark material that will also lessen the impact. See the discussion on "Materials" below.

On the Seitz Street frontage, the rear of the building has a less defined base, but does feature a small raised concrete foundation, including a handicap accessible ramp with a simple black metal railing and a central entry door with

two punched window openings on either side. Less defined bases are not uncommon for residential buildings in the District.

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 middle section of the Mulberry frontage is defined with brick cladding and punched openings on both the second and third floors. The windows are aligned vertically to give the façade a vertical emphasis. The recessed portion of the front façade has horizontal fiber cement siding. The recession in combination with the vertical window openings helps to provide a vertical emphasis to the building. Simple balconies are proposed for the middle section with wire railings, mimicking the appearance of fire escapes that are ubiquitous to the area.

The middle of the secondary mass fronting Seitz Street also has a vertical emphasis with taller windows. Like the Mulberry frontage, a recessed central section with dark fiber cement lap siding helps break the building up and provide a stronger vertical emphasis.

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 of the front façade along Mulberry Street is defined by a simple metal coping at the top of the wall. The recessed fourth and fifth floors that front Seitz Street will be slightly visible when viewed from across Mulberry Street.

The top of the secondary façade along Seitz Street has a similar treatment with a simple metal coping at the top of the wall. While this top coping feature is not the strongest top element, it does provide a termination for the top of the building, especially on the Seitz elevation, which has a strong contrast in color of materials.

2. Roofs: Roofs for new construction should be similar to roofs of adjacent and nearby buildings of similar size and use. In the district, buildings of three or more stories generally have low-pitched shed roofs that are not visible above the principal facade. Smaller buildings in the district typically have simple gable roofs on which the gables are perpendicular to the principal facade. Institutional buildings in Over-the-Rhine have a variety of roof shapes, including dormers, multiple gables, hip roofs and towers. Roofs in this district have little or no overhang.

The roof is a relatively flat roof. This roof form is common in the District. The roof of the Mulberry portion of the building will feature a roof deck that will not be visible from the surrounding streets.

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.*

1. The windows on the front façade substantially conform to the guidelines above. The windows are taller than they are wide and are in a punched opening format.
2. The windows are offset within punched openings with the offset area providing definition to the openings.

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

The setback along Mulberry Street is appropriate. The buildings along Mulberry Street on this block generally have a zero lot line setback. This proposed building has a 1.5' setback. Staff finds this appropriate as it is a minor setback to help with keeping the entire foundation on the subject property. A small portion of the front façade is recessed to provide for a covered entry way.

The side setbacks are relatively shallow setbacks from the property line. Residential properties often have slight setbacks. The setbacks are also needed for openings to allow light into the building.

The Seitz Street setback is determined by the slope of the property and where a significant grade change currently is located. As parking is required for the subject property, the parking area off Seitz Street is the most appropriate location, taking advantage of the relatively flat area adjacent to Seitz Street and allowing the building to step into the hillside per the Hillside Overlay requirements. The decision to not go all the way to the rear of the property to have a façade fronting directly

on Sietz Street is appropriate in this case as Sietz Street is secondary to Mulberry Street.

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 proposed lot is much larger than most other lots within the block, due primarily to its trapezoidal configuration at the intersection of the Main Street Steps. While the building is larger than most in the vicinity, the massing is broken up on the Mulberry and Seitz elevations by the inclusion of recessed central bays with a change in material and a dark color. The building has an evenly-spaced three-bay configuration on each side of the recessed entry. While there is little in the way of decorative elements on the modern facades, the window and bay placement maintains the existing rhythm on the street.

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 has many elements that help to create a strong vertical emphasis. While the building is wide, due to the multi-family use and the large lot size, the building massing is broken up through a recessed central bay on both the Mulberry and Seitz elevations. Windows are aligned vertically and are tall and narrow. While the Seitz elevation has less verticality, this is primarily due to the hillside construction, where the building steps up from Mulberry Street, but does not continue to rise at the higher elevation on Seitz, reading as a two-story building from Seitz. This elevation continues to provide a vertical emphasis, however, through tall and narrow windows and a recessed central bay with a differentiated dark cladding material.

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 height is appropriate to the site and the area. As the buildings are mostly three to three and a half stories tall, the building is a similar height to the rest of the buildings

along the street. The fourth and fifth floors are set back from the Mulberry frontage allowing the building to read as a three-story building from Mulberry.

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 building material on the front façade is a dark gray or black brick, horizontal fiber cement siding in the recessed central bay, and exposed poured concrete at the podium base. The fourth and fifth floors, which are recessed from the front façade and not highly visible from Mulberry Street, are clad in horizontal fiber cement lap siding. Balconies are simple metal structures with wire railings, which are appropriate to the district. The balconies are simple and modern in design and mimic the appearance of the fire escapes that are ubiquitous to the area. As the balconies extend into the ROW, approval will be required by the Department of Transportation and Engineering. Windows are aluminum windows by Crystal.

Staff's only concern with the materials on the front façade is the poured concrete foundation and base on the ground floor level. While many other buildings in the vicinity feature ground floor garage openings and raised foundations, all other examples of this include the raised foundations clad in limestone, cast stone or brick. While the applicant would like to avoid a secondary cladding material to more easily step the foundation into the hillside on the east elevation, the Historic Conservation Board may consider requiring an alternate cladding material at the base of the south and east elevations that is more in line with the materials commonly found in the district. Alternatively, a treatment to the concrete may be applied to mimic the appearance of individual masonry units that would maintain the differentiation in color that sets the base apart from the upper levels.

The east elevation continues the materials used on the front façade for the Mulberry portion of the building, including the poured concrete base and brick on the second and third levels. Proceeding toward the rear portion of the building, which steps up toward Seitz Street, the brick material changes to a horizontal fiber cement lap siding. Siding material is appropriate at the rear of the building, as many historic buildings feature wood-frame additions at the rear. While the proposed massing of the rear section of the building is more than is typically found on historic rear additions, it is Staff's opinion that the change in material is appropriate as Seitz Street is treated as a secondary façade. A retaining wall is located at the northern edge of the building, reaching 10.5' in height at its tallest point adjacent to the building. The wall helps to support the parking area along Seitz Street and also provides the base for the handicap accessible ramp (see "Walls and Fences" below).

The west elevation of the three-story Mulberry Street portion of the building features a narrow brick return with the remainder of the elevation clad in horizontal fiber cement siding, matching the dark color of the brick and several window openings, while the Seitz Street portion is clad in a light-colored fiber cement lap siding. Minimal detailing

is proposed for the rear half of the west elevation, consisting of one window and one sliding door system opening onto a metal balcony below the Seitz street grade. The applicant has also added two vertically oriented windows on the upper levels of the west elevation in response to neighbor concerns about the previously proposed largely blank wall. The west elevation is likely to be the least visible of the elevations; however, the adjacent lots are currently vacant, allowing views of the west elevation from further west on Mulberry and Seitz Streets. While planning for the vacant lots to the west has begun, it is unknown how long the lots will remain vacant. With new construction, the west elevation will largely be obscured from view.

The north elevation, while technically considered a second frontage, serves as the rear of the building and is clad in fiber cement siding. The recessed center bay has a change in color to a dark siding, helping to break the building up into smaller sections. While visible on Seitz Street, Staff feels that the fiber cement cladding is appropriate as the street is treated as a secondary façade, and most buildings on the block feature the rear of the building facing Seitz.

Site Improvements

B. Specific Guidelines

1. Parking Lots: *Cars in parking lots should be screened from public view. Appropriate screening includes low masonry walls in conjunction with planting areas and landscaping, low masonry walls with wrought iron fencing and planting areas with landscaping and wrought iron fencing. Chain link fence along sidewalks is inappropriate.*

Parking lots with a capacity of 10 or more cars should contain trees within the lot as well as around the perimeter of the lot. Concrete curbs, not rolled asphalt bumpers, are appropriate edges for parking lots...

Two surface parking areas are proposed for the property in order to meet the ten-space parking requirement. The parking area along Seitz Street contains four parking spaces. Landscape screening is provided on the east; however, the pavement extends to the property line on the west, leaving inadequate room for screening. As the parking area is relatively small, Staff is supportive of eliminating the screening from the west property line to allow for the required number of parking spaces while providing screening on the east from the Main Street Steps.

2. Parking Pads: *Parking pads (parking for one or two cars) are permitted at the rear of the property, with access at alleys or existing curb cuts whenever possible. Parking pads in areas other than the rear yard shall be judged on a case-by-case basis and judged by their impact on the property and on the district.*

A two-space parking pad is proposed to the east side of the building. The pad will require the installation of retaining walls in the steep hillside area. The proposed location is the most reasonable location for the pad, as there is insufficient room to add the additional two required spaces at the north Seitz parking area.

3. Fences and Walls: ... *Retaining walls built along the front property line or along street frontage should be built of or faced with fieldstone or limestone. Retaining walls at other locations should be built of fieldstone limestone, brick or specialized masonry block such as split-face concrete block. Concrete products including cinder block, stucco and unfinished concrete masonry units should not be used as the finish material for any retaining wall.*

Two areas on the site include retaining walls. The Mulberry parking pad to the east of the building features retaining walls on two sides that are proposed as poured concrete. Staff would recommend that the treatment ultimately applied to the concrete base of the main building be extended onto the retaining wall to mask the appearance of a simple poured concrete retaining wall.

The second retaining wall is located at the northeast corner of the building and will provide support for the Seitz parking area and the handicap accessible ramp. The wall is also proposed as poured concrete but is much smaller and less visible than the parking pad retaining walls.

4. Decks: *Wood decks should be stained or painted. Rooftop decks should not be highly visible from the principal façade. Metal balconies should not be discouraged.*

The proposed rooftop deck along the Mulberry frontage will not be highly visible from the principal façade. The building parapet will serve as the guardrail. The applicant is proposing several metal balconies featuring wire rail systems. Historic images show the building previously located on this lot featured a balcony on the Mulberry frontage. The balconies are minimal in design with a wire rail system that will mimic the fire escapes found throughout the area. DOTE approval will be required for the balconies as they project into the ROW.

Other Considerations:

The Department of Buildings and Inspections reviewed the initial plans for the proposed new construction and had concerns that the building as previously proposed would not meet the Building Code requirements for required egress from the top floor, leading to the initial postponement of the hearing date. Upon subsequent revision and review, an Alternative Engineered Design was accepted by the Chief Building Official (see Appendix A). As the previous Building Code concerns have been satisfactorily addressed, the application is proceeding to the Historic Conservation Board.

Prehearing Results: A prehearing was held on July 6, 2022. The applicant was in attendance. Two residents of a neighboring property attended and voiced concerns about the loss of street parking spaces and a lack of detail on the west elevation. In response to these concerns, the applicant has added additional window openings on the west elevation.

Comments Provided to Staff: N/A

Recommendation:

Staff recommends the Historic Conservation Board take the following actions based on the drawings submitted by Work Architecture + Design dated 6.23.22:

I. ZONING RELIEF:

1. **1433-17(c) – APPROVE** – Hillside Front yard. Required 5' setback along Mulberry Street based on Hillside averaging. A 1.5' setback provided. A **Hillside Review** is required for 3.5'.
2. **1433-17(d) – APPROVE** – Hillside Front Height. The maximum height for a front height is 35' and the proposed height is 40.67' at the highest point. A **Hillside Review** is required for 5.67'.
3. **1433-17(d) – APPROVE** – Retaining Wall Height. The maximum height for a retaining wall is 8'. A 10.5' retaining wall is proposed. A **Hillside Review** is required for 2.5'.
4. **1433-19(g) – APPROVE** – Excavation and Fill. A maximum of 8' is allow for cumulative excavation and fill. The proposal has a total amount of cumulative excavation and fill of 31.5'. A **Hillside Review** is required for 23.5'.
5. **1425-15(a) – APPROVE** – Parking Location – A **Special Exception** is required for parking in the front yard along Seitz Street.
6. **1425-27 – APPROVE** – Parking Lot Screening – A **Special Exception** is required to eliminate the screening requirements along the west side of the Seitz parking lot.
7. **1425-29(a) – APPROVE** – Parking Lot Landscaping – A **Special Exception** is required to eliminate the 3' landscape buffer along the west side of the Seitz parking lot.

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

1. Such relief from literal implication of the Zoning Code will be not materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located.
2. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District.

II. CERTIFICATE OF APPROPRIATENESS:

A. APPROVE the application for Certificate of Appropriateness for a multi-family residential building at 214-218 Mulberry Street with the following conditions:

1. The concrete base on the south and east elevations shall be modified to be faced with stone, cast stone, brick or an applied treatment or scoring to give the concrete the appearance of individual masonry units, while maintaining the differentiation in color, to be approved by Staff.

2. DOTE approves the curb cuts and access to the property, as well as the balcony projections into the ROW.
3. The building permits must be issued within two years of the decision date or the Certificate of Appropriateness shall expire.

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

1. That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.
2. Garages have been introduced on many buildings along the 100 and 300 blocks on the north side of the street.
3. The garage doors are slightly recessed and do not overwhelm the façade.
4. The building while contemporary has taken its cues from the neighboring contributing buildings with a defined base, middle, top, vertical emphasis, individual punched window openings, and a strong contextual rhythm.

APPENDIX A

July 28, 2022



Work Architecture + Design
Attention: Melissa Zanella, AIA
1122 Rogers Street
Louisville, KY 40204

RE: Alternative Engineered Design request for 214-218 Mulberry Street

Dear Ms. Zanella,

This letter is in response to your request for consideration under 2017 Ohio Building Code (OBC) section 106.5, Alternative Engineered Design, for the construction of a 10-unit multi-family building located at 214-218 Mulberry Street.

In your request dated July 19, 2022, you asked for consideration for allowing a 4-story building to have one exit stair. Table 1006.3.2 (1) of the OBC requires 2 exits for a four-story building. In the Alternative Engineered Design, it is explained that due to the building being built into the hillside with a 30-foot elevation difference, the grade plane establishes this as a four-story building. With that said, the number of stories traveled never exceeds three and the travel distance is less than the code specified 125' for a one exit building. The proposed design also includes the following features:

- The building will be fully suppressed meeting NFPA 13 standards which exceeds the code required minimum.
- The building will be equipped with a central station monitored fire alarm system. The flow and tampers for the sprinkler system will be monitored. The dwelling unit smoke detectors will be integrated into the alarm system. If two detectors in a single unit activate, then the entire building will be placed into alarm.

Based on the factors listed above, we accept the proposed Alternative Engineered Design as equivalent to the code requirement in the OBC for exiting.

Feel free to contact this office with any questions concerning the approval of your Alternative Engineered Design. I can be reached at (513) 352-2424.

Sincerely,

A handwritten signature in blue ink, appearing to read "Art Dahlberg".

Art Dahlberg, Chief Building Official
Director of Buildings & Inspections

attachment: Alternative Engineered Design request dated 7/19/2022

cc: Robert Martin, Division Manager of Building Plans Examination
Doug Owen, Urban Conservator

ALTERNATIVE ENGINEERED DESIGN REQUEST



WRK.URB2201

ALTERNATIVE ENGINEERED DESIGN CONSIDERATION REQUEST

Art Dahlberg
Director, Buildings & Inspections
City of Cincinnati, Buildings & Inspections
805 Central Avenue, Suite 500
Cincinnati, OH 45206

Request for a Consideration of Alternative Engineered Design
214-218 Mulberry Street
Cincinnati, OH 45202

19 July 2022

WRK.URB2201

Mr. Dahlberg,

A planned multifamily development at 214-218 Mulberry Street in Mt. Auburn, Cincinnati seeks consideration for an Alternative Engineered Design related to egress design per story height. This consideration is sought ahead of Building Permit submittal for the purposes of the Zoning and Historic Conservation Board staff report.

The project consists of ten 1-bedroom rental units in an R2 Type 5A building divided into two volumes: to the north, two stories rise above Seitz Street, to the south, three stories rise above Mulberry Street. The Mt. Auburn lot slopes steeply with approximately thirty feet of grade change south-north. Due to the site slope and note #2 in the below International Building Code definition of "story above grade plane", the building is considered 4-stories.

STORY ABOVE GRADE PLANE. Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is: 1. More than 6 feet (1829 mm) above grade plane; or 2. More than 12 feet (3658 mm) above the finished ground level at any point.

GRADE PLANE - A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

Per IBC Table 1006.3.2(1), the fourth story is not permitted to have one exit or access to one exit. An Alternative Engineered Design is as follows:

1. A central stairwell connects four stories with basement with not one but two exit points, one per street: the Seitz Street exit discharge occurs on the 3rd story and the Mulberry Street exit discharge occurs at the basement. Thus, the effective egress story height does not exceed 3-stories. The effective travel distance also does not exceed 125' from any point in any unit. Per IBC 1006.3.2 this means a single means of egress would be accepted were Unit 7 and 9 combined and 8 and 10 combined.
2. All units possess both Emergency Escape Windows located no higher than a second story above adjacent grade and direct outdoor access via balconies.
3. The central stairwell is divided into two portions aligned with the building's two volumes via a 2-hour fire-resistance rated partition. This contributes to Life Safety by dividing the mass of the building, the units and their occupants (6+4) and further encouraging the most direct path of egress. Each volume considered on its own is compliant with IBC 1006.3.2(1) a single means of egress as a 2 and 3-story building.

ALTERNATIVE ENGINEERED DESIGN REQUEST

WRK.URB2201



4. An automatic NFPA 13-R sprinkler system is required by IBC 903.3.1.2. The building's automatic sprinkler system will exceed this requirement via an automatic NFPA-13 sprinkler system. This upgrade provides added life safety via greater system coverage and flow. Per IBC 506.2, with an NFPA 13 system, 36,000 sf floorplate is permitted. The actual maximum sf per floor is 3,420 at the second floor, <1/10 allowed. The building is similarly significantly under the height allowed in Table 504.3: 70' vs 43'-11" actual.
5. The smoke alarm system will be upgraded from required 120v smoke detectors to a smoke detection system tied in with the Fire Alarm system. In addition, the building smoke alarm will be programmed to sound when two unit smoke detectors activate. This change will dramatically increase the rapid notification of other tenants should a fire occur and thus assist with directing occupants out in the event of a fire.

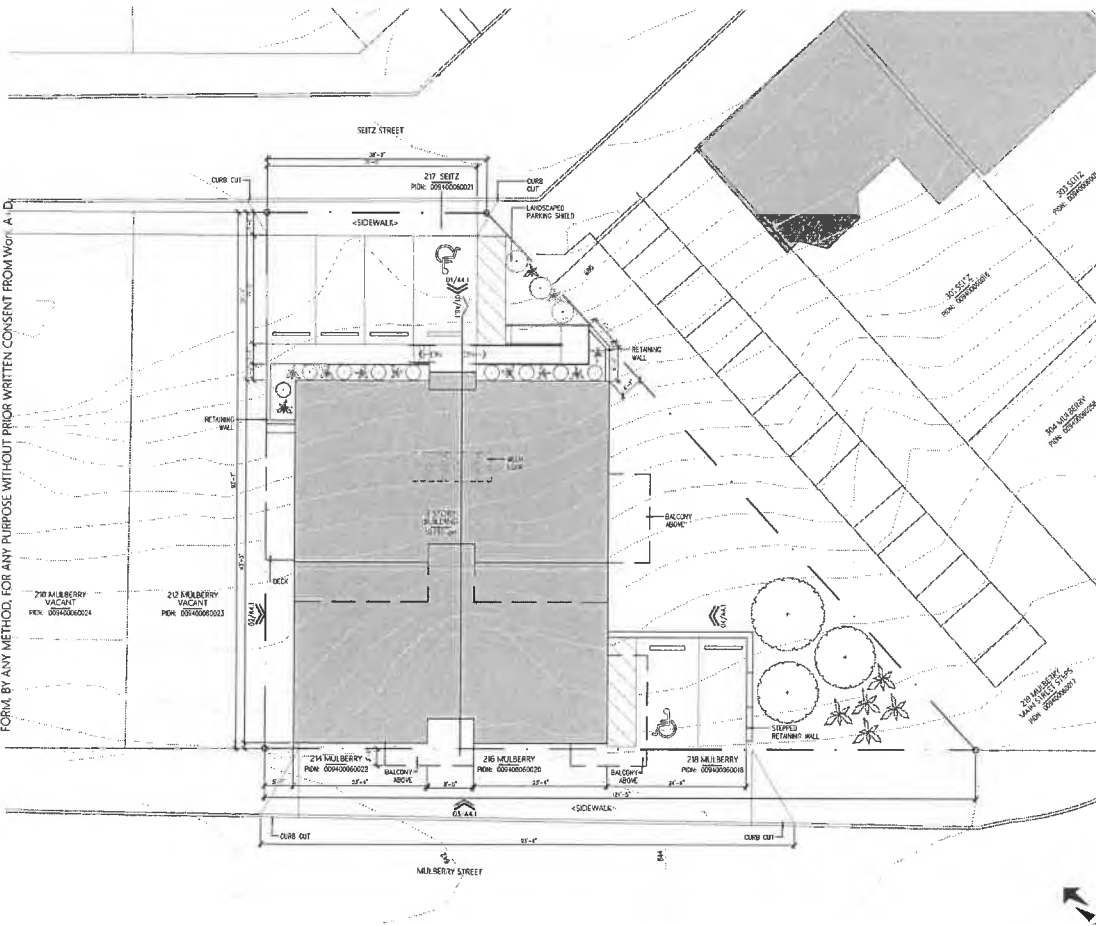
Please review the attached Site Plan, Floor plans, Building Section, and rendered Elevations. The maximum travel distance from the 4th floor is indicated on the corresponding Floor plans and grade and story heights are indicated in section. While the steep hillside nature of the lot forces a four-story building definition, the building has been designed to 2-3 story effective Life Safety concerns. If you have any questions, please do not hesitate to contact myself at (859) 287-0707 or melissa@wrkarc.com. Your design review is appreciated.

Thank you.

A handwritten signature in black ink, appearing to read "Melissa B. Zanella".

Melissa B. Zanella, AIA
Partner
Melissa@wrkarc.com

THIS DRAWING OR PARTS THEREOF IS THE EXCLUSIVE PROPERTY OF WORK A-D, AND MAY NOT BE USED OR REPRODUCED IN ANY FORM, BY ANY METHOD, FOR ANY PURPOSE WITHOUT PRIOR WRITTEN CONSENT FROM WORK A-D.



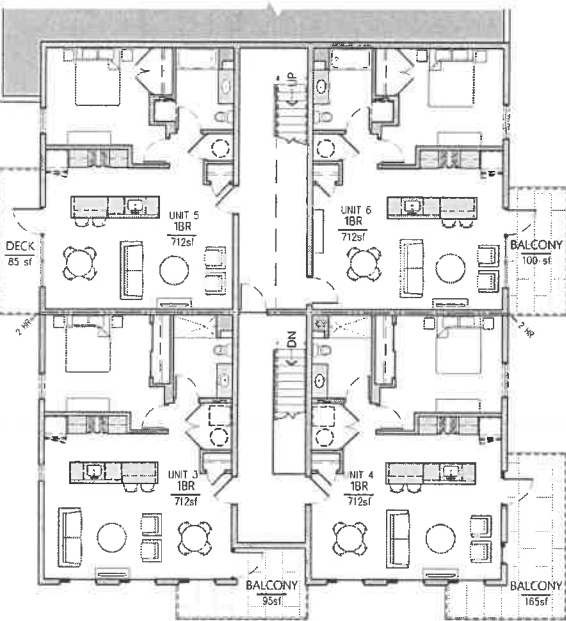
GENERAL NOTES

WORK
architecture design

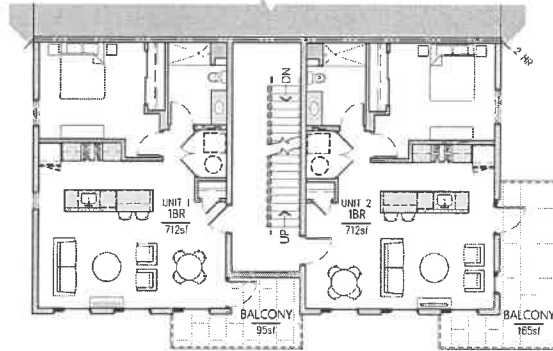
SITE PLAN
1/16" = 1'-0"
URB22201
214-218 Mulberry St., Orlando, FL
01.03.2022

A1.1

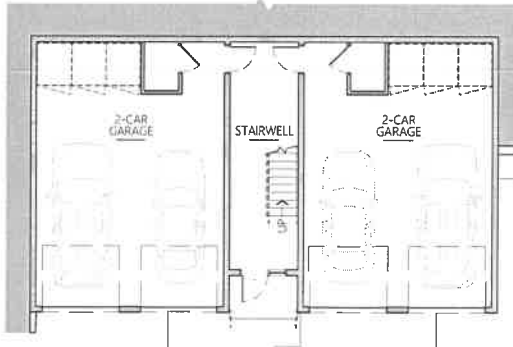
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02 ↖



01 ↖



00 ↖

GENERAL NOTES

PLAN LEGEND

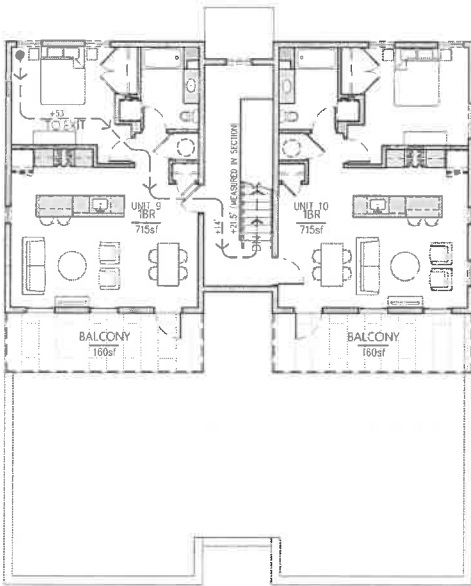
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PLAN NOTE	ROOM NAME/ NUMBER	EQUIPMENT NUMBER
	NEW DOOR/ DOOR NUMBER	
	EXISTING DOOR/ DOOR NUMBER	
	INTERIOR ELEVATION	
	EXTERIOR ELEVATION	
	SUSPENDED LIGHT FIXTURE	
	WALL MOUNTED LIGHT FIXTURE	
	CASE WORK ABOVE	
	CASE WORK BELOW	

WORK
architecture • design

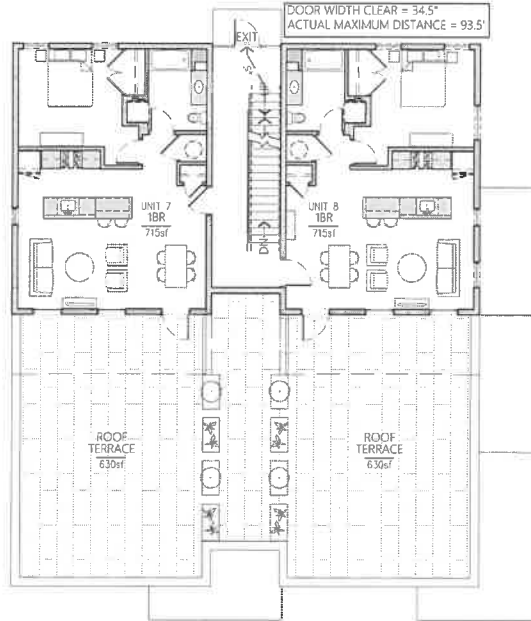
FLOOR PLANS
1/2" = 1'-0"
URD2201
711-101 Midway St. Channahon, IL
07.05.2022

A2.1

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04 ↗



03 ↗

GENERAL NOTES

PLAN LEGEND

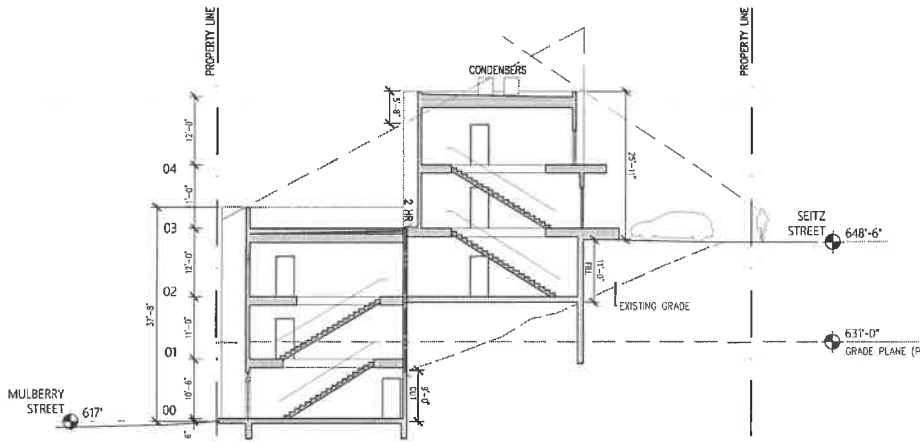
01	ROOM	EQ-XX
PLAN NOTE	ROOM NAME/ NUMBER	EQUIPMENT NUMBER
	NEW DOOR/ DOOR NUMBER	
	EXISTING DOOR/ DOOR NUMBER	
	INTERIOR ELEVATION	
	EXTERIOR ELEVATION	
	SUSPENDED LIGHT FIXTURE	
	WALL MOUNTED LIGHT FIXTURE	
	CASEWORK ABOVE	
	CASEWORK BELOW	

WORK
architecture + design

FLOOR PLANS
1/2" = 1'-0"
URG2201
715-2181 Ashbury St. Cincinnati, OH
07/08/2022

A2.2

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GENERAL NOTES

PLAN LEGEND

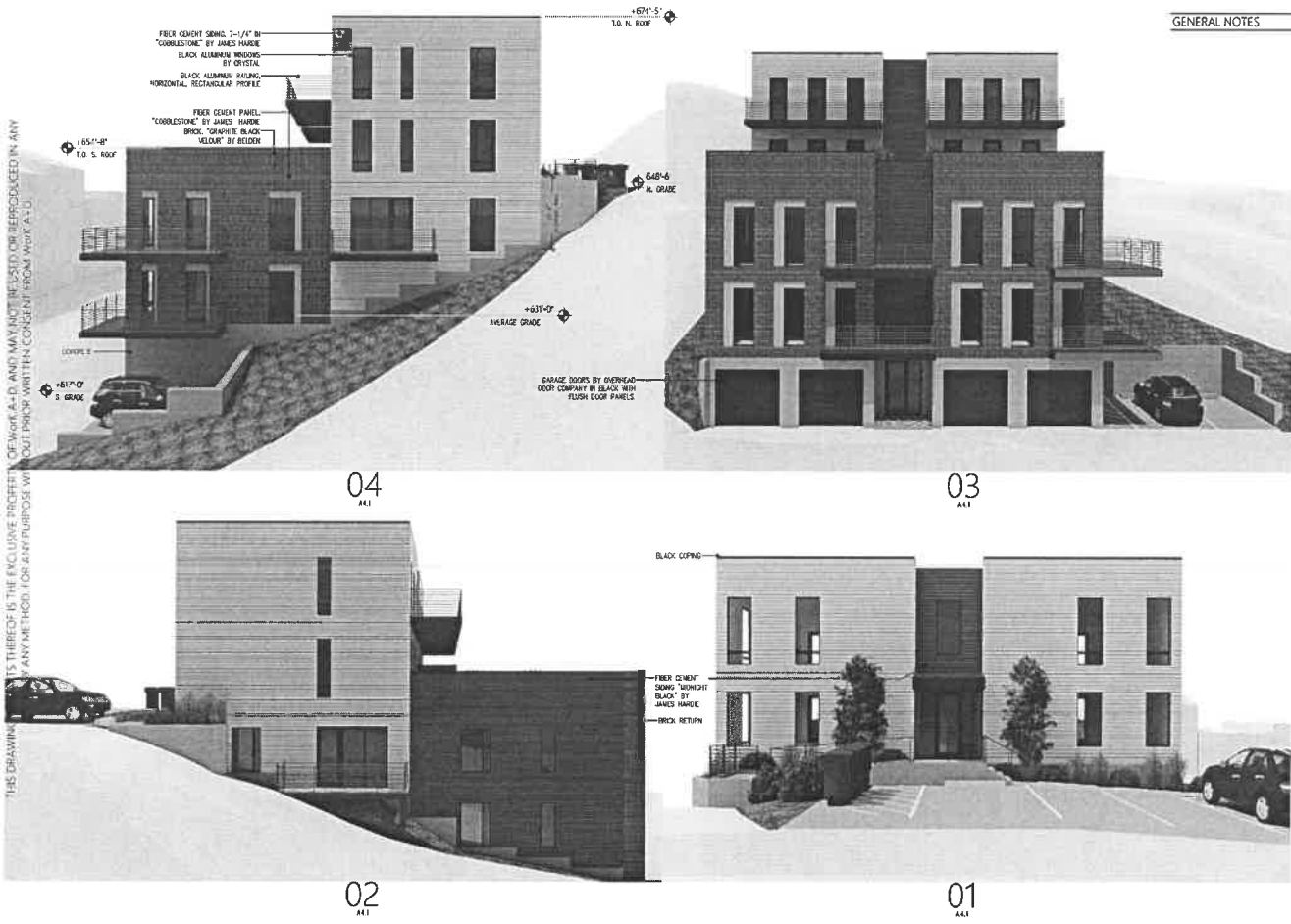
01	ROOM	EQ - XX
PLAN NOTE	ROOM NAME/ NUMBER	EQUIPMENT NUMBER
	NEW DOOR/ DOOR NUMBER	
	INTERIOR ELEVATION	
	SUSPENDED LIGHT FIXTURE	
	CASEWORK ABOVE	
	CASEWORK BELOW	
	EQUIPMENT	
	WINDOW ELEVATION	

WORK
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BUILDING SECTION
1/8" = 1'-0"
URB2201
21018 Mulberry St, Cincinnati, OH
07.05.2022

A6.1

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WORK
architecture + design

ELEVATIONS
URB2201
2-14-2022
07/08/2022

A4.1

214-218 Mulberry

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5	HCB Checklist
7	Written Statement
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13	Sanborn Maps
14	Topographic Map
15	Site Photos
16	Setback Determination
17	Existing Site Plan
18	Proposed Site Plan
19	Floor Plans
21	Building Section
22	Elevations
23	Render from Main - Mulberry Intersection
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26	Auditor Reports
30	218 Mulberry Community Support Letter
31	218 Mulberry Sale & Development Agreement
38	Application Authorization
39	List of Witnesses
40	Preliminary Geotechnical Report

Historic Conservation Board

Hearing Application

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

Click any red field for additional information.

Section 1. SUBJECT PROPERTY

ADDRESS 214-218 Mulberry Street Cincinnati, OH COMMUNITY OVER THE RHINE
PARCEL ID(S) To be replat: 094-0006-0018; -0019; -0020, -0021, -0022 HILLSIDE DISTRICT: ☒ Yes ☐ No
BASE ZONING CLASSIFICATION RM 0.7 ZONING OVERLAY (if applicable)
HISTORIC DISTRICT: Over the Rhine
☐ Non-Residential Project ☐ Residential Project (RCO) One -, Two -, and Three- Family Dwelling

Section 2. APPLICANT

NAME Work Architecture + Design CONTACT PERSON (if legal entity) Melissa Zanella
ADDRESS 20 E 5th Street CITY Covington STATE KY ZIP 41011
EMAIL melissa@wrkarc.com RELATIONSHIP TO OWNER (if not owner) Architect
TELEPHONE 859-287-0707 #104

Section 3. OWNER

NAME Urban Sites CONTACT PERSON (if legal entity) Will Yokel
ADDRESS 1209 Sycamore St. CITY Cincinnati STATE OH ZIP 45202
EMAIL will@urbansites.com RELATIONSHIP TO OWNER (if not owner)
TELEPHONE 513-205-9675

Section 4. NATURE OF CERTIFICATE OF APPROPRIATENESS REQUESTED

- ☐ A certificate of appropriateness is NOT being requested. Proceed to Section 5, or select all that apply
- ☐ New Construction ☐ Alteration ☐ Demolition

BRIEF DESCRIPTION OF PROJECT (Do not write "see attached" or leave blank.)

The project is a new construction 10-unit apartment building with parking on-site. The building is an average of 3 stories above grade with three stories fronting both Mulberry and Seitz streets. The site is a steep hillside lot with approximately 30' grade change front to back.

Section 5. NATURE OF ZONING RELIEF REQUESTED

- ☐ Zoning relief is NOT being requested, or select all that apply:
- ☒ Variance ☐ Special Exception ☐ Conditional Use ☐ Use Variance
☐ Expansion or Substitution of Non Conforming Use ☒ Hillside Overlay District Permission
☐ Urban Design Overlay District Permission ☐ DD District Phased Development Approval

BRIEF DESCRIPTION OF ZONING RELIEF REQUESTED (Do not write "see attached" or leave blank.) 1. 1433-19(a): Hillside Base development Requirements. A Hillside Review is required for a building exceeding the Maximum Building Envelope in setbacks and height. 2. 1433-19(a): Hillside Base development Requirements. A Hillside Review is required for Excavation and Fill exceeding 8', cumulatively. 3. 1425-15(a): Parking Location. A Special Exception is required for parking within the 5' front yard setback along Mulberry and Seitz. 4. 1425-27: Parking Lot Screening. A Special Exception is required to eliminate the required parking lot screening along the western edge of the Seitz parking lot.

Section 6. SIGNATURE.

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.

Print Name Melissa Zanella Signature *Melissa Zanella* Date 06 / 09 / 2022

Section 7. DOCUMENTATION SUBMISSION REQUIREMENTS.

Important Information: An application will not be deemed complete until all required documents listed below have been submitted and the application fee is paid in full. All transactions must be completed by 4:00pm. No exceptions. Applicants are strongly encouraged to submit as early as possible to allow time for review and revisions. Partial applications cannot be processed. Failure to submit a complete application prior to 4:00pm on a deadline date will result in delays to the assigned hearing date.

☐	Submit two (2) paper copies collated, single sided and bound together of all the documents listed below, <u>AND</u> one (1) digital copy in PDF format of all the documents listed below.
☐	Historic Conservation Board hearing application; pages 1-2 only. The instruction pages should not be included in your submission.
☐	Adjudication Letter <u>AND</u> worksheet issued by the Department of City Planning & Engagement – Urban Conservator’s Office. Provide all documents requested on the worksheet.
☐	A written statement explaining how the proposed project meets the applicable Historic Conservation Guidelines and, if requested, Zoning relief. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request(s), your application may be denied.
☐	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in <u>Cincinnati Municipal Code 1433-15</u> . Please ensure your application meets these requirements.
☐	All documents (forms, letters, etc.) must be formatted to 8.5x11. Font no smaller than size 11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
☐	Accurate drawings, plans or surveys (including a graphic scale) of <u>existing and proposed</u> project showing parcel lines, boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all primary and accessory structures from the nearest property lines. Provide all parcels and structures adjacent to the site. When landscaping is required by the zoning code, a landscaping plan must be provided.
☐	Detailed information (such as drawings, elevations with measurements, specifications) fully depicting the exterior and/or interior appearance of the <u>existing and proposed</u> project, including parking and access, exterior lighting, landscaping, signs, roof and floor plans involved in the application. Provide labeled photographs of <u>existing</u> conditions of all sides/directions of the structure/property.
☐	<u>The Hamilton County Auditor’s record showing ownership of the property.</u> If the Hamilton County Auditor’s official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner’s legal basis to seek the relief requested.
☐	A list of witnesses, expert witnesses, or legal counsel who you expect to testify at the hearing on this application. Please provide names and email addresses.
☐	Other documents or information you intend to introduce at the hearing on this application.
☐	A non-refundable application fee - a check made payable to “City of Cincinnati.”

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors’ concerns or objections and can facilitate the approval of your application.³

ADJUDICATION/DENIAL LETTER

Date: May 26, 2022

Location: 214-218 Mulberry

Request: COA – infill/ Zoning Relief

Zoning District: RM-0.7/ Hillside Overlay/ Over-the-Rhine Historic District

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

All documents **that are checked** on the “Checklist for Historic Conservation Board” document are a required part of the submission, and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the “Checklist” Sheet must be submitted as well. The application can be found at this link: <https://www.cincinnati-oh.gov/sites/planning/assets/HCB%20Application%20Revised%202.2.22%20Hyperlink.pdf>.

All deadlines for upcoming Historic Conservation Board hearings can be found <https://www.cincinnati-oh.gov/planning/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. 1433-19(a): Hillside Base development Requirements. A **Hillside Review** is required for a building exceeding the Maximum Building Envelope in setbacks and height.
2. 1433-19(a): Hillside Base development Requirements. A **Hillside Review** is required for Excavation and Fill exceeding 8’, cumulatively.
3. 1425-15(a): Parking Location. A **Special Exception** is required for parking within the 5’ front yard setback along Mulberry and Seitz.
4. 1425-27: Parking Lot Screening. A **Special Exception** is required to eliminate the required parking lot screening along the western edge of the Seitz parking lot.

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

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

Sincerely,



Douglas Owen

Interim Urban Conservator

(p): 513-352-4848

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

Checklist for Historic Conservation Board Hearing Application

The Historic Conservation Office will provide this list with the required items

checked off when an Adjudication letter is issued. All items checked must be submitted to the Law Department with submission or the application will not be accepted.

- ☐ 8 business days before the hearing date 10 hard copies and a digital copy in one pdf for the final board packet. Hard copies must be formatted and retain the proper scale on sheets no larger than 11x17 or 12x18.
- ☒ Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$624.95

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 site plans
- ☒ Proposed site plans
 - All site plans must have*
 - ✓ *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*
 - ✓ *Location and placement of exterior utilities and vents*
- ☐ Existing elevation drawings (At minimum must provide photographs of existing conditions of all elevations)
- ☒ Proposed elevation drawings
 - All elevations (existing and proposed) must have*
 - ✓ *Total Height from grade to top of the building*
 - ✓ *Total height- ASL (Above Sea Level)*
 - ✓ *Materials labeled*
 - ✓ *Location and placement of exterior utilities and vents*
- ☐ Existing floor plans and roof plans (with chimney locations)
- ☒ Proposed floor plans and roof plans (with chimney locations)
 - All floor(existing and proposed) plans must have*
 - ✓ *Residential and Commercial Spaces labeled. Residential Spaces must be numbered.*
 - ✓ *Square feet of commercial spaces listed*
 - ✓ *Location of trash storage and Utilities*
 - ✓ *Location and placement of exterior utilities and vents*

- ☒ 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
- ☒ Labeled photos of 1 block streetscape context in all directions
- ☒ Site line drawings for any roof additions, roof decks, utilities.
- ☒ 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 about this checklist contact Urban Conservator at 513-352-4848 or

urban.conservator@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.

COA + ZONING RELIEF REQUEST

WRK.URB2201

COA REQUEST + SUMMARY OF REASONS WHY ZONING RELIEF SHOULD BE GRANTED



Zoning Administrator
City of Cincinnati, Buildings & Inspections
805 Central Avenue, Suite 500
Cincinnati, OH 45206

Request for a Certificate of Appropriateness & Zoning Relief

214-218 Mulberry Street
Cincinnati, OH 45202

28 June 2022

WRK.URB2201

To Whom it may concern,

A Certificate of Appropriateness is sought for a multifamily development at 214-218 Mulberry Street in Mt. Auburn, Cincinnati. The lots are currently vacant and are due to be re-plat together subsequent to the sale of the city-owned 218 Mulberry. Historic Sanborn maps illustrate a built-up block with 3-4.5 story dwellings made of brick and wood siding. Today, the north block between Main and Lang Streets contains only one remaining historic building at 206 Mulberry with one newly built residence to its east at 208 Mulberry. All properties are presently dual frontage with Mulberry and Seitz streets except for one historic building at 201 Seitz and two of the lots in this proposed project: 216 Mulberry and 217 Seitz. To the east of 218 Mulberry are the Main Street Steps, historically the "Mulberry" or "Main" Street Incline. Neighborhood feedback encouraged the retention of as much landscape as possible at the base of these steps.

The development provides ten 1-bedroom rental units to the neighborhood. Ten units are permitted by right within the RM-0.7 site zoning (0.171 acres = 7,448.76 sf lot / 700 sf/unit = 10.6 units). To meet anticipated demand and comply with zoning parking requirements, ten parking spots are provided on site. The design of the building attempts to provide each unit with outdoor space via decks, balconies, and roof terraces. Only the northwest first floor unit lacks the desirable view south to downtown Cincinnati. To mimic adjacent properties and respect Hillside guidelines, the building's rectilinear massing is broken into two volumes: 3 stories at Mulberry Street and 3-stories at Seitz Street. As the development occurs on contiguous historic lots, recesses enable the perceived building width to fall within the contextual average. Due to the trapezoidal nature of the overall property, side setbacks are uneven, with 5' provided to the west and a variable depth setback to the east. The west setback is provided to give bedroom windows light, air, and egress as well as to provide outdoor space for the northwest ground floor unit.

As a dual frontage lot, the design prioritizes the south and east facades due to Mulberry Street's greater intact historic fabric and to the site's visibility from Main Street and adjacent steps. A base established by concrete and garage doors, while not traditional, is contextual with the north block face of Mulberry. On the second and third floors, three stacked punched openings in a brick façade continue the rhythm from every other building on the street. Offset-inset windows within these openings draw attention to the elevation's influence from Main Street which intersects at an angle. The contrasting offset also serves to accent the windows much like contrasting window brick molds on traditional buildings. Balconies on Mulberry Street provide outdoor space for tenants and mimic fire escapes found at 213 and 217 Mulberry across the street. Historic imagery shows one of the buildings on site had a second-floor balcony facing Mulberry Street. Balconies facing east take advantage of the view and hillside vegetation while echoing the balconies historically facing the Main Street steps.

COA + ZONING RELIEF REQUEST

WRK.URB2201



Materially, the Mulberry street volume will be dark brick where visible and the Seitz volume will be a light painted smooth fiber cement siding. The contrast assists to break up the building as other properties have split lots with separate buildings per street. Maintaining a single material on three floors of Seitz helps to emphasize the vertical proportion. Windows, railings, and copings throughout are black metal.

The project is believed to substantially comply with OTR Historic Guidelines. Please refer to the application documents and further response below for more information and responses to compliance concerns.

Hillside Compliance:

- A. Building substantially complies with underlying zoning district development regulations. Refer to response below.
- B. Building appears taller than wider per street face due to recesses. Overall building height is taller than wide.
- C. Building steps up the hillside with one three-story portion on Seitz and one three-story portion on Mulberry St.
- D. One retaining wall at the northeast of the site is 10'-6" above grade. This height results from the required nearly flat Accessible parking spot and ramp requirements compared to the site's topography. Remaining retaining walls do not exceed eight feet in height.
- E. Rooftop utilities are set back beyond view. Refer to Building Section.
- F. Pervious Surfaces will be landscaped including the remaining triangle adjacent to the Main Street Steps.
- G. Cuts and fills are necessary to accommodate hillside development. Wall system is terraced to break up mass of the wall. Note that portion of the wall by the garage is used as the base material for historic base-middle-top distinction.
- H. Building is designed with two distinct parts with differing levels to fit into the hillside.
- I. Development will leave a vegetated buffer zone to the east.
- J. Hillside continues up to the north of the site, building is not on the brow.
- K. Building is sited to reduce the impact on views from public places – namely the Main Street step view corridor.

The following items were highlighted in our Adjucation letter as reasons the project does not comply with the City of Cincinnati Zoning Code. This project seeks variances/special exceptions to accommodate these issues for the following reasons, which align with Cincinnati Municipal Code 1445-13 General Standards; Public Interest and 1445-14 Standards for Variances

COMMENTS RESPONSES		REFERENCE
#1	<i>1433019(a) Hillside Base development Requirements. A Hillside Review is required for a building exceeding the Maximum Building Envelope in setbacks and height.</i> Response: While the building is 5'-8" above the Maximum Building Envelope, its height on Seitz is 25'-11" and 37'-8" on Mulberry Street. Five of seven lots on the Mulberry block face are vacant. The two with buildings on them average 38'-9.5" in height. The building's height of 37'-8" is within 10% of the same block average. When considering an additional block in each direction and across the street, the building is aligned with or below the typical three story+ elevations at each street – heights of which would also violate the Maximum Building Envelope due to the terrain. Sanborn Maps indicate historic buildings on the site ranged from 2 to 4-1/2 stories.	1433019(a) A6.1 Building Section Sanborn Maps; A0.1 Context Site Plan; Context Site Photos
#2	<i>1433-19(a): Hillside Base development Requirements. A Hillside Review is required for Excavation and Fill exceeding 8', cumulatively.</i> Response: The Project Site is located on a steep hillside lot with elevation changing an average of 30' from Mulberry to Seitz Street. While the building has been stepped into two parts, the maximum excavation and fill required is approximately 9' and 11' respectively.	1433-19(a) A6.1 Building Section
#3	<i>1425-15(a): Parking Location. A Special Exception is required for parking within the 5' front yard setback along Mulberry and Seitz.</i> Response: The Project is located within the Over the Rhine historic district but is just north of the	1425-15(a) A1.1 Site Plan



COA + ZONING RELIEF REQUEST

WRK.URB2201



	Cincinnati Urban Parking District. The project consists of 10 apartments for which 10 parking spots are provided, both to meet zoning and tenant demand. To fit this quantity onto a steep hillside irregularly shaped lot requires access from both street frontages. The retaining wall to permit a parking spot on Mulberry falls just within the maximum 8' limit but pushing the spots any deeper into the site would violate that restriction.	
#4	<i>1425-27: Parking Lot Screening. A Special Exception is required to eliminate the required parking lot screening along the western edge of the Seitz parking lot.</i> Response: The trapezoidal-shaped lot is at its narrowest width at Seitz Street. Four parking spots fit but without additional clearance on the western edge for screening. Feedback from neighborhood meetings is to prioritize a landscaped buffer at the entrance to the Main Street Steps rather than shift an additional spot to Mulberry Street.	1425-27 A1.1 Site Plan

Additional anticipated clarifications:

1. The project lots will be replat and presently differ from those in the historic Sanborn maps.
2. The extents of the Mulberry Street front balconies are also conditional on DOTE approval and may be cut back to the property line.

Thank you.

A handwritten signature in black ink, appearing to read "Melissa B. Zanella", with a stylized, flowing script.

Melissa B. Zanella, AIA
Partner
Melissa@wrkarc.com

SITE



Mulberry Street North



Mulberry Street North, One Block East



Seitz Street South, One Block East



SITE

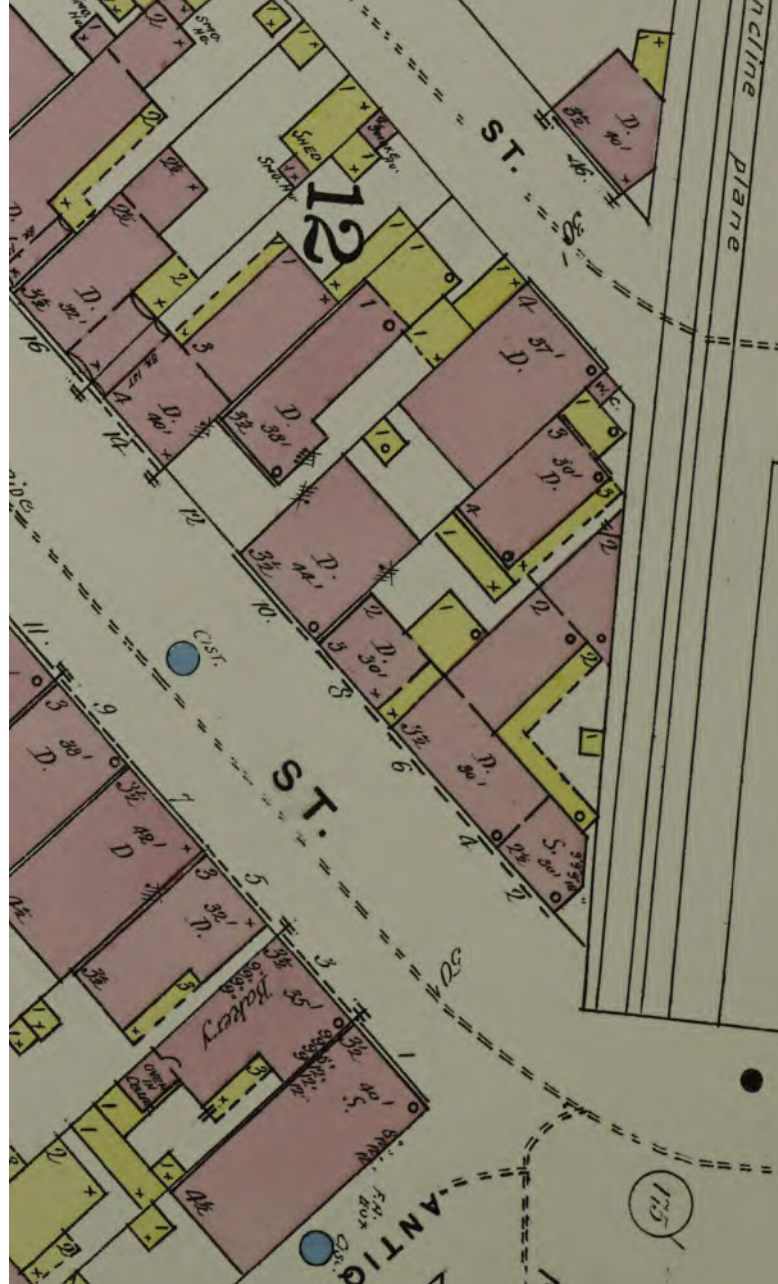
Seitz Street, South



Google 3d View



Mulberry Street South



Top Left: 1891 Sanborn Map
Top Right: 1934 Sanborn Map

Bottom Right: Historic Photos of the Main Street Inclined Plane



Mulberry Street Balcony





Above: Seitz looking south.



Above: Seitz Looking SW

Below: Mulberry Looking NE

Below: Mulberry Looking N, Base of Main Street Steps, Site to left



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CONTEXT SIDE SETBACKS

PER OTR SETBACK GUIDELINES, BUILDINGS MAY HAVE A SIDE SETBACK IF ALL OF THE FOLLOWING CONDITIONS EXIST:	
A. THE BUILDING IS A RESIDENTIAL BUILDING.	MULBERRY-N 6-3 6.25
B. A MAJORITY OF NON-INSTITUTIONAL CONTRIBUTING BUILDINGS LOCATED WITHIN THE SAME BLOCK FACE HAVE A SIDE SETBACK ON AT LEAST ONE SIDE.	4-10 4.83
C. THE PREVIOUSLY EXISTING HISTORIC BUILDING ON THE SITE HAD A SIDE SETBACK ON AT LEAST ONE SIDE.	2-10 2.83
D. THE SETBACKS ARE WITHIN 10% OF THE AVERAGE SIDE SETBACK OF THOSE CONTRIBUTING BUILDINGS DEFINED IN 4B.	2-5 2.42
	2-8 2.67
	8-7 8.58
	2-9 2.75
	7-9 7.67
	6-4 6.33
	5 5
	5 5
	8-5 8.42
	1-9 1.67
	3 3
	3 3
	1 1
	4-7 4.58
	4-1 4.08
	2-6 2.5
	9-2 9.17
	0-10 0.083
	2-9 2.67
	SUM: 94.5
	/21=4.5
	10% RANGE
	=4.45-4.95

SEITZ - 5' WEST

A. COMPLIES.

B. DOES NOT COMPLY

C. PARTIALLY COMPLIES (MULTIPLE BLDGS)

D. DOES NOT COMPLY

MULBERRY - 5' WEST

A. COMPLIES.

B. COMPLIES

C. COMPLIES

D. COMPLIES

SIDE SETBACK COMPLIANCE CHECKED FOR WEST SETBACK ONLY. EAST SETBACK VARIANCE REQUESTED DUE TO TRIANGULAR LOT.

CONTEXT FRONT SETBACKS

BUILDING IS DOUBLE FRONTAGE, SIMILARLY DOUBLE FRONTAGE BUILDINGS ON SAME BLOCK FACE HAVE SEITZ SETBACK.	
PER OTR SETBACK GUIDELINES, BUILDINGS MAY HAVE A FRONT SETBACK IF ALL OF THE FOLLOWING CONDITIONS EXIST:	
A. THE BUILDING IS A RESIDENTIAL BUILDING.	MULBERRY-N 0 0
B. A MAJORITY OF NON-INSTITUTIONAL CONTRIBUTING BUILDINGS LOCATED WITHIN THE SAME BLOCK FACE HAVE A FRONT SETBACK OF AT LEAST TWO FEET.	13-0 13
C. THE PREVIOUSLY EXISTING HISTORIC BUILDING ON THE SITE HAD A SETBACK OF AT LEAST TWO FEET.	11'-5 11.42
D. THE SETBACK IS WITHIN 10% OF THE AVERAGE SETBACK OF THOSE CONTRIBUTING BUILDINGS DEFINED IN 2B.	12-10 12.83
	13-2 13.17
	14-5 14.42
	25-2 25.17
	7-0 7
	24-1 24.08
	11-0 11
	10-8 10.67
	9-9 9.75
	0-6 .5
	0-6 .5
	9-3 9.25
	7-11 7.92
	1-6 1.5
	5'-3 5.25
	0-3 .25
	0-11 .92
	1-8 1.67
	0-5 .42
	6-1 6.08
	SUM: 186.77/23=8.1
	10% RANGE
	=7.29-8.91

SEITZ - 29'-7"

A. COMPLIES.

B. COMPLIES

C. COMPLIES. ACCORDING TO SANBORN MAPS, ONLY 1 (214 SEITZ) ADDRESS, FORMERLY DIVIDED, HAD A ZERO SETBACK ON SEITZ. ALL OTHERS WERE DETACHED SHEDS OR LANDSCAPE.

D. DOES NOT COMPLY

MULBERRY-N - 1'-6" TO FACE, -1'-6" TO BALCONY.

E. COMPLIES.

F. COMPLIES

G. COMPLIES

H. COMPLIES IF BALCONY. TOO LOW IF BLDG FACE. NOTE THERE IS SIGNIFICANT CONTEXTUAL VARIATION

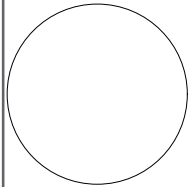
CONTEXT STREET FRONTAGE

MULBERRY-N (EXPANDED CONTEXT)	SEITZ-S (EXPANDED CONTEXT)
21 21	24-7 24.58
17-10 17.83	11 11
20 20	20-6 20.5
20-6 20.5	34-8 34.67
19-7 19.58	32-4 34.33
20-8 20.67	20-1 20.08
23-5 23.42	39 39
19 19	20 20
21-1 21.08	32-7 32.58
22-9 22.75	33-1 33.08
30-6 30.5	
32-2 32.17	SUM: 269.83
24-5 24.42	/10 = 26.98
29 29	10% range
30-4 30.33	=24.3-29.7
29-6 29.5	
25-7 25.58	SEITZ SIMULATED FRONTAGE: 23'-4"
31-8 31.67	- DOES NOT COMPLY
29-3 29.25	
SUM: 468.25	MULBERRY SIMULATED FRONTAGE: 23'-4"
/19 = 24.64	- COMPLIES
10% range	
= 22.17-27.1	

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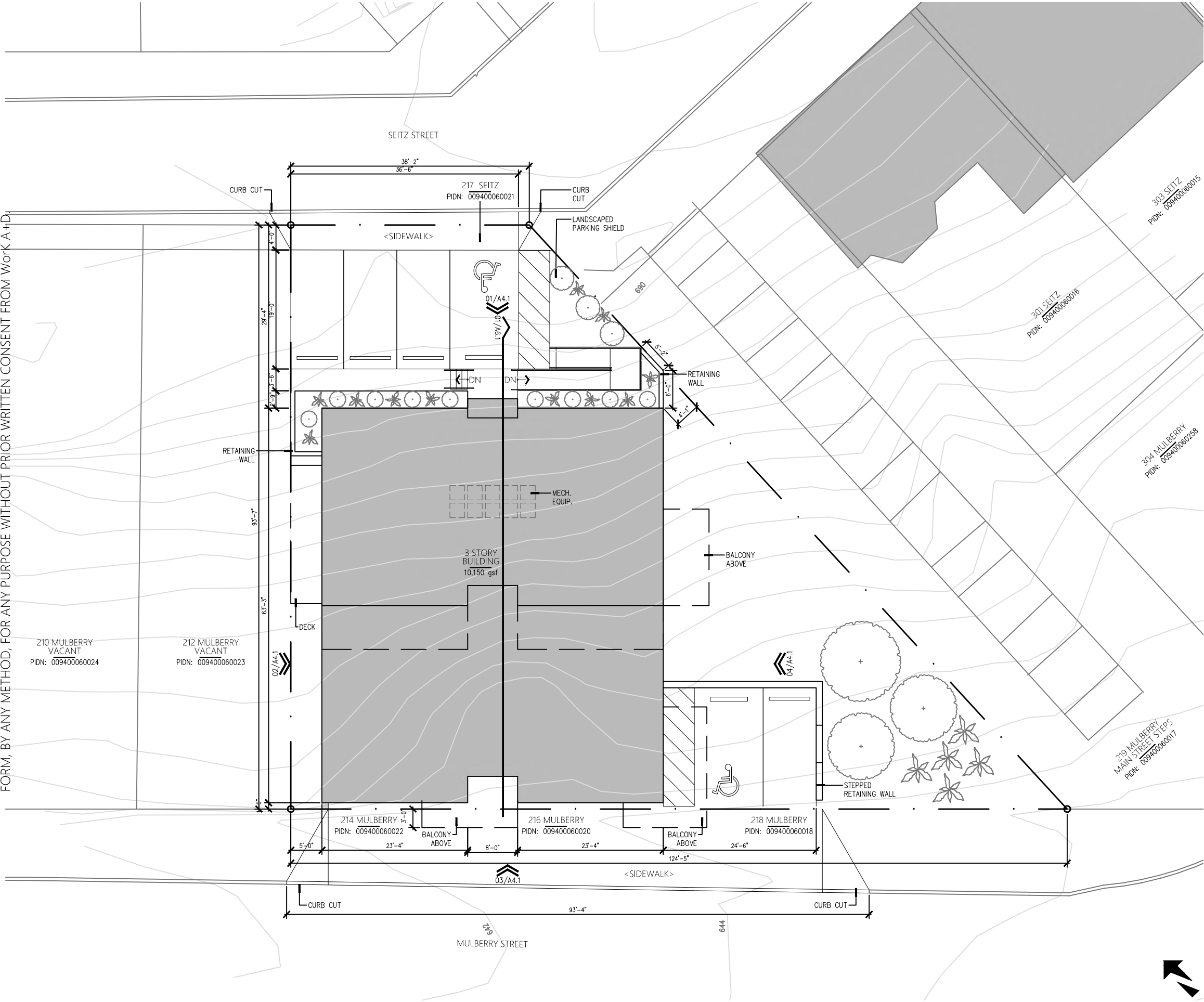
GENERAL NOTES



EXISTING SITE PLAN
1/16" = 1'-0"
URB2201
214-218 Mulberry St. Cincinnati, OH
05.23.2022

A1.0

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GENERAL NOTES

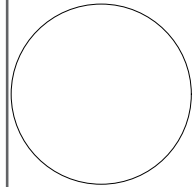
SITE PLAN
1/16" = 1'-0"

URB2201

214-218 Mulberry St, Cincinnati, OH

07.08.2022

A1.1



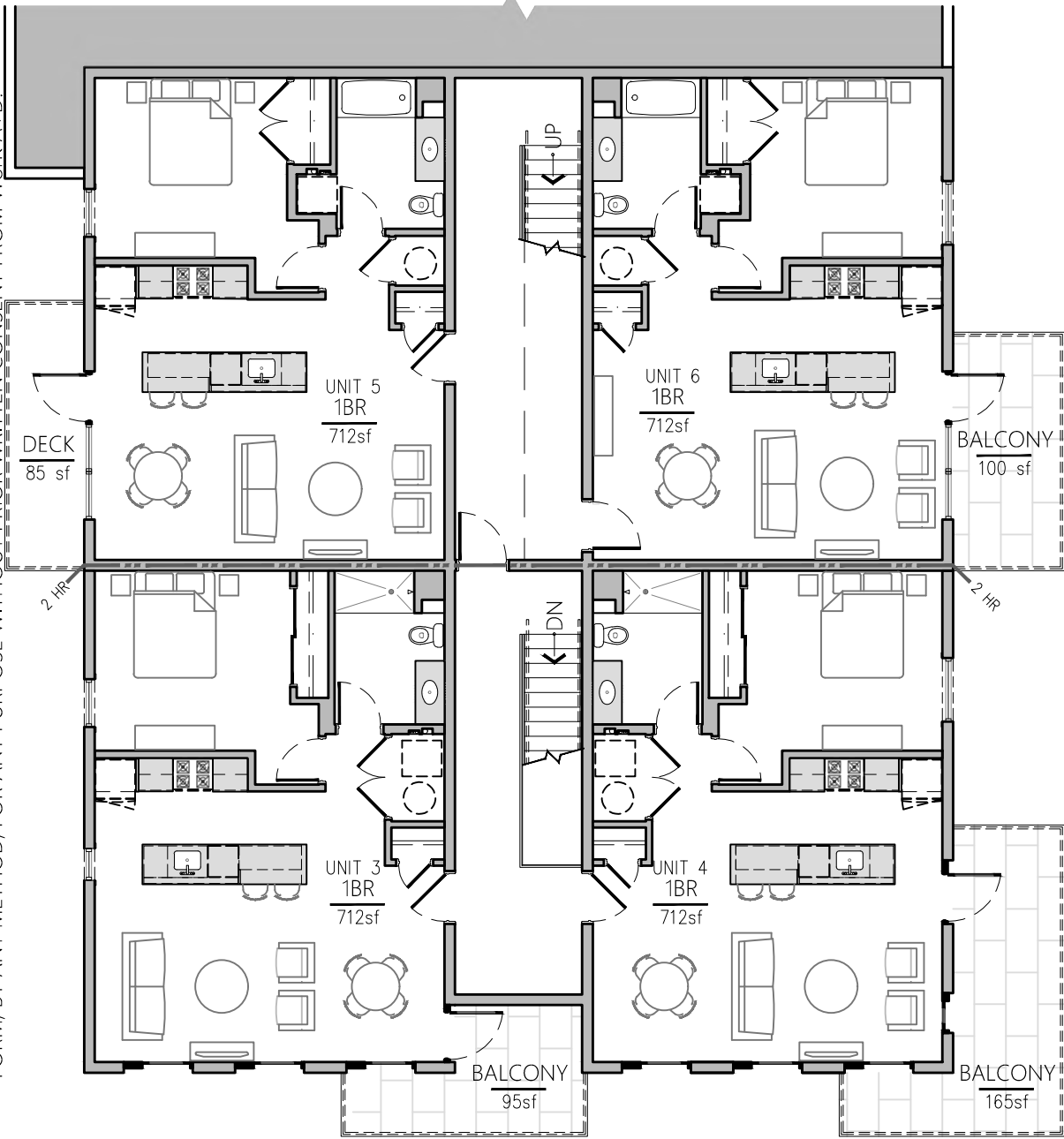
WORK
architecture + design

Louisville, KY Cincinnati, KY
502.632.3232 859.287.0707

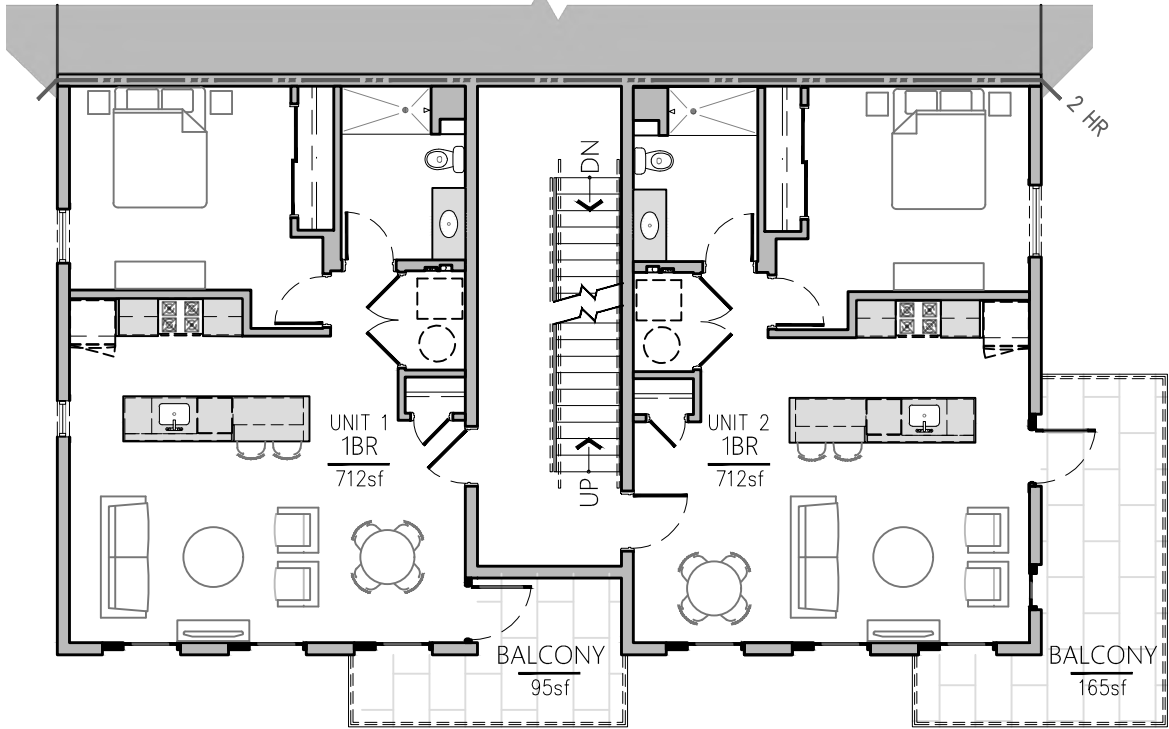
information

@WRKarc.com

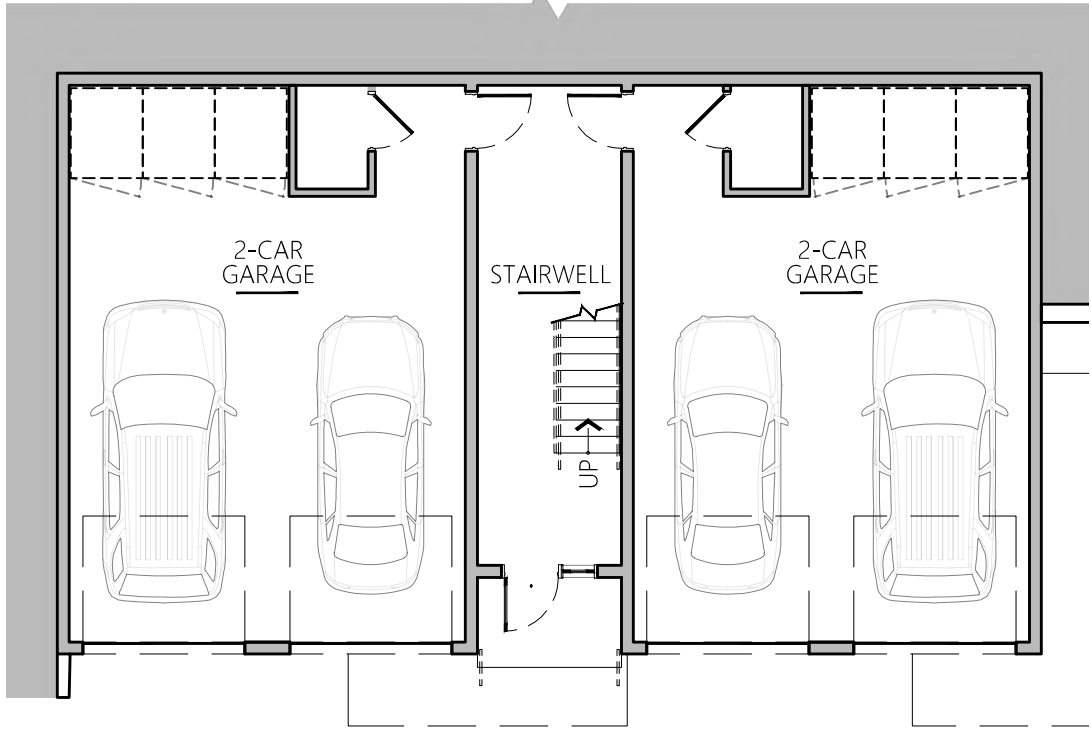
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02 ↖



01 ↖

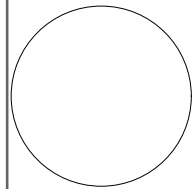


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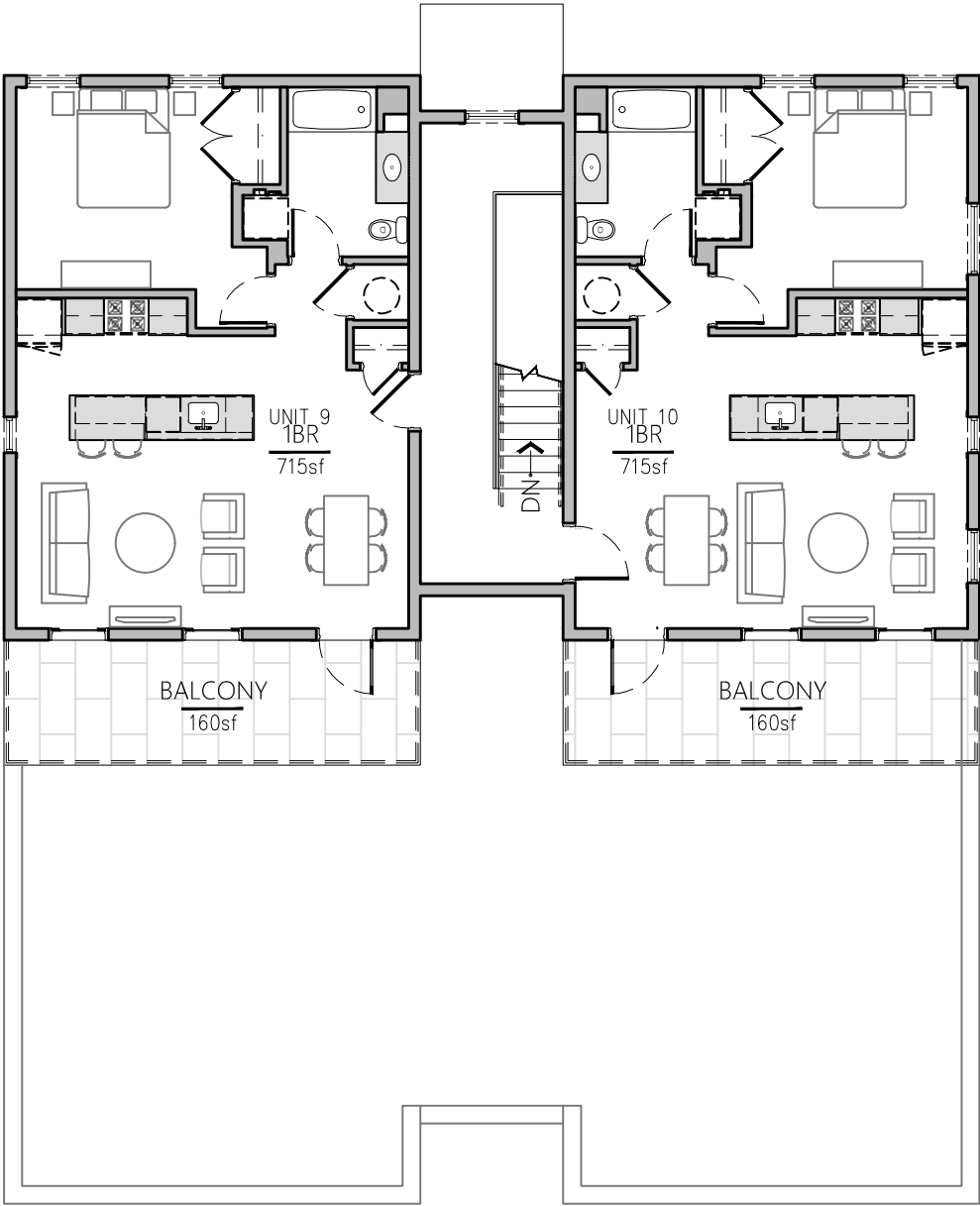
GENERAL NOTES

PLAN LEGEND

01	ROOM	EQ-XX
PLAN NOTE	ROOM NAME/ NUMBER	EQUIPMENT NUMBER
NEW DOOR/ DOOR NUMBER	EXISTING DOOR/ DOOR NUMBER	COLUMN MARKER
INTERIOR ELEVATION	EXTERIOR ELEVATION	WINDOW ELEVATION
SUSPENDED LIGHT FIXTURE	WALL MOUNTED LIGHT FIXTURE	EQUIPMENT
CASEWORK ABOVE	WALL BLOCKING	WT1 WT2 PARTITION TYPE
CASEWORK BELOW	SURFACE APPLIED WALL CLADDING	WALL/SOFFT ABOVE



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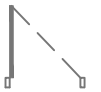
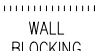
04



03

GENERAL NOTES

PLAN LEGEND

01 PLAN NOTE	ROOM 101 ROOM NAME/ NUMBER	EQ-XX EQUIPMENT NUMBER
		
NEW DOOR/ DOOR NUMBER	EXISTING DOOR/ DOOR NUMBER	COLUMN MARKER
		
##/A#.# INTERIOR ELEVATION	##/A#.# EXTERIOR ELEVATION	WINDOW ELEVATION
		
SUSPENDED LIGHT FIXTURE	WALL MOUNTED LIGHT FIXTURE	EQUIPMENT
		
CASEWORK ABOVE	WALL BLOCKING	WT1 WT2 PARTITION TYPE
		
CASEWORK BELOW	SURFACE APPLIED WALL CLADDING	WALL/SOFFIT ABOVE

FLOOR PLANS
3/32" = 1'-0"

URB2201

214-218 Mulberry St. Cincinnati, OH

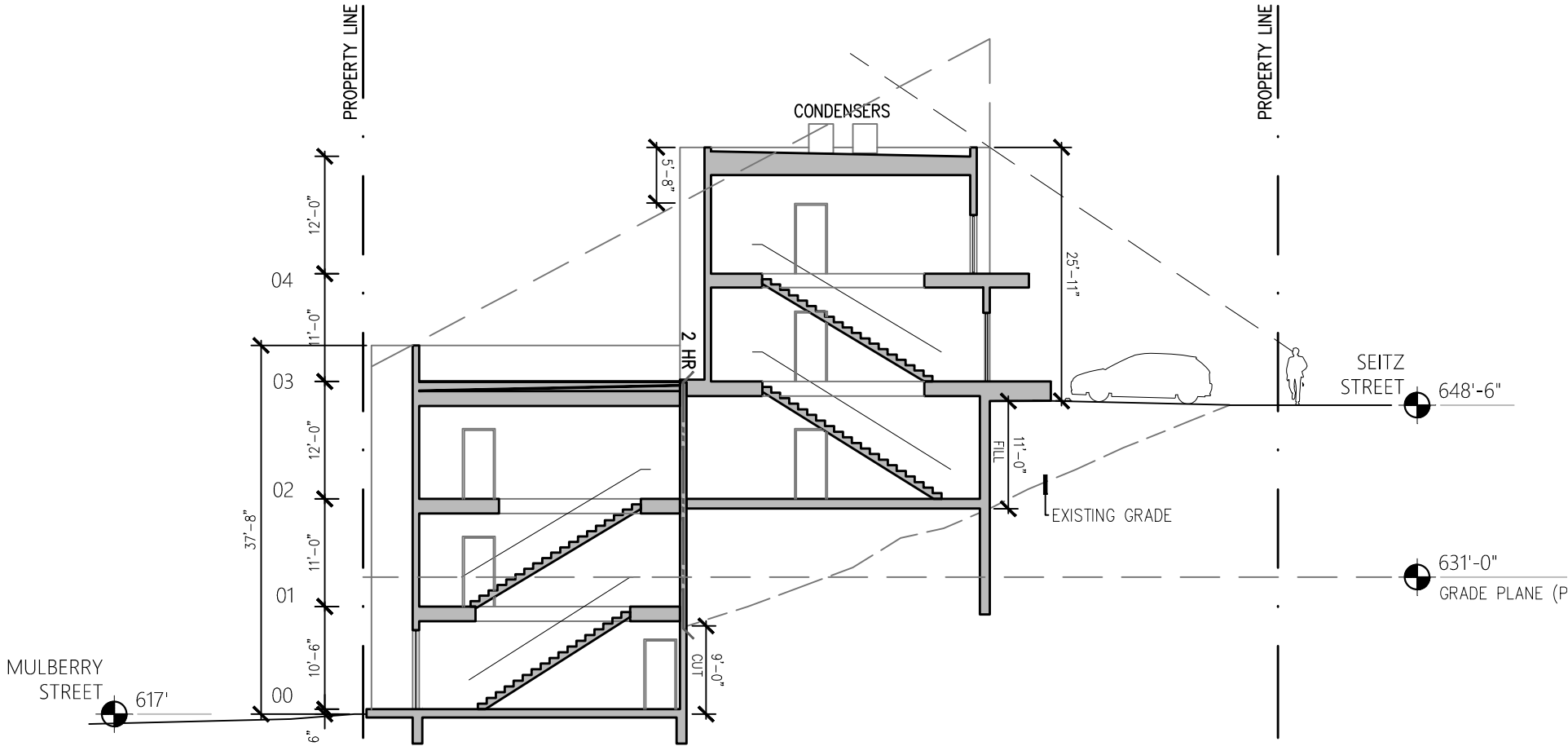
07.08.2022

A2.2

WoRk
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Louisville, KY Covington, KY information
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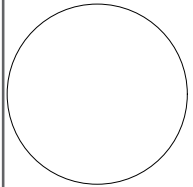
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GENERAL NOTES

PLAN LEGEND

01	ROOM	EQ-XX
PLAN NOTE	ROOM NAME/ NUMBER	EQUIPMENT NUMBER
NEW DOOR/ DOOR NUMBER	EXISTING DOOR/ DOOR NUMBER	COLUMN MARKER
INTERIOR ELEVATION	EXTERIOR ELEVATION	WINDOW ELEVATION
SUSPENDED LIGHT FIXTURE	WALL MOUNTED LIGHT FIXTURE	EQUIPMENT
CASEWORK ABOVE	WALL BLOCKING	PARTITION TYPE
CASEWORK BELOW	SURFACE APPLIED WALL CLADDING	WALL/SOFFIT ABOVE



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04
A4.1



03
A4.1

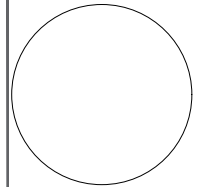


02
A4.1



01
A4.1

GENERAL NOTES



Thermacore® COLLECTION



Premium insulated garage doors deliver maximum thermal efficiency and design flexibility.

The Genuine. The Original.



Thermacore® COLLECTION Door Designs

Color options by panel style

	STANDARD			VERTICAL SHORT			VERTICAL LONG	LONG			FLUSH			MICRO-GROOVE
	5720 (297)	5740 (194)	5760 (494)	5720 (296)	5740 (199)	5760 (497)	5740 (192)	5720 (295)	5740 (198)	5760 (496)	5720 (298)	5740 (195)	5760 (495)	5740 (196)
Painted finishes on wood grain texture	White	•	•	•	•	•	•	•	•	•	•	•	•	
	Almond	•	•	•	•	•	•	•	•	•	•	•	•	
	Desert Tan	•	•	•	•	•	•	•	•	•	•	•	•	
	Sandstone	•	•	•	•	•	•	•	•	•	•	•	•	
	Terra Bronze		•			•	•		•			•		
	Brown		•	•		•	•		•	•		•	•	
	Hunter Green		•			•	•		•			•		
	Gray		•			•	•		•			•		
	Black		•	•		•	•	•	•	•		•	•	
Wood grain finishes on pebble grain texture	Golden Oak	•	•			•	•	•	•	•				
	Walnut		•			•	•		•	•				
	Mission Oak		•	•		•	•	•	•	•				
Modern Metallic finishes on smooth or microgroove texture	Silver											Smooth*		•
	Dark Bronze											Smooth*		•
	Black Frost											Smooth*		•

* Model 5740 with Modern Metallic finishes feature a smooth, non-textured surface.

Thermacore® COLLECTION

Built Better from the Inside Out

Door construction

Thermacore® Collection steel garage doors feature premium insulation construction and design which provides maximum thermal efficiency and reduced air infiltration for your garage space. This durable line of garage doors gives you many years of reliable operation while providing comfort and beauty to your home, even in extreme climates.



Thermacore® construction
Provides a continuous layer of foamed-in-place, CFC-free polyurethane insulation sandwiched between two layers of corrosion-resistant steel, for maximum thermal efficiency.



In-between section thermal seals
With an air infiltration rating of up to 0.08 cfm, seals provide superior resistance to the elements.



Bulb-type bottom weatherseal
Guards against wind and rain while providing a cushion when closing.

Wind Load options

Models 5740 and 5760 are FBC approved and will provide added protection to your home during high wind events, including hurricane-force winds.



Durable finish
Interior-side hot-dipped galvanized steel backing, with two coats of baked-on polyester paint, provides strength and a finished, clean appearance.

Multiple surface options



Embossed wood grain adds beauty, sophistication and durability.



Microgroove waved pattern creates a striking light effect.



Smooth, non-textured surface gives a modern look.



Pebble grain embossment creates an appealing pattern texture.



Model 5740 (198) 7' high, Long Panel, White finish, Stockbridge 2 4-Lite windows

Thermacore® COLLECTION

Decorative Accents NOT USED

Customize your door with windows and decorative hardware

Optional window placement

Vertical window option



Model 5740, Flush panel, Gray finish, Clear Long windows

All window option

(Flush panel only)



Model 5740, Flush panel, Gray finish, Clear Long windows

Double Narrow window option

(Flush and Microgroove panels only)



Model 5740, Microgroove panel, Silver finish, Narrow windows

Windows may be arranged vertically or horizontally on the Models 5740 and 5760. Windows must be Clear Short, Clear Long or Narrow. Windows placed in the bottom section of a door must have DSB 1/8", tempered, or 1/2" insulated glass.

Choose a glass type

All windows come standard with double strength glass. In addition, the Thermacore® Collection offers an array of choices, including:



Clear



Obscure



Satin Etched



Gray Tint



Green Tint



Bronze Tint

Actual glass may vary from brochure photos due to fluctuations in the printing process. Check with your Overhead Door™ Distributor to view a glass sample.

4

Choose your decorative hardware



Large Bean Handle



Large Spear Handle



Small Spear Handle



Spear Hinge (16" & 18")

Bean Hinge (16" only)

5

Choose your opener



Be sure to ask about our complete line of Overhead Door® garage door openers. Powerful, quiet and durable, these garage door openers are designed for performance, safety and convenience. Your Overhead Door™ Distributor will help you choose the opener that best suits your door and preferences.

Thermacore® COLLECTION

Door Designs

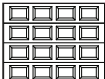
Select your door panel style and color

1

Choose a panel style and model

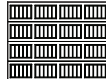
Doors shown are 7' tall. The number of sections on 8' doors may vary.

Standard Panel (SP) (S)



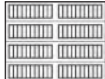
Models 5720, 5740, 5760 (297, 194, 494)

Vertical Short (VS) (V5)



Models 5720, 5740, 5760 (296, 199, 497)

Vertical Long (VL) (V10)



Model 5740 (192)

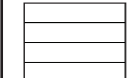
Note:
Previous model numbers and panel styles are noted in parentheses in gray.

Long Panel (LP) (L)



Models 5720, 5740, 5760 (295, 198, 496)

Flush Panel (FP) (F)



Models 5720, 5740, 5760 (298, 195, 495)

Microgroove (MG) (M)



Model 5740 (196)

MODELS	5720	5740	5760	
Polyurethane insulation	•	•	•	
R-value*	9.31	12.76	17.5	
Steel backing	•	•	•	
Warranty**	20-Year Limited	Limited Lifetime	Limited Lifetime	

* R-value is a measure of thermal efficiency. The higher the R-value the greater the insulating properties of the door. Overhead Door Corporation uses a calculated door section R-value for our insulated doors.

** See full text of warranty for details.

2

Choose a color

Painted finishes (standard)



White



Almond



Desert Tan



Sandstone



Terra Bronze



Brown



Hunter Green



Gray



Black

Actual colors may vary from brochure due to fluctuations in the printing process. Always request a color sample from your Distributor for accurate color matching before ordering your door.

Textured Wood Grain finishes



Golden Oak



Walnut



Mission Oak

Modern Metallic finishes (shown on Microgroove panel)



Silver



Dark Bronze



Black Frost

4

Transform Your Home with the DoorView® Visualization Tool.

Go to overheaddoor.com to try our online interactive software tool that lets you visualize what your home would look like with a new Overhead Door™ garage door. Contact your local Overhead Door™ Distributor for more information and to receive a quote.



BEFORE



AFTER

Model 5740 (195) 7' high, Flush Panel, Terra Bronze finish, vertical Clear Long windows

The Genuine. The Original.

Since 1921, Overhead Door Corporation has not only raised the standards of excellence for the industry – we've created them. We created the first sectional garage door in 1921 and the first electric garage door opener in 1926.

Today, our network of over 400 Overhead Door™ Distributors are still leading the way with innovative solutions and unmatched installation, service and support. So look for the Red Ribbon. It's your guarantee that you're getting the genuine, the original Overhead Door™ products and services.

SOLD AND DISTRIBUTED BY:



The Genuine. The Original.



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1-800-929-DOOR • sales@overheaddoor.com
overheaddoor.com

©2021 Overhead Door Corporation. Overhead Door is a trademark and Thermacore and the Red Ribbon Logo are registered trademarks of Overhead Door Corporation. All other trademarks are the property of their rightful owners. Consistent with our policy of continuing product improvement, we reserve the right to change product specifications without notice or obligation. R905-489 (01/21)

[Home](#) / [Brick](#) / [Face](#) / [Black](#) / Graphite Black Velour

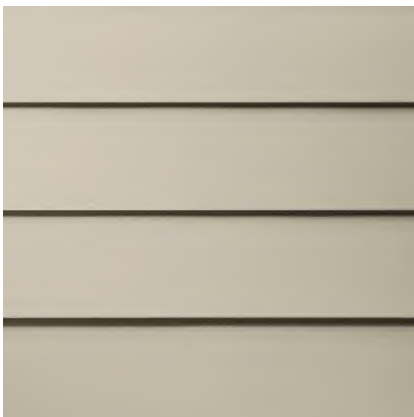


GRAPHITE BLACK VELOUR

Type	Face
Color	Black
Texture	Velour
Plant	Plant 2
Manufacturing Method	Extruded
Coating	Ceramic Based Colorant

[Sizes](#) [Specs](#)

Sizes	Width	Height	Length	Thin Flat Back	Thin with Back Geometry	Unit/Sq Ft
Modular	3 5/8" 92mm	2 1/4" 57mm	7 5/8" 194mm	N/A	N/A	6.86



HARDIE® PLANK LAP SIDING
SMOOTH



(COLOR TO MATCH SIDING)
HARDIE® ARCHITECTURAL PANEL
FINE SAND

Manufacturer Color/Finish	Cobble Stone	Actual Length (Inches)	144
		Recommended Exposure (Inches)	6
	Color/Finish Family	Brown	
	Texture	Smooth	
	Warranty	30-year limited	
	Model Description	HardiePlank® Cobble Stone Smooth Fiber Cement Lap Siding (Actual: 0.312-in x 7.25-in x 144-in)	
	Finish Warranty	15-year limited	
	Actual Thickness (Inches)	0.312	
		Type	Lap siding
		Actual Width (Inches)	7.25
		Series Name	ColorPlus HZ5 HardiePlank
		CA Residents: Prop 65 Warning(s)	Prop 65 WARNING(S)
		UNSPSC	30151800

Fine Sand has an even-textured, smooth, and consistent finish for a sleek look. Shiplap joints create V-grooved, architectural lines to add visual interest. Panels can be oriented horizontally or vertically to achieve a variety of designs.

AVAILABLE SIZES

THICKNESS:	0.312"
-------------------	--------

LENGTH:	120"	144"
WIDTHS:	48.197"	48.197"
	96"	
	48.197"	

Dusty Rhodes, Hamilton County Auditor

generated on 5/20/2022 8:38:36 AM EDT

Property Report

Parcel ID 094-0006-0022-00	Address 214 MULBERRY ST	Index Order Parcel Number	Tax Year 2021 Payable 2022
Property Information			
Tax District 001 - CINTI CORP-CINTI CSD	School District CINCINNATI CSD		Images/Sketches 
Appraisal Area 02003 - MT AUBURN 03	Auditor Land Use 500 - RESIDENTIAL VACANT LAND		
Owner Name and Address WDC LLC P O BOX 1573 NEWPORT KY 410721573 (call 946-4015 if incorrect)	Tax Bill Mail Address WDC LLC PO BOX 1573 NEWPORT KY 41072 (Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)		
Assessed Value 1,120	Effective Tax Rate 75.634697	Total Tax \$88.72	
Property Description 214 MULBERRY ST 25 X 90 LOT 32 DORSEY RED SUB			
Appraisal/Sales Summary		Tax/Credit/Value Summary	
Year Built		Board of Revision	YES(00)
Total Rooms		Rental Registration	No
# Bedrooms		Homestead	No
# Full Bathrooms		Owner Occupancy Credit	No
# Half Bathrooms		Foreclosure	No
Last Transfer Date	11/7/2014	Special Assessments	Yes
Last Sale Amount	\$0	Market Land Value	3,200
Conveyance Number		CAUV Value	0
Deed Type	WE - Warranty Deed (EX)	Market Improvement Value	0
Deed Number	330577	Market Total Value	3,200
# of Parcels Sold	40	TIF Value	0
Acreage	0.056	Abated Value	0
		Exempt Value	0
		Taxes Paid	\$49.97
		Tax as % of Total Value	2.289%
Notes			

Dusty Rhodes, Hamilton County Auditor

generated on 5/20/2022 8:39:43 AM EDT

Property Report

Parcel ID 094-0006-0020-00	Address 216 MULBERRY ST	Index Order Parcel Number	Tax Year 2021 Payable 2022
Property Information			
Tax District 001 - CINTI CORP-CINTI CSD School District CINCINNATI CSD		Images/Sketches 	
Appraisal Area 02003 - MT AUBURN 03		Auditor Land Use 400 - COMMERCIAL VACANT LAND	
Owner Name and Address WDC LLC P O BOX 1573 NEWPORT KY 410721573 (call 946-4015 if incorrect)		Tax Bill Mail Address WDC LLC PO BOX 1573 NEWPORT KY 41072 (Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)	
Assessed Value 210		Effective Tax Rate 88.991088	
Total Tax \$24.23			
Property Description 216 MULBERRY ST 25 X 45 S PT LOT 31 DORSEY RED			
Appraisal/Sales Summary		Tax/Credit/Value Summary	
Year Built		Board of Revision	YES(94)
Total Rooms		Rental Registration	No
# Bedrooms		Homestead	No
# Full Bathrooms		Owner Occupancy Credit	No
# Half Bathrooms		Foreclosure	No
Last Transfer Date	11/7/2014	Special Assessments	Yes
Last Sale Amount	\$0	Market Land Value	610
Conveyance Number		CAUV Value	0
Deed Type	WE - Warranty Deed (EX)	Market Improvement Value	0
Deed Number	330577	Market Total Value	610
# of Parcels Sold	40	TIF Value	0
Acreage	0.027	Abated Value	0
		Exempt Value	0
		Taxes Paid	\$14.89
		Tax as % of Total Value	0.000%
Notes			

Dusty Rhodes, Hamilton County Auditor

generated on 5/20/2022 8:40:19 AM EDT

Property Report

Parcel ID 094-0006-0021-00	Address 217 SEITZ ST	Index Order Parcel Number	Tax Year 2021 Payable 2022
Property Information			
Tax District 001 - CINTI CORP-CINTI CSD School District CINCINNATI CSD		Images/Sketches 	
Appraisal Area 02003 - MT AUBURN 03		Auditor Land Use 500 - RESIDENTIAL VACANT LAND	
Owner Name and Address WDC LLC P O BOX 1573 NEWPORT KY 410721573 (call 946-4015 if incorrect)		Tax Bill Mail Address WDC LLC PO BOX 1573 NEWPORT KY 41072 (Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)	
Assessed Value 1,340		Effective Tax Rate 75.634697	
Total Tax \$99.50			
Property Description 217 SEITZ ST 25 X 45 IRR W PT LOT 31 DORSEY RED			
Appraisal/Sales Summary		Tax/Credit/Value Summary	
Year Built		Board of Revision	YES(94)
Total Rooms		Rental Registration	No
# Bedrooms		Homestead	No
# Full Bathrooms		Owner Occupancy Credit	No
# Half Bathrooms		Foreclosure	No
Last Transfer Date	11/7/2014	Special Assessments	Yes
Last Sale Amount	\$0	Market Land Value	3,830
Conveyance Number		CAUV Value	0
Deed Type	WE - Warranty Deed (EX)	Market Improvement Value	0
Deed Number	330577	Market Total Value	3,830
# of Parcels Sold	40	TIF Value	0
Acreage	0.024	Abated Value	0
		Exempt Value	0
		Taxes Paid	\$53.14
		Tax as % of Total Value	2.289%
Notes			

Dusty Rhodes, Hamilton County Auditor

generated on 5/20/2022 8:41:09 AM EDT

Property Report

Parcel ID 094-0006-0018-00	Address 218 MULBERRY ST	Index Order Parcel Number	Tax Year 2021 Payable 2022
Property Information			
Tax District 001 - CINTI CORP-CINTI CSD School District CINCINNATI CSD			Images/Sketches 
Appraisal Area 02003 - MT AUBURN 03		Auditor Land Use 640 - MUNICIPALITY OWNED	
Owner Name and Address CINCINNATI CITY OF LAND REUTILIZATION PROGRAM 805 CENTRAL AVE SUITE 700 CINCINNATI OH 45202 (call 946-4015 if incorrect)		Tax Bill Mail Address CINCINNATI CITY OF NEIGHBORHOOD SERVICES 801 PLUM ST RM 122 ST CINCINNATI OH 45202 (Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)	
Assessed Value 0		Effective Tax Rate 0.000000	Total Tax
Property Description 218-22 MULBERRY ST 75 FT IRR LOT B & 30 DORSEY RED SUB PARS 18-19 CONS			
Appraisal/Sales Summary		Tax/Credit/Value Summary	
Year Built		Board of Revision	No
Total Rooms		Rental Registration	No
# Bedrooms		Homestead	No
# Full Bathrooms		Owner Occupancy Credit	No
# Half Bathrooms		Foreclosure	No
Last Transfer Date	7/21/1998	Special Assessments	No
Last Sale Amount	\$0	Market Land Value	5,990
Conveyance Number	0	CAUV Value	0
Deed Type	WE - Warranty Deed (EX)	Market Improvement Value	0
Deed Number	846978	Market Total Value	5,990
# of Parcels Sold	1	TIF Value	0
Acreage	0.064	Abated Value	0
		Exempt Value	5,990
		Taxes Paid	\$0.00
		Tax as % of Total Value	0.000%
Notes			
1) 12/31/98 LAND REVITILIZATION PROGRAM			

March 19, 2021



City of Cincinnati
Dept. of Community
and Economic Development
Attn: Ryan Dyson
805 Central Ave, Suite 710
Cincinnati 45202

COMMUNITY COUNCIL

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Stephen Gibbs

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Mr. Dyson,

Urban Sites representative Will Yogle presented to the Mt. Auburn Community Council on March 15, 2021 regarding their potential purchase of city property on Mulberry Street (located adjacent to the Main Street steps).

We voted to support the sale of this land to Urban Sites with the stipulation that Urban Sites work with MACC on beautification and lighting along the portion of the Main Street Steps that borders the property that they are attempting to acquire.

We look forward to hearing more from Urban sites as their plan details develop.

Sincerely,

A handwritten signature in black ink, which appears to read 'Stephen Gibbs', is positioned above the typed name and title.

Stephen Gibbs
President,
Mt. Auburn Community Council



December 1, 2021

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager *WW, Am* 202103165

Subject: **Emergency Ordinance – Approving Property Sale and Development Agreement with TSMT, LLC for 218 Mulberry Street**

Attached is an Emergency Ordinance captioned:

APPROVING the City Manager to execute a *Property Sale and Development Agreement* with TSMT, LLC, for the sale of City-owned real property located at 218 Mulberry Street in the Mt. Auburn neighborhood of Cincinnati, for a residential development project consisting of approximately 10 residential units.

BACKGROUND/CURRENT CONDITIONS

218 Mulberry is a Cincinnati Land Reutilization Program (CLRP) property owned by the City of Cincinnati. The property is in the Mount Auburn neighborhood near the border of Over-the-Rhine and has been vacant land under City ownership for at least 25 years. The site is adjacent to the Main Street Steps, but the proposed sale will not impact the Steps.

On August 14, 2020, Urban Sites, in coordination with co-developer and adjacent property owner WDC, LLC, submitted a CLRP application to purchase 218 Mulberry to develop new residential. WDC, LLC owns 214 and 216 Mulberry as well as 217 Seitz. The site's appraisal exceeds the CLRP threshold and requires approval by City Planning Commission (received on May 7, 2021) and City Council.

The parcel is irregularly shaped and located in a Hillside Development District. Under the advisement of the City's Zoning Administrator development opportunities should be limited to only those where adjacent site consolidation is possible. Additionally, CLRP gives acquisition priority to abutting property owners.

DEVELOPER INFORMATION

TSMT, LLC is owned by Martin Wade and Marilyn (Scripps) Wade. Together they also own the adjacent properties through WDC, LLC. Co-developers TSMT, LLC (the buyer), and Urban Sites, LLC will lead this project. Urban Sites LLC is a Cincinnati-based real-estate developer owned by Greg Olson. As partners, TSMT, LLC and Urban Sites have developed and managed over 110 residential units in the city.

PROJECT DESCRIPTION

The co-developers will consolidate the 218 Mulberry site with adjacent properties at 217 Seitz and 214 and 216 Mulberry to construct a ten (10) unit residential building. The ten (10) units will consist of one-bedroom units at roughly 715 square feet, with projected rents ranging from \$1,200 to \$1,400. The proposed building will be four stories at Mulberry Street in the front and two stories at Seitz Street in the rear. The project's scope of work also includes on-site parking. Determination of final design details will follow Historic Conservation Board approval and Hillside Development District regulations.

The total project cost is approximately \$2.5 million, with the hard cost estimated to be \$2.3 million. The project will be funded entirely with developer equity. The construction plan currently includes a twelve (12)-month timeline. Based on the construction cost estimate, the Developers expect to create 12 full-time construction jobs during the construction period.

The sale of this property achieves Goal 3 of the Live Initiative Area of *Plan Cincinnati* (2012) (pages 164-178) by providing quality healthy housing for all income levels.

PROPOSED INCENTIVE

The Department of Community and Economic Development (DCED) recommends a direct sale of 218 Mulberry Street to Urban Sites, LLC for the appraised price of \$45,000.

DCED's recommendation is based on the following reasons:

- The parcel is irregularly shaped and in a Hillside Development District. The Department of Buildings and Inspections advises that any "development will almost certainly require consolidation with adjacent parcels." WDC, LLC owns the adjacent parcels.
- Per ORC 5722.07, the City has the authority to sell any land acquired as part of the Land Reutilization Program without competitive bidding.
- The City's CLRP Procedures manual indicates that "abutting property owners" such as Urban Sites/WDC LLC have priority acquisition rights for CLRP parcels.
- The proposal estimates the project will create 12 full-time temporary construction jobs
- The proposed sale, and subsequent development, are consistent with and achieve Goal 3 of the Live Initiative Area of *Plan Cincinnati* (2012).

PROJECT TEAM & TIMELINE

The project team (listed below) will make themselves available at the request of the council member(s).

- Assistant City Manager: William Weber
- DCED Director: Markiea Carter
- Project Attorney: Kaitlyn Geiger

The anticipated council timeline, which includes two Budget and Finance meetings, if necessary, is as follows:

- December 1, 2021: Introduction to City Council
- December 6, 2021: Budget and Finance (1)
- December 13, 2021: Budget and Finance (2)
- December 15, 2021: City Council for Final Approval

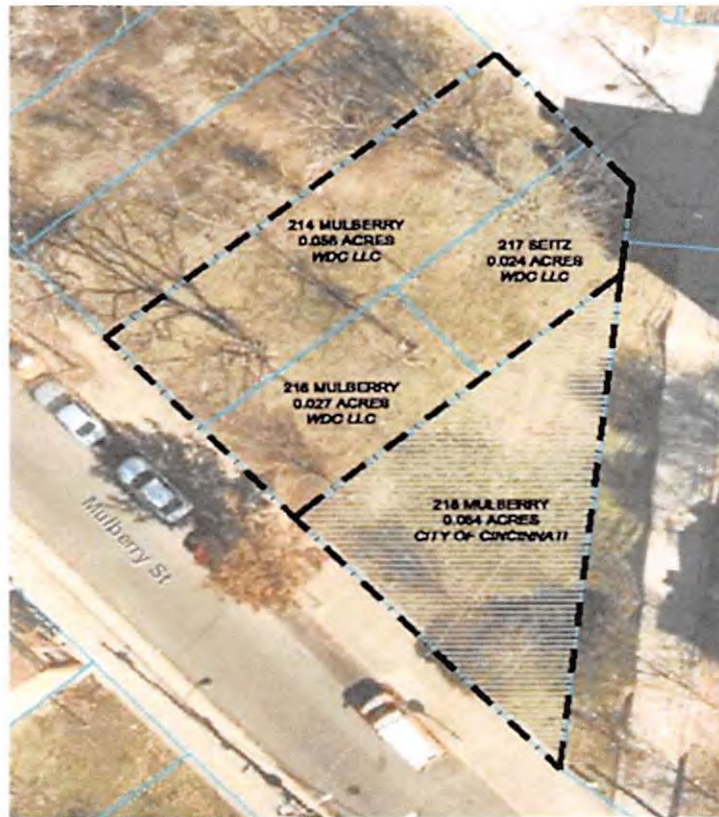
RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This Ordinance is emergency in nature so the development team can obtain the necessary site control needed to lock in their construction financing and begin work on the project.

Attachment: A. Property location and photographs

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Attachment A: Location and Photographs



Property Location



218 Mulberry Street

EMERGENCY
City of Cincinnati

AWG/EESW

An Ordinance No. 473

JML

- 2021

AUTHORIZING the City Manager to execute a *Property Sale and Development Agreement* with TSMT, LLC, for the sale of City-owned real property located at 218 Mulberry Street in the Mt. Auburn neighborhood of Cincinnati, for a residential development project consisting of approximately 10 residential units.

WHEREAS, the City owns certain real property located at 218 Mulberry Street in Cincinnati, as described in the *Property Sale and Development Agreement* attached to this ordinance as Attachment A (the “City Sale Property”), which is under the management and control of the City’s Department of Community and Economic Development; and

WHEREAS, TSMT, LLC (“Developer”) desires to purchase the City Sale Property from the City, for consolidation with adjacent properties owned by Developer or its affiliate(s) for a residential development project consisting of approximately 10 residential units, at an estimated project cost of \$2,428,423 (the “Project”); and

WHEREAS, the City desires that the Property be put to its highest and best use; and

WHEREAS, the City’s Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the City Sale Property is \$45,000, which Developer has agreed to pay; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution and research; and

WHEREAS, Section 16 of Article VIII of the Ohio Constitution provides that it is in the public interest and a proper public purpose for the City to enhance the availability of adequate housing and to improve the economic and general well-being of the people of the City of Cincinnati by providing or assisting in providing housing; and

WHEREAS, the City has determined that: (i) the City Sale Property is not needed for municipal purposes; (ii) the City Sale Property poses a financial liability to the City because the City must continue to incur expenses in maintaining it; and (iii) eliminating competitive bidding in connection with the City’s sale of the City Sale Property is in the best interest of the public because the City has identified Developer’s development proposal as being the most suitable and advantageous to the City; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the City Sale Property at its meeting on May 7, 2021; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Property Sale and Development Agreement*, in substantially the form attached to this ordinance as Attachment A (the “Agreement”), pursuant to which the City will sell to TSMT, LLC (“Developer”) certain real property located at 218 Mulberry Street in Cincinnati (the “City Sale Property”), for consolidation with adjacent properties owned by Developer or its affiliate(s) for a residential development project consisting of 10 residential units (the “Project”).

Section 2. That the City Sale Property is not needed for municipal purposes.

Section 3. That the fair market value of the City Sale Property, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$45,000, which Developer has agreed to pay.

Section 4. That eliminating competitive bidding in connection with the City’s sale of the City Sale Property is in the best interest of the City because the City has identified Developer’s development proposal as being the most suitable and advantageous to the City.

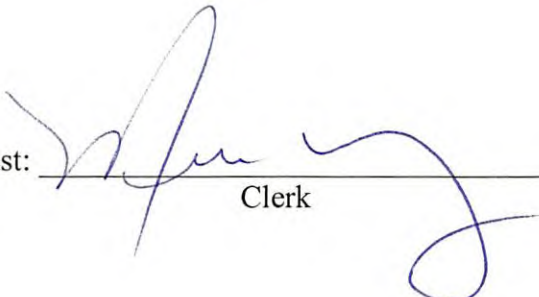
Section 5. That proceeds from the sale of the City Sale Property shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the sale, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof into Miscellaneous Permanent Improvement Fund 757.

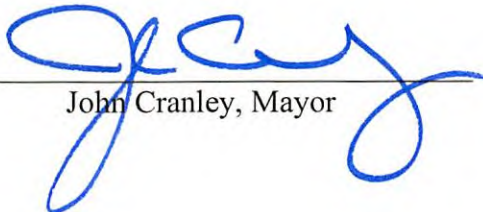
Section 6. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the Agreement,

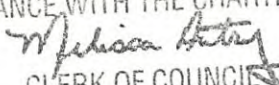
including, without limitation, executing any and all ancillary agreements, amendments, deeds, plats, and other documents.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to expedite the City's execution of the Agreement, so that Developer can move forward with the Project without delay, enabling the Property to be put to its highest and best use, for the economic benefit of the City, at the earliest possible time.

Passed: December 8, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 473 2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 12-21-2021

CLERK OF COUNCIL

Curtis Reno
2200 Victory Parkway
Suite 500
Cincinnati OH 45206
CurtisReno@iCloud.com
937.545.9477

May 25, 2022

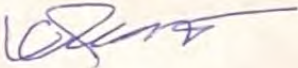
Doug Owen
Interim Urban Conservator
City of Cincinnati
805 Central Avenue
Cincinnati OH 45202
douglas.owen@cincinnati-oh.gov
(513) 352-2441

**Subject: Owner Permission
214-218 Mulberry Street
Cincinnati OH 45202**

Dear Doug,

WDC LLC gives Urban Sites and Work Architecture + Design permission to submit an application to the Historic Conservation Board for the improvements at 214-218 Mulberry. Urban Sites in coordination with WDC LLC is co-developing the vacant site into a 10-unit apartment building. 214 Mulberry, 216 Mulberry and 217 Seitz are owned by WDC LLC. 218 Mulberry is owned by the City of Cincinnati. WDC LLC via TSMT LLC has a Property Sale and Development Agreement with the City of Cincinnati to purchase 218 Mulberry with a condition of that sale to receive a Certificate of Appropriateness prior to closing. Upon completion of the sale, 214-218 Mulberry will be consolidated and owned collectively by TSMT LLC.

Sincerely,

A handwritten signature in blue ink, appearing to read "Curtis Reno", with a stylized flourish at the end.

Curtis Reno

List of Witnesses Available to Testify at Hearing:

Will Yokel will@urbansites.com

Danny Lipson danny@urbansites.com

Greg Olson greg@urbansites.com

Melissa Zanella melissa@wrkarc.com



214-218 Mulberry St. Development Preliminary Geotechnical Survey

Prepared for

**Urban Sites
1209 Sycamore Street
Cincinnati, Ohio 45202**

June 09, 2022

Project No.CN220126



June 09, 2022

Urban Sites
1209 Sycamore Street
Cincinnati, Ohio 45202

Attention: Mr. Will Yokel
Sent via e-mail: will@urbansites.com

**Subject: Preliminary Geotechnical Survey
214-218 Mulberry Street Apartment Complex
Cincinnati, Ohio
CSI Project No. CN220126**

Dear Mr. Yokel,

As requested, Consulting Services Incorporated (CSI), has completed a preliminary review for the new apartment complex construction at 214-218 Mulberry Street. The purpose of our services was to: 1) review the current concept plans dated May 26, 2022; 2) review of published geological information; 3) review of any nearby geotechnical information; and 4) prepare this preliminary letter pursuant to Section 1433 of the Cincinnati Zoning Code and the Hillside Overlay District regulations. This report does not include any recommendations for site grading, drainage, foundations, pavements, etc., and is not applicable for those uses. A final geotechnical evaluation/report would need to be completed to satisfy those requirements.

Property Information

The property is located in the Hillside Overlay District at the intersection of Mulberry Street and Main Street in Cincinnati, Ohio. The development will consist of a new 10,150 square foot building in the center of the lot with associated parking north of the building. The proposed apartment lot is approximately 0.35 acres with what appears to be a partially wooded hillside. Based upon review of available information, the project site appears to have not changed over the past 29 years.

Published Information

Topography

The property slopes downward from Seitz Street toward Mulberry Street with about 30 feet of grade change. Elevations on the site range from approximately 612 feet at the south of the property to approximately 645 feet at the front of the property

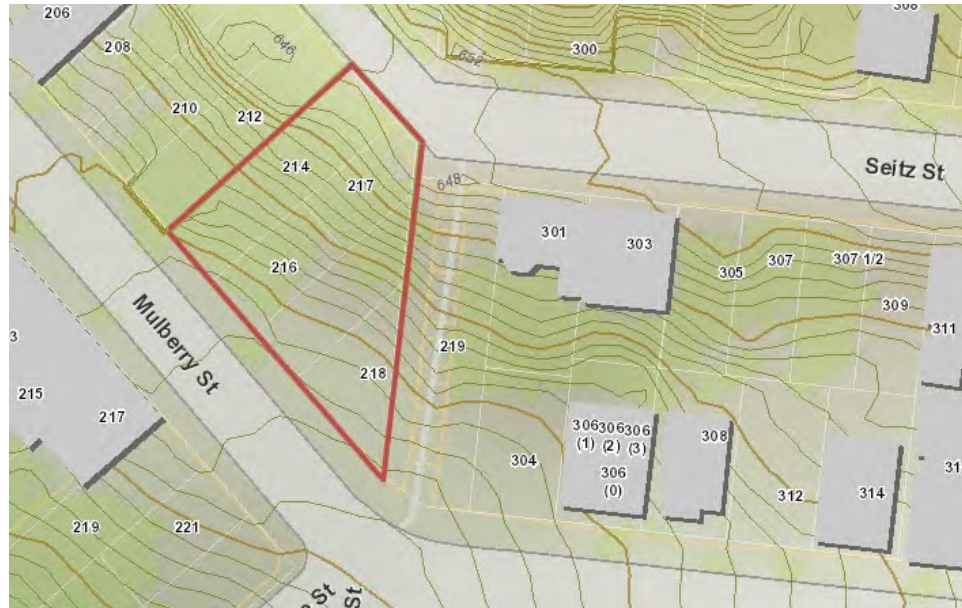


Figure 1: Hamilton County CAGIS Map

The site is located within the Outer Bluegrass Region of Ohio. This area is characterized by moderate relief of up to 300 feet and dissected plateaus of carbonate rock. Within the eastern portion, caves and other karst features are relatively common. The western portion is known to have thin, glacial drifts of narrow ridges. Topography across this region range from 455 to 1120 feet. Below is a figure of the location of the site with respect to the regional physiography.

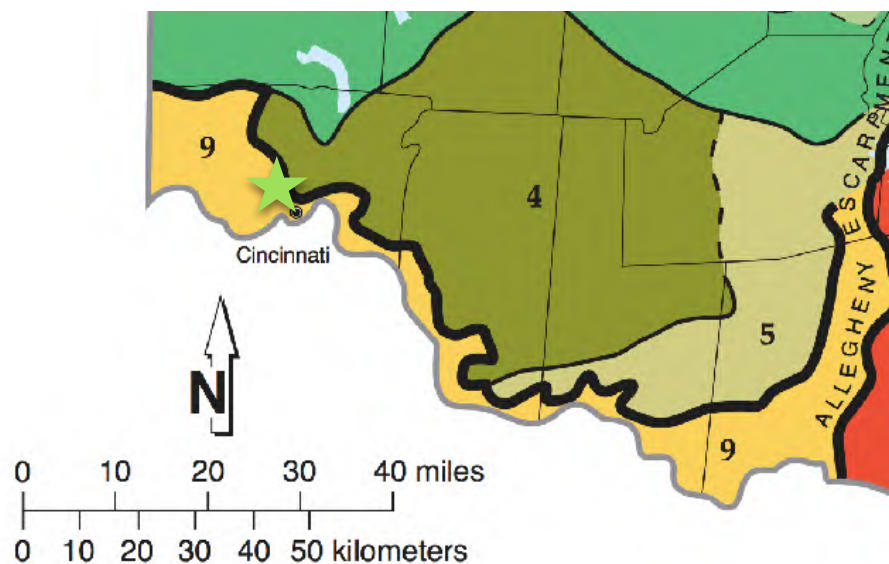


Figure 2: Ohio Physiographic Map

Geology

Review of the *Surficial Geology of the Ohio Portions of the Cincinnati and Falmouth 30 x 60 Minute Quadrangles* shown in **Figure 3** below indicates the site is mapped within Illinoian-age glacial till with a depth of approximately 40 feet. In general, the clays primarily consist of varying amounts of intermixed sand, silt, and minor gravel. The till is underlain by interbedded layers of shale dominate limestone.

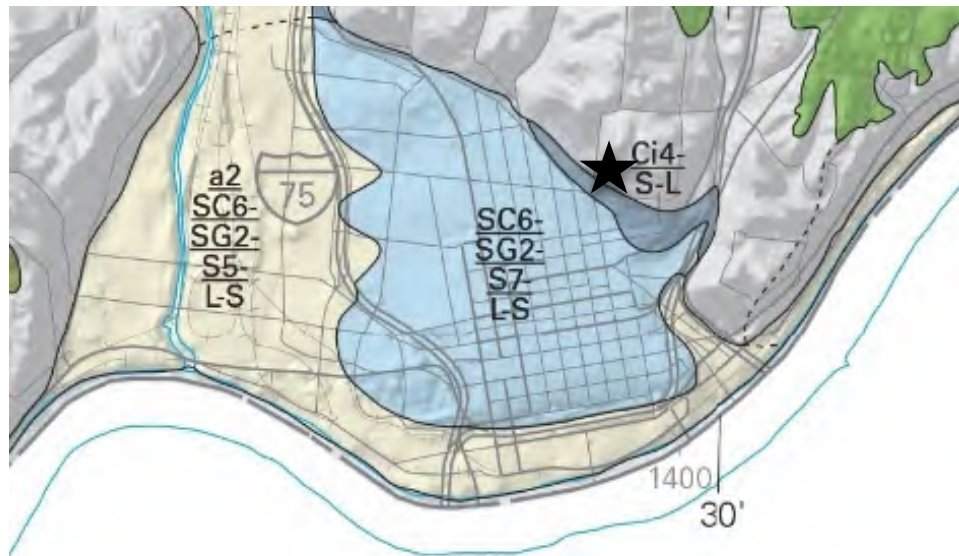


Figure 3: Surficial Geology Mapping

County Soil Survey

Review of the USDA Soil Survey of Hamilton County, Ohio (NRCS website) shows that soils underlying the site consist of the Urban Land - Udorthents complex (UrUXC and UfUXF). These soils are typically associated with man made fills or otherwise developed land. The Urban land accounts for 100% of the area. While the properties of these soil series may vary greatly depending on many factors, such as previous site use, these soils generally have a depth to water table and depth to restrictive features of greater than 80 inches. Below is a table of the soils present on-site along with a map of the soils on-site.



Figure 4: USGS Soil Survey Mapping

Table 1: Summary of USDA Soil Survey

Soil Series	Abbreviation	Slope (%)	Parent Material	Percentage of Site (%)	Depth to Restrictive Feature (in.)	Depth to Water Table (in.)
Urban land-Alfic Udarents-Eden Complex	UAEXF	25 to 60	Residuum weathered from limestone and shale	0.1	0 to 39 inches to paralithic bedrock	> 80
Urban land-Alfic Udarents Complex	UcAXD	12 to 25	Residuum weathered from limestone and shale	99.9	0 to 79 inches to paralithic bedrock	> 80

Historical Aerial Photographs

Review of historical aerial images since 1993 indicate that there appears to have been no new development of the property over the years; however, the quality of the 1994 image is very poor with little detail. It appears that the only work to have taken place around the site is the addition of residential structures surrounding the property.

**Figure 5:** Aerial Photo dated 1993**Figure 6:** Aerial Photo dated 2022

Historical Mapping

In review of published Sanborn Fire Maps dated 1887, the site was previously occupied by what appears to be multiple buildings. Based upon historical aerial images, the buildings were razed at some point between 1985 and 1993.



Figure 7: Cincinnati, OH Sanborn Map

Preliminary Geotechnical Concerns

Based on our review and experience in the area, the site appears to be suitable for the proposed development with proper engineering and design. With our research and experience with these types of properties, we have outlined some of the expected risks and concerns in pursuing the property.

Construction on a Slope

At this time, the proposed apartment complex is planned to be constructed along the hillside. Given the existing grades, we have assumed that building will be cut into the slope. Risks with performing such cuts can result in instability of the hillside. Properly laying back the slope, slope benches, or temporary retaining structures may be necessary. This would need to be evaluated based upon the subsurface conditions with respect to the building's finished floor elevation and other design specifics.

Previous Development

As mentioned above, it appears the property has been previously developed at some point. This could indicate that some fill material has been placed in this area or it was previously graded. When developing sites that have been previously developed or disturbed, there's a risk with encountering poor soils, old foundations, cisterns, and other remnants of man-placed structures.

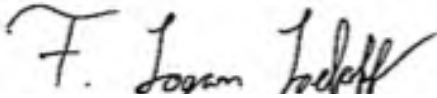
Preliminary Site Assessment

Based on our experience in the Cincinnati area, along with the research performed, we anticipate that the site will prove suitable for the proposed development. The above concerns and preliminary site

assessment have been developed based upon our experience and review of the published mapping. To fully evaluate the subsurface conditions and geotechnical concerns, a full geotechnical report would need to be performed, which will require sampling, laboratory testing, and analysis of the materials. We appreciate the opportunity to provide our services for the properties and hope to continue similar and geotechnical services on future projects.

Sincerely,

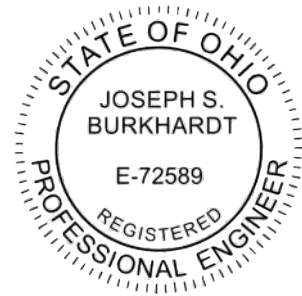
Consulting Services Incorporated



Logan Loeloff, EIT
Staff Engineer



Joseph S. Burkhardt, PE
Principal Geotechnical Engineer





July 7, 2022

To: Cincinnati Historic Conservation Board

RE: Concerns Regarding COA2022036 214-218 Mulberry St.

Dear Members,

My wife and I are the owners of 208 Mulberry St., which is also our primary residence. We are writing to express our concerns related to COA2022036 which proposes the construction of a 10-unit apartment building at 214-218 Mulberry St. While we are very supportive of new residential developments in our neighborhood, we have concerns stemming from the very high density of the project as well as some design aspects.

The 200 block of Mulberry consists of eight (8) multi-family apartment buildings (four (4) of which are subsidized) and only two (2) single family homes. If the City of Cincinnati and Historic Conservation Board are truly interested in creating diverse, mixed-income neighborhoods a pair of single-family homes or townhomes would provide a more balanced urban tapestry than a 10-unit apartment building.

While the proposed project does provide ten (10) off street parking spaces for its future tenants, a reasonable assumption would be most of the rental units will be occupied by two (2) adults. Therefore, the project will add twenty (20) new vehicles to the neighborhood, half of which will require street parking on the already crowded 100 and 200 blocks of Mulberry and Seitz. Further, the project will eliminate existing street parking for at least five (5) vehicles on Mulberry (93'4" / 18' per car) and two (2) vehicles on Seitz (42'2" / 18' per car) to accommodate the off-street parking spaces. Additionally, two (2) of the ten (10) off-street parking spaces are shown as handicap spaces which could go unused unless two (2) of the future residents have disabilities warranting a handicap parking placard. The total impact of this project will be 12 new vehicles fighting for the even more constrained street parking as a result of the loss of seven (7) street parking spaces as detailed above.

As evidence of how limited street parking is in our neighborhood, our single car driveway off Mulberry is partially and even sometimes completely blocked by parked vehicles on almost a daily basis. The Cincinnati Police Department towed one such violator on June 15th and ticketed another on July 5th. We implore the Historic Conservation Board to make the Certificate of Appropriateness for this project contingent on the owner TSMT, LLC and co-developer Urban Sites, LLC finding a more tenable solution for the parking needs of future tenants. Potential solutions could include a reduction in the number of units in the building, changing the nature of the project to single-family homes, petitioning to move street parking to the South side of Mulberry St and/or leading the effort to make Mulberry St. and Seitz St. Residential Permit Parking Zones.

In terms of the design of the project we are concerned with the immense lack of detail on the West elevation of the building. Renderings show the West Elevation clad almost entirely in Hardie Board Siding with very few windows and almost no brick. To our knowledge there are no planned development projects in the foreseeable future for the vacant lots at 210 and 212 Mulberry. As such, the vacant lots leave the West elevation exposed to the view of pedestrians on Mulberry and Seitz. The addition of windows and/or brick to the West elevation would create a more aesthetically appealing view from both Mulberry and Seitz. Our project at 208 Mulberry serves as precedence for the Historic Conservation Board requiring additional brick and detailing on side elevation not abutting a street.

Lastly, we urge the Historic Conservation Board to deny the Special Exception (**1425-27: Parking Lot Screening**) being requested to eliminate the required parking lot screening along the western edge of the Seitz parking lot. The requirement is there for a reason and should be complied with to hide vehicles parked in the front yard of the property off Seitz.

We appreciate your thoughtful consideration of our concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "DailCZ - Kusnier".

Daniel C. Kusnier
Katilyn S. Kusnier

208 Mulberry St.
Cincinnati, OH 45202

July 18, 2022



PO Box 19138
Cincinnati, OH 45219

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Interim Urban Conservator
City of Cincinnati
805 Central Avenue
Cincinnati OH 45202

RE: Letter of Support 214-218 Mulberry Street, Cincinnati OH 45202

Dear Doug,

Urban Sites presented to the Mt. Auburn Community Council on June 21st and July 18th regarding their proposed development at 214-218 Mulberry adjacent to the Main Street Steps. Mt. Auburn Community Council previously wrote a letter of support on March 19th, 2021 to support the sale of the City owned lot at 218 Mulberry to Urban Sites for the same development.

On Monday, July 18th, the Mt. Auburn Community Council at its regular monthly meeting held via Zoom, passed the following motion – vote to support the proposed development at 214-218 Mulberry and more specially the following items being heard by the Historic Conservation Board on July 25th:

1. Support Certificate of Appropriateness
2. Support Zoning Relief
 - a. 1433-19(a): Hillside Base development Requirements. A Hillside Review is required for a building exceeding the Maximum Building Envelope in setbacks and height.
 - b. 1433-19(a): Hillside Base development Requirements. A Hillside Review is required for Excavation and Fill exceeding 8', cumulatively.
 - c. 1425-15(a): Parking Location. A Special Exception is required for parking within the 5' front yard setback along Mulberry and Seitz.
 - d. 1425-27: Parking Lot Screening. A Special Exception is required to eliminate the required parking lot screening along the western edge of the Seitz parking lot.

Urban Sites has also agreed to provide landscaping and lighting on site with their development for the betterment of the Main Street Steps.

Sincerely,

Stephen Gibbs
President,
Mt. Auburn Community Council

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

APPLICATION #: COA2022033
APPLICANT: Wood and Lamping
OWNER: Parkway Towers Association
ADDRESS: **1416-1430 Central Parkway**
PARCELS: 081-0002-0598; 081-0002-0615
ZONING: CC-A
OVERLAYS: Over-the-Rhine Historic District
COMMUNITY: Over-the-Rhine
REPORT DATE: August 10, 2022

Nature of Request:

The Applicant is requesting a Certificate of Appropriateness (COA) for new construction for a building at 1416 Central Parkway that will incorporate existing historic buildings at 1420 and 1430 Central Parkway. All the proposed buildings, both new construction and rehabilitation will be connected into one complex.

Existing Conditions:

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

History of Case:

- **On July 12, 2021** a COA and related zoning relief was heard by the Historic Conservation Board for the demolition, new construction, rehabilitation and zoning relief at 1416-1430 Central Avenue. The following details of the decision are below
 - COA for the demolition of 1416 Central Parkway- DENIED
 - COA for new construction at 1416-1430 Central Parkway- DENIED
 - COA demolition of 1430 Central Parkway Addition- APPROVED
 - Zoning Relief for the following- APPROVED
 - **1419-21(c):** Size of the outdoor area. The proposed outdoor area associated with an eating and drinking establishment is 50% larger than the permitted indoor area and is within 500 feet of a residential district. This requires a Conditional Use.
 - **1419-21(e):** Outdoor entertainment. The proposed outdoor area will have outdoor entertainment and is within 500 feet of a residential district. This requires a Conditional Use Approval.
- **On October 21, 2021**, an appeal of the denied COA for the demolition of 1416 Central Parkway was heard by the Zoning Board of Appeal under case Z-4062-2021. The ZBA overturned the Historic Conservation Board Decision and the COA for the demolition of 1416 Central Parkway was approved.

- **On April 25, 2022**, a COA was heard by the Historic Conservation Board for changes in the design to the proposed new construction, including the partial removal of the 4th floor massing along Magnolia Street and the inclusion of pilasters on the lower levels. The Historic Conservation Board denied the COA application.

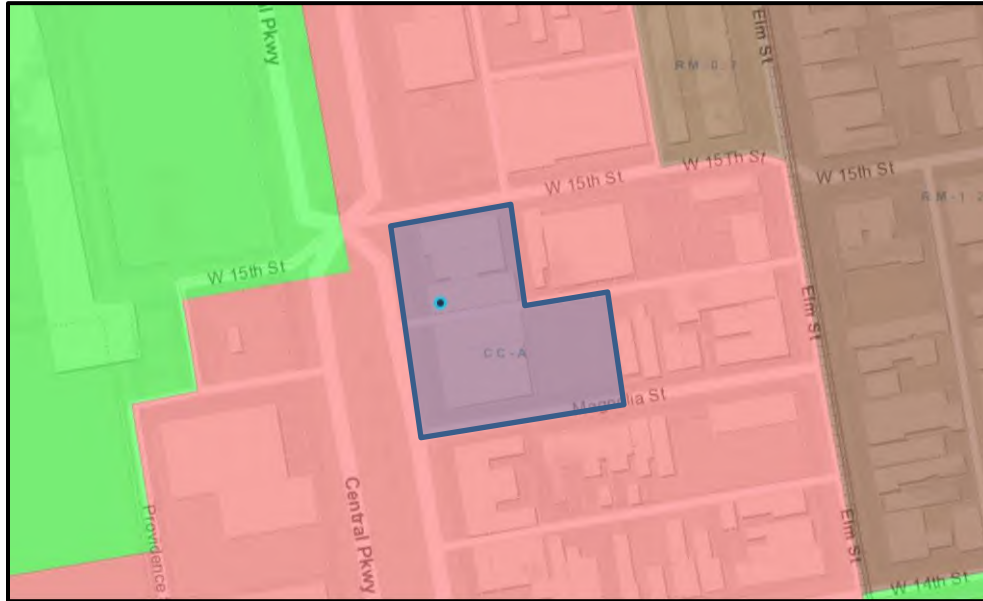


Figure 1: Map of 1416-1430 Central Parkway. Cagis Maps. The site is outlined in blue.

Proposed Conditions:

Primary changes to the current application include removing the 4th floor massing from the rear wing along the Magnolia Street frontage, increasing the height at the street of the corner building at 1416 Central Parkway, shifting the outdoor areas away from Magnolia Street and toward the northwest corner of the site, and increasing the height of the rear building along 15th Street by shifting the formerly set back 4th story to the street frontage. The following are the components of the current proposal:

1. 1416 Central Parkway- Removing the 4th-story massing from the Magnolia frontage has resulted in the increase in height to the corner building at Central Parkway and Magnolia Street by 1 story. The current proposal is for Infill Development of a 4-story building at the street line as the formerly set back 4th story has been brought to the street to avoid further reducing the room count. The building will be mostly brick with arched openings on the first floor and larger grouped windows on the second and third with strong vertical pilasters dividing the building into bays.



Figure 2: 1416 Central Parkway. Google Street view

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



Figure 3: 1420 Central Parkway. Google Street view

3. 1424 Central Parkway Demolition (previously approved under COA2021015) and Infill.

4. 1430 Central Parkway- addition- Demolition of a Non-contributing addition approved under COA2021030. The infill at 1424 and 1430 Central Parkway will take the place of the 2 one-story structures. It will be one structure that will maintain 2 distinct façade treatments. It will be a 3-story building set at the street with a 4th story set back. The first floor will have a storefront and either punched openings or grouped openings at the above floors. There will be a skyway connection set back from the façade that will connect the building to 1420 Central Parkway over the alley at the second, third and 4th levels. The rear addition fronting 15th Street will be a full 4 stories at the street, rather than the previously proposed 4th floor, which was under a sloped roof.
5. 1430 Central Parkway- Rehabilitation (previously approved under permit #2020P10759), addition of a roof deck and roof access at the southeast corner of the roof. The roof deck will only have an addition for access and then a glass railing setback from the edge of the roof.



Figure 4: 1424-1430 Central Parkway. Google Street views

6. 216-222 Magnolia Street- currently parking lot, proposed Infill. The proposal is for a 3-story building at the street face. The 4th story has been removed from the Magnolia Street portion of the rear wing. This portion of building will be set back from the property line but will have a knee wall and planters at the street line. This building will be faced with brick with individual punched openings over the façade with a distinctive first floor. Projecting bays have been added to help break the building up and add articulation to the façade.



Figure 5: Magnolia Street. Google Street views

ZONING RELIEF

Applicable Zoning Code Sections:

Zoning District:	Section 1409	CC-A
HCB authority:	Section 1435-05-4	
Overlays:	Section 1435	Historic Preservation
Historic District/Reg:	Over-the-Rhine District	
COA Standard:	Section 1435-09-2	COA; Standard of Review

The proposed use as a hotel and eating and drinking establishment are permitted uses within the CC-A Zoning District. The property is within an Urban Parking Overlay zone so no parking is required as part of the project.

At the July 12, 2021 meeting the following zoning relief was approved. While the current plans involve shifting the outdoor area that was previously proposed for the roof of 1416 Central Parkway to the northwest on the roof of 1424 Central Parkway, the overall size of these areas will decrease from the original proposal. The previously approved area on the roof of 1424 Central will be increased by approximately 11% or 158 sf, replacing the 1850 sf area formerly proposed above 1416 Central for a substantial net decrease in the overall outdoor area size. The Zoning Administrator has reviewed the change and deemed it a “non-substantial change” from the previous approval. As a result, no additional Zoning Relief is needed at this time.

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

- **1419-21(e):** Outdoor entertainment. The proposed outdoor area will have outdoor entertainment and is within 500 feet of a residential district. This requires a Conditional Use Approval.

CERTIFICATE OF APPROPRIATENESS REVIEW FOR NEW CONSTRUCTION

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

NEW CONSTRUCTION

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

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

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

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

Staff comments on the Specific Guidelines for New Construction:

A. Intent and General Guidelines

1. New construction is allowed on vacant sites in Over-the-Rhine, because gaps due to demolition weaken the streetscape and the overall character of the district. New construction can improve both the physical quality and economic vitality of the neighborhood.

As demolition is permitted at 1416 Central Parkway and at the addition to 1430 Central Parkway, the new construction would all be on vacant property and would be incorporating 2 historic buildings into the complex.

2. New construction should be well-designed but should not replicate the existing buildings. The exceptional quality of the existing buildings in the district provides an outstanding framework for new construction.

This infill development, while traditional in detailing, does not replicate the existing buildings and has a high level of design and detailing that is based on the fabric of the neighborhood.

3. The Historic Conservation Board's review of new construction will focus on the design compatibility with the surrounding contributing structures. The appropriateness of design solutions will be based on balancing the programmatic needs of the applicant with how well the design relates to the neighboring buildings and to the intent of these guidelines. New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.

Staff details the compatibility of the project with the guidelines and surrounding buildings below in the specific guidelines.

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

Staff details the compatibility of the project with the guidelines and surrounding buildings below in the specific guidelines

B. Specific Guidelines

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

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

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

Middle: Details on new buildings should relate to the detailing of adjacent or nearby buildings. Buildings in the district often incorporate architectural details such as changes

in plane or changes in materials on their upper floors. Decorative, horizontal bands indicating the floor lines, sill heights or lintel heights should not overpower the vertical emphasis of the design.

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

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

- *15th Street Section- The top is a simple slightly projecting cornice with corbeled brick detailing and a top molding that is traditional in design. Removing the 4th floor massing from the Magnolia frontage has required the applicant to shift more massing to the 15th Street side. The formerly proposed 4th floor was under a sloped roof, but is now proposed to be a full 4 stories at the street with a flat roof. This additional height is more appropriate along 15th Street, as the adjacent building at 223 W. 15th Street is 3 stories in height and the building directly across W. 15th Street at 222 W. 15th Street is also 3 stories.*
- *1424 Central Parkway Section- The top of the street face is defined with a strong modern cornice. At the northern bay the columns turn into a frame that provides a projection from face of the building. At the southern bay a change in material and brick pattern creates a strong top. The entire building is connected with a top that is recessed from the face but with lighting and a projection that creates a distinctive cornice.*
 - *The fourth floor that is recessed from the façade does not have a top, but it is designed to take a backseat to the rest of the building and is meant to blend into the background and not have a strong architectural presence.*
- *1416 Central Parkway Section- The cornice on this section mirrors the cornice from the northern bay and has the same top cornice design as the building at 1424 Central Parkway as an element to tie the buildings together.*

- *Magnolia Section- The top is a simple projecting cornice that is traditional in design. On the alley side the simple cornice is still on top of the third level. The 4th story has been removed from this section.*

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

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

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

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

4. Storefronts: New storefronts should relate to the characteristics of existing storefronts on historic buildings. Storefronts in the district are typically taller than individual upper floors; framed by piers and/or columns and have a lintel separating them from the upper floors; are divided into bays which increases their verticality and provides a pedestrian

scale and proportion; and have large, fixed expanses of clear (not tinted or reflective) glass. As with rehabilitated original storefronts, roll down shutters and metal bar systems installed on the exterior of the building are not appropriate elements for new storefronts. The storefront lintels are 12 to 18 feet above grade; the windowsill height is between 18 inches and 3 feet above grade; and storefront windows are set back from the structural elements approximately 12 inches

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

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

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

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

While the guideline only addresses street setbacks, the applicants have also setback the rear of the building along Magnolia Street 10 feet from the alley to be contextual with the alley setbacks as well. The applicant revised the Whetsel Alley elevation to remove the small rear wing at the northern edge of the building, which formerly extended closer to Whetsel Alley, to align the west elevation to be in the same plane as the remainder of the building, applying the full 10' setback to the entire portion of this rear block. The former Juliette balconies fronting Whetsel Alley in this area have been converted to windows.

6. Rhythm: New buildings should incorporate design features, such as window groupings, articulation of wall surfaces, and decorative elements such as columns or piers

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

- *W 15th Street Section-* The building follows the typical rhythm within the district as this is a typical mixed-use building with windows and openings equally aligned over the façade.
- *1424 Central Parkway Section-* The building creates two distinct bays on the building each about 25-30 feet wide that create a similar building width appearance to the buildings at 1430 and 1420 Central Parkway. Within the façade, the regular spacing of the windows and the columns over the façade create consistent rhythm.
- *1416 Central Parkway Section-* The building is a wider building than the typical building at 60 feet wide. While wider than normal the subdivision of the building with the columns and regular pattern of the windows over the façade creates a consistent rhythm.
- *Magnolia Section-* The building follows the typical rhythm within the district as this area is largely defined by the surrounding typical rowhouse construction. Windows and openings equally aligned over the façade. The new design features projecting bays to break up the façade and provide a stronger vertical emphasis than the simple pilasters that were previously proposed. The alley side also has a regular rhythm.
- *The overall rhythm of the block structure with the alley dividing the block along Central is respected as the Alleyway remains open while a connector setback from the front of the buildings is at the 2-4 levels. This also is proposed to be glass to be sympathetic to this having been an open division between the north side and south side of the block. Staff feels that having large glass windows rather than true punched openings are appropriate in the connector, to better maintain the open feel of the alley.*

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

- *W 15th Street Section-* This section is taller than it is wide, the windows are in a vertical orientation and that the windows are taller than they are wide.
- *1424 Central Parkway Section-* Verticality is achieved through the building being taller than it is wide, the use of columns that extend up the entire façade, a tall

projecting cornice to add additional height, vertical alignment of the windows and windows taller than they are wide.

- *1416 Central Parkway Section- While the building is wider than it is tall (at the street face), there is still strong verticality created through the use of columns that extend up the entire façade, a tall projecting cornice to add additional height, vertical alignment of the windows, and windows taller than they are wide.*
- *Magnolia Section- While this section is wider than it is tall, it does create vertical emphasis through the vertical alignment of the windows and that the windows are taller than they are wide. This effect is on both the streetside and alley side of the building. The projecting bays spaced over the façade provide superior vertical emphasis than the previously proposed pilasters.*

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 new construction has an overall height of 4 stories/ 53.5' tall, but is 3 stories / 46 feet tall at the street face along Central Parkway at the new construction at 1424 Central Parkway and 4 stories/ 56' tall at the new construction at 1416 Central Parkway. The existing historic buildings on the block facing Central Parkway are 2 stories/ 33' to the top of the parapet at 1430 Central Parkway, and 3 stories/ 40'6" at 1420 Central Parkway. The building (Wooden Nickel) across Magnolia Street to the south on Central Parkway is 3 stories/ 49.5 ft tall. The additional height on the corner building at 1416 Central Parkway is more appropriate than adding additional height along the Magnolia wing, as the height is approximately 6.5' taller than the Wooden Nickel building along its Central and Magnolia frontage. The additional 4th floor massing in this area also results in the removal of the previously proposed rooftop outdoor area at the corner of Central and Magnolia, shifting the area to the northwest and further removing it from close proximity to the residential buildings along Magnolia.*
- *On Magnolia Street, the building directly to the east of the property is 2 stories tall. The rest of the buildings facing Magnolia Street are mostly 3 stories on the north side and mostly 2 stories on the south side of the street. The majority of the building facing Magnolia is at 3 stories and 41.5 ft tall, with the exception of the corner building across from the Wooden Nickel discussed above. The formerly proposed setback 4th story has been entirely removed from the rear wing of the Magnolia frontage, which now has a height of 43.5 ft.*
- *On 15th Street, the building directly to the east of the development is 3 stories/ 35' tall (per building permits submitted). The majority of the buildings on 15th street are new construction and are not considered contributing buildings. They are 3 stories at the street at 38+ft (per building permits) and 46+ft (per building permits) to the top of the 4th floor. The contributing buildings on the street are mostly 3 stories tall. Pulling the 4th floor of the new construction to the street, rather than placing it under a sloping roof is more appropriate along 15th Street than having the additional*

massing on Magnolia, as 15th Street generally features taller buildings than Magnolia.



Figure 6. Changes to 4th Floor massing with previous proposal at top and current proposal at bottom.

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

appropriate and should not be considered as exposed finish materials for new construction in this district.

- *The building materials are all appropriate. The main building material is brick. Different color bricks are used but are in a homogenous color to create the different architectural elements, such as a change in color for the base or pilasters. Metals and glass are also used as secondary materials for windows and detailing.*

Other Considerations:

Prehearing Results: June 22, 2022 – The applicant team and 2 members of the public were present.

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

Comments Provided to Staff: Staff has received one letter of support.

Consistency with *Plan Cincinnati (2012)*:

“Preserve our built history,” as new infill construction that meets the Historic Conservation Design Guidelines, which does support the sustain initiative.

Recommendation:

I. CERTIFICATE OF APPROPRIATENESS:

A. APPROVE a Certificate of Appropriateness for new construction of a new building, and rehabilitation and additions to 2 existing contributing buildings per plans from Luminaut dated 5.27.2022 for the properties at 1416-1430 Central Parkway with the following conditions:

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

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

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

Historic Conservation Board

Hearing Application

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

Click any red field for additional information.

Section 1. SUBJECT PROPERTY

ADDRESS 1416,1420 1422,1424,1430 Central Pkwy., 225 W. 15th St.; 216, 218, 220, 222 Magnolia **COMMUNITY** Over-the-Rhine

PARCEL ID(S) 081-0002 (-0205; -0204; -0202; -0201-90; -0200-90; -0207; -0218) **HILLSIDE DISTRICT:** ☐ Yes ☒ No

BASE ZONING CLASSIFICATION CC-A **ZONING OVERLAY (if applicable)** Urban Parking Overlay

HISTORIC DISTRICT: OVER-THE-RHINE

☒ **Non-Residential Project** ☐ **Residential Project (RCO) One -, Two -, and Three- Family Dwelling**

Section 2. APPLICANT

NAME WOOD + LAMPING (on behalf of Owners and Luminaut) **CONTACT PERSON (if legal entity)** KATHLEEN F. RYAN, ESQ.

ADDRESS 600 VINE STREET STE. 2500 **CITY** CINCI **STATE** OH **ZIP** 45202

EMAIL kfryan@woodlamping.com **RELATIONSHIP TO OWNER (if not owner)** ATTORNEY

TELEPHONE 513-852-6061

Section 3. OWNER

NAME DPM INC. & PKWY TOWERS ASSOC. INC. **CONTACT PERSON (if legal entity)** Brahma Remineni

ADDRESS 1418 CENTRAL PKWY STE. 201 **CITY** CINCI **STATE** OH **ZIP** 45202

EMAIL - **RELATIONSHIP TO OWNER (if not owner)** -

TELEPHONE -

Section 4. NATURE OF CERTIFICATE OF APPROPRIATENESS REQUESTED

- ☐ A certificate of appropriateness is NOT being requested. Proceed to Section 5, or select all that apply
- ☒ New Construction ☐ Alteration ☐ Demolition

BRIEF DESCRIPTION OF PROJECT (Do not write "see attached" or leave blank.)

Seeking a COA for new construction infill/rehabilitation to supplement the relief granted by the Historic Conservation Board by a decision dated August 12, 2021.

Section 5. NATURE OF ZONING RELIEF REQUESTED

- ☒ Zoning relief is NOT being requested, or select all that apply:
- ☐ Variance ☐ Special Exception ☐ Conditional Use ☐ Use Variance
- ☐ Expansion or Substitution of Non Conforming Use ☐ Hillside Overlay District Permission
- ☐ Urban Design Overlay District Permission ☐ DD District Phased Development Approval

BRIEF DESCRIPTION OF ZONING RELIEF REQUESTED (Do not write "see attached" or leave blank.)

Section 6. SIGNATURE.

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.

Print Name Kathleen F. Ryan

Signature Kathleen F. Ryan

Digitally signed by Kathleen Ryan
Date: 2022.05.27 09:02:06 -04'00'

Date 5/27/22 /

Section 7. DOCUMENTATION SUBMISSION REQUIREMENTS.

Important Information: An application will not be deemed complete until all required documents listed below have been submitted and the application fee is paid in full. All transactions must be completed by 4:00pm. No exceptions. Applicants are strongly encouraged to submit as early as possible to allow time for review and revisions. Partial applications cannot be processed. Failure to submit a complete application prior to 4:00pm on a deadline date will result in delays to the assigned hearing date.

☒	Submit two (2) paper copies collated, single sided and bound together of all the documents listed below, AND one (1) digital copy in PDF format of all the documents listed below.
☒	Historic Conservation Board hearing application; pages 1-2 only. The instruction pages should not be included in your submission.
☒	Adjudication Letter AND worksheet issued by the Department of City Planning & Engagement – Urban Conservator’s Office. Provide all documents requested on the worksheet.
☒	A written statement explaining how the proposed project meets the applicable Historic Conservation Guidelines and, if requested, Zoning relief. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request(s), your application may be denied.
☐	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
☒	All documents (forms, letters, etc.) must be formatted to 8.5x11. Font no smaller than size 11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
☒	Accurate drawings, plans or surveys (including a graphic scale) of existing and proposed project showing parcel lines, boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all primary and accessory structures from the nearest property lines. Provide all parcels and structures adjacent to the site. When landscaping is required by the zoning code, a landscaping plan must be provided.
☒	Detailed information (such as drawings, elevations with measurements, specifications) fully depicting the exterior and/or interior appearance of the existing and proposed project, including parking and access, exterior lighting, landscaping, signs, roof and floor plans involved in the application. Provide labeled photographs of existing conditions of all sides/directions of the structure/property.
☒	The Hamilton County Auditor’s record showing ownership of the property. If the Hamilton County Auditor’s official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner’s legal basis to seek the relief requested.
☒	A list of witnesses, expert witnesses, or legal counsel who you expect to testify at the hearing on this application. Please provide names and email addresses.
☒	Other documents or information you intend to introduce at the hearing on this application.
☒	A non-refundable application fee - a check made payable to “City of Cincinnati.”

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

ADJUDICATION/DENIAL LETTER

Date: May 26, 2022

Location: 1416-1430 Central Parkway

Request: Infill, rehabilitation

Zoning District: CC-A/ Over-the-Rhine Historic District

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

The application only is for the new infill building. The demolition of 1416 Central Parkway was granted by a decision of the Zoning Board of Appeals at a hearing on 10.21.21. The demolition of non-contributing addition 1430 Central Parkway was granted by the Historic Conservation Board in a decision dated August 12, 2021

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. The application can be found at this link <https://www.cincinnati-oh.gov/sites/planning/assets/HCB%20Application%20Revised%202.2.22%20Hyperlink.pdf>.

All deadlines for upcoming Historic Conservation Board hearings can be found <https://www.cincinnati-oh.gov/planning/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

The following zoning relief was granted by the Historic Conservation Board by a decision dated August 12, 2021. The proposed plans match the plans including, location and size and no addition zoning relief is required.

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

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

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

Sincerely,



Douglas Owen

Interim Urban Conservator

(p): 513-352-4848

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

Checklist for Historic Conservation Board Hearing Application

The Historic Conservation Office will provide this list with the required items

checked off when an Adjudication letter is issued. All items checked must be submitted to the Law Department with submission or the application will not be accepted.

- ☐ 8 business days before the hearing date 10 hard copies and a digital copy in one pdf for the final board packet. Hard copies must be formatted and retain the proper scale on sheets no larger than 11x17 or 12x18.
- ☒ Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$624.95

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 site plans
- ☒ Proposed site plans
 - All site plans must have*
 - ✓ *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*
 - ✓ *Location and placement of exterior utilities and vents*
- ☒ Existing elevation drawings (At minimum must provide photographs of existing conditions of all elevations)
- ☒ Proposed elevation drawings
 - All elevations (existing and proposed) must have*
 - ✓ *Total Height from grade to top of the building*
 - ✓ *Total height- ASL (Above Sea Level)*
 - ✓ *Materials labeled*
 - ✓ *Location and placement of exterior utilities and vents*
- ☒ Existing floor plans and roof plans (with chimney locations)
- ☒ Proposed floor plans and roof plans (with chimney locations)
 - All floor(existing and proposed) plans must have*
 - ✓ *Residential and Commercial Spaces labeled. Residential Spaces must be numbered.*
 - ✓ *Square feet of commercial spaces listed*
 - ✓ *Location of trash storage and Utilities*
 - ✓ *Location and placement of exterior utilities and vents*

- ☒ 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
- ☒ Labeled photos of 1 block streetscape context in all directions
- ☐ Site line drawings for any roof additions, roof decks, utilities.
- ☒ 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 about this checklist contact Beth Johnson, Urban Conservator at 513-352-4848 or beth.johnson@cincinnati-oh.gov

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

LUMINAUT

The proposed project is the new construction of a three to four story boutique hotel on Central Parkway between Magnolia Street and 15th Street in the Over The Rhine historic district. The project incorporates and preserves contributing buildings located at 1420 Central Parkway ("Story Machinery") and 1430 Central Parkway ("The Pitch"). The purpose of this narrative is to describe compliance with the conservation guidelines; particularly, the conservation guidelines indicate: "new design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion, and height." The proposed new construction is well-designed and responds to the architectural and urban context of the historic district in a contemporary yet compatible and sympathetic manner without seeking to replicate contributing buildings, which would create a false historic impression. The proposed new construction also strengthens the integrity of the historic district as a cohesive neighborhood by infilling vacant sites.

Height, Setbacks, and Scale

The conservation guidelines require new construction to be within one story of adjacent contributing buildings and notes that most contributing buildings are between two to five stories in height. The proposed design varies between three and four stories in height, which is appropriate for the historic district. This variation in height is intended to balance the property owner's programmatic requirements with the variation in height of the adjacent contributing buildings. The result is a proposed design that negotiates between the taller buildings along Central Parkway and the shorter buildings along the side streets.

The tallest mass is located at the corner of Central Parkway and Magnolia Street across from the taller scale Wooden Nickel Antiques building. Throughout the historic district, contributing buildings located on corner sites are frequently taller and more monumental than midblock contributing buildings. Additionally, Central Parkway is characterized by large industrial or institutional buildings, such as Film Center, Music Hall, and the Strietmann Biscuit building. This four story mass is one story taller than the adjacent three story contributing building located at 1408 Central Parkway ("Wooden Nickel"), but its cornice is only $\pm 6'-8"$ above the cornice of the adjacent contributing building. The proposed design steps down to three stories along Magnolia Street to accommodate the residential scale of the contributing buildings, which are two and three stories in height. This mass is three stories in height and its cornice is no taller than the contributing building located at 210 Magnolia Street. Additionally, this mass is pulled back from the property line to match the setback of the contributing building located at 214 Magnolia Street. These design decisions are in direct response to the site context and provide relief along Magnolia Street.

The proposed design also steps down along Central Parkway from Magnolia Street toward 15th Street. The proposed new construction mass between the contributing buildings located at 1420 and 1430 Central Parkway is three stories in height with a fourth story held back $\pm 20'-0"$ from the property line to minimize visibility from the public way. These design decisions prevent the new construction mass from overwhelming the adjoining contributing buildings while still holding the property line. The proposed building steps back up along 15th Street to four stories. This mass is approximately the same height as the contributing building located across the street at 222 W 15th Street and is within one story of the adjacent contributing building located at 223 W 15th Street. To summarize, the proposed design is consistent with the conservation guidelines because it is within one story of adjacent contributing buildings at each property line and has paid particular attention to the issues of height and scale presented by the site context at each of the three abutting public ways.

Additionally, the proposed design builds to the property line where appropriate and is setback from the property line where appropriate. The conservation guidelines indicate that most buildings should be built to the property line while recognizing that some buildings, typically smaller residential buildings, are set back from the property line with a fence to hold the street edge. The proposed design will build to the property line along Central



Parkway and 15th Street but will be held back from the property line along a portion of Magnolia Street in response to the contributing buildings directly adjoining the project site and those across the street. These height, setback, and scale related design decisions create an overall massing consistent with contributing buildings in the historic district and appropriate to the urban context.

Composition, Emphasis, and Rhythm

The conservation guidelines require new construction to incorporate a base, middle, and top composition typical of contributing buildings. In contributing buildings, these elements are articulated through either changes in material, changes in scale, and/or with horizontal bands. Further, the conservation guidelines require that the overall emphasis be vertical and that proposed designs deploy building elements (such as window groupings) and decorative elements (such as columns and pilasters) to create a rhythm of architectural bays. Each mass of the proposed design incorporates these strategies. The monumental mass located at the corner of Central Parkway and Magnolia Street features an arched arcade base element with large storefront openings directly inspired by the adjacent contributing building. This base element is reinforced by a projecting horizontal band that separates it from the middle element. The middle element consists of the second to fourth stories and features large, punched window openings in a regular pattern with projecting vertical pilasters – a design feature common among larger industrial and institutional contributing buildings throughout the historic district. These pilasters are articulated through a change in both plane and material. The storefront and window openings in the base and middle elements align vertically to create well defined architectural bays that are further reinforced by the regular rhythm of vertical pilasters. A cornice, articulated by a change in both plane and material, crowns this mass and provides the top element.

On Magnolia Street, the secondary mass features a base element articulated with a change in material and horizontal banding that separates it from the middle element. The base and middle elements feature a regular rhythm of architectural bays defined small, punched window openings aligned vertically. The window openings are taller than wide to reinforce the vertical emphasis. A similar cornice element, again articulated by a change in both plan and material, provides the top element. The overall design of this mass is more modest in response to the smaller residential buildings located on this side street. Although there are numerous examples of uninterrupted facades of up to twelve architectural bays in the historic district, in response to neighboring property owners, this mass has been further divided by grouping and framing the seventh and eighth bays and the eleventh and twelfth bays. These frame elements are differentiated by a change in both material and plane with projecting pilasters. This design decision is intended to respond to the narrower rhythm of contributing buildings located on this side street while also reinforcing the vertical emphasis of the composition. The proposed infill on 15th Street also includes a base, middle, and top composition articulated with changes in material and with horizontal banding. This mass features taller than wide punched window openings aligned vertically to reinforce the vertical emphasis.

Storefront and Window Openings

The conservation guidelines emphasize the importance of window openings in contributing buildings and note that window openings are generally taller than wide, recessed into the opening, and are often articulated with lintels, sills, and/or decorative surrounds. The conservation guidelines further observe that large commercial, industrial, and institutional contributing buildings may have windows paired or ganged together within a single opening. The proposed design incorporates all these design strategies; on primary elevations, all windows are taller than wide and are recessed into the opening. A contemporary interpretation of the traditional decorative lintel is used on the monumental mass at the corner of Central Parkway and Magnolia Street. In the secondary mass on Magnolia Street, a contemporary interpretation of the traditional window surround is proposed. And on 15th Street, a simple rowlock lintel and sill detail is used. The ratio of brick to glass is compatible with the historic district. A minimal amount of storefront glazing is proposed on the fourth floor to take advantage of views from the primary assembly space – this storefront glazing is acceptable because it is not highly visible from a public way.



The conservation guidelines indicate that storefronts are typically taller than upper story openings; are raised up on a base; are divided into bays to maintain a vertical emphasis; are framed by columns, piers, or pilasters; and have a horizontal lintel to articulate them from the upper stories. The proposed storefront openings the sidewalk level incorporate all these design strategies and are contemporary but compatible with contributing buildings in the historic district. The storefront openings are raised on a low base. The large openings are subdivided into multiple window units that are taller than wide to maintain the vertical emphasis. Masonry piers separate the individual storefront bays. And there is a horizontal band above each storefront location to articulate the base from the middle. All window and storefront glazing will be clear (not reflective or tinted).

Materials

The conservation guidelines state that the dominant material in the historic district is brick with limestone, sandstone, cast iron, slate, wood, and sheet metal appearing secondarily. The primary material used in the proposed design is various shades of gray brick in traditional running bond; however, the proposed design also incorporates elements that celebrate the unique characteristics of brick as a unitized building material, including corbelling, rowlock courses, and soldier courses. Metal panels will be used sparingly as a secondary material. Most of the metal panel is located on secondary elevations or setback from the property line and is not highly visible from the public way. No prohibited materials are proposed.

Per the conservation guidelines, the proposal should be evaluated for balancing the owner's programmatic needs with the intent of the conservation guidelines and its relationship to adjacent contributing buildings. This project has been carefully designed to address the composition, material, openings, rhythm, scale, proportion, and height as specified in the conservation guidelines and characteristic of both the adjacent contributing buildings and those throughout the historic district. Additionally, feedback from the community has been incorporated. The design should be approved because it is consistent with the intent of the conservation guidelines as described above and will strengthen the historic district as a cohesive urban neighborhood of architecturally significant buildings.



Dusty Rhodes, Hamilton County Auditor

generated on 3/10/2022 5:02:26 PM EST

Property Report

Parcel ID	Address	Index Order	Tax Year
081-0002-0205-00	1416 CENTRAL PW	Parcel Number	2021 Payable 2022

Property Information

Tax District School District	001 - CINTI CORP-CINTI CSD CINCINNATI CSD	Images/Sketches	
Appraisal Area 01800 - OVER THE RHINE	Auditor Land Use 447 - OFFICE - 1-2 STORIES		
Owner Name and Address DOWNTOWN PROPERTY MANAGEMENT INC 8322 ARBORCREST DR CINCINNATI OH 45236 (call 946-4015 if incorrect)	Tax Bill Mail Address DOWNTOWN PROPERTY MANAGEMENT INC 8322 ARBORCREST DR CINCINNATI OH 452361404 (Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)		
Assessed Value 100,260	Effective Tax Rate 88.991088	Total Tax \$9,632.61	
Property Description CENTRAL PKWY 60 X 139 IRR LOT 33-34-35 PT 32 HOTCHKISS AVERY ETAL SUB BLK 2-5 PARS 205-206-216-217 CONS			

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

Tax/Credit/Value Summary	
Board of Revision	YES(04)
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	147,130
CAUV Value	0
Market Improvement Value	139,310
Market Total Value	286,440
TIF Value	78,640
Abated Value	0
Exempt Value	0
Taxes Paid	\$4,842.91
Tax as % of Total Value	0.000%

Notes

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

Dusty Rhodes, Hamilton County Auditor

generated on 3/10/2022 5:04:58 PM EST

Property Report

Parcel ID 081-0002-0204-00	Address 1420 CENTRAL PW	Index Order Parcel Number	Tax Year 2021 Payable 2022
Property Information			
Tax District 001 - CINTI CORP-CINTI CSD School District CINCINNATI CSD		Images/Sketches 	
Appraisal Area 01800 - OVER THE RHINE		Auditor Land Use 480 - COMMERCIAL WAREHOUSE	
Owner Name and Address DOWNTOWN PROPERTY MANAGEMENT INC 1418 CENTRAL PKWY STE 201 CINCINNATI OH 45202 (call 946-4015 if incorrect)		Tax Bill Mail Address DOWNTOWN PROPERTY MANAGEMENT INC 1418 CENTRAL PKWY STE 201 CINCINNATI OH 45202 (Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)	
Assessed Value 38,480		Effective Tax Rate 88.991088	
Total Tax \$3,739.61			
Property Description 1420-22 CENTRAL PKWY 30 X 90 IRR LOT 36 HOTCHKISS AVERY ET AL SUB BLK 2			
Appraisal/Sales Summary		Tax/Credit/Value Summary	
Year Built	1900	Board of Revision	No
Total Rooms	0	Rental Registration	No
# Bedrooms	0	Homestead	No
# Full Bathrooms	0	Owner Occupancy Credit	No
# Half Bathrooms	0	Foreclosure	No
Last Transfer Date	8/3/2020	Special Assessments	Yes
Last Sale Amount	\$0	Market Land Value	85,300
Conveyance Number	240667	CAUV Value	0
Deed Type	LE - Limited Warranty Deed (EX)	Market Improvement Value	24,630
Deed Number		Market Total Value	109,930
# of Parcels Sold	1	TIF Value	66,530
Acreage	0.061	Abated Value	0
		Exempt Value	0
		Taxes Paid	\$1,882.19
		Tax as % of Total Value	0.000%
Notes			
1) 11-29-04 30 YEAR TIF ABATEMENT BEGAN 2003 THRU 2032			

Dusty Rhodes, Hamilton County Auditor

generated on 3/10/2022 5:06:24 PM EST

Property Report

Parcel ID 081-0002-0202-00	Address 1424 CENTRAL PW	Index Order Parcel Number	Tax Year 2021 Payable 2022
--------------------------------------	-----------------------------------	-------------------------------------	--------------------------------------

Property Information				
Tax District 001 - CINTI CORP-CINTI CSD	School District CINCINNATI CSD		Images/Sketches 	
Appraisal Area 01800 - OVER THE RHINE	Auditor Land Use 429 - OTHER RETAIL STRUCTURES			
Owner Name and Address PARKWAY TOWERS ASSOCIATES LLC 1418 CENTRAL PARKWAY SUITE 201 CINCINNATI OH 45202 (call 946-4015 if incorrect)	Tax Bill Mail Address PARKWAY TOWERS ASSOCIATES LLC 1418 CENTRAL PARKWAY SUITE 201 CINCINNATI OH 45202 (Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)			
Assessed Value 49,360	Effective Tax Rate 88.991088			
Property Description 1424-26 CENTRAL PKWY 30 X 90 IRR LOT 37 BLK 2 HOTCHKISS AVERY ET AL SUB PARS 202-203 CONS			Total Tax \$4,713.96	

Appraisal/Sales Summary		Tax/Credit/Value Summary	
Year Built	1941	Board of Revision	No
Total Rooms	0	Rental Registration	No
# Bedrooms	0	Homestead	No
# Full Bathrooms	0	Owner Occupancy Credit	No
# Half Bathrooms	0	Foreclosure	No
Last Transfer Date	7/21/2020	Special Assessments	Yes
Last Sale Amount	\$0	Market Land Value	113,740
Conveyance Number	239378	CAUV Value	0
Deed Type	LE - Limited Warranty Deed (EX)	Market Improvement Value	27,290
Deed Number		Market Total Value	141,030
# of Parcels Sold	5	TIF Value	79,830
Acreage	0.061	Abated Value	0
		Exempt Value	0
		Taxes Paid	\$0.00
		Tax as % of Total Value	0.000%

Notes
**2021 2/22 CG - PER B/S FOR TY 2022 VOID PARS 81-2-200,201,(202,203) & 207/NEW PAR 81-2-598 1) 11-29-04 30 YEAR TIF ABATEMENT BEGAN 2003 THRU 2032

Dusty Rhodes, Hamilton County Auditor

generated on 3/10/2022 5:09:54 PM EST

Property Report

Parcel ID 081-0002-0201-90	Address 1430 CENTRAL PW	Index Order Parcel Number	Tax Year 2021 Payable 2022
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Property Information		
Tax District 001 - CINTI CORP-CINTI CSD	School District CINCINNATI CSD	Images/Sketches 
Appraisal Area 01800 - OVER THE RHINE	Auditor Land Use 499 - OTHER COMM STRUCTURE	
Owner Name and Address PARKWAY TOWERS ASSOCIATES LLC 1418 CENTRAL PARKWAY SUITE 201 CINCINNATI OH 45202 (call 946-4015 if incorrect)	Tax Bill Mail Address PARKWAY TOWERS ASSOCIATES LLC 1418 CENTRAL PARKWAY SUITE 201 CINCINNATI OH 45202 (Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)	
Assessed Value 44,220	Effective Tax Rate 88.991088	
Property Description CENTRAL PKWY EX 7 30 X 90 LOT 38 HOTCHKISS AVERY ET		

Appraisal/Sales Summary	
Year Built	1961
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Transfer Date	7/21/2020
Last Sale Amount	\$0
Conveyance Number	239378
Deed Type	LE - Limited Warranty Deed (EX)
Deed Number	
# of Parcels Sold	5
Acreage	0.065

Tax/Credit/Value Summary	
Board of Revision	No
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	No
Market Land Value	113,740
CAUV Value	0
Market Improvement Value	12,610
Market Total Value	126,350
TIF Value	0
Abated Value	0
Exempt Value	0
Taxes Paid	\$0.00
Tax as % of Total Value	0.000%

Notes
**2021 2/22 CG - PER B/S FOR TY 2022 VOID PARS 81-2-200,201,(202,203) & 207/NEW PAR 81-2-598



Online Property Access

| < First << Prev Next >> Last > |

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Property 1 of 2

Parcel ID
081-0002-0200-90

Address
1430 CENTRAL PW

Index Order
Parcel Number

Tax Year
2021 Payable 2022
Property Information
Tax District 001 - CINTI CORP-CINTI CSD
School District CINCINNATI CSD

Appraisal Area
01800 - OVER THE RHINE

Auditor Land Use
499 - OTHER COMM STRUCTURE

Owner Name and Address
 PARKWAY TOWERS ASSOCIATES LLC
 1418 CENTRAL PARKWAY SUITE 201
 CINCINNATI OH 45202
 (call 946-4015 if incorrect)

Tax Bill Mail Address
 PARKWAY TOWERS ASSOCIATES LLC
 1418 CENTRAL PARKWAY SUITE 201
 CINCINNATI OH 45202
 (Questions? 946-4800 or
treasurer.taxbills@hamilton-co.org)
Images/Sketches
Assessed Value
94,480

Effective Tax Rate
88.991088

Total Tax
\$8,819.88
Property Description

CENTRAL PKWY 30 X 90 IRR LOT 39 HOTCHKISS AVERY ET AL SUB

Appraisal/Sales Summary

Year Built	1924
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Transfer Date	7/21/2020
Last Sale Amount	\$0
Conveyance Number	239378
Deed Type	LE - Limited Warranty Deed (EX)
Deed Number	
# of Parcels Sold	5
Acreage	0.060

Tax/Credit/Value Summary

Board of Revision	No
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	113,740
CAUV Value	0
Market Improvement Value	156,190
Market Total Value	269,930
TIF Value	0
Abated Value	0
Exempt Value	0
Taxes Paid	\$0.00
Tax as % of Total Value	0.000%

Notes

**2021 2/22 CG - PER B/S FOR TY 2022 VOID PARS 81-2-200,201,(202,203) & 207/NEW PAR 81-2-598

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View:**Property Summary**

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- Levy Information
- Transfer
- Value History
- Board of Revision
- Payment Detail
- Tax Distributions
- Images
- Special Assessment/Payoff
- Tax Lien Certificates
- CAGIS Online Maps
- Aerial Imagery
- Owner Names

Print:

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- [Property Report](#)

Dusty Rhodes, Hamilton County Auditor

generated on 3/10/2022 5:14:11 PM EST

Property Report

Parcel ID	Address	Index Order	Tax Year
081-0002-0218-00	216 MAGNOLIA ST	Parcel Number	2021 Payable 2022

Property Information

Tax District School District	001 - CINTI CORP-CINTI CSD CINCINNATI CSD	Images/Sketches 	
Appraisal Area	01800 - OVER THE RHINE		
Owner Name and Address	DOWNTOWN PROPERTY MANAGEMENT INC 8322 ARBORCREST DR CINCINNATI OH 45236 (call 946-4015 if incorrect)		
Auditor Land Use	456 - PARKING GARAGE / LOTS		
Tax Bill Mail Address	DOWNTOWN PROPERTY MANAGEMENT INC 8322 ARBORCREST DR CINCINNATI OH 452361404 (Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)		
Assessed Value	39,850	Effective Tax Rate	88.991088
		Total Tax	\$3,808.41
Property Description 216-218 MAGNOLIA ST 44x90 PTS LOT 30-31-32 HOTCHKISS AVERY ET AL SUB			

Appraisal/Sales Summary	
Year Built	2010
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Transfer Date	8/18/1997
Last Sale Amount	\$265,000
Conveyance Number	11145
Deed Type	WE - Warranty Deed (EX)
Deed Number	818856
# of Parcels Sold	3
Acreage	0.090

Tax/Credit/Value Summary	
Board of Revision	YES(07)
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	104,960
CAUV Value	0
Market Improvement Value	8,890
Market Total Value	113,850
TIF Value	60,650
Abated Value	0
Exempt Value	0
Taxes Paid	\$1,913.72
Tax as % of Total Value	0.000%

Notes

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

Dusty Rhodes, Hamilton County Auditor

generated on 3/10/2022 5:12:05 PM EST

Property Report

Parcel ID 081-0002-0207-00	Address 225 W FIFTEENTH ST	Index Order Parcel Number	Tax Year 2021 Payable 2022
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Property Information				
Tax District 001 - CINTI CORP-CINTI CSD	School District CINCINNATI CSD		Images/Sketches 	
Appraisal Area 01800 - OVER THE RHINE	Auditor Land Use 400 - COMMERCIAL VACANT LAND			
Owner Name and Address PARKWAY TOWERS ASSOCIATES LLC 1418 CENTRAL PARKWAY SUITE 201 CINCINNATI OH 45202 (call 946-4015 if incorrect)		Tax Bill Mail Address PARKWAY TOWERS ASSOCIATES LLC 1418 CENTRAL PARKWAY SUITE 201 CINCINNATI OH 45202 (Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)		
Assessed Value 9,410		Effective Tax Rate 88.991088		
Property Description 225 15TH ST 20 X 90 FT IRR PT LOT 40 HOTCHKINS AVERY ET AL SUB		Total Tax \$930.10		

Appraisal/Sales Summary	
Year Built	
Total Rooms	
# Bedrooms	
# Full Bathrooms	
# Half Bathrooms	
Last Transfer Date	7/21/2020
Last Sale Amount	\$0
Conveyance Number	239378
Deed Type	LE - Limited Warranty Deed (EX)
Deed Number	
# of Parcels Sold	5
Acreage	0.041

Tax/Credit/Value Summary	
Board of Revision	No
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	26,880
CAUV Value	0
Market Improvement Value	0
Market Total Value	26,880
TIF Value	21,980
Abated Value	0
Exempt Value	0
Taxes Paid	\$0.00
Tax as % of Total Value	0.000%

Notes	
**2021 2/22 CG - PER B/S FOR TY 2022 VOID PARS 81-2-200,201,(202,203) & 207/NEW PAR 81-2-598 1) 11-29-04 30 YEAR TIF ABATEMENT BEGAN 2003 THRU 2032 1) 3-10-98 DBA 100% FOR 1998	

WITNESSES FOR 1416-1430 CENTRAL PKWY COA APPLICATION BEFORE THE HCB

1. Hariohm Patel, Moment Development
2. Matt Erdman, Luminaut
3. Jeremiah Hahn, Luminaut
4. Matthew Wirtz, Luminaut

Applicant reserves the right to call additional witnesses it deems necessary.

LUMINAUT



MOMENT
DEVELOPMENT

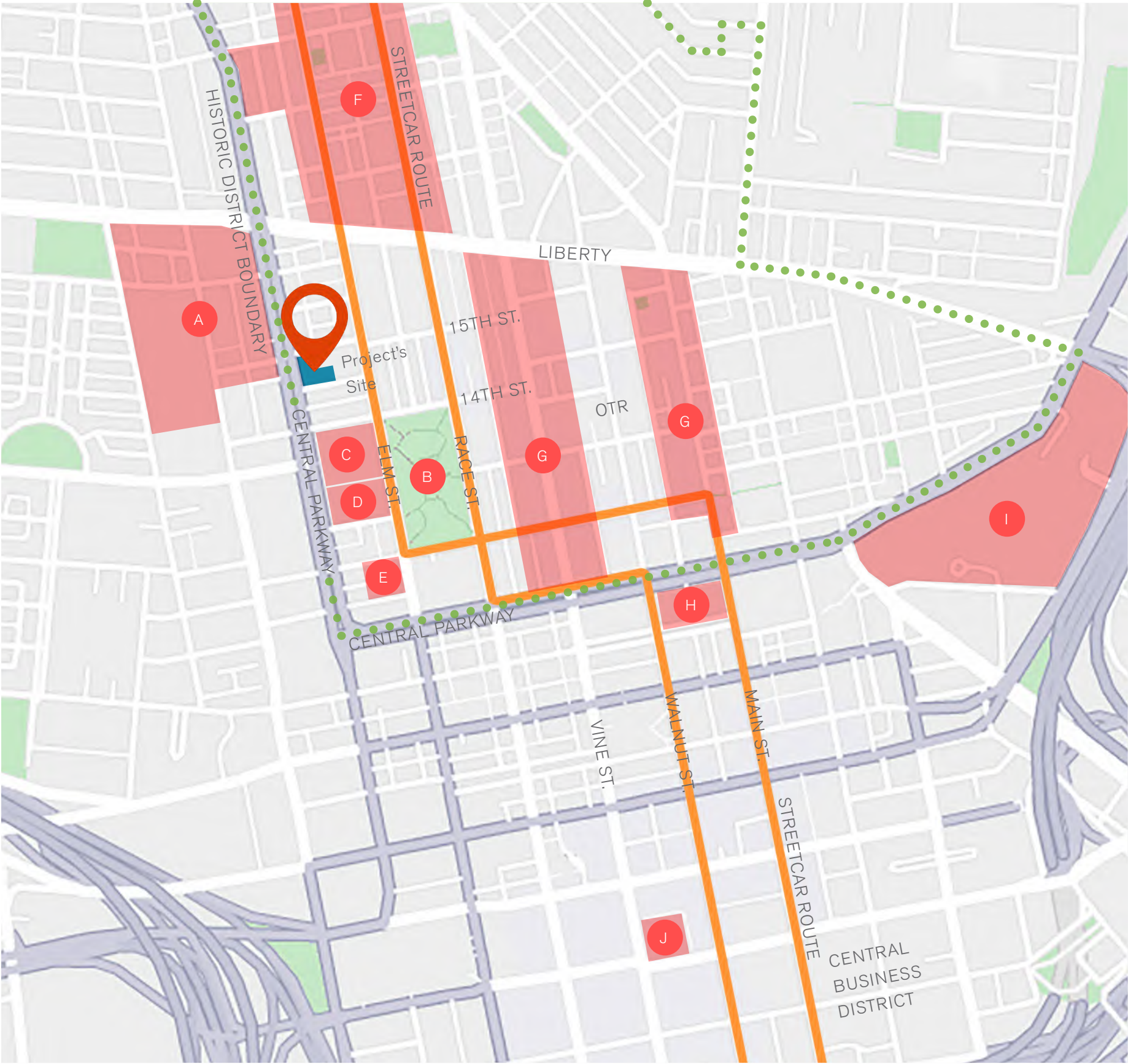
15th and Central
05.27.2022

Conceptual Design

03	Vicinity Map
04	Site Plan
05	Existing Site
06	Existing Elevations
09	Concept Plans
16	Image Strategy
19	Exterior Perspective
21	Concept Elevations

Vicinity Map

OTR Cincinnati, OH.



A FC Cincinnati Stadium Area



B Washington Park



C Music Hall Theatre



D Memorial Hall Venue



E Shakespeare Theater



F Findlay Market Area



G Vine & Main Street Retail Areas



H Kroger Urban Grocery & Apart.



I Jack Casino



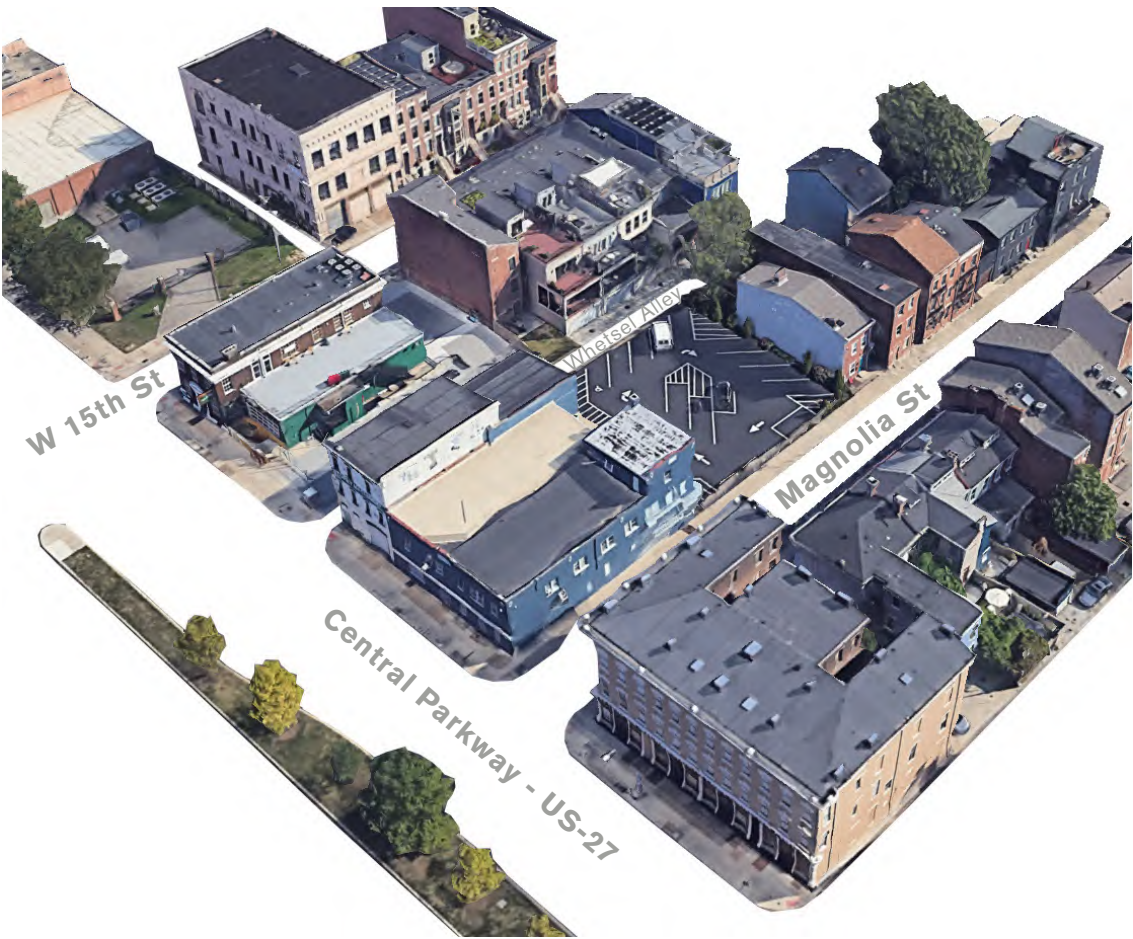
J Fountain Square

Site Plan

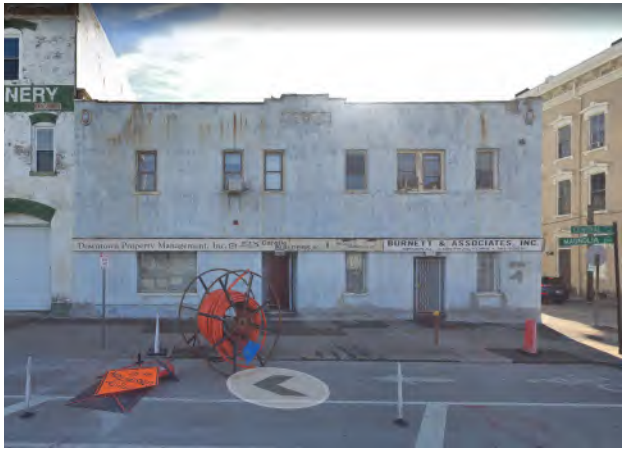


Scale: NTS

Existing Site



Contributing Historic Building ●
Non-Historic, Non-Contributing ●



A

B

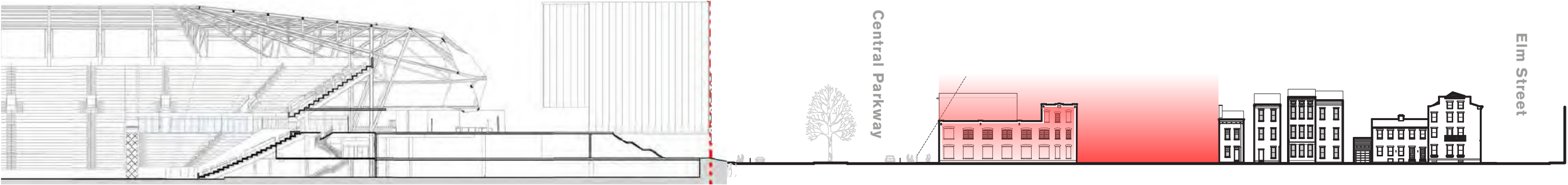
C

D

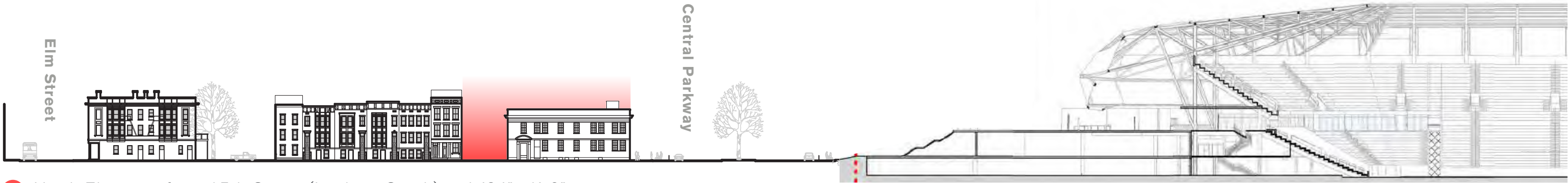
E

Existing Elevations

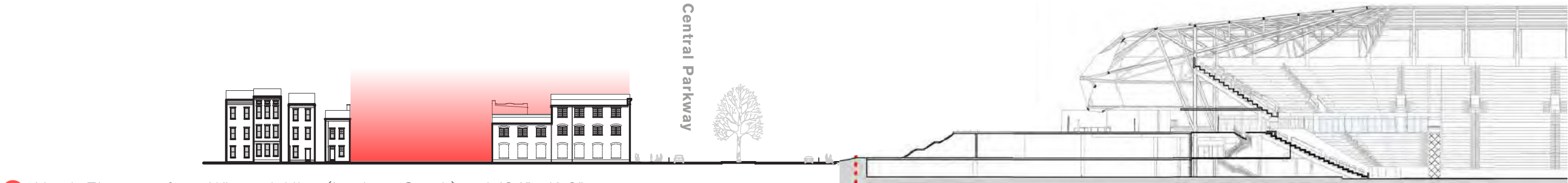
Site Key Plan : NTS



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



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



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

Existing Elevations

Site Key Plan : NTS



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



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

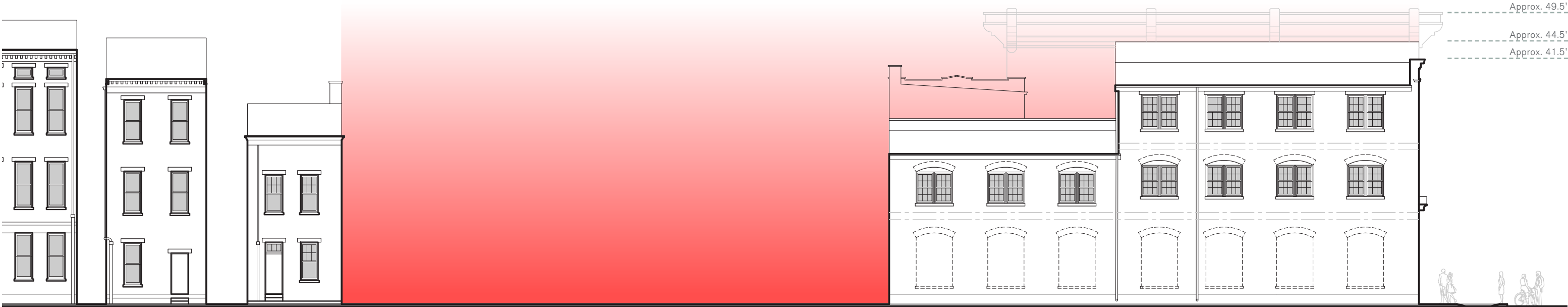
Existing Elevations



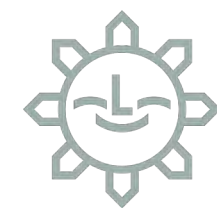
Site Key Plan : NTS



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



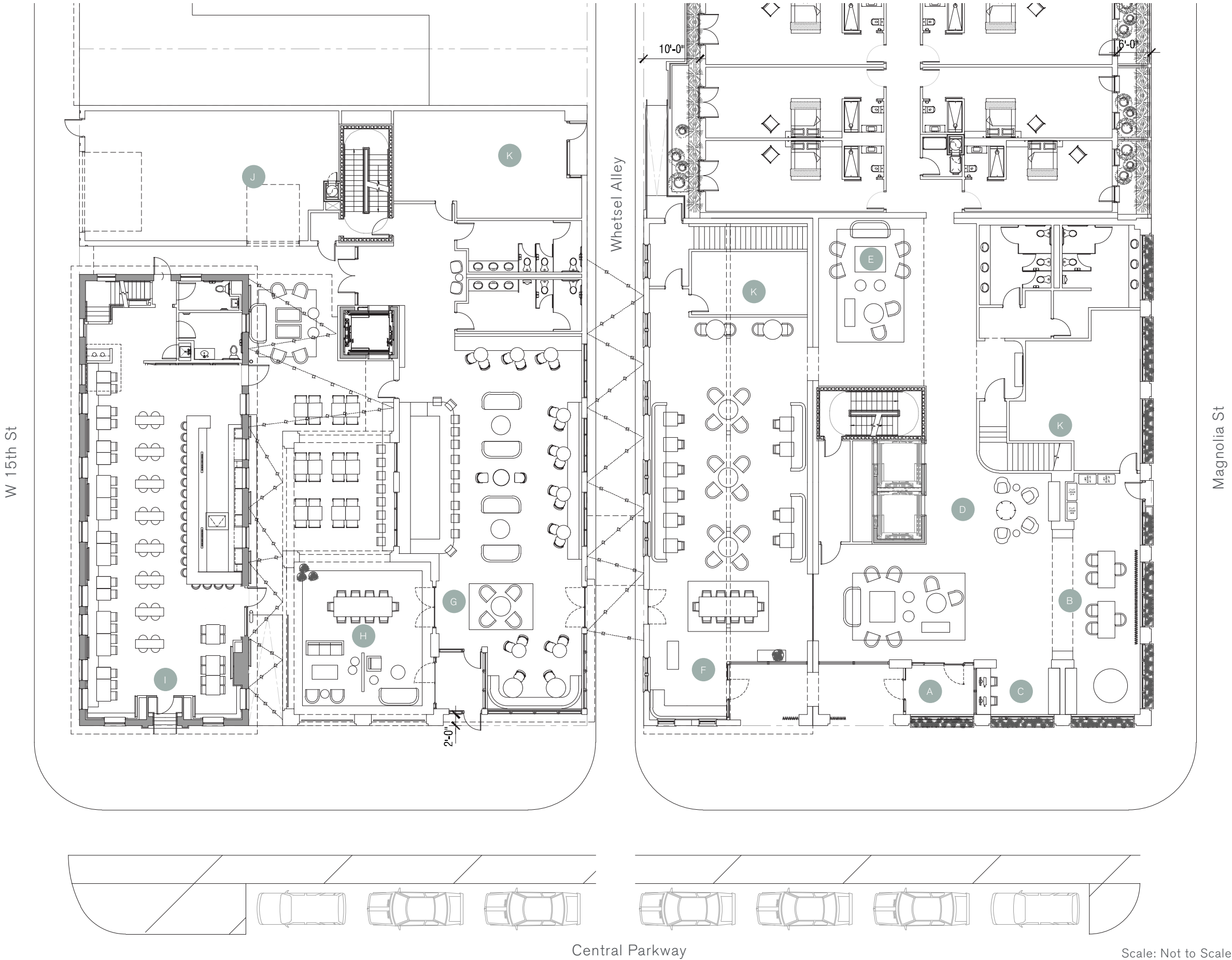
D North Elevation from Whetsel Alley (Looking South) -- 1/16"=1'-0"



Concept Plans

Level 01 Enlarged Plan

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



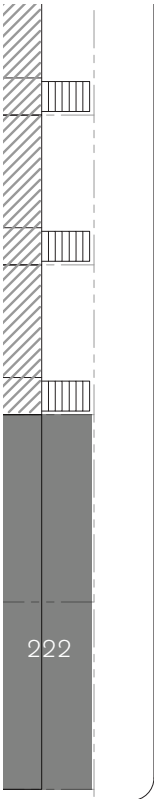
Level 01 Plan

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

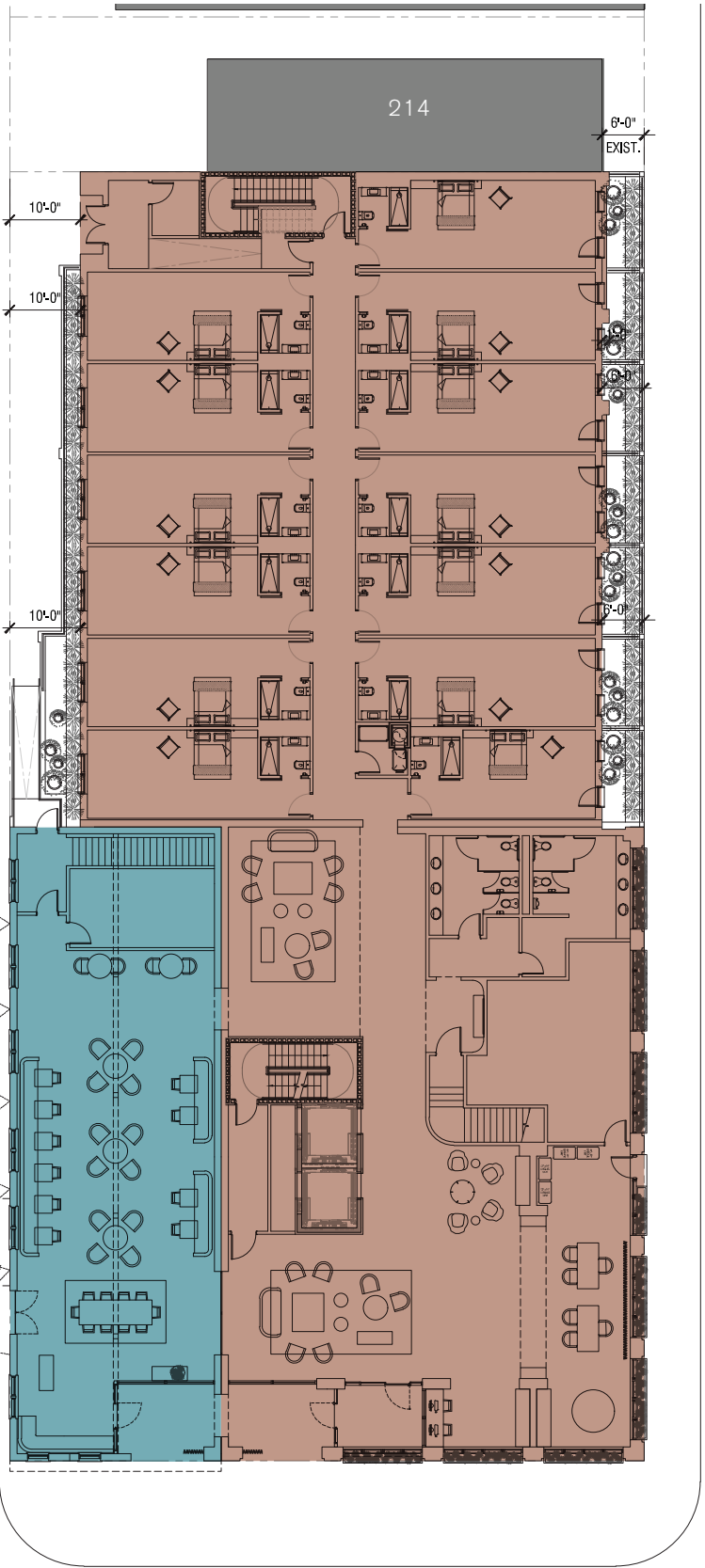
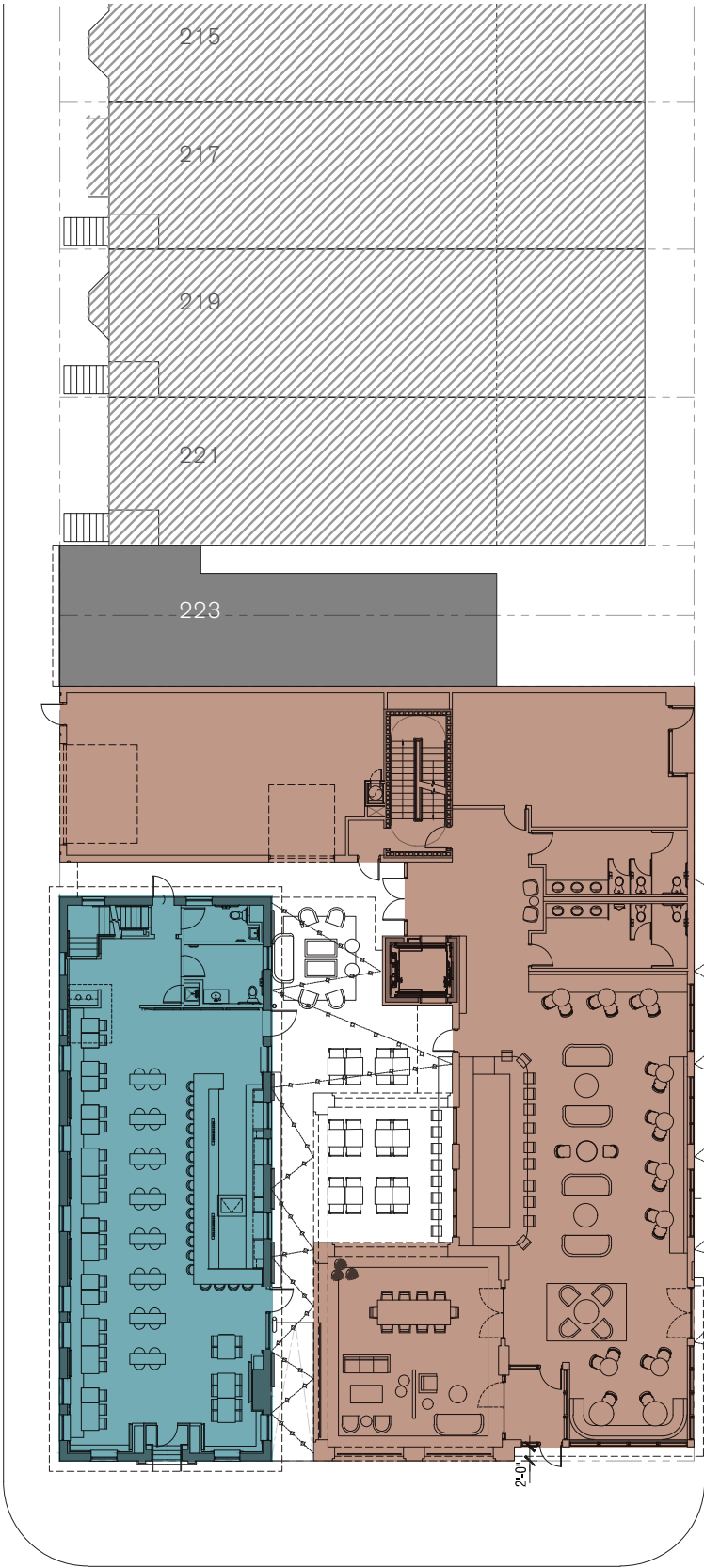
Hotel Statistics:

- Total Room Count = 97 Keys
- Lvl. 00 = 00 Keys
 - Lvl. 01 = 13 Keys
 - Lvl. 02 = 37 Keys
 - Lvl. 03 = 37 Keys
 - Lvl. 04 = 10 Keys

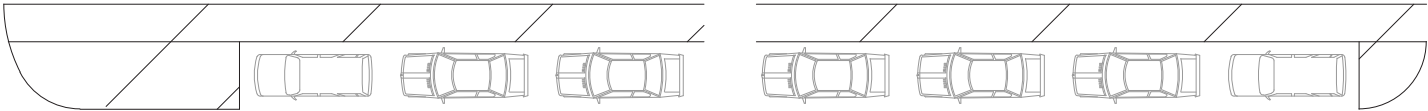
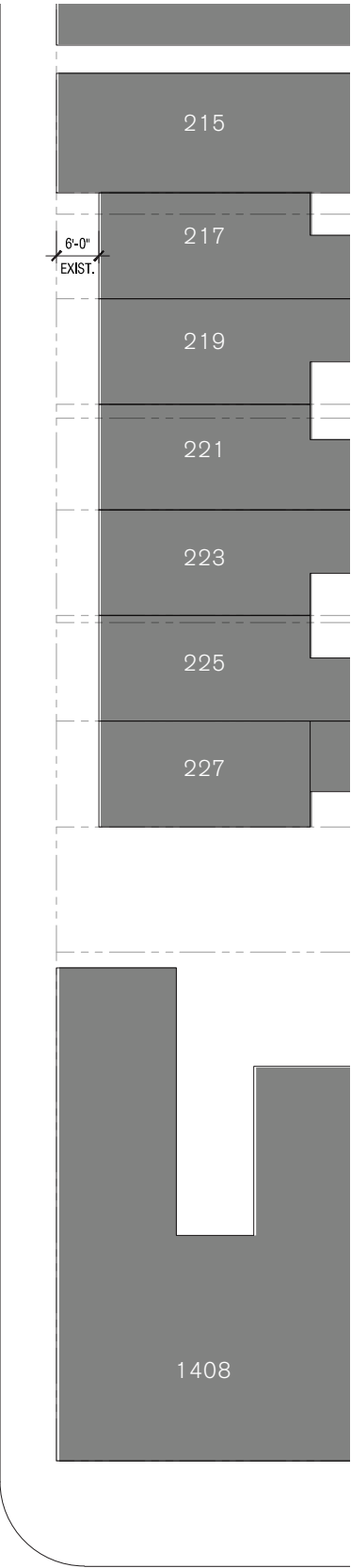
- Total Gross SF = 83,686 (w/o Decks or Pitch)
- Lvl. 00 Gross SF = 11,081 (w/o Decks or Pitch)
 - Lvl. 01 Gross SF = 20,249 (w/o Decks or Pitch)
 - Lvl. 02 Gross SF = 21,500 (w/o Decks or Pitch)
 - Lvl. 03 Gross SF = 20,394 (w/o Decks or Pitch)
 - Lvl. 04 Gross SF = 10,462 (w/o Decks or Pitch)



W 15th St



Magnolia St



Central Parkway



Scale: Per Graphic Scale

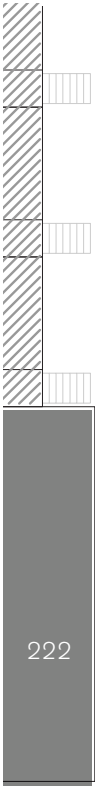
Level 02 Plan

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

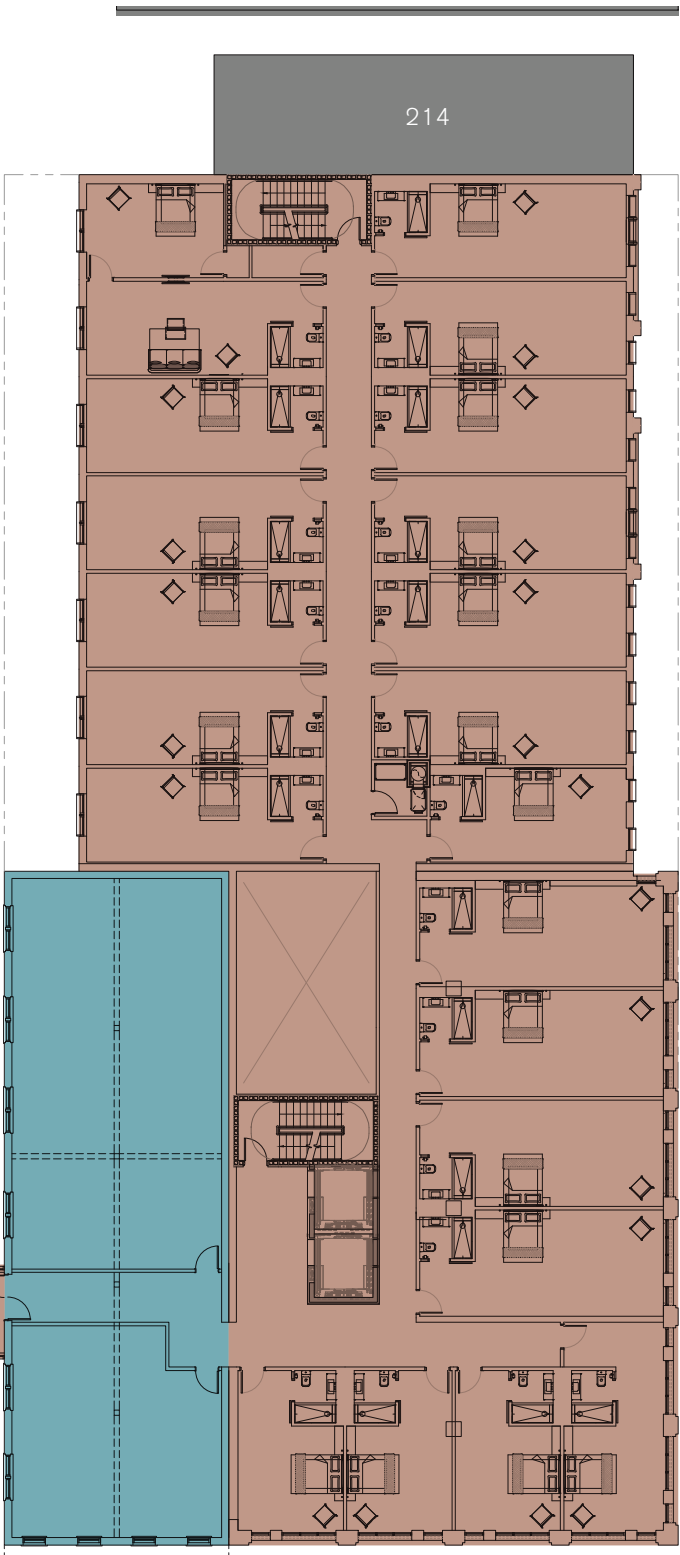
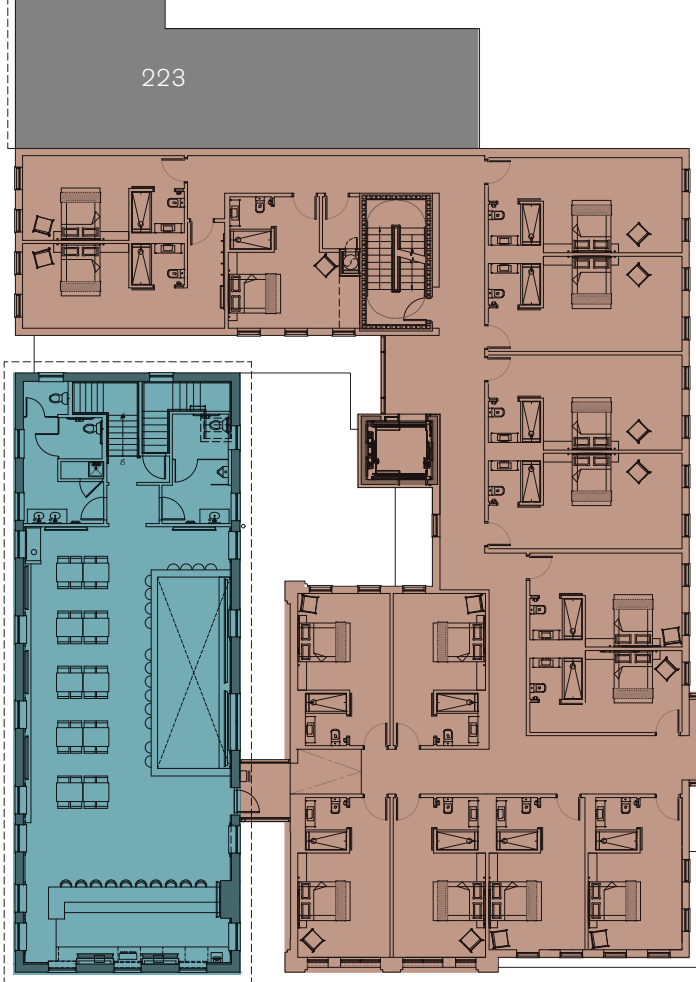
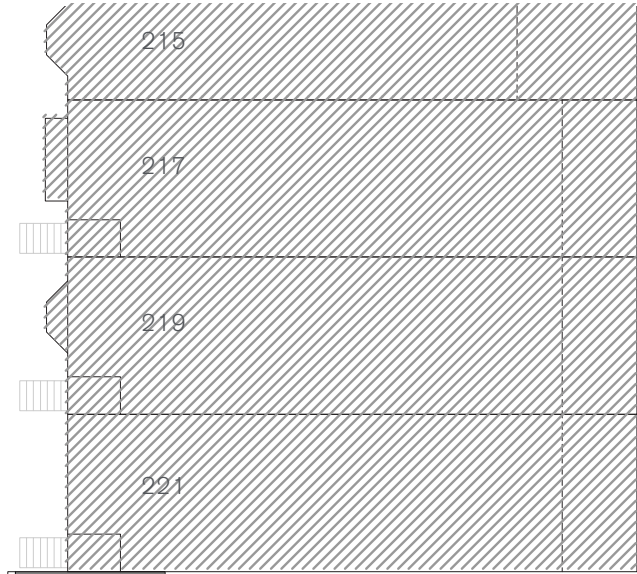
Hotel Statistics:

- Total Room Count = 97 Keys
- Lvl. 00 = 00 Keys
 - Lvl. 01 = 13 Keys
 - Lvl. 02 = 37 Keys
 - Lvl. 03 = 37 Keys
 - Lvl. 04 = 10 Keys

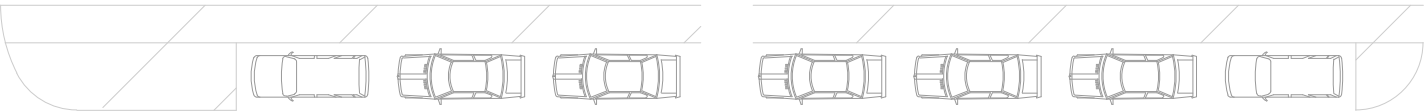
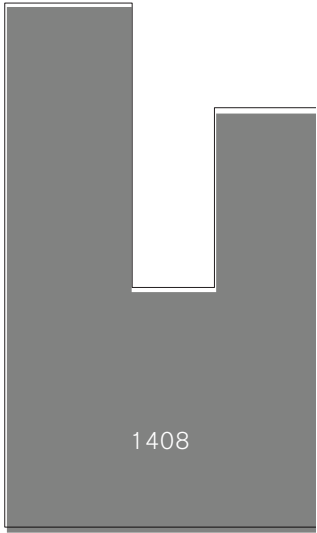
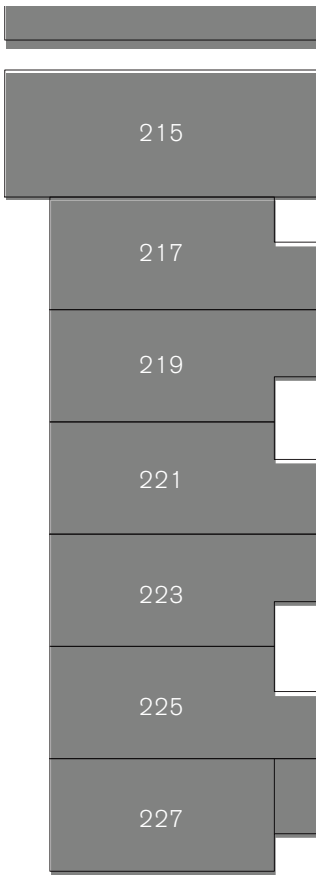
- Total Gross SF = 83,686 (w/o Decks or Pitch)
- Lvl. 00 Gross SF = 11,081 (w/o Decks or Pitch)
 - Lvl. 01 Gross SF = 20,249 (w/o Decks or Pitch)
 - Lvl. 02 Gross SF = 21,500 (w/o Decks or Pitch)
 - Lvl. 03 Gross SF = 20,394 (w/o Decks or Pitch)
 - Lvl. 04 Gross SF = 10,462 (w/o Decks or Pitch)



W 15th St



Magnolia St



Central Parkway



Scale: Per Graphic Scale

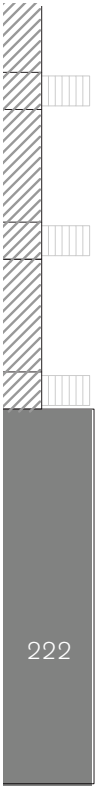
Level 03 Plan

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

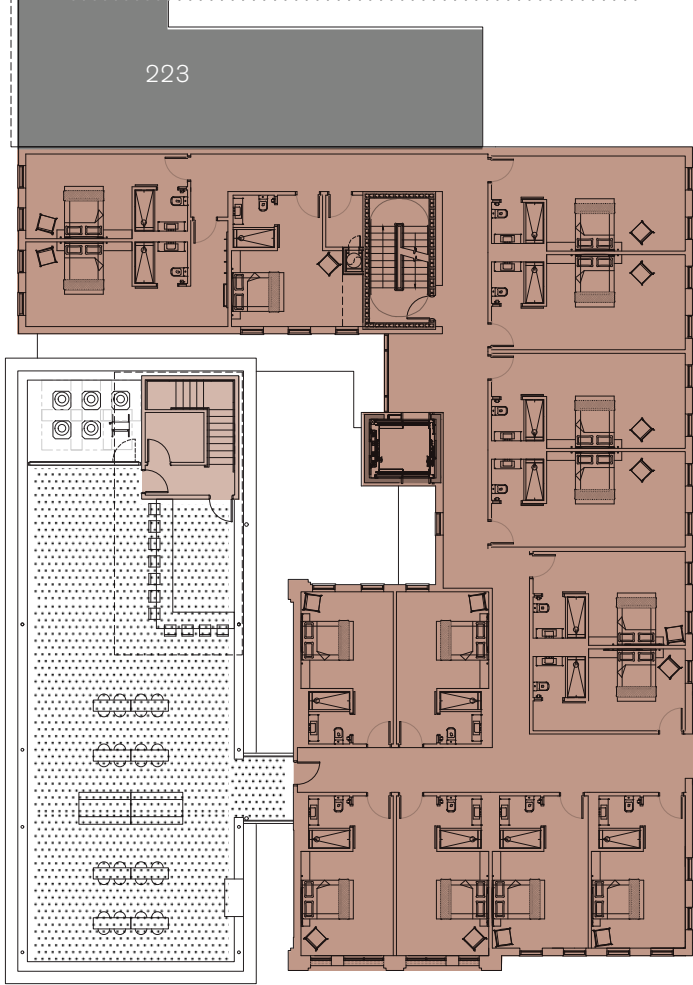
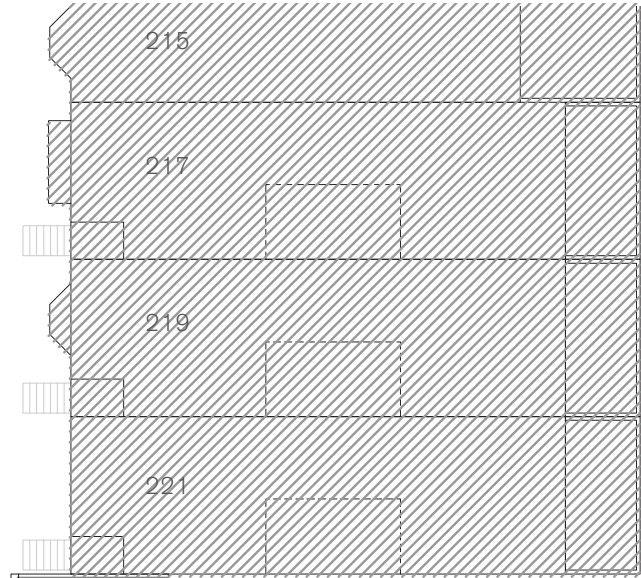
Hotel Statistics:

- Total Room Count = 97 Keys
- Lvl. 00 = 00 Keys
 - Lvl. 01 = 13 Keys
 - Lvl. 02 = 37 Keys
 - Lvl. 03 = 37 Keys
 - Lvl. 04 = 10 Keys

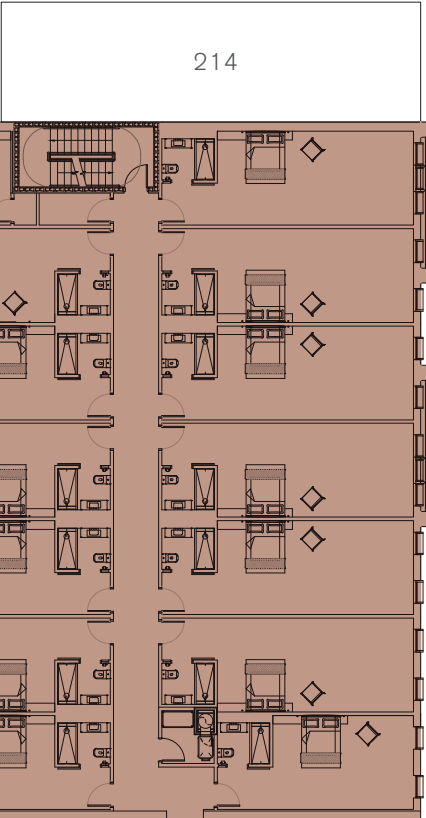
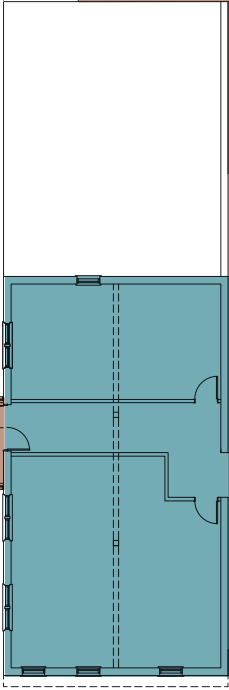
- Total Gross SF = 83,686 (w/o Decks or Pitch)
- Lvl. 00 Gross SF = 11,081 (w/o Decks or Pitch)
 - Lvl. 01 Gross SF = 20,249 (w/o Decks or Pitch)
 - Lvl. 02 Gross SF = 21,500 (w/o Decks or Pitch)
 - Lvl. 03 Gross SF = 20,394 (w/o Decks or Pitch)
 - Lvl. 04 Gross SF = 10,462 (w/o Decks or Pitch)



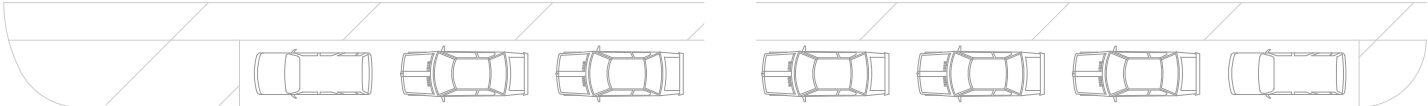
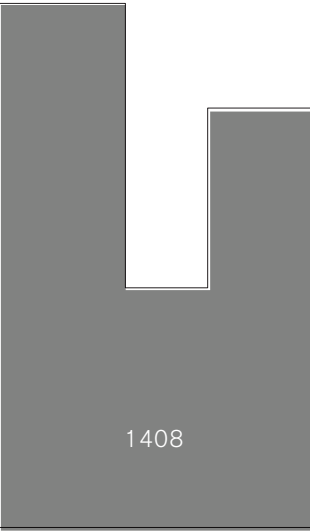
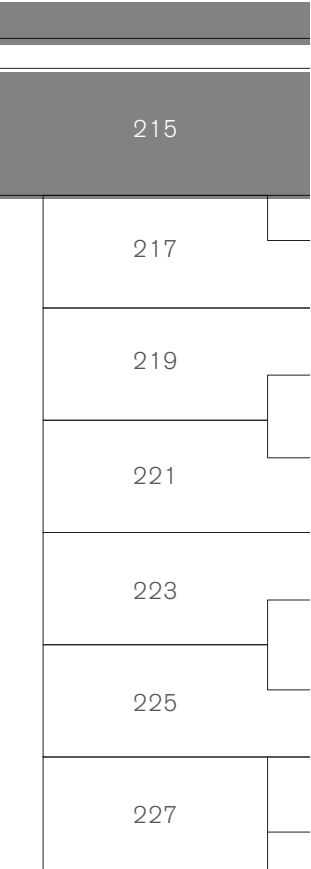
W 15th St



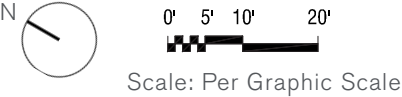
Whetsel Alley



Magnolia St



Central Parkway



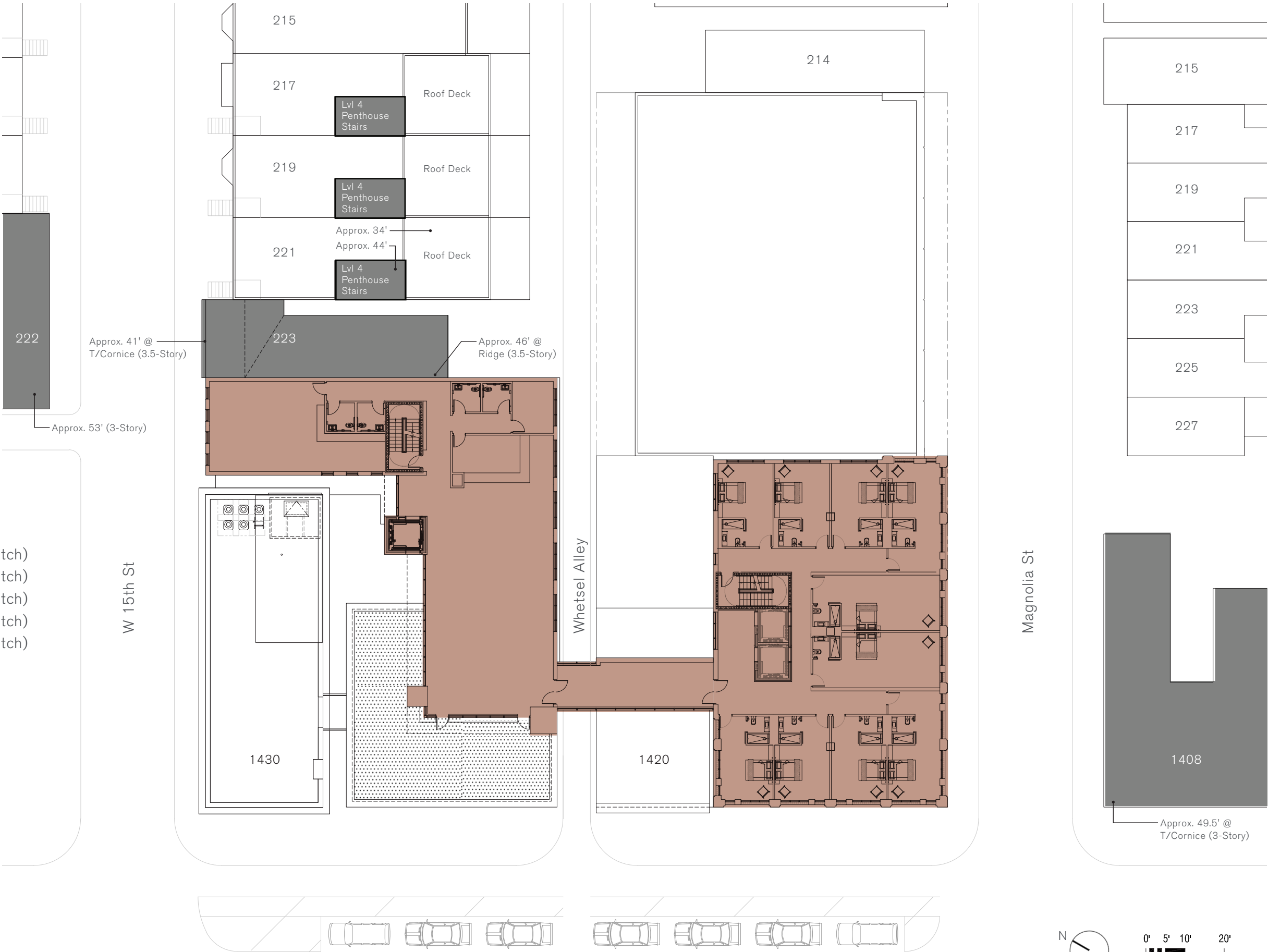
Level 04 Plan

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

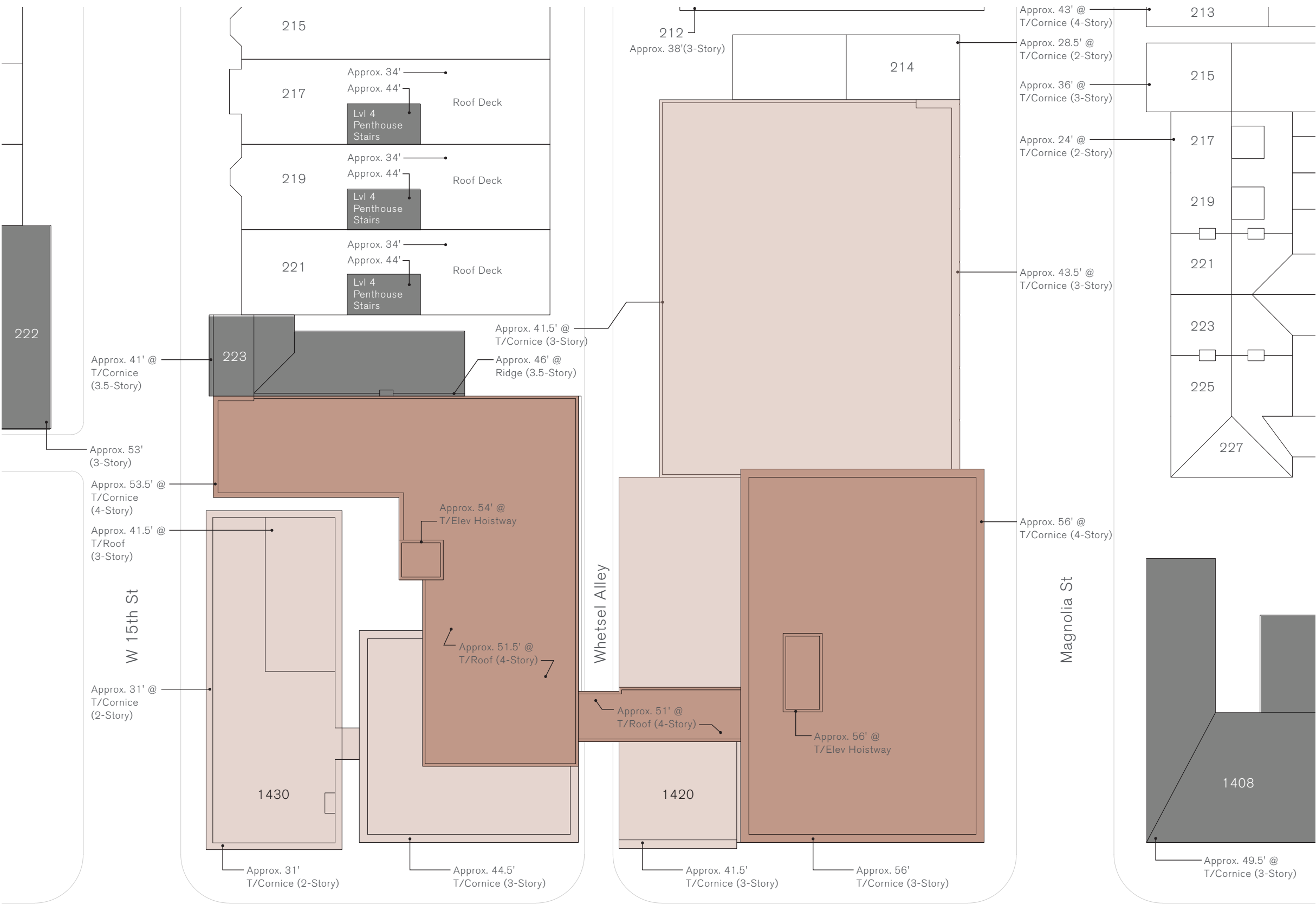
Hotel Statistics:

- Total Room Count = 97 Keys
- Lvl. 00 = 00 Keys
 - Lvl. 01 = 13 Keys
 - Lvl. 02 = 37 Keys
 - Lvl. 03 = 37 Keys
 - Lvl. 04 = 10 Keys

- Total Gross SF = 83,686 (w/o Decks or Pitch)
- Lvl. 00 Gross SF = 11,081 (w/o Decks or Pitch)
 - Lvl. 01 Gross SF = 20,249 (w/o Decks or Pitch)
 - Lvl. 02 Gross SF = 21,500 (w/o Decks or Pitch)
 - Lvl. 03 Gross SF = 20,394 (w/o Decks or Pitch)
 - Lvl. 04 Gross SF = 10,462 (w/o Decks or Pitch)



Roof Plan



Exterior Architecture

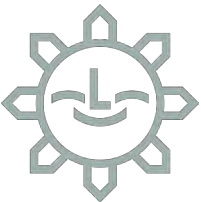


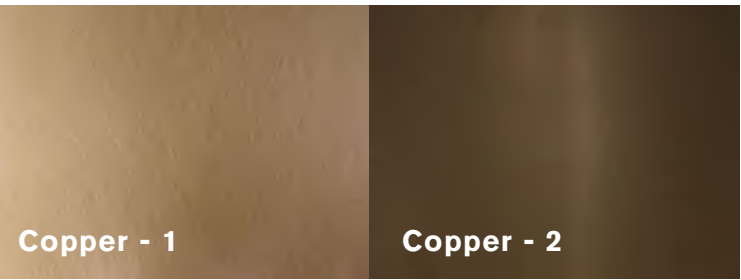
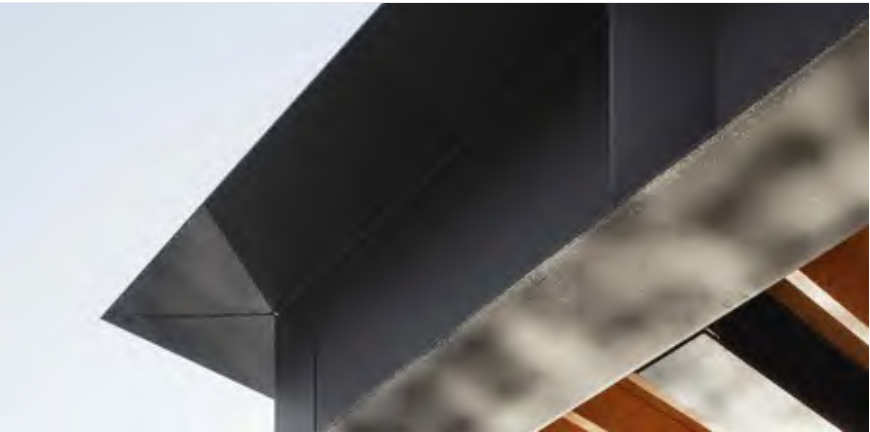
Image Strategy

Exterior Image Strategy



Exterior Design

Material Inspiration



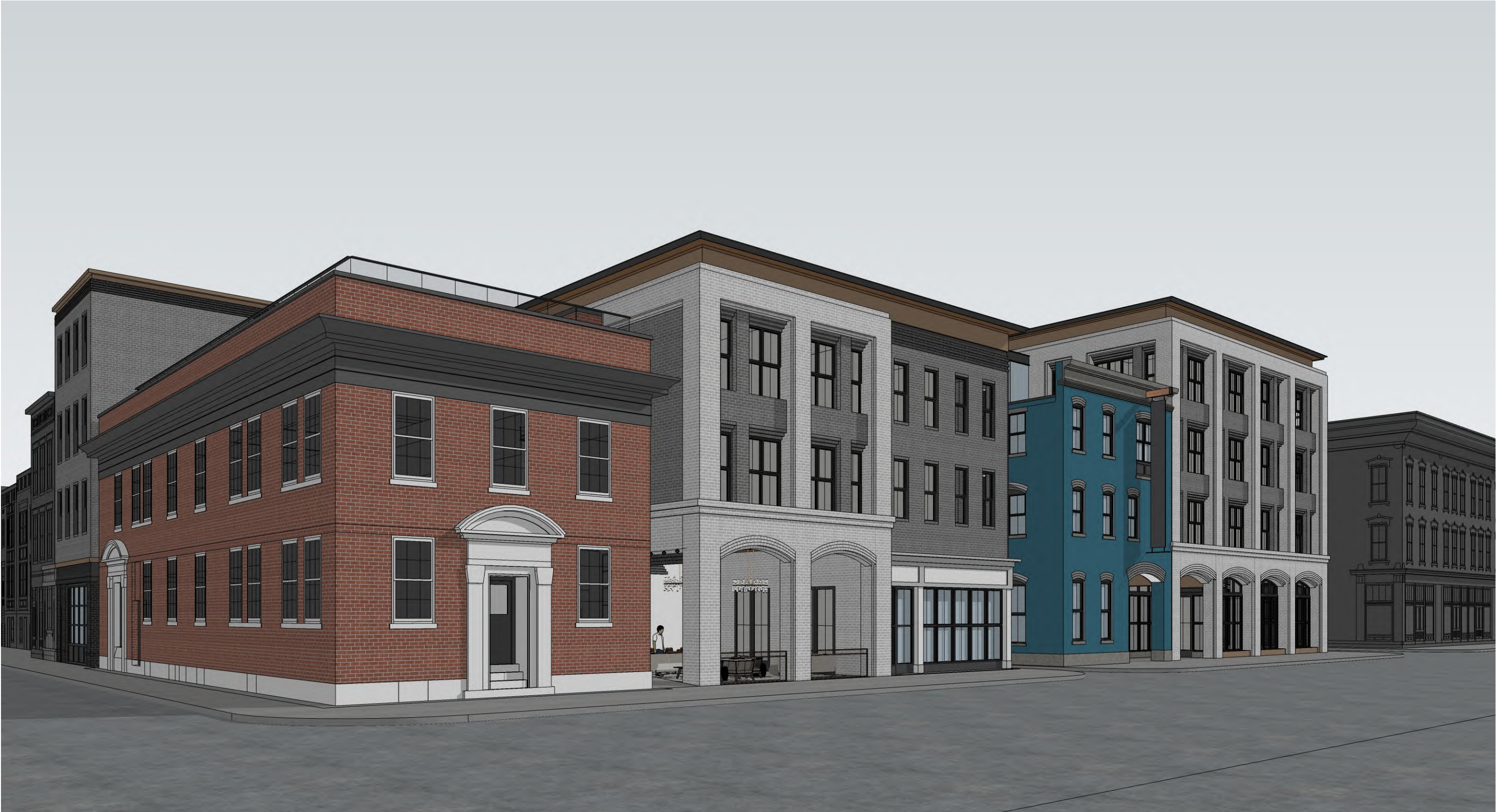
Exterior Design

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



Exterior Design

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



Exterior Elevations

Modeling - 3D View Elevations



South Elevation from Magnolia Street (Looking North) -- Scale: Per Graphic Scale



West Elevation from Central Parkway (Looking East) -- Scale: Per Graphic Scale



Exterior Elevations

Modeling - 3D View Elevations



North Elevation from 15th Street (Looking South) -- Scale: Per Graphic Scale



East Elevation Offset at Adjacent Buildings (Looking West) -- Scale: Per Graphic Scale



Exterior Elevations

Modeling - 3D View Elevations



North Elevation from Whetsel Alley (Looking South) -- Scale: Per Graphic Scale



South Elevation from Whetsel Alley (Looking North) -- Scale: Per Graphic Scale

Exterior Design

3D View (from Central Pkwy Median)





KATHLEEN F. RYAN
Direct Dial: 513-852-6061
Direct Fax: (513) 419-6461
E-Mail: kfryan@woodlamping.com

June 29, 2022

Historic Conservation Board
City of Cincinnati
c/o Kasandra Maynes, Board Secretary
and Douglas Owen, Urban Conservator
II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Via Email: Kasandra.maynes@cincinnati-oh.gov
Via Email: Douglas.owen@cincinnati-oh.gov
Via Email: urban.conservator@cincinnati-oh.gov

***Re: 1416 Central Parkway, Case No. COA2022033,
Supplemental Materials for HCB Record***

Dear Ms. Maynes and Mr. Owen,

On behalf of Applicants and Owners, Downtown Property Management, Inc., Parkway Towers Associates, Inc., Luminaut, and Moment Development, enclosed please find supplemental materials to our Application in the Case No. COA2022033 regarding 1416 Central Parkway ("Subject Property"). The following items are included in this packet, and we ask that they be included in the Historic Conservation Board's Record for this application:

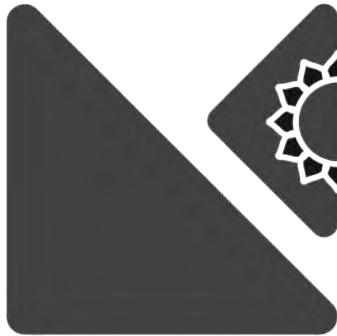
1. Supplemental drawings, diagrams, narrative, dated 6-29-2022;
2. Transcript of HCB hearing re: Subject Property, July, 2021;
3. HCB Decision re: Subject Property, August, 2021;
4. Transcript of HCB hearing re: Subject Property, April, 2022;
5. HCB Decision re Subject Property, May, 2022;
6. Examples of infill projects in OTR – approved and proposed;
7. Neighborhood rezoning petition summary; and
8. Applicant's response to neighbor's rezoning petition, February 2022.

If you have any questions, please do not hesitate to contact me at kfryan@woodlamping.com or by phone.

Sincerely,

Kathleen F. Ryan
Kathleen F. Ryan
Attorney for Applicants

Enclosures



MOMENT
DEVELOPMENT

15th and Central
06.29.2022

Development Renderings &
Conservation Guideline Diagrams

3	Renderings
8	Height
13	Setback
14	Composition
18	Emphasis
20	Rhythm
21	Storefront
22	Windows
23	Materials

Exterior Design
Central Parkway Corridor Aerial View



Exterior Design
3D View (from TQL Stadium Plaza)



Exterior Design

3D View (from Central Pkwy at 15th)



Exterior Design

3D View (from Central Pkwy at Magnolia)



Exterior Design

3D View (from Central Pkwy Median)



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**."

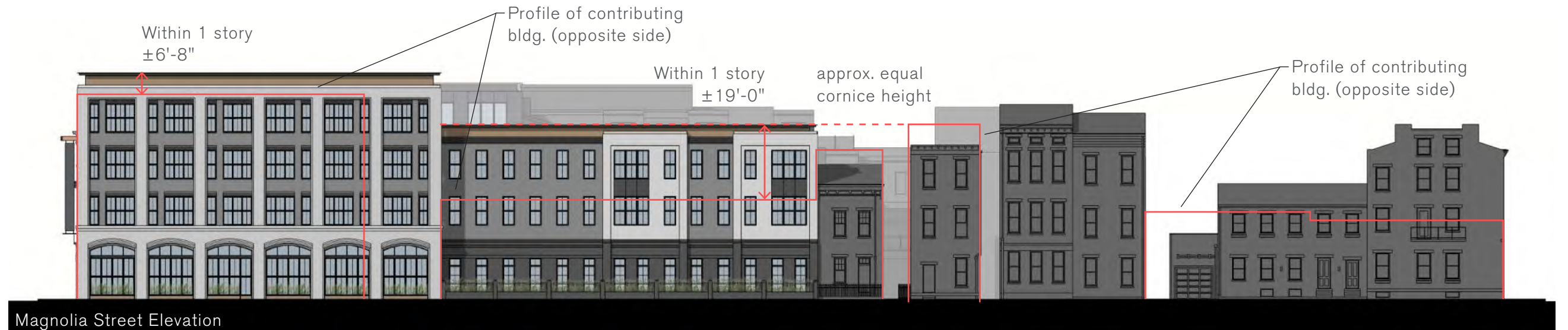
Building height is measured from grade to the top of the cornice of flat roofs, or to the deck line of a mansard roof, or to the mid-height of the highest gable or dormer in a pitched or hipped roof, or, if there are no gables or dormers, to the mid-height of a pitched or hipped roof. (CZC §1401-03-H1)



Height

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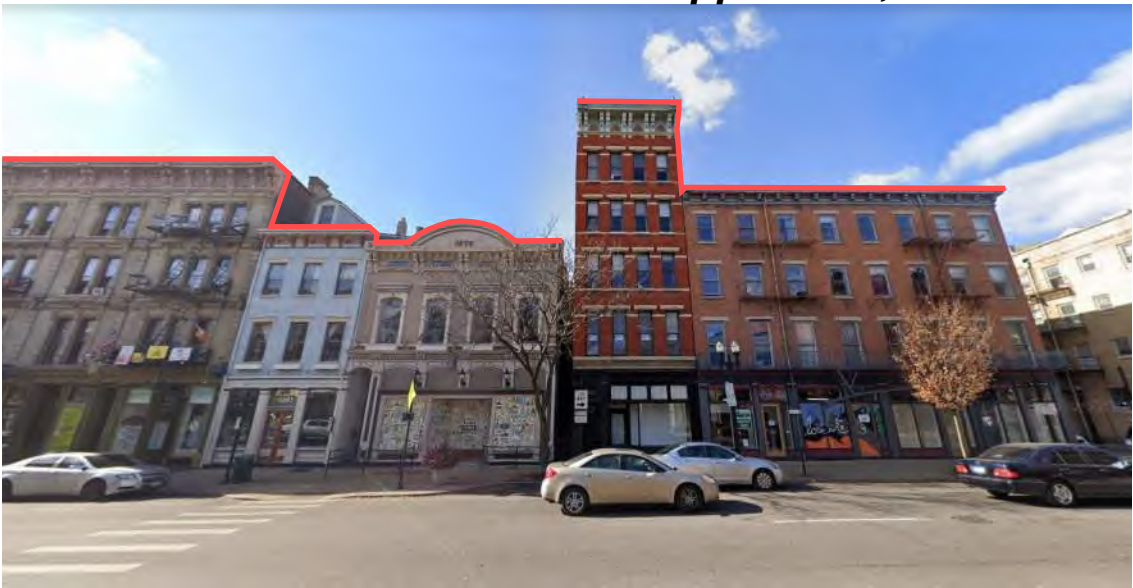
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Height

Variations among Historic Buildings

Contributing buildings in the historic district vary in height -- two to five stories is typical, but taller contributing buildings are also present and equally significant, especially along Central Parkway. It is common for a block to contain a wide variety of building heights as illustrated in these photographs. There are numerous examples of two story buildings directly adjacent to four story buildings and taller commercial buildings directly adjacent to shorter residential buildings. This variety of heights is a character defining feature of the historic district. The conservation guidelines require new buildings to be within one story of the adjacent buildings to allow for continuation of this variety while ensuring new buildings remain relatively contextual in scale. The proposed development satisfies the one story rule contained in the conservation guidelines.



Height

Precedents at Corner Sites

Throughout the historic district, corner sites are often occupied by large commercial, industrial, and institutional buildings. The reason is twofold: firstly, corner sites are more prominent from an urban design perspective; and secondly, two street exposures allow for more windows and thus deeper floor plates while maintaining natural light and ventilation. The large corner buildings illustrated in these photographs do not attempt to hide their substantial scale; instead, they utilize similar architectural composition, rhythm, vertical emphasis, and materials to remain contextual. Contributing corner buildings are important anchors for the neighborhood. As the guidelines observe, "gaps due to demolition weaken the streetscape and the overall character of the district" -- this is even more true for vacant sites with two or more street exposures, such as corner sites.



Walnut & 13th



Race & 12th



Republic & 15th



Vine & 15th



Vine & 15th



Elm & Elder

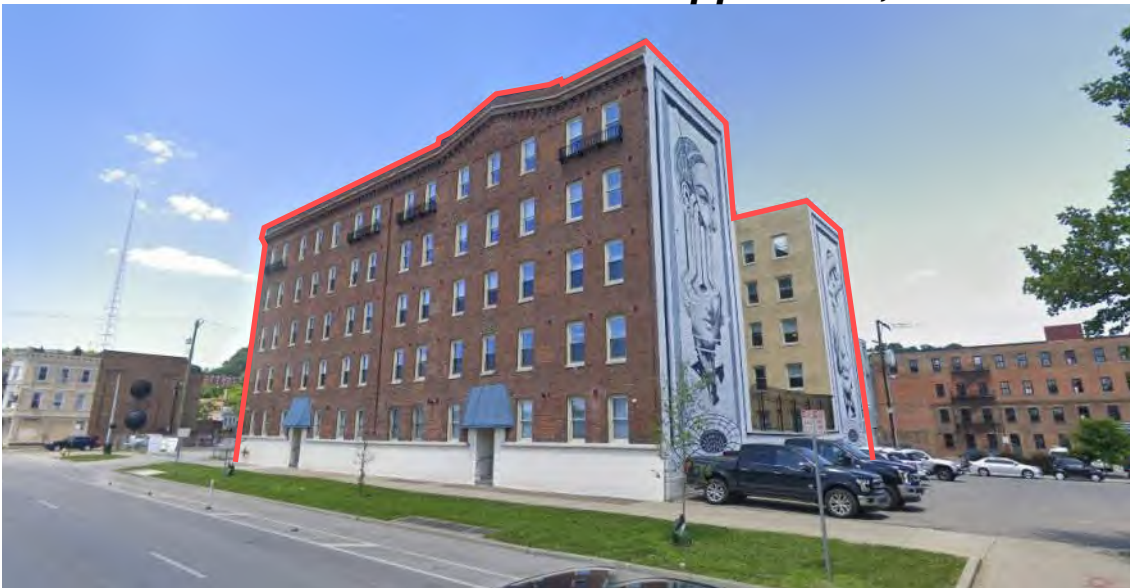
Height

Precedents along Central Parkway

Central Parkway, formerly the southern terminus of the Miami and Erie canal, features larger commercial, industrial, and institutional buildings due to its legacy as a major shipping and transportation corridor. These larger buildings are of equal historic significance to the more numerous narrow two to five story buildings found throughout the interior of the historic district. Proposed buildings along Central Parkway should be contextual to the scale of this important thoroughfare. The underlying zoning designation (and city's master plan) both acknowledge the commercial nature of this street and its mixed automobile and pedestrian nature. Like the corner buildings on the previous page, the contributing buildings illustrated in these photographs do not attempt to hide their substantial scale. Instead, their architectural composition, rhythm, emphasis, and materials make them compatible.



Main & Central



Findlay & Central



Elder & Central



Sycamore & Central



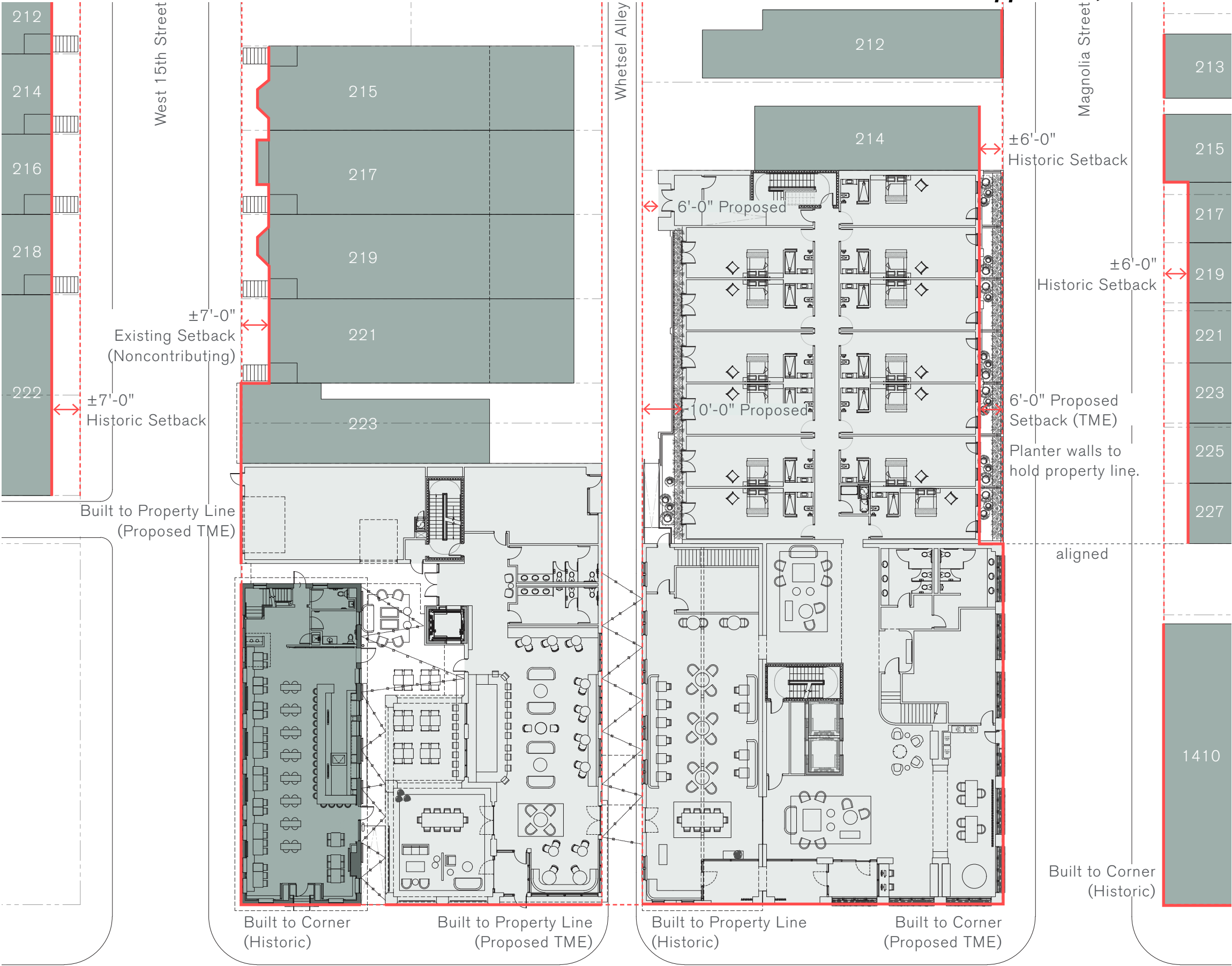
12th & Central



Elm & Central

Setback

"Setbacks for new construction should be consistent with the buildings of similar use on adjacent and nearby sites. Most commercial buildings are built to the property line. Some residential buildings have shallow setbacks but retain an edge at the property line with a fence. In most cases, new construction on corner sites should be **built to the edge** on both property lines."



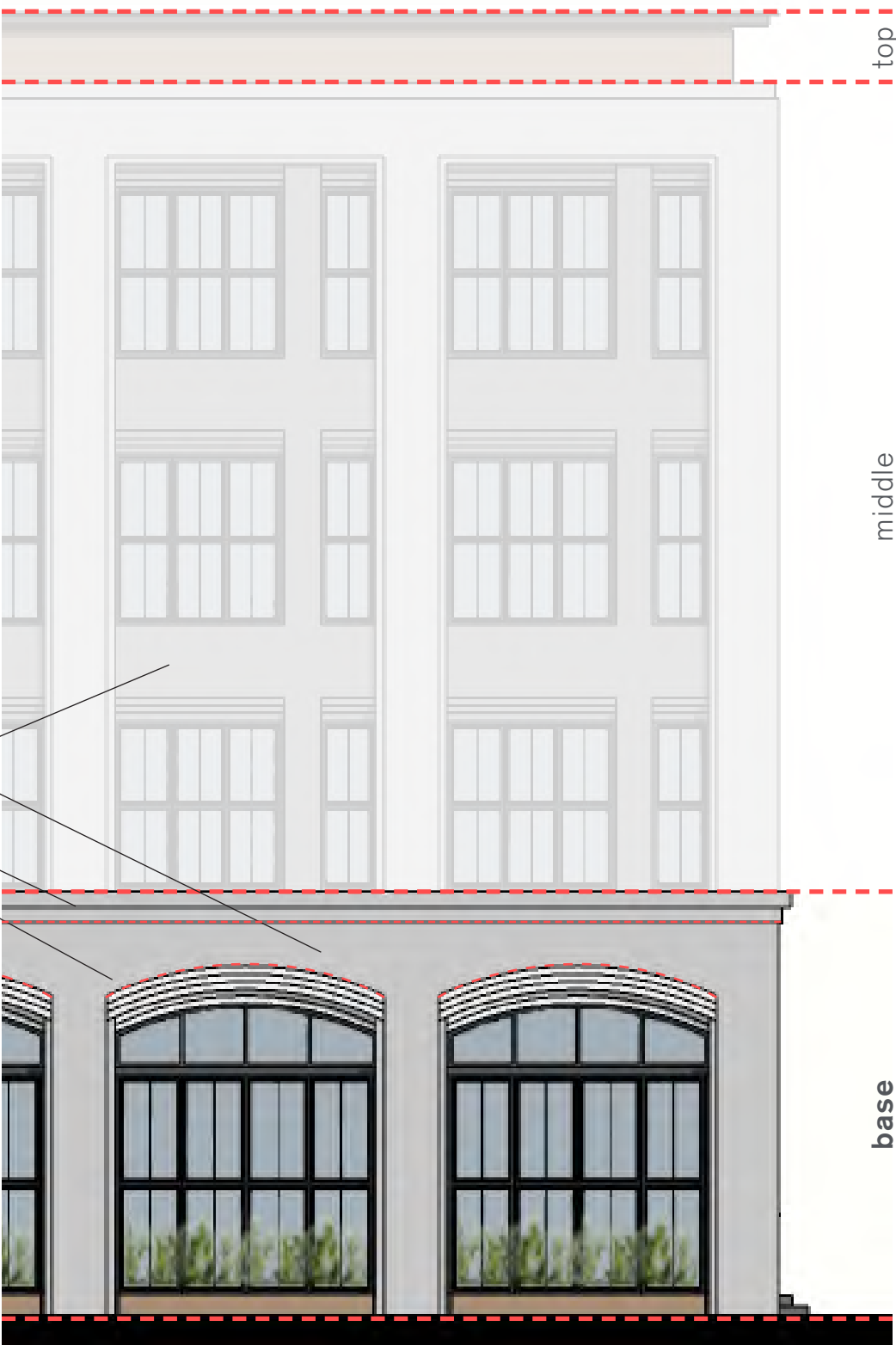
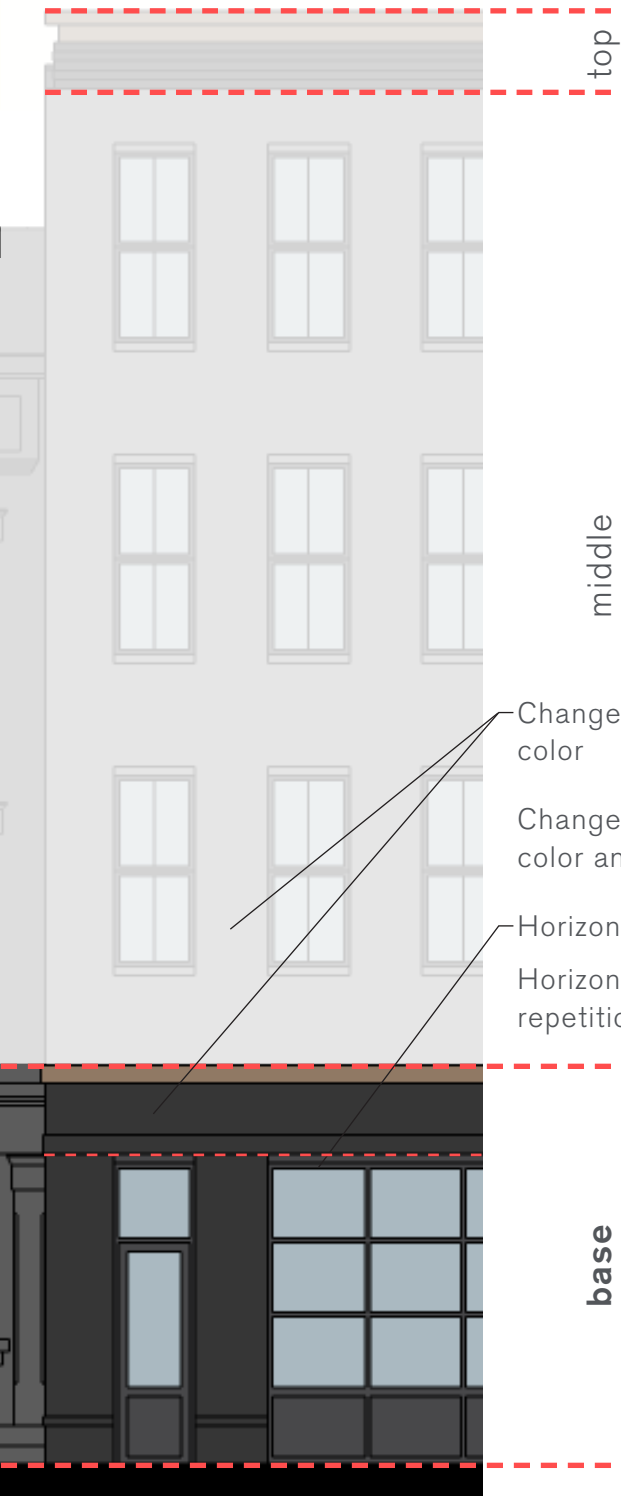
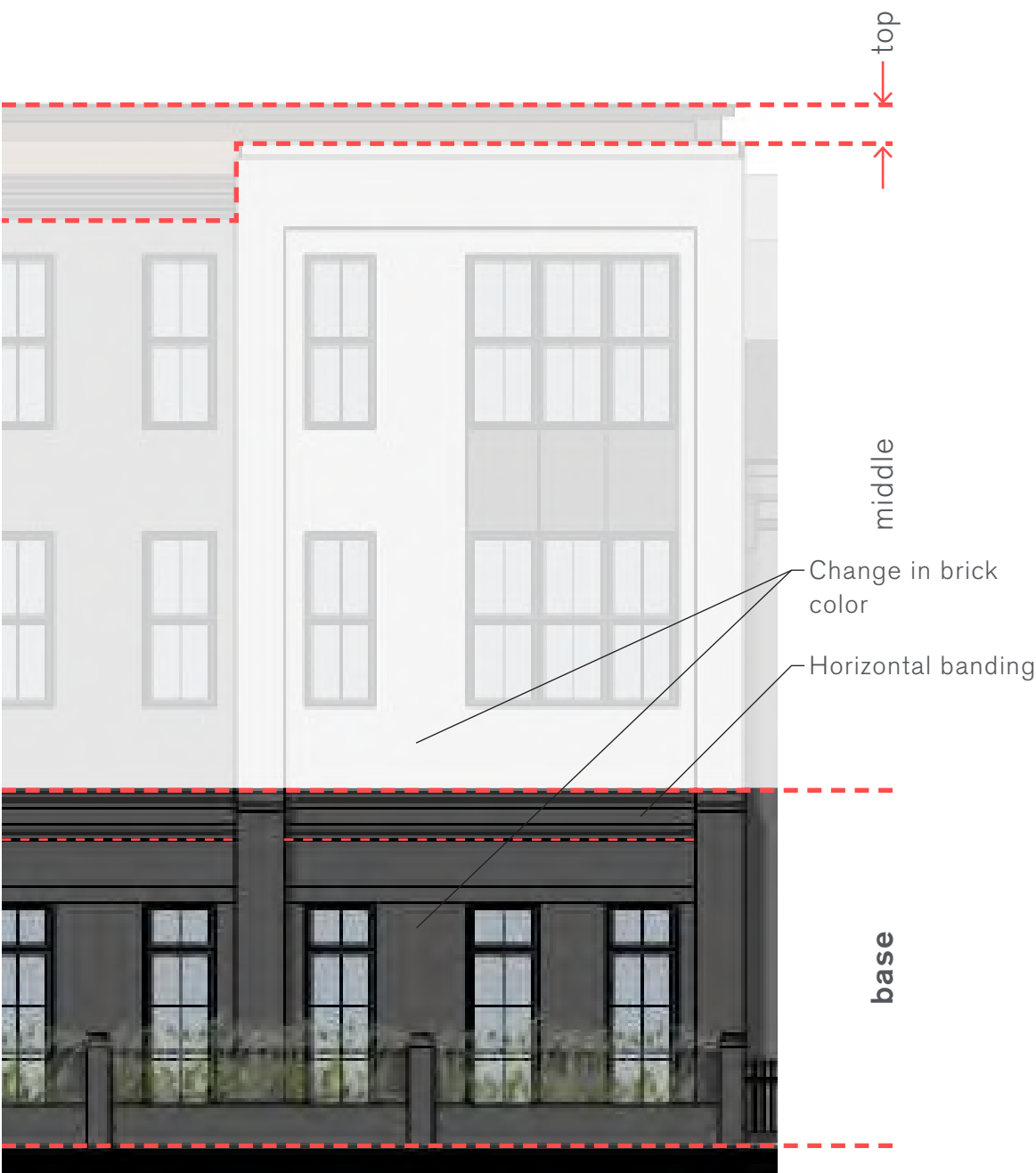
Composition

"New construction should respond to the traditional subdivision found on historic buildings: **a base, a middle, and a top**. The most important feature of buildings in Over the Rhine are the arrangement of openings on the principal facade and an overall vertical emphasis of the whole design."



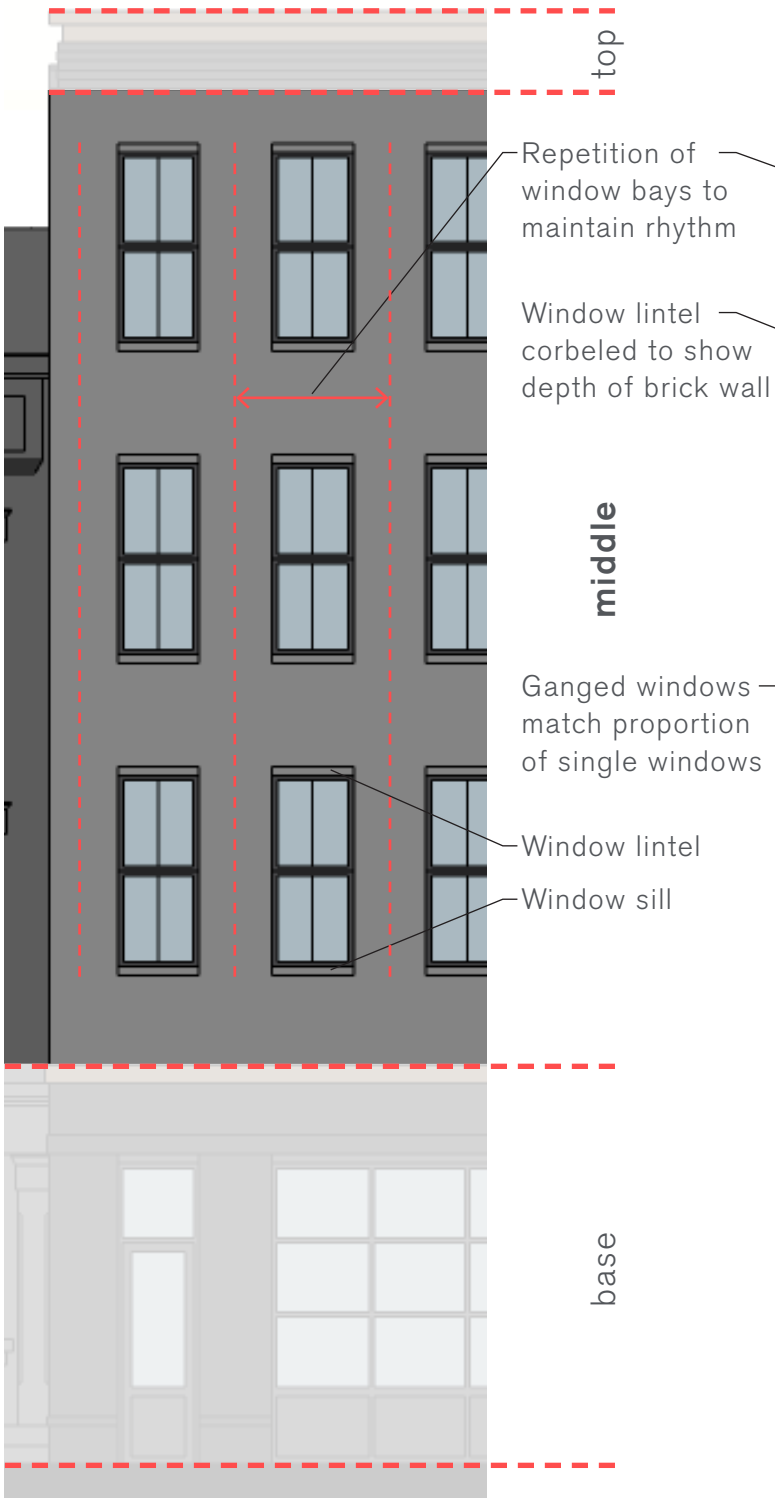
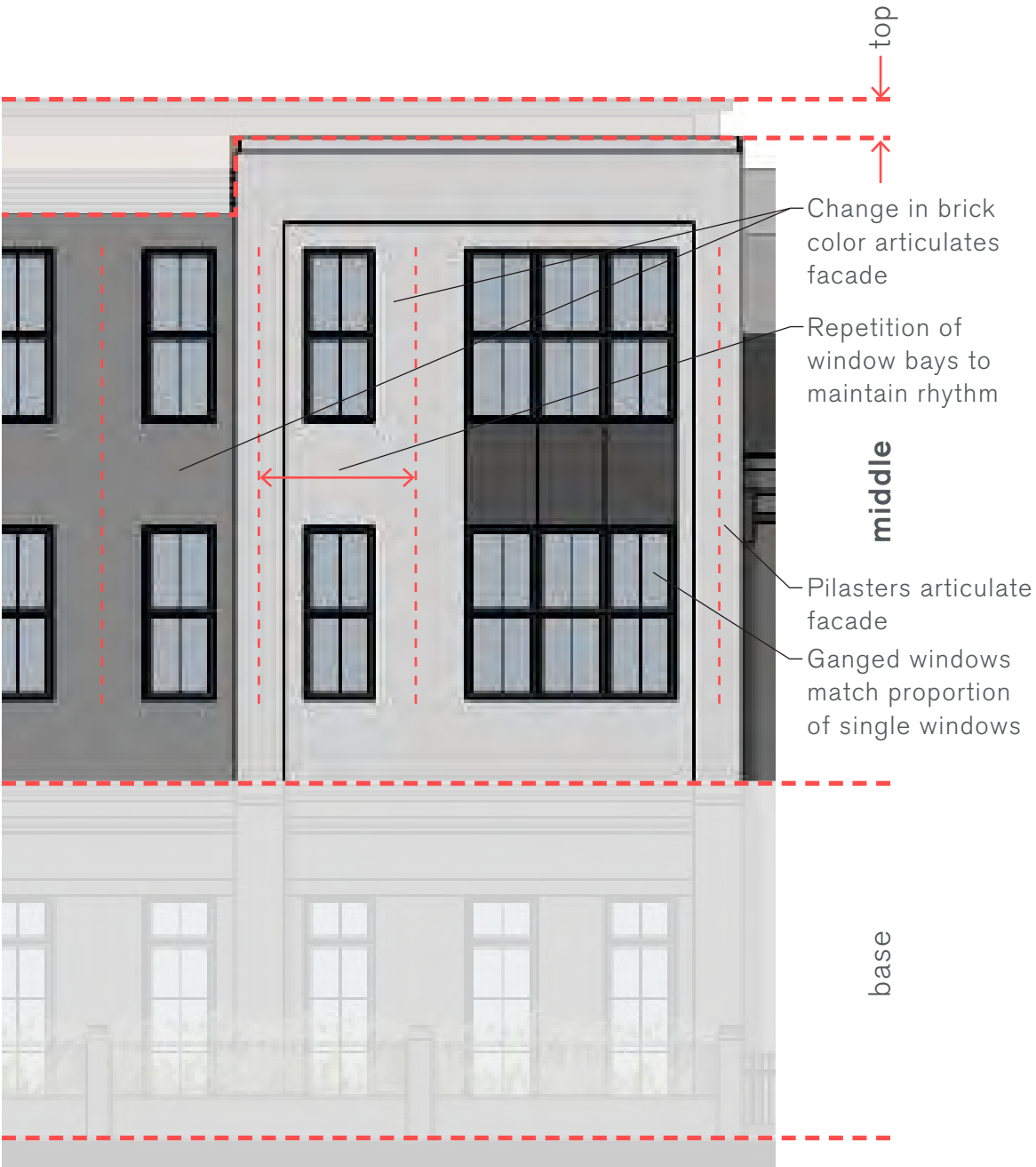
Composition: Base

"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 horizontal banding."



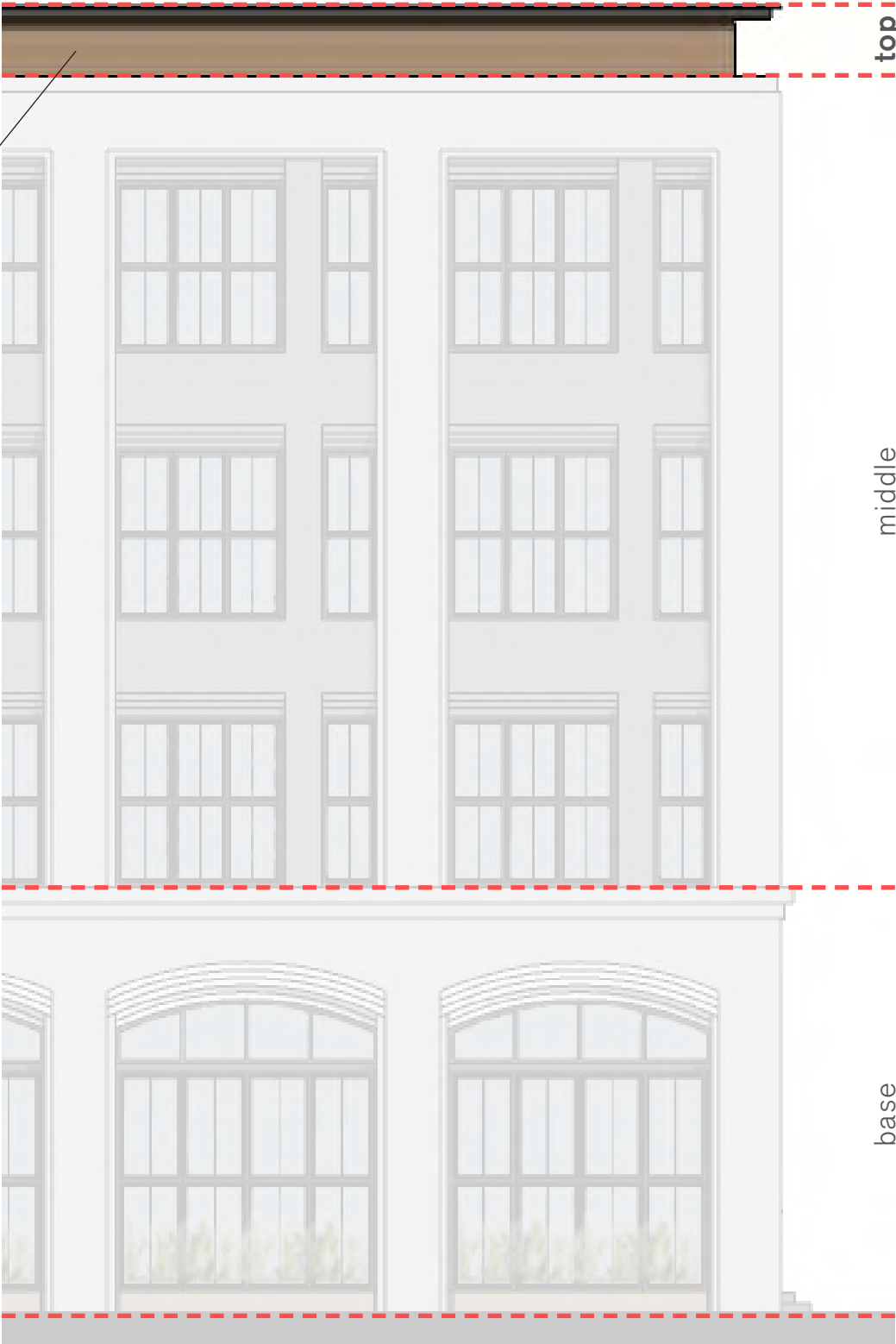
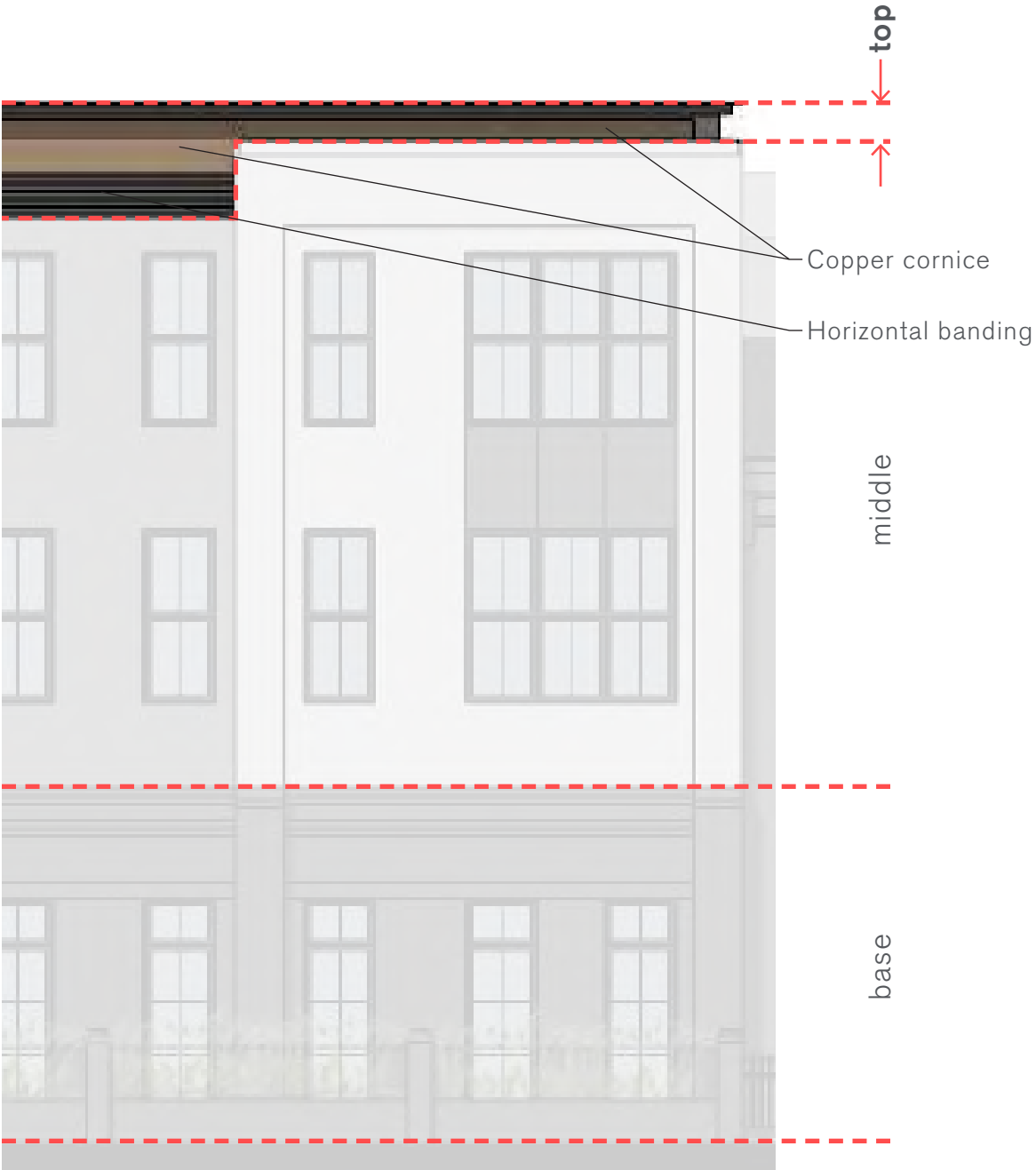
Composition: Middle

"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."



Composition: 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**."



Emphasis

"New construction should have a **vertical emphasis**, because buildings in Over The Rhine 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."



Emphasis

"New construction should have a **vertical emphasis**, because buildings in Over The Rhine 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."



Rhythm

"New buildings should incorporate design features, such as **window groupings**, articulation of the wall surface, and decorative elements such as **columns or piers** to maintain the rhythm that already exists. New construction should avoid creating long unrelieved expanses of wall by maintaining the **rhythm of bays** found in the district."



15th Street Elevation

Pilasters establish primary rhythm

Windows establish secondary rhythm

Brick color change relieves facade



Magnolia Street Elevation

Brick color change relieves facade



Central Parkway Elevation

Storefront

"New storefronts should relate to the characteristics of storefronts on historic buildings. Storefronts in the district are typically taller than upper floors; framed by piers or columns and have a **lintel separating them from upper floors**; and are divided into bays, which increases their verticality and provides a **pedestrian scale and proportion.**"



15th Street Elevation

Lintel separates upper stories

Repetition of historic arched opening detail



Magnolia Street Elevation

Lintel separates upper stories

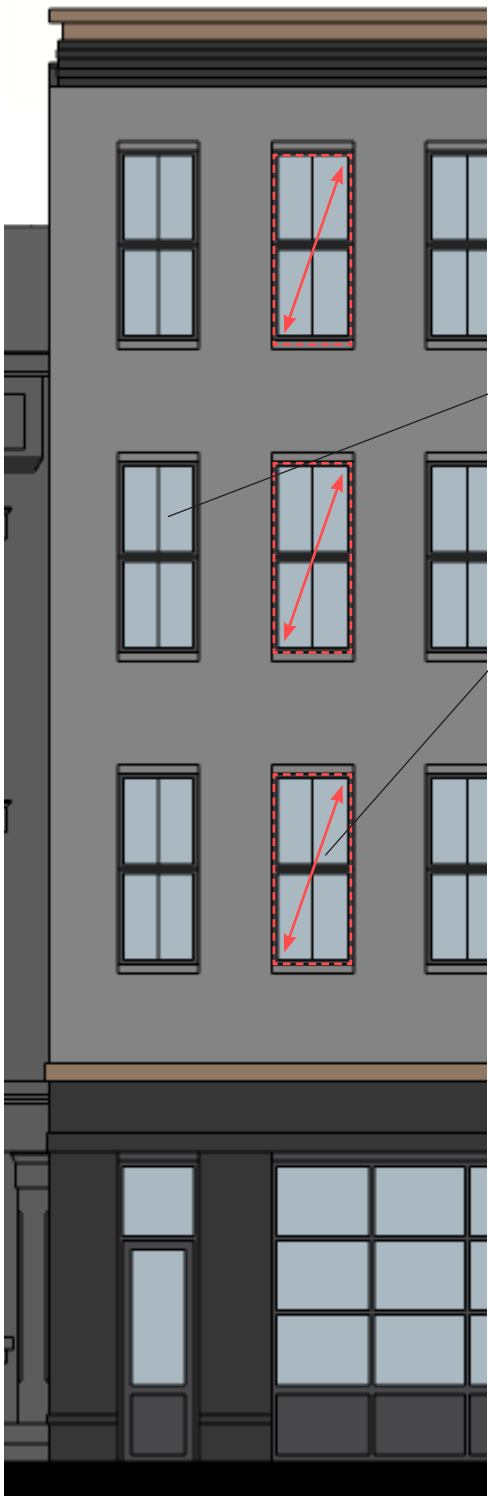
Repetition of historic arched opening detail



Central Parkway Elevation

Windows

"Openings in new buildings should relate to the size and placement of openings found on historic structures of similar use in the district. Openings are **taller than wide** (typically in a proportion of two to one), window sashes are **set back from the wall**, and openings have some form of definition, such as **lintels, sills**, or decorative surrounds. In commercial and industrial buildings, windows are often grouped."



Vertical divided lites repeats 2:1 proportion, typical

Grouped windows w/ vertical mullions

2:1 proportioned window openings

Vertical storefront divisions

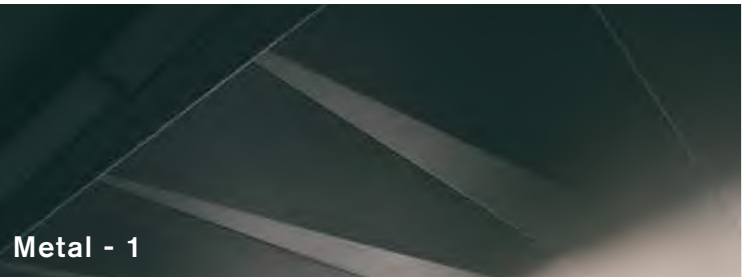
Repetition of historic arched opening detail



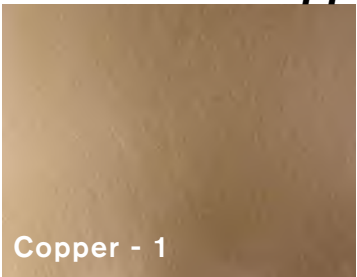
Materials

"New construction should use materials that are found on historic buildings in Over The Rhine. Clearly, the dominant material is **brick**, but other materials such as **limestone**, **sandstone**, **cast iron**, **slate**, **wood**, and **sheet metal** are important as well."

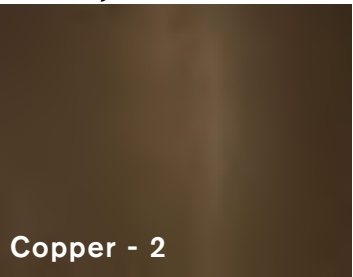
6-29-2022 Supplement, Item 1



Metal - 1



Copper - 1



Copper - 2



Brick-1



Brick-2



Brick-3



Brick-4



Public Hearing- 1416 Central Parkway

July 12, 2021

CITY OF CINCINNATI HISTORIC CONSERVATION BOARD OF APPEALS



513-233-3000

877.233.4403

FAX: 513-233-2310

depo@elitereportingagency.com

www.elitereportingagency.com

1 CITY OF CINCINNATI
2 HISTORIC CONSERVATION BOARD OF APPEALS
3 PUBLIC HEARING
4
5 Case No.: Item 4
6 Location: 1416 Central Parkway
7 Appellant: Luminaut
8 Owner: Downtown Property Management, Inc.
9 Re: The applicant requests a COA for the
10 demolition of existing structures, and to
11 construct a hotel development with
12 outdoor entertainment in the
13 Over-the-Rhine Historic District. Also
14 the applicant requests Zoning Relief for
15 outdoor entertainment and size of outdoor
16 area.
17 District: Over-the-Rhine Historic District
18
19 Date and Time: Monday, July 12, 2021
20 3:00
21 Place: Historic Conservation Board of
22 Appeals
23 II Centennial Plaza
24 Fifth Floor Conference Room
25 805 Central Avenue
Cincinnati, Ohio 45202
Board Members: Tim Voss, Chairman
Thomas Sundermann
Robert Zielasko
Herbert Weiss
Allison McKenzie
Pamela Smith-Dobbins
(all via videoconference)
City Law Department:
David Sturkey, Esq.
(via videoconference)
Reporter: Kathleen S. Simpson, RPR
(via videoconference)

1 MR. VOSS: Item Number 3 is
2 approved. This brings us to Item Number
3 4, 1416 Central Parkway. Ms. Johnson --
4 before Ms. Johnson comes in, we received
5 a request from Mr. Sean Suder requesting
6 that we postpone this hearing because a
7 couple people who are within the
8 described district did not receive their
9 postcards. The postcards did go out.

10 Given the fact that we've received
11 that information this morning, I believe
12 that people had an opportunity to either
13 send something in or present something,
14 so I'm not going to postpone this, but
15 intend to proceed with Item Number 4.

16 With that, Ms. Johnson, would you
17 give us a report?

18 MS. JOHNSON: Yes. This application
19 is for 1416 and 1430 Central Parkway.
20 The applicant is requesting a Certificate
21 of Appropriateness to demolish the
22 contributing structure located at
23 1416 Central Parkway and a
24 noncontributing addition at 1430 Central
25 Parkway.

1 If the demolition is approved, the
2 applicant is requesting a Certificate of
3 Appropriateness for new construction for
4 a building at 1416 Central Parkway that
5 will incorporate an existing historical
6 building at 1420 and 1430 Central
7 Parkway.

8 The request is also for a
9 conditional use for outdoor entertainment
10 and an outdoor patio associated with an
11 eating and drinking establishment. All
12 of the proposed buildings, both new
13 construction and rehabilitation, will be
14 connected into one complex.

15 The zoning relief that is requested
16 is for a proposed outdoor area associated
17 with an eating and drinking establishment
18 that is 50 percent larger than the
19 permitted indoor area, and is within
20 500 feet of a residential district. This
21 requires a conditional use.

22 They are also requesting a
23 conditional use for outdoor entertainment
24 for an outdoor area associated with an
25 eating and drinking establishment that is

1 within 500 feet of a residential
2 district.

3 The project location is on the east
4 side of Central Parkway in Over-the-Rhine
5 Historic District, between Magnolia
6 Street and 15th Street. The site is a
7 combination of contributing buildings,
8 noncontributing buildings, and a parking
9 lot.

10 The addition to 1430 is a
11 noncontributing building -- or, I'm
12 sorry, is a noncontributing addition.
13 1424 is a noncontributing building that
14 was previously approved for demolition.
15 And the rest of the buildings are
16 considered contributing buildings.

17 The work proposed is the following
18 for each of the addresses. 1416 Central
19 Parkway is a contributing building. The
20 request is, demolition due to economic
21 hardship and full development of a
22 three-story building at the street line
23 with a setback fourth story. The
24 building will be mostly brick with arched
25 openings on the first floor and large

1 grouped windows on the second and third,
2 with strong vertical pilasters
3 dividing the building into bays.

4 1420 Central Parkway will include
5 the rehabilitation, including
6 addition/facade changes with a fourth
7 access hallway. The garage door will be
8 removed for a recessed entrance into the
9 large first floor opening.

10 1424 Central Parkway, its demolition
11 has been previously approved, and infill
12 construction.

13 1430 Central Parkway is demolition
14 of a noncontributing addition and infill.
15 Infill at 1424 and 1430, that will take
16 the place of the two one-story
17 structures. And it will be one structure
18 that will maintain the two distinct
19 facade treatments. There'll be a
20 three-story building set at the street
21 with a fourth-story setback.

22 1430 Central Parkway is
23 rehabilitation that has previously been
24 approved. There's a request for an
25 addition of roof deck and roof access at

1 the southeast corner of the roof. The
2 roof deck will also have an addition for
3 access and then a glass railing setback
4 from the edge of the roof.

5 And then 216 to 222 Magnolia Street
6 is currently a parking lot. And there
7 would be proposed infill. The proposal
8 is for a three-story building at the
9 street face with a fourth-story setback
10 on the rear half of the lot.

11 So we are first going to discuss the
12 Certificate of Appropriateness for the
13 demolition of 1416 Central Parkway, which
14 is the --

15 MR. SUDER: Mr. Chairman, I have a
16 point of order and a question just as to
17 how the hearing is going to proceed, if I
18 may?

19 MR. VOSS: I'm sorry. Go ahead.

20 MR. SUDER: Thank you, Mr. Chairman.

21 I just have a question. I'm Sean
22 Suder. I'm here on behalf of several of
23 the neighbors, Margy Waller, Danny
24 Klingler, and Over-the-Rhine Community
25 Housing, and I appreciate being heard

1 today.

2 I just have a couple of questions
3 for clarification. One is, are we going
4 to hear -- I guess, Ms. Johnson, we're
5 going to hear the demolition first, and
6 then the infill question second? Will
7 that be after a vote is taken,
8 Mr. Chairman, on the demolition? And if
9 we don't, if there isn't a favorable vote
10 for demolition, we don't have to get
11 back -- or go back to the alteration, is
12 that right, or will they be taken at
13 once?

14 MR. VOSS: Staff has requested to
15 present the project in its entirety. So
16 we would have a separate vote after the
17 presentation and responses. We would
18 have a separate vote on the demolition,
19 and then a singular vote on the infill,
20 should the demolition be approved.

21 MR. SUDER: Okay. Okay. So we
22 should address it all at one time or --

23 MR. VOSS: Yeah.

24 MR. SUDER: Okay. Thank you.

25 And maybe a quick clarification is,

1 there was a hearing, if you recall, that
2 was postponed that was on the outdoor
3 drinking area for The Pitch bar
4 establishment, and I think also a
5 demolition of the noncontributing
6 building. That's not being heard
7 tonight, is it?

8 MS. JOHNSON: No. The demolition
9 was approved at the meeting. The
10 conditional use was tabled.

11 MR. SUDER: Okay. So the
12 conditional use you're referring to at
13 tonight's meeting is different from the
14 conditional use that has been postponed?

15 MS. JOHNSON: Yes.

16 MR. SUDER: Okay. That's all.
17 Thank you very much.

18 MR. VOSS: Ms. Johnson, please
19 proceed.

20 MS. JOHNSON: In the historic
21 conservation guidelines for
22 Over-The-Rhine Historic District there is
23 a list of noncontributing buildings.
24 While 1416 Central Parkway was not on
25 that list of noncontributing buildings,

1 the building has had significant and
2 irreversible changes done to the
3 building, altering the exterior from an
4 industrial/warehousing vernacular to one
5 with Spanish Revival detailing. These
6 changes include stuccoing the brick
7 facade, reducing window sizes, removing
8 window openings, and adding a stepped
9 parapet detailing.

10 According to the National Register,
11 the building was built around 1900. A
12 fire insurance map shows the building in
13 1887 without the third-story portion. It
14 has been stated that the building was
15 built in 1854. Since the writing of the
16 staff report, there's no documentation
17 supporting that date.

18 While there have been significant
19 changes to the building, the National
20 Register nomination states the following:
21 Although many of the openings on the
22 building have been altered, the historic
23 character and massing of the building
24 have been preserved. The historic
25 windows have been replaced throughout

1 most of the building, but the historic
2 openings' sizes and locations have been
3 maintained on the primary west elevation.

4 When looking at demolition, the
5 guidelines state that demolition of
6 existing buildings shall not be permitted
7 unless one of the following conditions
8 exists; demolition has been ordered by
9 the Director of Buildings & Inspections
10 for the Public Safety because of an
11 unsafe or dangerous condition which
12 constitutes an emergency.

13 The City has -- at no time has
14 ordered emergency demolition for this
15 building.

16 And the second standard is that the
17 owner can demonstrate to the satisfaction
18 of the Historic Conservation Board that
19 the structure cannot be reused, nor can a
20 reasonable economic return be gained from
21 the use of all or part of the building
22 proposed for demolition.

23 First question that is considered,
24 Will all economically viable use of the
25 property be deprived without approval of

1 the COA?

2 The applicant has provided five
3 different scenarios for proformas for the
4 building. In all cases, their proformas
5 showed that the base stabilization and
6 restoration cost of 1.6 million is too
7 much of a factor for any of the options
8 to be economically viable.

9 The provided proforma analysis also
10 incorporates being awarded Historic Tax
11 Credits from the Federal Government into
12 the analysis.

13 The Department of Community Economic
14 Development conducted an independent
15 analysis of the possible economic returns
16 for the proposed development at
17 1416 Central Parkway. They looked at the
18 four scenarios and concluded that the
19 project would not be financially feasible
20 should the COA be denied.

21 The DCED analysis concludes that the
22 denial of the requested COA would
23 deprive the property of its economic use,
24 would result in sustained vacancy and
25 blight, and decrease the overall

1 wellbeing of the neighborhood, and by
2 extension, the City.

3 The second question is, Will the
4 reasonable investment-backed expectations
5 of the property owner be maintained
6 without an approved COA?

7 The current owner acquired the
8 property in July of 1997. The exterior
9 of the building at that time was in a
10 similar state as it is currently. It is
11 unknown when the stucco and Spanish
12 Revival detailing was added to the
13 building prior to the purchase in 1997.

14 The applicant is seeking demolition
15 after reviewing multiple potential means
16 of redevelopment, including analysis of
17 redevelopment for four different
18 permitted uses, and reaching the
19 conclusion that redevelopment is not
20 economically viable.

21 The analysis concluded by DCED also
22 concludes that development is not
23 financially feasible.

24 Another consideration is, Whether
25 the economic hardship was created or

1 exacerbated by the property owner. As
2 previously noted, the existing owner
3 purchased the property in 1997. The
4 prior owner was a construction company
5 that purchased the property in 1978.

6 In reviewing building
7 permits/records for this property, there
8 were not any permits submitted for
9 substantial upgrades to the property,
10 however there were also no property and
11 maintenance code citations or violations
12 issued for the property.

13 Since the current owners have
14 purchased the property, they've been able
15 to occupy a portion of the building and
16 state they have been operating at a loss
17 since they have owned it.

18 The property owner has occupied --
19 again, has occupied this with offices and
20 state in there they have been operating
21 at a loss.

22 I did not go over every single
23 detail in my staff report, but those are
24 the highlights and the staff analysis of
25 the documentation that has been provided

1 by the applicant, and that the applicant
2 has provided credible evidence and that
3 the building cannot be reused nor can a
4 reasonable economic return be gained from
5 the use of all or part of the building.

6 Staff based their analysis on the
7 following points of evidence.

8 The applicant provided proforma
9 analysis for four different potential
10 permitted uses within the building, none
11 of which produced a reasonable rate of
12 return, even when including a potential
13 award of tax credits in the analysis.

14 The applicant did not deliberately
15 neglect maintenance of the property and
16 has not created or exacerbated the
17 economic hardship.

18 DCED has conducted an independent
19 analysis of the applicant's materials and
20 potential redevelopment of the building,
21 they've concluded that the project would
22 not be financially feasible should the
23 COA be denied.

24 Use of federal historic tax credits
25 would not make the property economically

1 viable.

2 The second request in the
3 application is for a demolition of a
4 noncontributing addition for the property
5 at 1430. It's the one-story addition.

6 While the 2003 guidelines that
7 combined the Northern and the Southern
8 OTR Historic Districts does not list the
9 addition as a noncontributing addition,
10 the 1993 OTR Southern Historic District
11 did list the addition as a
12 noncontributing addition.

13 The staff does feel that it is
14 appropriate for the demolition. That it
15 does meet the design guidelines.

16 In reviewing the zoning for -- the
17 zoning Certificate of Appropriateness for
18 the new construction project, I will
19 first go over the conditional uses, and
20 then I'll go over the design guidelines.

21 So the conditional use is for two
22 outdoor areas -- bear with me. There you
23 go -- is for two outdoor areas. One is
24 within a courtyard, and one would be on
25 the roof deck of the property.

1 And so the request is for both
2 outdoor entertainment and for -- that the
3 size of the outdoor area, that it exceeds
4 50 percent of the outdoor area -- I'm
5 sorry -- indoor area that's accessible to
6 the public.

7 In regards to the standards for
8 conditional use, the outdoor area
9 provides additional area for the business
10 use within both the first-floor courtyard
11 and at the rooftop deck.

12 Both of the proposed outdoor areas
13 do not adversely affect the historic
14 building as the courtyard is outside of
15 the historic building and the rooftop
16 deck is built on top of the existing roof
17 and doesn't cut in or destroy any
18 historic materials.

19 The railing is setback from the edge
20 of the roof and is proposed -- and the
21 roof railing is proposed to be glass as
22 to not -- as to not be highly visible
23 from the right-of-way.

24 The combined area of the roof deck
25 and the courtyard are approximately 2,600

1 square feet, and the combined area of the
2 two floors of the interior of
3 1430 Central Parkway and the first floor
4 of the new construction is approximately
5 4,630 square feet; 50 percent of the
6 interior would be 2,315. The requested
7 outdoor area is 56 percent of interior
8 area accessible to the public.

9 Some of the specific issues that we
10 consider are the buffering. The outdoor
11 area at the ground floor courtyard area
12 is buffered from neighboring properties
13 by two- to four-story buildings.

14 And the outdoor area at the rooftop
15 of the property is physically buffered
16 from adjacent properties by the new
17 construction, which is taller than the
18 roof deck.

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

24 The hours of operation will comply
25 with 1419-21. As the property is more

1 than 100 feet from a residential zoning
2 district, it does not require any
3 approval for operating hours and is
4 permitted to be open until 2:00 a.m.

5 In regards to zoning amendments, as
6 of the submission of the staff report,
7 there is not an official application
8 submitted or under review by the City
9 Planning Department. A request has been
10 made to a council member for a zoning
11 change, but it has not been referred to
12 Council or to the Planning Department.

13 As far as adverse effects, there's
14 no anticipated adverse effects to the
15 extent of access of fire, police, or
16 other public services. As the proposal
17 is for use of a courtyard that is
18 surrounded by the new development and one
19 is on an existing development, the
20 conditional uses for the outdoor patio
21 will not have adverse effects to adjacent
22 properties.

23 Now, in regards to the new
24 construction. Again, staff is not going
25 to go over every single detail, but we

1 will be going over some of the highlights
2 and specific points that we wanted to
3 make sure to put into the oral
4 discussion.

5 Staff is supportive of the design
6 and feels that the design substantially
7 conforms to the Historic Conservation
8 guidelines. The Over-The-Rhine Historic
9 Conservation Design Guidelines give
10 direction to both staff and an applicant
11 on how to design and review proposed
12 developments. When designing infill
13 developments, context and existing
14 surrounding buildings are the main
15 guiding principles of reference.

16 We do not require or encourage
17 stylistic replications or that an
18 applicant use the language of one
19 specific style. Staff details review
20 within this report and we will highlight
21 only specific issues in our oral report.

22 In regards to composition, all the
23 buildings have defined base, middle, and
24 top. The building that is at the corner
25 of Central and Magnolia has a strong top

1 at the street facade and uses the fourth
2 floor that is set back as the background
3 portion of the building and minimizes
4 this portion. So a decorative top is not
5 at this portion. Staff finds this
6 treatment appropriate.

7 One element that combines the
8 Central Parkway facades together is the
9 use of an arched form and pilasters that
10 run the height of this facade. These
11 provide a contextual element using the
12 existing historic building as a reference
13 for the arched openings, as well as other
14 buildings along Central with arched
15 forms, such as Music Hall, the plumbers
16 and pipefitters building, and the
17 Strietmann building.

18 The pilaster and arched forms came
19 on both of these buildings -- on all
20 three of these buildings and are used in
21 a similar fashion on the Strietmann
22 building to break up a large facade.

23 In regards to the setback, the
24 setback is generally appropriate as it is
25 at the street face. The one exception to

1 this is on the Magnolia Street section of
2 the building. There is a slight setback
3 of the building.

4 While the building is still a
5 commercial building in use, the uses on
6 the street are transitioning to a more
7 residential use and vocabulary, and as
8 the building directly to the east of the
9 project is setback from the street. The
10 slight setback is appropriate and
11 contextual.

12 While the guidelines only address
13 street setbacks, the applicants have also
14 set back the rear of the building along
15 Magnolia Street 10 feet from the alley to
16 be contextual with the alley setbacks as
17 well.

18 In regards to rhythm, staff wanted
19 to comment specifically on the alleyway
20 and the block rhythm. The overall rhythm
21 of the block structure with the alley
22 dividing the block along Central is
23 respected as the alleyway remains open
24 while a connector setback from the front
25 of the building that is at level two

1 through four.

2 This also is proposed to be glass to
3 be sympathetic to this having been an
4 open division between the north side and
5 the south side of the block.

6 In regards to emphasis, there is a
7 lot of strong vertical emphasis, and this
8 is seen with the pilasters that extend up
9 the entire facade, to tall projecting
10 cornices that adds visual height on both
11 vertical alignment of the windows and the
12 windows taller than they are wide.

13 In regards to height, all sections
14 of the new construction have an overall
15 height four stories, or 51 feet 8 inches
16 tall, but are three stories, 43 feet, at
17 the street face.

18 The existing historic buildings on
19 the block facing Central Parkway are two
20 stories, 33 to the top parapet at
21 1430 Central Parkway; and three stories,
22 40 feet 6 inches at 1420 Central Parkway.
23 And the building directly south on
24 Magnolia Street, which houses the Wooden
25 Nickel, is three stories at 50 feet tall.

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

7 On 15th Street, the building
8 directly to the east of the development
9 is three stories, 35 feet tall, per
10 building permit plans that have been
11 submitted and approved. The majority of
12 the buildings on 15th Street are new
13 construction and are not considered
14 contributing buildings. They are three
15 stories at the street at 38 feet, per the
16 building permits, and 46 feet per
17 building permits to the top of the fourth
18 floor.

19 The contributing buildings on the
20 street are mostly three stories tall.

21 In regards to the materials, the
22 building materials are all appropriate,
23 but the main building material is brick.
24 Different color bricks are used. But
25 when they are used, they are in a

1 homogeneous color. It creates the
2 different architectural elements such as
3 a change in color for the base or
4 pilasters.

5 Some other considerations are that
6 there was a prehearing on
7 June 22nd, 2021. The applicant's team
8 and nine members of the public were
9 present. The members from the public
10 were generally opposed to the demolition.
11 And, specifically, the height of the
12 building. And comments from that are
13 summarized in the report.

14 The applicants have provided a
15 timeline of public engagement that they
16 have done during the development of this
17 project that was included in the staff
18 packet.

19 One letter of opposition was
20 submitted prior to the deadline for
21 public comments, but three other letters
22 were submitted after the deadline and
23 were passed on to the Board chair.

24 So in regards to the recommendation,
25 staff recommends to approve the

1 application for a Certificate of
2 Appropriateness for demolition of a
3 noncontributing building at 1430 Central
4 Parkway, and demolition of a contributing
5 building at 1416 with the following
6 conditions: that the building permit must
7 be issued within two years or the
8 Certificate of Appropriateness will
9 expire; the demolition permit shall be
10 issued concurrently with the issuance of
11 the new construction proposed on the
12 site.

13 In regard to zoning relief, staff
14 recommends to approve the conditional use
15 to allow a maximum of 2,600 square feet
16 outdoor area, which exceeds 50 percent of
17 the indoor area, which is approximately
18 2,315 square feet.

19 And staff recommends to approve the
20 outdoor entertainment allowing outdoor
21 entertainment at the outdoor areas
22 included on the rooftop deck and
23 courtyard area within 500 feet of the
24 residential zone.

25 Staff recommends the following

1 conditions: that if the property is found
2 to exceed the requirements of
3 Chapter 909, Community Noise, on three or
4 more occasions within a 12-month period,
5 such can be grounds for the Zoning
6 Administrator to revoke this conditional
7 approval; and the outdoor entertainment
8 at the roof deck shall be limited to
9 background music.

10 In regards to the Certificate of
11 Appropriateness for new construction,
12 staff recommends the following: to
13 approve a Certificate of Appropriateness
14 for new construction of a new building
15 and rehabilitation and additions to two
16 existing contributing buildings per plans
17 from Luminaut dated 6/23, 2021, for the
18 properties of 1416 to 1430 Central
19 Parkway with the following conditions:
20 that the building permit must be issued
21 within two years or the Certificate of
22 Appropriateness shall expire.

23 MR. VOSS: Thank you. All right.
24 We're going to have, I think, extended
25 reviews by the applicant and the

1 opposition. Each will be given an
2 opportunity to cross-examine the other
3 and then any witnesses, should they
4 choose to.

5 Ms. Johnson, I have one question.
6 You said the current owner acquired the
7 property in 1997; is that correct?

8 MS. JOHNSON: Yes.

9 MR. VOSS: And are they applicants?

10 MS. JOHNSON: No. The applicant can
11 explain their connection to the current
12 owner, but it is not -- the applicant is
13 not the owner, per the auditor's report.

14 MR. VOSS: All right. Okay. Who
15 would -- who is going to speak on behalf
16 of the applicant?

17 MS. RYAN: I am. Good afternoon.
18 This is Kathy Ryan, attorney for the
19 applicants.

20 MR. VOSS: Okay.

21 MS. RYAN: My address is
22 Wood & Lamping, 600 Vine Street.

23 I have with me today a number of
24 witnesses. We intend to present Ohm
25 Patel, the representative of Moment

1 Development; Jeremiah Hahn, project
2 manager and architect at Luminaut; and
3 Matt Erdman, CEO of Luminaut and an
4 architect for the project.

5 We also have with us Josh
6 Tolchinsky, engineer for Advantage Group
7 Engineers; Kevin Schubert from HGC
8 Construction; and Matthew Wirtz,
9 architect at Luminaut; all available to
10 respond to questions should the need
11 arise.

12 Before we get started, I'd like to
13 verify that if the need arises, we would
14 have an opportunity to present rebuttal
15 witnesses and an opportunity to provide a
16 closing argument?

17 MR. VOSS: Yes, absolutely.

18 MS. RYAN: Okay. Thank you. My
19 first witness I would like to present is
20 Mr. Ohm Patel.

21 MR. STURKEY: Ms. Ryan, I would like
22 to just swear in all of the applicants'
23 witnesses collectively. So if you could
24 have all the witnesses or anyone
25 intending on testifying in this hearing

1 on behalf of the applicant, if they can
2 all take themselves off of mute now and
3 raise their right hand. I need everyone
4 to answer out loud.

5 (Witnesses duly sworn.)

6 MR. STURKEY: Okay. Thank you.

7 MR. VOSS: Okay. Ms. Ryan, do you
8 want to proceed?

9 MS. RYAN: Yes. Mr. Patel is our
10 first witness.

11 MR. PATEL: Hello. Thank you to the
12 Board and all that are present. I wanted
13 to just start off by saying that when we
14 first came to the table here with the
15 current owner, it was surrounding the
16 opening of a bar, which is currently The
17 Pitch that opened in May. And that's
18 when the dialogue first began.

19 At the time, the landlord and/or
20 owner wanted to start a dialogue to
21 develop this property because they felt
22 that they had -- they needed to do
23 something because they were at a point
24 where they needed to either move their
25 business and/or develop the property.

1 That's when we first started the
2 dialogue.

3 So the nature of my relationship
4 with them is that I would be a partner
5 with them on this development and they
6 have basically given me the development
7 role to put this project together.

8 And so that's kind of the background
9 as to how I'm involved and why I'm the
10 applicant. I'm acting on behalf of that
11 partnership to do this development, as a
12 whole.

13 So when we first started, when we
14 were looking at how we proceed, it was
15 first by starting to put a team together
16 that could really kind of help us get to
17 what we could possibly do here. And
18 that's when we reached out to Luminaut,
19 who is a local architect design firm that
20 has done numerous amounts of projects
21 within the Over-the-Rhine Historic
22 District, as well as bringing in HGC,
23 which is kind of -- in the market is
24 known for historic conservation projects
25 and construction.

1 And we felt that that was the team
2 that would really help us put together
3 the right development plan. And we
4 worked together to get The Pitch open,
5 and then also put the plan together that
6 you see here today.

7 And when we did put this development
8 plan together, we went through a series
9 of various different forms of how this
10 development would come to fruition. And
11 we did do an extensive study, both on the
12 historic building that we are going to
13 keep as part of the development, as well
14 as the one that we're discussing today.

15 And it was deemed by the architect,
16 by HGC, and by the engineering firm that
17 we've involved, that it just did not make
18 sense from a financial perspective after
19 we ran the numbers, right?

20 And so we ran the numbers in
21 multiple different ways of how we could
22 do this. And we concluded that at the
23 end of day, by the time that we spent the
24 dollars, it was just not going to give
25 any sort of even reasonable return to

1 make sense of that type of an investment.

2 So we -- I also reached out to the
3 Economic Development Department at the
4 City of Cincinnati too to see if there
5 was anything that we could do from an
6 incentive perspective, et cetera. And we
7 had various conversations with them as
8 well, and they also concurred.

9 What we're doing today is we're
10 trying to put together a project here
11 that really meets the needs of the
12 community, the City as a whole, and
13 really also provides a synergistic plan
14 moving forward for how development
15 happens down Central Parkway, along with
16 the stadium.

17 I know that more development will
18 come down Central Parkway. And we really
19 feel that this development, the way it's
20 been designed, really sets the tone for
21 how it should be done, and how it should be
22 done the right way.

23 We feel like we've been very
24 respectful from a design standpoint to
25 the nature of what's around us. And I

1 think that Luminaut did an excellent job
2 of putting that design plan together.

3 And I think we've also done plenty
4 of outreach and communication as to what
5 our intentions are. We are clean
6 operators, from a hotel perspective. We
7 have about 35 hotels under ownership and
8 management.

9 And so we really, truly understand
10 how to meet the needs of a guest, of a
11 visitor that's coming to the City, and we
12 understand how to do it responsibly and
13 do it well.

14 So from that respect, that's kind of
15 what I had to present today, is just the
16 background of how we got here and how
17 I've leaned on a team of professionals to
18 really kind of weigh in on what can and
19 can't be done.

20 And after reach -- running the
21 numbers in every way that we can, we just
22 feel like it's fiscally impossible to
23 salvage this building as a part of this
24 development.

25 Thank you.

1 MS. RYAN: Next I have Matt Erdman.

2 MR. ERDMAN: Sure. I will save most
3 of my comments just in response to any
4 questions that the community has.

5 You know, Beth did a great job of
6 summarizing our submittal and our
7 proposal, but there's, literally,
8 hundreds of pages of information that we
9 submitted to the Board.

10 I won't go into all of the details
11 of that, but I will say, you know, when
12 we started this project with Ohm, we did
13 look at saving all the buildings. And on
14 the site, there's three contributing
15 buildings. And two of them are going to
16 be incorporated into this overall
17 development.

18 The one that we're discussing today,
19 we couldn't make work. Our firm is
20 nationally recognized in historic
21 preservation. We've gotten a
22 preservation award nationally with
23 Docomomo. We have multiple historic tax
24 credit projects in the City. Currently
25 we're getting ready to open the Ingalls

1 building at 4th and Vine.

2 So we're definitely a
3 pro-preservation group. So I just wanted
4 to say that as a perspective.

5 Secondly, we -- when we started this
6 project, we started with the Urban
7 Conservator to discuss the appropriate
8 infill in this neighborhood. We've met
9 with Beth and team four or five times
10 now. And we met with the community
11 council four times. We really did
12 approach this to try to be collaborative
13 and work as best we could with the
14 members of the community.

15 So we do have some successes in that
16 process. And you'll hear today that
17 there's still some points of contention,
18 but we're willing to discuss those today
19 and see what Board has to say.

20 MR. VOSS: All right. Is that
21 all --

22 MS. RYAN: All the other witnesses
23 we have are available to either answer
24 questions or be offered as rebuttal
25 witnesses.

1 MR. VOSS: All right. In which case
2 I would like to go to Mr. Suder, who is
3 going to be, I guess, leading the
4 discussion in opposition.

5 Mr. Suder, how would you like to
6 present your case? Do you have multiple
7 witnesses you intend to call?

8 MR. SUDER: Yes. Thank you,
9 Mr. Chairman.

10 I plan on just presenting my
11 opposition letter that I provided to the
12 Board earlier this month. And then, I do
13 have with me today Margy Waller, who is a
14 property owner on Magnolia Avenue, as
15 well as Danny Klingler, and
16 Over-the-Rhine Community Housing.

17 So all three of them will be
18 speaking in opposition -- various points
19 in opposition to what you've heard today.

20 Generally, if I could just give,
21 sort of, a general statement on behalf of
22 my clients --

23 MR. VOSS: Mr. Suder, can I
24 interrupt you just for a second?

25 MR. SUDER: Yeah.

1 MR. VOSS: Let's go ahead and have
2 Ms. Waller and Mr. Klingler and whoever
3 is going to speak on behalf of the Board,
4 go ahead and be sworn in so that we can
5 be seamless as possible with your
6 presentation.

7 MR. SUDER: Yes. Thank you.

8 (Witnesses duly sworn.)

9 MR. STURKEY: Mr. Chair, one more
10 point of order. I believe that
11 Mr. Suder, as an attorney for parties of
12 record here, does have the ability, if he
13 would like, to cross-examine any of the
14 witnesses that were just presented by the
15 Applicant before he goes into the
16 presentation of his case, so --

17 MR. VOSS: Mr. Suder, would you like
18 to begin by cross-examining witnesses
19 you've heard?

20 MR. SUDER: I only have one
21 objection or maybe a question for
22 Mr. Patel. So maybe I could ask him
23 that.

24 I also have heard some of
25 testimony -- I think it's testimony, I'm

1 not sure -- at least statements that were
2 made about the Department of Community
3 Development for -- the Economic
4 Development Department for the City of
5 Cincinnati having put together a report,
6 and I was wondering if they would be
7 available for cross-examination today?

8 MR. VOSS: Ms. Johnson, can you
9 answer that?

10 MS. JOHNSON: No one from that
11 department is on the call. Their letter
12 and their analysis is what's provided in
13 the packet.

14 MR. SUDER: So they are available
15 for questions?

16 MS. JOHNSON: No. No one is on the
17 call today.

18 MR. SUDER: Oh, okay.

19 MS. JOHNSON: But their letter and
20 their analysis was included in the
21 packet.

22 MR. SUDER: So, Mr. Chairman, I will
23 just object to not having the opportunity
24 to ask any questions of the Department of
25 Community and Economic Development

1 representative who wrote that letter.
2 Obviously, it is being presented as
3 evidence in this matter. And so that
4 evidence should be able to be tested. So
5 I would object to that.

6 MR. VOSS: Objection is noted.

7 MR. SUDER: Thank you.

8 The other question I guess I would
9 have is, is the property owner or a
10 representative of the property owner
11 available to testify here today?

12 Anyone? Ms. Ryan, do you --

13 MR. VOSS: Ms. Johnson?

14 MS. JOHNSON: I'm not sure.

15 MR. SUDER: Again -- and my
16 understanding is that Mr. Patel is not
17 the owner of the property, correct? I
18 guess Mr. Patel can answer that question.

19 MR. PATEL: That is correct.

20 MR. SUDER: Okay. So I would object
21 on that grounds, as well, that the
22 property owner who must prove their case
23 is not present here today; therefore, the
24 case can't be made.

25 MS. RYAN: The applicants who have

1 the right to have filed the application
2 are here to defend the case.

3 MR. SUDER: So I can ask some
4 questions, maybe, of Mr. Patel, but I
5 really need to ask questions of the
6 owner, since one of the standards is
7 whether the property owner has
8 demonstrated an economic hardship that
9 would overcome the no demolition rule
10 that's in Chapter 1435.

11 MR. VOSS: Mr. Suder, your objection
12 on that point is also noted.

13 Let's proceed as best we can and we
14 can bring that back around after we have
15 gotten through this.

16 MR. SUDER: Okay. Thank you,
17 Mr. Chairman.

18 Generally, besides -- and you have
19 in my letter the -- all of the
20 justifications for why this building is a
21 contributing building in the
22 Over-the-Rhine Historic District,
23 including the fact that it is a pre-Civil
24 War building that dates back prior to the
25 Civil War, is one of the last remaining

1 canal buildings -- canal-facing
2 buildings. And for those who may not be
3 familiar --

4 MS. RYAN: Chairman, just to be
5 clear, I'm not clear if Mr. Suder is
6 acting as a witness right now or where --

7 MR. VOSS: I think he's making an
8 opening statement.

9 MR. SUDER: I'm making argument.
10 The argument here is that it's a
11 contributing building; it's in a historic
12 district. The reason it's contributing
13 is because it's one of the last remaining
14 canal-facing buildings. Central Parkway
15 used to be a canal. It's documented in
16 our letter, in the photographs, and in
17 written documentation that was done by a
18 historic preservation professional.

19 And so the building is contributing.
20 It is one of the last remaining buildings
21 that is canal-oriented along Central
22 Parkway, so it is a very valuable
23 building to the Over-the-Rhine Historic
24 District. We ask it be treated that way.

25 And the only way to demolish the

1 building under the law, under 1435-09-2,
2 is if there is credible evidence that
3 there is economic hardship. Essentially,
4 what the code says is, if the applicant
5 can prove that if the City does not allow
6 them to demolish the building, the City
7 would be taking their property from them.
8 Then the Board must grant a Certificate
9 of Appropriateness for demolition.

10 That is not the case here. It
11 cannot be the case here because the
12 property owner is currently using the
13 building, and has been using the
14 building. They're operating the building
15 since at least when they owned it in
16 1997.

17 And so the building is what I would
18 call a going concern, in that it is
19 operational. So the City cannot possibly
20 take the property by refusing to allow it
21 to be demolished if it's occupied and
22 being used currently.

23 How could there be such extreme
24 economic hardship that without the
25 demolition, the building would have to be

1 taken by the City and just compensation
2 paid? That's absolutely not able to be
3 proved.

4 We also can't even question the
5 property owner about it because they're
6 not present at today's hearing, which is
7 another record deficiency.

8 And the fact that someone wants to
9 come in, demolish it and make a profit on
10 it, that is not the standard for
11 demolition in the Over-the-Rhine Historic
12 District.

13 There may be a lot of ways to use a
14 lot of buildings in Over-the-Rhine for
15 more profitable uses. We could tear the
16 whole place down and start over with new,
17 more profitable uses, but that is not the
18 standard.

19 The standard is would there be a
20 taking, would all economic and viable use
21 be deprived if we don't let them tear it
22 down. And for a building of this
23 significance, there's no showing that can
24 be made.

25 And even if there is, we don't have

1 the property owner here to be able to
2 test the credibility of this evidence.

3 So for all the reasons set forth in
4 our letter that we provided, and for the
5 reasons that Ms. Waller, Ms. Rivers, and
6 Mr. Klingler will present this evening,
7 we ask that the Certificate of
8 Appropriateness for demolition be denied.

9 Thank you.

10 MR. VOSS: All right. Now,
11 Mr. Suder, do you want to continue with
12 your witnesses?

13 MR. SUDER: Yes.

14 MR. VOSS: And I'll give Ms. Ryan an
15 opportunity to cross-examine.

16 MR. SUDER: Yes. Now, I don't need
17 to cross-examine any of the witnesses
18 that have been called yet. I do reserve
19 the right to -- if I could, to
20 cross-examine any rebuttal witnesses.

21 But for the time being here, I would
22 call Danny Klingler to start us off.

23 MR. KLINGLER: Should I go ahead,
24 Mr. Voss?

25 MR. VOSS: Please. You've been

1 sworn?

2 MR. KLINGLER: Yes, I have. And I
3 just would like to clarify before I
4 start, is this solely the -- is there
5 another chance to speak later on to the
6 new construction or is all the speaking
7 consolidated into this -- into the
8 demolition with the new construction
9 right now? Is this all of my time?

10 MR. VOSS: We're trying to cover
11 both. I'll give you a significant
12 latitude as far as time.

13 MR. KLINGLER: Thank you.

14 Thank you, Mr. Voss. Thank you,
15 members of the Board, for taking the time
16 here today.

17 My name is Danny Klingler. You guys
18 know me from many other meetings. In
19 this case, I live immediately across the
20 street from this and own my house and own
21 a couple of other houses on Magnolia that
22 I rent. And so I guess it has -- in a
23 sense, it has a little bit of extra
24 significance to me today.

25 I wanted to provide for you a little

1 bit of perspective of what this process
2 has been like for myself over the last
3 several months, six or so months. And I
4 think it'll provide some insight also
5 into perhaps how it's been for some of my
6 neighbors, though I won't speak for them.

7 We were approached, if you could
8 imagine, several months ago by the
9 development team and asked to respond to
10 a project. And so if you can imagine,
11 someone -- a developer comes and then
12 says, okay, we have this project.

13 So you say -- we say, well, sure.
14 Yeah. We'd love to. You want to just
15 kind of bounce some ideas off of us about
16 what you want to build here? We can work
17 together on it.

18 No, no, no. We already designed it.
19 We already know what it's going to be.
20 It's going to be large project across the
21 street on Magnolia.

22 Okay. Okay. So you've already
23 designed it. Well, tell us about it.
24 What is it?

25 Well, it's a 90-unit hotel.

1 Oh, wow. A 90-unit hotel building.

2 Okay. And it has to be that big?

3 Yeah. It's got to be that big.

4 Okay. Well, I guess, you know, it

5 will bring a lot of people to the

6 neighborhood; that's is a good thing.

7 Okay. So tell us some more about it. So

8 it's going to be like a mom-and-pop, like

9 a bed-and-breakfast kind of hotel?

10 No, no, no. No, it's not going to

11 be that.

12 MS. RYAN: Mr. Chairman, I would

13 object to any testimony regarding hotel

14 use as it's permitted in the district.

15 MR. VOSS: I will note your

16 objection. We've given some latitude to

17 both sides to tell their story.

18 So, Mr. Klingler, please proceed.

19 MR. KLINGLER: Thank you. So we

20 say, okay, well, is it kind of like a

21 regional hotel, like a 21c or an Ace

22 Hotel?

23 No, no, no. It's going to be a

24 national or international hotel chain.

25 That's who is going to run it.

1 Oh, really? Okay. Well, you know,
2 we're -- that's kind of not what we're
3 trying to do in Over-the-Rhine, but all
4 right. Now we have -- so that's who is
5 going to run the hotel. So are you
6 keeping all the historic buildings? Are
7 you going to preserve the historic
8 buildings?

9 Oh, no. We're going to tear one
10 down.

11 Which one is that going to be?

12 Well, it's going to be the one on
13 the -- it's going to be the one on the
14 corner. And we're going to tear that one
15 down.

16 Well, are you aware that's, you
17 know, a canal building and one of the
18 only ones remaining?

19 No, no. We're not aware of that,
20 but we've got to get rid of it.

21 Okay. Well, tell us about the
22 height. So this is a lower-scale portion
23 of Over-the-Rhine, you know, two- and
24 three-story homes. And certainly our
25 homes are two-stories tall. Can you

1 limit it to that height?

2 Well, no. We are going to build it
3 four stories, but they are going to be
4 set back so no one will notice it.

5 Well, you know, it is going to block
6 folks' view, first of all. And secondly,
7 more importantly, that will now be the
8 highest point. It will supersede the
9 historic buildings in this lower-scale
10 area. Can you, at least, put that fourth
11 story on the Central Parkway side, you
12 know, where there is higher density and
13 there's more height? Can you do that?

14 No, no. We can't do that.

15 And so what I've just described to
16 you is my experience of this process.
17 And it's been an experience of very
18 little compromise, of a tremendous amount
19 of work on the part of a lot of neighbors
20 to try to exact some compromise. And
21 just -- it feels futile.

22 And so the reason we're here today
23 with an attorney is because how do you --
24 what else do you do at a certain point?

25 I don't think any neighbor here

1 would have an objection with a
2 largely-sized development being built
3 here.

4 But the attitude of Mr. Patel, quite
5 frankly, specifically, and I don't mean
6 to call him out personally, but the
7 behavior has been, it's my way or the
8 highway. We'll present it to you, but we
9 won't change anything of substance. And
10 that is what is so frustrating and
11 disheartening about being here today.

12 So that's really my testimony. I
13 wanted you guys to, kind of, understand
14 the perspective of what this process has
15 been like for me. Thank you.

16 MR. VOSS: Thank you. Ms. Ryan,
17 would you like to go ahead and
18 cross-examine Mr. Klingler at this point?

19 MR. SUDER: Before that, Mr. Voss,
20 may I ask him a few clarifying questions
21 on the record?

22 MR. VOSS: You may.

23 MR. SUDER: Thank you.

24 EXAMINATION

25 BY MR. SUDER:

1 Q. Mr. Klingler, can just clarify --
2 you stated a comment about the height. You
3 were talking about the infill if this building
4 is allowed to be demolished.

5 A. That's correct.

6 Q. And you were talking about four
7 stories, three stories, two stories. Can you
8 clarify, what's the height of your block of
9 residential buildings on Magnolia?

10 And just give the Board an
11 understanding and flavor of the heights of the
12 buildings surrounding this property.

13 A. Yeah. So I think that it's true to
14 say that all of the buildings in the immediate
15 vicinity here are under four stories. On
16 Magnolia, on the -- going as far east as the
17 western facing side of Elm Street, 15th Street,
18 all the historic buildings are at or below four
19 stories.

20 And certainly, on Magnolia Street,
21 it's one of the lowest-scale streets in the
22 neighborhood. It's rows of 1840s and '50s
23 two-story, single family homes on Magnolia
24 Street.

25 Q. And then so what is the issue around

1 height? What is your objection on height of
2 the infill development?

3 A. Well, the issue is that we have a
4 part of the neighborhood with a particular
5 flavor and a particular character, and we would
6 like it to remain a two- and three-story
7 section of neighborhood.

8 And that's what the guidelines say
9 that, you know, it should remain because the
10 within one-story rule -- within one story of
11 adjacent contributing buildings, that is the
12 rule for the height of new construction. And
13 this building would be abutting a two-story
14 building on the north side of Magnolia Street.
15 And it would be directly across the street from
16 the whole row of six-in-a-row two-story
17 buildings.

18 So we believe it -- or I believe it
19 should be -- the development should be
20 consistent with the other buildings. And maybe
21 it doesn't need to be two stories, but I think
22 three stories would be very reasonable for this
23 particular part of the neighborhood.

24 Q. Mr. Klingler, are you familiar with
25 the infill drawings that were produced or the

1 drawings for the infill construction that were
2 produced?

3 A. Yes, I am.

4 Q. And so, I believe, on the elevation,
5 or at least on the front elevation of the
6 building, it shows the fourth floor being
7 proposed to be set back from Central Avenue.

8 Can you tell me why you would be
9 opposed to that?

10 A. Well, personally, I would not be
11 opposed to the -- what's called the fourth
12 story that's on the Central Parkway side of the
13 development; that's sort of -- that's part
14 of -- on the new building that fronts on
15 Central Parkway, there's a setback fourth
16 story. I'm not sure if it's a roof deck or
17 another -- exactly what it is. But I
18 personally would not object to that fourth
19 story.

20 It's the fourth story that moves
21 down into the interior of Over-The-Rhine, down
22 the side streets of Magnolia and Whetsel Alley
23 that I personally take issue with.

24 And again, that's because all of the
25 surrounding historic buildings that would

1 surround that fourth story are all
2 three-stories or two-stories tall.

3 Q. Thank you. I just wanted you to
4 clarify.

5 A. Okay. Thank you.

6 MR. VOSS: Sorry. Ms. Ryan, would
7 you like to cross-examine Mr. Klingler?

8 MS. RYAN: Chairman, I have no
9 questions for Mr. Klingler. I will point
10 out that the owner, Brahma Ramineni, has
11 come in and is available whenever it
12 makes sense to do so.

13 MR. VOSS: All right. Let's -- this
14 is getting out of order. Let's proceed
15 with Ms. Waller.

16 Mr. Suder, you have two or three
17 people that you were going to call to
18 testify?

19 MR. STURKEY: Mr. Suder, you are
20 muted.

21 MR. SUDER: Sorry. Ms. Waller is
22 here along with Ms. Rivers. Those are
23 the two other.

24 MR. VOSS: I would like to go ahead
25 and have them do their presentations, and

1 then we'll circle back to the owner and
2 give you an opportunity to respond.

3 And then we have a number of other
4 people who we will ask to speak. And
5 then both Ms. Ryan and Mr. Suder will
6 have an opportunity to cross-examine
7 them, should they choose so.

8 Let's go ahead, Mr. Suder, and
9 complete what you're saying, and then
10 we'll give Ms. Ryan an opportunity to
11 call an additional witness.

12 MR. SUDER: Thank you, Mr. Chairman.

13 Ms. Waller, are you ready to go?

14 MS. WALLER: Yes, thank you.

15 MR. SUDER: Please proceed.

16 MS. WALLER: Thank you to Chairman
17 Voss and the members of the Board.

18 I'm pleased to speak here today as
19 another owner of property on Magnolia
20 Street, directly across from the location
21 planned for the hotel. I actually used
22 to live in the building that is at the
23 far eastern side of the proposed hotel,
24 also owned by the same owner. So I
25 actually paid by my rent in the building

1 that is proposed for demolition.

2 And I will say that I am, honestly,
3 deeply confused, as an owner who bought
4 an empty house and invested in this
5 property, completely rehabbing it, and
6 has invested many hours of my time in
7 neighborhood issues, I'm confused to see
8 the owner of the building that is
9 proposed for demolition and who has been
10 using it as his office since 1997, is now
11 claiming there's absolutely no
12 economically viable use for the building.
13 It just really seems impossible.

14 Honestly, it strains any kind of
15 logic to me that he bought it, claims he
16 hasn't needed to make any changes to it,
17 and yet, now, it needs to be torn down.

18 I really believe that when we buy
19 buildings in Over-the-Rhine in this
20 historic district and this very special
21 place, that we are like temporary
22 caretakers of buildings that need to be
23 here for the future. This is a historic
24 district because it is incredibly unique
25 across the country. And it should be it

1 cherished and treated as such.

2 And if you buy a building here, you
3 have an obligation to take care of it.
4 This is a special building. I'm honestly
5 looking at it as I'm speaking to you.
6 And I look at it almost every day because
7 my home office looks out on it.

8 It is special because it was on the
9 canal. We have photographs that I
10 cherish with kids swimming in the canal
11 in front of this very same building. And
12 you can recognize it. It's the same
13 building. It's totally recognizable.

14 So to give the person who bought the
15 building over three decades ago --
16 three-and-a-half decades ago, and who
17 said he hasn't needed to make any changes
18 to it to keep it in shape, but now it
19 needs to be torn down -- it doesn't seem
20 like the way we should treat these very
21 special buildings in this important
22 district and, you know, take care of them
23 for the future for visitors.

24 It is what makes people want to
25 visit this place. And if we continue to

1 tear down these buildings, it becomes a
2 less special place that people will not
3 want to visit.

4 I don't think the question is
5 whether this development can be done with
6 or without tearing down this building.
7 You know, that's not question. The
8 question is whether the building has a
9 viable use. And it clearly does. It's
10 been used for over three decades.

11 I just want to make a couple of
12 other quick points that are not strictly
13 about the demo.

14 First of all, I am a member of the
15 board of the Over-the-Rhine Community
16 Council, as is Danny Klingler. And I
17 just, for the record, wanted to say that
18 the Over-the-Rhine Community Council did
19 consider this issue and did oppose it.
20 They did oppose the demolition. They did
21 oppose the use of having a hotel in this
22 residential area. And that is the other
23 point that I want to make.

24 This is a residential neighborhood.
25 When we learned about the hotel and the

1 bar, we also learned that our
2 neighborhood has been zoned commercial.
3 Many of us did not know that. And so we
4 immediately began taking a look around
5 and wondering what does that mean for us,
6 and what can we do about it.

7 And so we literally walked the
8 neighborhood from 14th Street to Liberty,
9 between Elm and Central where it is
10 mostly zoned commercial, and categorized
11 each of the buildings. And, you know,
12 almost universally the buildings are
13 being used as residential spaces.
14 Sometimes they have commercial on the
15 first floor, a small commercial that
16 would be actually allowed in a
17 residential zone as well. But it is
18 really a residential district.

19 And so all of us -- well, as we're
20 talking about this, need to think of --

21 MS. RYAN: I'm going to object to
22 any testimony about the idea that this
23 should be zoned differently. That is not
24 on the table. This is not zoned
25 residential.

1 And further, to the extent that the
2 rezoning that's planning to be
3 reconsidered, the one that they have
4 pending at this time, was not brought
5 forth until after the filing of this
6 application.

7 MS. WALLER: I want just want to
8 make one point because Beth Johnson
9 mentioned it, and that is that the City
10 code allows for a request from a City
11 Council member to do a zone change.

12 That request was made by a City
13 Council member, I think, a couple months
14 ago. So I don't know about the timing,
15 but the point really is that as we're
16 thinking about -- and now this gets to
17 the conditional use -- outdoor use of
18 space with music and, again, literally
19 like inches or feet from my window you're
20 talking about putting an outdoor bar and
21 entertainment area. That really does
22 matter when it comes to thinking about
23 the conditional use.

24 And so there is, you know, a pending
25 request from a City Council member to the

1 Planning Commission to change the zoning.
2 That is a matter that should be
3 considered by the Board in this hearing
4 today.

5 We have been experiencing the
6 outdoor use of space from The Pitch bar
7 now since it opened, and I will tell you
8 as someone who -- I can hear it. I can
9 hear the conversations, literally, the
10 words being used by people because that's
11 how the sound carries right now.

12 Granted, if the hotel is built,
13 maybe I wouldn't hear the interior
14 courtyard, but I bet you the people on
15 15th Street and the alley will be able to
16 hear it. And if there's an outdoor space
17 above my -- you know, just across the
18 street and above my window, I will be
19 able to hear that, too.

20 So we -- I do object to the -- that
21 conditional use. I would ask you to
22 recognize that this really is a
23 residential neighborhood.

24 And with that, I'll conclude my
25 testimony. Thank you.

1 MR. VOSS: Mr. Suder, do you have
2 any additional questions for Ms. Waller?

3 MR. SUDER: No. Thank you, Ms.
4 Waller.

5 MR. VOSS: Ms. Ryan, do you have any
6 questions and cross-examination?

7 MS. RYAN: No, Chairman, I do not.

8 MR. VOSS: Thank you. All right.

9 Mr. Suder, Ms. Rivers is going to
10 speak as well?

11 MR. SUDER: Yes, Mr. Chairman.

12 Ms. Rivers.

13 MS. RIVERS: Thank you. My name is
14 Mary Burke Rivers. I'm the executive
15 director at Over-the-Rhine Community
16 Housing. And I've had the honor or
17 working here in Over-the-Rhine for nearly
18 30 years.

19 The organization, Over-the-Rhine
20 Community Housing, that I work for has
21 deep roots in the neighborhood, where our
22 founders fought for both the preservation
23 of buildings, and the preservation of
24 people who make up this community.

25 Some of our founding members put

1 their bodies in front of bulldozers in a
2 last ditch effort to save historic
3 buildings. We've marched; we've
4 testified; and with blood, sweat, and
5 tears, we've saved buildings.

6 For the most part, we put this
7 energy into savings buildings so that
8 they could become homes for our
9 neighbors.

10 While the people here have always
11 been our priority, over the last three
12 decades I've come to develop a deeper
13 appreciation for the buildings. The
14 historic buildings have a life here.
15 These old buildings have lived here for
16 over a century. They are as much a part
17 of the fabric of Over-the-Rhine as the
18 people we love. The buildings tell the
19 stories of Over-the-Rhine. They're a
20 living, material testimony of who we have
21 been and who we are.

22 Maybe it is the fact that we've lost
23 so many of our neighbors that the
24 historic buildings become that much more
25 meaningful to me.

1 Our City has allowed economics to
2 dictate the loss of our neighbors and the
3 loss of a lack of affordable housing
4 across our City -- the loss of or a lack
5 of affordable housing across our City.

6 A developer simply says they can't
7 afford to include affordable housing and
8 that's it. While there's legitimacy to
9 that argument that the math doesn't
10 always work, little or no effort is made
11 to address the problem.

12 Over-the-Rhine is an historic
13 district with protections for the
14 historic buildings, and yet we allow
15 developers to tear down buildings. Once
16 again, a developer says the economics
17 don't work. Permission is granted, and a
18 building is torn down and our history is
19 destroyed.

20 I find this both heartbreaking and
21 discouraging. It is hard to remain
22 hopeful when so many of our neighbors are
23 struggling, and those with political
24 power and in leadership refuse to take
25 meaningful action.

1 I know that I'm combining what might
2 seem to be two different issues, but to
3 me they are connected. We allow economic
4 development efforts to move forward, even
5 when they violate our own rules -- and in
6 this case, the historic district
7 protection -- with the hope that the
8 economic impact will trickle down to
9 where it is needed most.

10 The benefits never trickle down.
11 And we lose valuable assets that include
12 both our people and our collective
13 history that live in the buildings.

14 Thank you.

15 MR. VOSS: Thank you.

16 Again, Mr. Suder, any questions for
17 Ms. Rivers?

18 MR. SUDER: No, Mr. Chairman. Thank
19 you.

20 MR. VOSS: Ms. Ryan, would you like
21 to cross examine?

22 MS. RYAN: Chairman, I have no
23 questions.

24 MR. VOSS: Okay. I'd like to circle
25 back -- or I'm sorry, Mr. Suder.

1 Those were the people that you said
2 you intended to have testify, correct?

3 MR. SUDER: That is correct,
4 Mr. Chairman.

5 THE COURT: Ms. Ryan, you mentioned
6 that Mr. Ramineni was present.

7 Would you like to have him speak?

8 MS. RYAN: Chairman, he is here for
9 cross-examination, and I may have some
10 redirect, but we have no preliminary
11 testimonies.

12 MR. VOSS: I'm sorry. Say that
13 again.

14 MS. RYAN: He is available for
15 cross-examination by Mr. Suder. I may
16 have some redirect, but we have no
17 preliminary testimony.

18 MR. VOSS: Is Mr. Ramineni the
19 owner?

20 MR. RAMINENI: Yeah. I'm Brahma
21 Ramineni.

22 MR. VOSS: I understand Mr. Suder
23 had some questions. First, we need to
24 know -- we'll get Mr. Ramineni sworn in.

25 (Witness duly sworn.)

1 MR. VOSS: All right. Mr. Suder,
2 you mentioned you wanted to cross-examine
3 the owner?

4 MR. SUDER: Yes. Thank you,
5 Mr. Chairman.

6 I'm getting bit of a reverb there.
7 Is that --

8 MR. STURKEY: I think it's the audio
9 in Ms. Ryan's office there. I'm not sure
10 there is anything we can do on that
11 front.

12 MR. SUDER: Okay. That's better.

13 CROSS-EXAMINATION

14 BY MR. SUDER:

15 Q. All right. Mr. Ramineni, good
16 afternoon. My name is Sean Suder. I'm the
17 attorney for Margy Waller, Danny Klingler, and
18 the Over-the-Rhine Community Housing, and I'm
19 here just to ask you some questions as the
20 owner of the property.

21 You are the owner of this subject
22 property; is that correct?

23 A. It is owned by our corporation
24 Downtown Property Management, Inc. I'm one of
25 the shareholders.

1 Q. Very good. Thank you.

2 And you purchased the property in
3 1997; is that correct? Or your entity
4 purchased the property in 1997; is that right?

5 A. That is correct, yes.

6 Q. And what is the building currently
7 being used for?

8 A. It's barely used. We have an office
9 there. We're maintaining the office just to
10 keep it maintained, keep the building
11 maintained, but it is in a substantially bad
12 shape, the building is.

13 Q. How long have you been operating an
14 office in that property?

15 A. I believe we opened our office there
16 in 2001.

17 Q. And have you made any alterations to
18 the building inside or outside during that time
19 period?

20 A. We -- actually, with the stadium
21 opening up, we had to do some outside work,
22 painting work outside. Other than that,
23 nothing substantial.

24 Q. But you stated that the building is
25 in disrepair; is that correct?

1 A. It is in disrepair, yes, sir.

2 Q. And was it in disrepair when you
3 purchased it in 1997?

4 A. No. We had tenants living in there.
5 We were renting it, commercial space. We had
6 a lithograph company, a construction company,
7 and an attorney's office was there when we
8 bought it.

9 But over the course of time, the
10 building has been substantially needing work.
11 And as the people moved out, it's very hard to
12 rent it now.

13 Q. And when you purchased the property,
14 were you familiar or aware that the property is
15 located in the Over-the-Rhine Historic
16 District?

17 A. Yes.

18 Q. So can you tell us why you didn't
19 make any of the necessary repairs to the
20 building over the last 30 years?

21 A. The way the building is structured,
22 it's not about getting the repairs. We don't
23 mind -- we do sell buildings. That is what we
24 do, our speciality is. We haven't gone to a
25 single building in Over-the-Rhine over a course

1 of period -- check out our track record. We've
2 owned and operated all three thousand units in
3 Over-the-Rhine, always maintained them.

4 We would like to maintain a building
5 and develop it, that's our goal. It's the best
6 thing that would show the community. And this
7 particular building, the way it's constructed,
8 it's not a viable building. There's nothing
9 you can do it. It has steep staircases. One
10 going up. One going to the back. There's no
11 elevator in it and you can't put an elevator in
12 wood joist building that's crumbling. This
13 building cannot be salvaged. It's beyond
14 repair.

15 Q. So you chose not to invest in the
16 building; is that what you're saying?

17 A. That's what we're planning on doing
18 now, but that building there is not viable for
19 repair. That's what I'm saying.

20 Q. So you purchased the building in
21 1997. It's 2021. You've been operating since
22 2001, I think; is that right?

23 A. We have an office there, yes, since
24 2001.

25 Q. And you've chosen not to make any

1 significant or substantial improvements to the
2 building. You've let it deteriorate; is that
3 correct?

4 A. I'm not saying we're letting it
5 deteriorate. That's not my argument there.
6 The argument is the building, the way it sits,
7 there's no way you can do some repairs in it
8 and make it code compliant. You'd have to have
9 handicap access. You'd have to have an
10 elevator in it in order for it to maintain.
11 You cannot do it on this building. This is
12 what we do for a living. This building is
13 beyond repair, based on the code compliant.

14 Q. But you've been using the building
15 since 2001, correct?

16 A. We maintain an office just to
17 maintain an office, just to have an office.

18 Q. And you said you made improvements
19 to the exterior because the stadium was located
20 across the street. Can you tell us why you did
21 that?

22 A. Just to keep the building a little
23 bit cleaner from the outside look.

24 Q. And what was it that -- why did the
25 stadium trigger that investment?

1 A. What was that?

2 Q. I said, why did the stadium trigger
3 that investment by you in the exterior of the
4 building?

5 A. I will say, number one, being a good
6 partner, support the neighborhood. It was
7 requested by some of the neighborhood neighbors
8 that if we could paint the building outside, it
9 would be more appropriate for the neighborhood
10 and we did that. That was a year and a half
11 ago when we painted.

12 Q. So just to recap, you've been using
13 the building since 2001. When you purchased it
14 in 1997, the building was not in disrepair.
15 But in 2021, it is beyond repair?

16 A. I did not say it was not in
17 disrepair. It was in a bad shape in the year
18 when we purchased the building. The whole
19 first floor was vacant when we purchased the
20 building.

21 And over the course of time, people
22 moved out and it's -- we opened an office just
23 to maintain the building, just to have an
24 office in the building because we don't want to
25 have a vacant building and be paying a premium

1 fee to the City of Cincinnati just to have a
2 vacant building. We're not against repairing
3 it or developing it, but this particular
4 building is not a repairable building; that I
5 know. I have been doing this too long.

6 We actually -- there was a house
7 next door that was condemned. The City wanted
8 it torn down. We actually repaired that house.
9 Margy Waller knows. She used to rent from us
10 three years ago. The house was supposed to be
11 torn down by the City of Cincinnati. We paid,
12 we got the permits, we repaired the house. So
13 I'm all for repairing buildings and keeping
14 them up to date.

15 Q. Let me just understand. When you
16 say, repairing the building, are you referring
17 to a change in the use of a building to another
18 use that would trigger a building code
19 compliance?

20 A. Whatever it takes, we're there to do
21 that. But this particular building has no fit.
22 If it wouldn't fit an office. I mean, we do
23 have people that wanted to use that as a garage
24 or a car repair shop. There used to be a car
25 repair shop across the street. He wanted to

1 buy this building and use it. But that's
2 neither here nor there. Maybe for a car
3 repair, you don't need to fix it for code
4 compliant and all that. But for the best use
5 of this building, it's not viable.

6 MR. SUDER: That's all I have, Mr.
7 Ramineni.

8 MR. RAMINENI: Thank you.

9 MR. VOSS: All right. Any response,
10 Ms. Ryan? Any other questions for
11 Mr. Ramineni?

12 MS. RYAN: Yes. I have a couple of
13 redirect questions.

14 REDIRECT EXAMINATION

15 BY MS. RYAN:

16 Q. Mr. Ramineni, so am I to assume
17 you've maintained the building?

18 A. We've been doing maintenance.

19 Q. And can you explain, again, a little
20 bit about the improvements that you would have
21 to make to invest in the building?

22 A. It needs to be torn down and rebuild
23 back up. You cannot repair this. The way this
24 is building set up, it's beyond repair. It
25 comes from the base -- the foundation. If the

1 foundation is bad, there's nothing you can do.

2 Q. And have you ever had any code
3 violations on this building?

4 A. No.

5 MS. RYAN: That's all I have.

6 MR. VOSS: Thank you. Unless either
7 Ms. Ryan or Mr. Suder have anything else?
8 We've heard their arguments, I would like
9 to go through -- we have a number of
10 other people signed up. I would like to
11 give each two minutes to share their
12 thoughts. And I will give Ms. Ryan and
13 Mr. Suder an opportunity to question
14 them, should they wish to.

15 All right. We'll start with Brian
16 Ragusa.

17 MS. RAGUSA: Holly Brians Ragusa.
18 Thank you, Chairman Voss.

19 MR. VOSS: All right.

20 MS. RAGUSA: That's all right. And
21 thank you to the Historic --

22 MR. VOSS: Have you been sworn in?

23 MS. RAGUSA: I've not actually.
24 Thank you.

25 (Witness duly sworn.)

1 MR. VOSS: Thank you. Please go
2 ahead.

3 MS. RAGUSA: Okay. Thank you. My
4 name is Holly Brians Ragusa, a close
5 neighbor to this current situation with a
6 line of sight and sound and a quality of
7 life concern for the activity that might
8 shine and sound into my mother and
9 daughter's room that face Elm.

10 I'm at 1414 Elm Street, essentially
11 across from Magnolia. I'm also on the
12 executive board for the Friends of Music
13 Hall, another preservation board in
14 Over-the-Rhine.

15 So I've lived in my home for just
16 over three years. I've spent the last
17 five years securing, designing, learning,
18 redesigning, relearning, building, and
19 actively restoring our home. We have a
20 unique home. One that hadn't been lived
21 in for decades, in great disrepair, and
22 turned down by many builders. And by
23 many standards, was not a contributing
24 building.

25 It was an enormous undertaking and

1 economic hardship, made little sense
2 financially, but my husband and I wanted
3 to invest in a historic district, to be
4 part of what makes and keeps OTR special.

5 I have history here. My father was
6 born across the street at 1431 Elm. My
7 great grandparents, Jenny and Almer Brown
8 owned a candy store where Anchor and now
9 Losanti is. My family knew the canal.
10 They knew those buildings. They walked
11 these streets. I came to this area drawn
12 by its history, my history, and that of
13 every person before and after.

14 This home project wasn't easy. It
15 cost far more than anticipated, took a
16 tremendous amount of care, energy, and
17 consideration. In fact, the scaffolding
18 only came down less than two weeks ago,
19 even though we've been here three years,
20 by restoring this facade back to its
21 historical state. One that few could
22 imagine would be restored.

23 And yet, the task set before me was
24 a responsibility we accepted when I came
25 before this very board four years ago

1 seeking a Certificate of Appropriateness.
2 It wasn't a home run. I asked to table
3 the vote and then engaged my neighbors.
4 I heard concerns, and those of Beth
5 Johnson. I paid for further redesign,
6 learned the stories and the passion for
7 preservation here.

8 I watched this building in question
9 be painted and spruced up in its
10 entirety, four sides of a brick building,
11 two stories, which is an enormous
12 financial investment, when FC went in,
13 just like a lot of other buildings who
14 hoped to increase their value. I can't
15 imagine the state disrepair that they
16 would invest that amount of money on it.

17 In the end, it's been painfully
18 clear we've been asked to do more than
19 most developers are. We've been willing
20 to comply and invest, largely because we
21 believe this Board had the power to act
22 with preservation in mind. We respect
23 and adhere to that.

24 More importantly, we believed the
25 area would be protected from interests

1 where money or loopholes could be used to
2 get around the intention and importance
3 of historic conservation, often flying in
4 the face of historic or neighbor
5 concerns, and in many cases when
6 conservation has not been demanded or
7 expected.

8 This canal building -- this
9 irreplaceable mark on our City's history,
10 and its now seemingly foregone demise,
11 has sadly become a retirement plan. And
12 the recommendation is to proceed with
13 demolition on a building that cannot be
14 replaced and has the integrity to be
15 restored.

16 I'm mindful of the very name of this
17 Board, for which you the honorable
18 members and chairs serve, the Historic
19 Conservation Board. It's my hope that
20 preservation remains above development,
21 to save what would otherwise be lost, to
22 demand that developers honor the
23 privilege of preservation; that which is
24 demanded from people like me, residents.

25 Please deny this request for

1 demolition. Thank you.

2 MR. VOSS: Thank you. I'm going to
3 move through, but if either Ms. Ryan or
4 Mr. Suder would like to question the
5 witness, please let me know.

6 John Walter. Is Mr. Walter on the
7 line?

8 MR. STURKEY: I believe John Walter
9 is present. Mr. Walter, would you like
10 to testify?

11 MR. VOSS: Unmute.

12 MR. STURKEY: And we'll need you to
13 unmute, Mr. Walter. I think he is having
14 technical difficulties, maybe come back.

15 MR. VOSS: All right. So I'll come
16 back around.

17 Jeffrey Quint?

18 All right. Brandon Elliot? As
19 it -- are we just not picking people up
20 or --

21 MR. STURKEY: It looks like
22 Mr. Walter is with us now. I think the
23 other two individuals just named have
24 dropped off.

25 MS. MAYNES: Brandon Elliot did not

1 didn't check in. He didn't check in.

2 MR. VOSS: Okay. Mr. Walter. Would
3 you like to proceed?

4 MR. WALTER: Yes, sir.

5 (Witness duly sworn.)

6 MR. WALTER: Can I proceed?

7 MR. VOSS: Please.

8 MR. WALTER: I'm John Walter, a
9 resident and small business owner in the
10 Klotter Conroy neighborhood of
11 Over-the-Rhine. I'm a trustee in the
12 Over-the-Rhine Community Council and
13 today, I'll only speak my own personal
14 thoughts. As someone who's been -- has
15 called Over-the-Rhine home since 1984,
16 these are the most optimistic days the
17 urban core has ever seen.

18 The opening of the FC Stadium,
19 coupled with the opening of The Pitch and
20 this proposed hotel would bring to life a
21 large part of Central Parkway, the
22 commercial corridor that's been dormant
23 for many years.

24 Hotel patrons bring a
25 seven-day-per-week sustainable customer

1 base that OTR small businesses need to
2 prosper. I'm an avid walker covering the
3 length and breadth of OTR daily. My
4 observation is most OTR businesses have a
5 reliable customer base Friday through
6 Sunday, assuming the weather is good,
7 however struggle to attract a customer
8 base Monday through Thursdays. Many
9 restaurants are closed Mondays through
10 Wednesday or Thursday because of this.

11 A medium-sized hotel in
12 Over-the-Rhine will provide the
13 seven-day-per-week customer base that
14 small business need and the stadiums.
15 The existing buildings south of The Pitch
16 leave a very blighted perception of
17 Over-the-Rhine to the 25,000 soccer fans,
18 many from out of town, many making --
19 kind of getting an impression of
20 Cincinnati for the first time.

21 This proposed hotel would be a
22 statement to many, both from Cincinnati
23 and outside of Cincinnati, that
24 Cincinnati is on the rise, not on the
25 decline. And it's a tremendous taxpayer

1 investment in the FC Stadium, and in
2 Over-the-Rhine, Washington Park, the
3 street car, and everything else that
4 taxpayers have paid for in Over-the-Rhine
5 with the specific intent of attracting
6 private investment.

7 This is the private investment that
8 Cincinnati has been dying for. Outside
9 of Cincinnati money coming in doing great
10 things. A small number of the same
11 individuals have opposed most large
12 market-laid projects in Over-the-Rhine,
13 including even the FC Stadium. Please
14 consider approval of this hotel project
15 to keep Over-the-Rhine and Cincinnati
16 headed on a sustainable economic path for
17 the future generations, including my
18 daughter who's 20 years old up at UC and
19 she loves Over-the-Rhine. And I would
20 like her to, you know, have a reason to
21 stay in Cincinnati.

22 So thank you very much.

23 MR. VOSS: Thank you.

24 Again, Jeffrey Quint?

25 All right. Moving on. Paul Muller.

1 MR. MULLER: Thank you. I have not
2 been sworn in.

3 (Witness duly sworn.)

4 MR. MULLER: Thank you.

5 First of all, I'm Paul Muller, the
6 executive director of the Cincinnati
7 Preservation Association. We really
8 appreciate the service of the Board in
9 implementing our historic conservation
10 ordinances. Those were put in place to
11 protect the historic resources of
12 Cincinnati.

13 And as we experience development,
14 there is more and more pressure on the
15 simpler, less dramatic buildings. I
16 think it's really important that you
17 consider the rarity of pre-Civil War
18 buildings and you consider the richness
19 of their connection to important parts of
20 our history, such as the role the canal
21 played in the development.

22 I appreciate that this project is
23 keeping two of the contributing
24 buildings, but I really think it needs to
25 relook at the 1416 Central. I also think

1 the height on Magnolia is a really valid
2 concern. If you look at the size of the
3 buildings in that area, this building is
4 clearly more than one-story out of scale
5 with that. And that's a very strong
6 recommendation -- or perhaps even more
7 than a recommendation in the guidelines.

8 And I think you would be doing a
9 disservice to the ordinance and the
10 community to allow that scale or
11 construction on Magnolia.

12 Thank you very much.

13 MR. VOSS: Thank you.

14 Kevin Hassey.

15 MR. HASSEY: I am Kevin Hassey --

16 MR. STURKEY: Hold on, Mr. Chair.

17 I believe Kathy Ryan may have had
18 some questions.

19 MS. RYAN: I apologize. I have no
20 questions.

21 (Witness duly sworn.)

22 MR. HASSEY: I am Kevin Hassey. I
23 live in 217 -- okay. I live at 217 West
24 15th. I abut the Whetsel Alley.

25 As I look at this project, and to a

1 point raised earlier, I'm not somebody
2 who objects to any projects. I don't
3 think I've objected to any projects in
4 Over-the-Rhine.

5 I think of the Central Park side of
6 things as a higher density corridor, and
7 one that should be a higher density
8 corridor. This in line with what Danny
9 said. But as you move down the
10 residential streets, the higher density
11 does not appear appropriate. I've been
12 told that contributing buildings are the
13 most relevant data points.

14 And as you move down the side
15 streets of Whetsel Alley and Magnolia and
16 say what contributing buildings
17 immediately abut to the south, north, and
18 east, there are eight contributing
19 buildings, seven of which are two
20 stories.

21 So I don't understand why we would
22 have -- allow a four-story next to seven
23 of eight contributing two-story
24 buildings. I have raised this with the
25 developer and asked if we could have a

1 session to just think about where that
2 density -- there's only seven units in
3 question of the 90 that form the fourth
4 floor on the residential side of
5 things -- on residential streets. And
6 I've asked if we could just have a
7 session on that topic to think about -- a
8 brainstorming session to think about
9 where else those seven of 90 units could
10 go. That has not been allowed or it's
11 been a session that is not desired by the
12 developer. And he just moved ahead with
13 the seven units on the 4th floor where
14 there are seven contributing two-story
15 buildings.

16 For all of those reasons, I ask you
17 to not allow those seven units, hotel
18 units that collectively make the 4th
19 floor, to strike them from this project.

20 MR. VOSS: Thank you.

21 Also, Roseann Hassey was listed.

22 MS. HASSEY: Hello. I'm here.

23 (Witness duly sworn.)

24 MS. HASSEY: I'm married to Kevin,
25 who just spoke. And I'm also a resident

1 of West 15th. I just want to start by
2 saying that I feel like we've had a
3 conversation that assumes that there's an
4 all or nothing, and actually I think it's
5 an and. And I think it needs to be
6 clearly considered. I personally
7 support, like many people on this call,
8 building on Central Parkway.

9 I think it's actually an exciting
10 time in our City's history, as we think
11 about connecting Music Hall to FCC, up to
12 Findlay and beyond, to get into John
13 Walters' space.

14 I also think the renderings, as
15 we've seen them, are very attractive. I
16 know that's an individual point of view
17 and others disagree. But I think it's a
18 well-designed and beautiful building.

19 And I also want to just commend the
20 architectural folks and Ohm in engaging
21 in an initial conversation with that. I
22 want to be clear that I also double down
23 on what Danny said, that we had one
24 conversation with no back and forth. And
25 so to call it a relationship or a

1 partnership would be overstating.

2 On the other hand, they had the
3 respect to show us the initial plan and
4 for us to be stunned and overwhelmed.
5 Within that, there's some things I think
6 are important to think about.

7 The first thing that I think is
8 important to think about is that this is
9 the first in many decisions that the
10 Historic Conservation Board is going to
11 make on how to integrate Central Parkway
12 into the existing, long-standing
13 neighborhoods of OTR that have humans in
14 that. Humans, families, adults,
15 multi-generations that are all shared.

16 This is a neighborhood. And it's
17 important to really seriously consider
18 the density of Central Parkway with the
19 human dynamic of a neighborhood abutting
20 it, especially between Magnolia and, you
21 know, up towards Liberty.

22 And I just urge you to think about
23 it holistically and constructively
24 because it's in your hands. And it's a
25 historic neighborhood and it's your

1 place. So that's my first thought.

2 My second thought is who is
3 occupying this space. So of course --
4 and I want to be clear, I don't
5 necessarily object to a hotel in this
6 space, I do object to the scale of it.

7 What would be in this space is a
8 transient population. It will be people
9 that pop in and pop out, that support
10 industry and business. I'm a business
11 person, I support that. However, I don't
12 support a transient population on top of
13 my building. I find it terribly
14 disturbing that I would be out in my
15 space and people I don't know every day
16 will change and have access.

17 Specifically, I'm referencing
18 Whetsel Alley and what was originally
19 proposed as porches and now is I think
20 they call them French doors. We actually
21 have a child that lives in Madrid. I'm
22 very familiar with the structure that is
23 being proposed. It, actually, is a
24 porch. It's proposed on streets that are
25 wide for people to view what's going on

1 below and across the streets with their
2 neighbors.

3 These will not be our neighbors.
4 These will be transient people staring
5 into our homes, opening up into our
6 space, and I strongly object.

7 And so when this group says that
8 they addressed our issue of porches, I
9 disagree. They've allowed for people to
10 continue to come into our space across an
11 alley.

12 The final thing that I think about,
13 and you've heard extensively about, is
14 height. This is a neighborhood. As
15 Danny said, Kevin reinforced, and you've
16 heard time and time again, four stories
17 on Central Parkway may not be problem,
18 but it is when you back into a
19 residential neighborhood, especially a
20 miniature neighborhood of historic
21 proportions like Magnolia.

22 It is a little delightful slice of
23 our City and it will be overwhelmed by
24 four floors of significant development.
25 We will be overwhelmed on the West 15th

1 side, but they will be extraordinary
2 overwhelmed.

3 And so within this, I want to say --
4 somebody summarized this really well for
5 me in this or-or-and space. I feel like
6 a hotel is a reasonable consideration and
7 I feel like we're taking a ten-pound bag
8 of potatoes and shoving it in a six-pound
9 bag.

10 And so the scale and impact of this
11 development is not in respect of the
12 historic and existing humans who live to
13 the east of Central Parkway. It's
14 absolutely fine on Central Parkway, but I
15 just urge you to think thoughtfully about
16 how we're going to join Music Hall with
17 FCC and up to Findlay Market in a
18 respectful and historically conservation
19 manner as you think through what to do in
20 the space.

21 Thank you.

22 MR. VOSS: Thank you. Michelle
23 Avery-Keely.

24 MS. AVERY-KEELY: Yes.

25 (Witness duly sworn.)

1 MS. AVERY-KEELY: 1416 Central
2 Parkway is a pre-Civil War industrial
3 building that started with the canal.
4 It's an important part of the history of
5 Over-the-Rhine and the canal and I'm
6 opposed to its demolition. The economic
7 hardship case to demolish it has not been
8 proven.

9 The contractor's estimates for
10 stabilization included a new automatic
11 fire sprinkler system throughout that
12 would not likely be needed if the
13 building were to be renovated as a
14 continuation of the current occupancy
15 type. Sprinkler system is a big-ticket
16 item.

17 The economic analyses all use this
18 inflated cost making it much more
19 difficult to show economic viability.
20 And if an existing use were continued,
21 there'd be fewer changes to the building.
22 No effort has been made to find a buyer
23 that would want the building for a use
24 that is more compatible with the existing
25 structure.

1 The owners have owned building for
2 over 24 years and have not maintained or
3 repaired the building. A statement on
4 the staff report claim that changes made
5 over the years are irreversible, but this
6 has not been substantiated.

7 It seems possible that the brick
8 arches that formed the original openings
9 are intact behind the stucco and may
10 still be usable. More investigation on
11 the building is needed.

12 The proposed buildings are out of
13 context and out of scale. The building
14 is too large and too tall. Four-story
15 areas are out of character. They are
16 two-stories taller than the adjacent
17 buildings. Four stories clad in
18 ultra-modern, ribbon windows which
19 detract from the character of the
20 historic district.

21 The three-story bridge over Whetsel
22 Alley connecting the proposed buildings
23 is out of character for the historic
24 building and is also clad in ribbon
25 windows. This amounts to the

1 privatization of a public roadway and
2 should not be allowed.

3 In my opinion, the overall
4 expression of the building is not
5 compatible with the historic context.
6 Three-story tall columns with a modern
7 style frame, with a vertical expression
8 of base that is too strong and
9 monumental. The base of the building is
10 not expressed.

11 The variances requested for eating
12 and drinking areas should be denied.
13 They are located about 150 feet from a
14 residential district and also directly
15 adjacent to residential areas behind on
16 both 15th Street and Magnolia Street.

17 The peace and quiet of all the
18 neighboring residents should be
19 protected. Outdoor entertainment should
20 be minimized and certainly not allowed up
21 to 2:00 p.m.

22 The size of the outdoor eating and
23 dining areas are too large and would be
24 loud even without entertainment.

25 The staff report states that the

1 total area of the roof deck and courtyard
2 is 2,600 square feet. But this can't be
3 right because just the third-floor roof
4 deck along 15th Street by itself appears
5 to be about 2,000 square feet, adding the
6 courtyard of roughly the same size, plus
7 the fourth-floor deck areas off the
8 catering rooms bring the total figure to
9 well above the stated 2,600 feet. So
10 what is percentage of the variance that
11 will be required? It's difficult to
12 tell. The drawings have no visual scale,
13 show very few dimensions with many floor
14 plans being marked not to scale and the
15 use several large spaces are not
16 identified. For all these reasons, I
17 urge the Board to deny the COAs and the
18 variance request. Thank you.

19 MR. VOSS: Thank you.

20 Jennifer LeMasters Wirtz?

21 MS. LEMASTERS-WIRTZ: Good
22 afternoon. Thank you.

23 (Witness duly sworn.)

24 MS. LEMASTERS-WIRTZ: Thank you. I
25 apologize in advance if my video might

1 cut out. I have limited connection here.

2 But I am a resident and business
3 owner of 20 years of the district. I
4 will also advise that I am married to one
5 of the design team members at Luminaut.

6 Some may see that, really, as a
7 biased, but as my husband would attest, I
8 hold very strongly to values, despite,
9 you know, any conflict that that may
10 cause.

11 So I am not here to offer my opinion
12 on the demolition or the use of this site
13 or the project. I really am here to
14 speak to the design of the new
15 construction only. I have reviewed
16 almost every new construction infill
17 project in the district over the last
18 decade on a volunteer basis, and I'm here
19 to offer my support to this project, for
20 the thoughtful and creative and sensitive
21 design that is presented in this
22 architecture.

23 And that's all I have. Thank you.

24 MR. VOSS: Thank you. Before I come
25 back to Ms. Ryan, Mr. Suder, that's

1 everybody I have that was checked in on
2 my list. Have I missed anyone?

3 All right. I would like to give
4 Mr. Suder an opportunity for rebuttal and
5 closing, and then I'll do same for
6 Ms. Ryan.

7 Mr. Suder?

8 MR. SUDER: Thank you, Mr. Voss.

9 MS. RYAN: Chairman, are we able to
10 provide rebuttal witnesses to the
11 testimony that was just presented?

12 MR. VOSS: Yes. All right.
13 Before -- let's start there.

14 Mr. Suder, do you have any rebuttal
15 witnesses for what you've heard?

16 MR. SUDER: No, Mr. Chairman. Thank
17 you.

18 MR. VOSS: All right. Ms. Ryan, do
19 you want to go with your rebuttal
20 witnesses at this point?

21 MS. RYAN: Sure. I'd like to call
22 Matt Erdman back, if he's available.

23 MR. VOSS: Yeah. He's been sworn.
24 Is that correct?

25 MR. ERDMAN: I have been sworn in.

1 Give me one second, my battery is dying
2 here. I'm trying to get it plugged in.

3 MR. VOSS: Got it.

4 MR. ERDMAN: Okay. Okay. I just
5 wanted to respond to several items and
6 just provide some context.

7 MS. RYAN: Mr. Erdman, if I could
8 provide redirect questions -- I'm sorry,
9 rebuttal questions.

10 MR. ERDMAN: Sure. Go ahead.

11 REBUTTAL EXAMINATION

12 BY MS. RYAN:

13 Q. First, you heard from Mr. Klingler
14 and additional witnesses with respect to the
15 height.

16 Could you respond to that issue?

17 A. Sure. Yeah. The guidelines are
18 pretty clear that adjacent contributing
19 structures, that you can go one story above.

20 And so where there is gray area
21 around that, where there's multiple buildings
22 that are adjacent, we -- you know, we go to the
23 Urban Conservator and we get staff guidelines
24 or staff input, which we did.

25 As I mentioned in the beginning,

1 we've talked to staff five times through this
2 process and the neighborhood four plus times.
3 And so we feel strongly that four stories is
4 within the guidelines, as the staff concurs in
5 their report.

6 With regard to height, I just want
7 to clarify the height of adjacent buildings.
8 So the adjacent Wooden Nickel building, which
9 is -- within the guidelines would be considered
10 adjacent to the structure is 50 foot tall. And
11 our proposed top of fourth story is
12 approximately 52 feet with some mechanical
13 units inset on that. So we're within a few
14 feet of that adjacent structure.

15 1420 is a contributing building that
16 is incorporated into our development. It's
17 three stories. And if you look on 15th at 222
18 15th, the top of that building, which is
19 directly across from our project, is 53 feet
20 which is exactly -- is within two or three feet
21 of our structure. So we definitely are within
22 the range of the adjacent buildings.

23 I know that some of the neighbors
24 have testified about the fourth story. It's
25 interesting that the Hassey's have a fourth

1 story. Their building is actually 45 foot
2 tall, and they're responding to the height of
3 this four-story structure.

4 So with regards to height, you know,
5 four stories is permitted by the guidelines,
6 which is one story within the -- above the
7 adjacent structures and a staff has concurred
8 on that.

9 Q. Mr. Erdman, you heard a number of
10 witnesses discuss the level of community
11 engagement. Could you respond to that point,
12 please?

13 A. Sure. You know, we started early.
14 It's funny that Danny had mentioned that we
15 showed up with a full design. That's actually
16 not true. We showed up with our first version
17 of a massing model. It had no windows. It had
18 no articulation to find out and get feedback on
19 the scale. We knew from the beginning -- from
20 that initial discussion that the neighbors
21 would be opposed to demolition, but we asked
22 that we go forward with the infill development
23 and get their feedback, which we did.

24 The Community Council has set out
25 their own process for reviews. With this

1 Over-The-Rhine Community Council, they refer
2 the first review of all new projects to go to
3 their infill committee. Their infill committee
4 Jennifer LeMasters-Wirtz, Danny Klingler, and
5 one other architect.

6 So we engaged with that group early
7 on in the design process, got feedback; engaged
8 with staff and got feedback. We took that
9 feedback and developed a full-blown design,
10 which we have now. And then started to engage
11 with the community on where to go from there.

12 What we found was the community
13 doesn't agree. It doesn't speak with one
14 voice. So where the Hasseys have asked us to
15 move the massing forward. Other community
16 members, Ms. Waller, had objected the fourth
17 story all together.

18 Where some people in the community
19 wanted us to move the wing of the addition
20 towards Magnolia, others wanted us to move it
21 towards the alley.

22 With regard to the design, you heard
23 several people say, well, I don't feel like
24 this is consistent with the guidelines of the
25 neighborhood. But we got strong support from

1 the infill committee, two of three members.
2 And the design was compliant with the
3 guidelines; that the tall orders that some
4 people objected to, others felt strongly were
5 for.

6 So we were getting all of these
7 conflicting feedback. We tried our best to
8 kind of consolidate that and move forward with
9 what we thought was the best consensus version
10 of the design, while still being feasible for
11 what the owner wanted.

12 Q. Mr. Erdman, can you discuss a little
13 bit more about the timeline at which this
14 building fell into the historic preservation?

15 A. Yeah. I do want to clarify that a
16 little bit. You know, there's two issues of
17 timeline here. One is around zoning. And the
18 building is zoned for a hotel by right. So I
19 know there's a lot of testimony today about
20 whether a hotel is appropriate or not
21 appropriate. We're not asking for any
22 concessions on the zoned use. The hotel is
23 permitted.

24 In fact, residential uses -- full
25 residential uses are not permitted. So the

1 testimony today from Margy and Danny and the
2 Hasseys, they live in existing nonconforming
3 uses in the zone that they are in. Now, they
4 are grandfathered in because those uses
5 preexisted the current zoning. So that's one
6 issue on zoning.

7 The second issue is on the timeline
8 of the designation. So in 1997 when this owner
9 bought this building, the historic districts
10 existed, but the current address that we're
11 talking about wasn't included in the district.

12 So it was 2014 that this particular
13 subject property was added to the historic
14 district through the submission of part one to
15 the state historic preservation office. And
16 that documentation, I believe, is in the staff
17 packet, but it is available and public record.
18 It is in our summary.

19 Q. Mr. Erdman, did you hear the
20 testimony of Mr. Ramineni regarding the
21 structural condition?

22 A. Yeah. So the structural
23 condition -- and I think there's some confusion
24 around maintenance and how the property got to
25 where it is. And I can't really respond to the

1 economics of the maintenance required.

2 There is economic testimony that's
3 in the packet. This building is shown --
4 there's a P&L submitted, materials showing a
5 \$180,000 loss over the last three years.
6 That's significant. Others can speak to that.

7 I can speak to the nature of the
8 problems of the building. So there is
9 structural report available or a structural
10 engineer is on the line here.

11 I want to clarify that the standard
12 is not if it's possible to renovate this
13 building. It is possible. But the standard
14 is, is it economically possible? So you have a
15 building that originally was brick. You can
16 see in the submitted packet by staff what that
17 building looked like back in the day when it
18 was originally still at some point likely
19 outside of the period of significance, but
20 we're not sure.

21 There was this muted Spanish Revival
22 stucco renovation that was applied to the
23 building. That specific design would not be
24 approved by the current guidelines. So the
25 renovation that took place would not get

1 approved by this Board if we were proposing it
2 today. That's a significant point to think
3 about.

4 While that renovation was going on,
5 they stuccoed the building. And that stucco
6 parging causes some problems over time with
7 water infiltration. You know, bricks were
8 meant to breathe. These bricks aren't able to
9 breathe. And there's been significant
10 deterioration of the structural integrity of
11 the brick. Just by the nature of wicking and
12 capillary action on the brick.

13 So it's not an issue of maintaining
14 the building, it's that there was a significant
15 harmful renovation that happened to this
16 building at some point decades and decades ago,
17 prior to this owner, that has over time caused
18 structural integrity issues with the building.

19 And so the full summary or the full
20 report by a structural engineer is available in
21 the packet. We don't need to go necessarily
22 into all that right now, but it is there.
23 There's issues with the foundation. There's
24 issues with face brick separating from the
25 joists. So we've got lateral failure. We've

1 got some vertical failure in the basement that
2 need to be addressed, that cannot be just
3 maintained or covered over with drywall.

4 MS. RYAN: That is all I have for
5 Mr. Erdman. I'd like to call Mr. Patel
6 back.

7 MR. SUDER: Cross-examine of Mr.
8 Erdman?

9 MS. RYAN: Sure.

10 MR. SUDER: Mr. Chairman?

11 MR. VOSS: Yes, please.

12 MR. SUDER: Thank you.

13 REBUTTAL CROSS EXAMINATION

14 BY MR. SUDER:

15 Q. Mr. Erdman, you mentioned that there
16 are adjacent buildings. I think one of them
17 was the antiques building with the Wooden
18 Nickel across the street. But isn't there a
19 building directly adjacent to the proposed new
20 building on Magnolia, I believe it's 222
21 Magnolia -- or not 222 Magnolia. I'm sorry --
22 it's 214 Magnolia. Are you familiar with that
23 building?

24 A. Sure. There are several buildings
25 adjacent to the property that we considered.

1 214 Magnolia, 1408 Central are existing
2 buildings that are in -- as part of project
3 1420, 1430 Central, 223 15th and 222 15th.

4 Q. Did you consider 214 Magnolia?

5 A. Sure did.

6 Q. How many stories is 214 Magnolia?

7 A. It's two. And if you read
8 guidelines, you're allowed one story above
9 adjacent structures. And as our feedback from
10 staff concluded, we could go four stories with
11 that. Clearly within the guidelines.

12 Q. My understanding is that you just
13 testified that 214 Magnolia is two stories,
14 correct?

15 A. It is. Maybe this is a question,
16 Sean, for the actual expert that's on the line,
17 which is the Urban Conservator.

18 Q. No. I'm asking you --

19 A. And I'm telling you that we are in
20 compliance with the guidelines, that's one
21 story above adjacent structures.

22 Q. Is one story on top of two stories
23 four stories or three stories?

24 A. There are multiple adjacent
25 structures.

1 Q. I'm asking about 214 Magnolia.

2 A. I've already answered that. It's
3 two stories.

4 MS. RYAN: Objection. Asked and
5 answered.

6 BY MR. SUDER:

7 Q. All right. So one additional story
8 then for the Board would be three stories not
9 four stories. We're focused on Magnolia.
10 Okay.

11 MR. VOSS: Asked and answered. Move
12 on.

13 MR. SUDER: Thank you.

14 BY MR. SUDER:

15 Q. Mr. Erdman, you testified about the
16 fourth-story setback building or someone
17 mentioned the fourth-story setback. My
18 question is about the ribbon windows. Are
19 those in your opinion in keeping with the
20 character of the Over-the-Rhine Historic
21 District?

22 A. They are.

23 Q. Ribbon windows are commonly used?

24 A. I wouldn't classify anything we have
25 as ribbon windows. I'm not exactly sure which

1 windows you're talking about.

2 Based on our feedback from both the
3 infill committee and the Urban Conservator, we
4 feel that this whole design is in compliance
5 with the guidelines, yes.

6 Q. But about those windows, they don't
7 have any mullions --

8 A. All parts of the design we feel are
9 in compliance with the guidelines.

10 Q. It's your testimony that ribbon
11 windows are --

12 A. I just testified that we don't have
13 any ribbon windows, so I'm not sure what you're
14 talking about.

15 MR. STURKEY: Mr. Erdman, I'm sorry
16 to interrupt. We do have a court
17 reporter who is transcribing all of this
18 testimony, so if you could wait until
19 Mr. Suder has completed his question, I
20 think that will help with the
21 transcription. Thank you.

22 MS. RYAN: Chairman, I'd like to
23 object to this line of questioning.
24 Mr. Erdman responded on rebuttal to the
25 height issue, but there was not any

1 rebuttal testimony given about the design
2 of the window to which cross-examination
3 would be appropriate.

4 MR. VOSS: Agreed.

5 MR. SUDER: That's fine. I'll move
6 on from it.

7 BY MR. SUDER:

8 Q. You mentioned that it was -- the
9 standard as to whether it's economically
10 possible to redevelop?

11 A. No. I said it's not -- the standard
12 is not whether it is possible to structurally
13 renovate this building. The standard is if
14 that renovation is economically feasible for
15 the owner.

16 Q. Okay. And are you familiar with the
17 standard that requires economic hardship, and
18 the standards and the factors that go with
19 economic hardship?

20 A. I am.

21 Q. And is economic feasibility one of
22 those factors? Are you aware of that?

23 A. Economic feasibility, yes.

24 Q. I guess, one question you mentioned
25 a little bit about what the damage was to the

1 building over time due to the stucco exterior,
2 how that could possibly hurt the brick behind
3 it.

4 Could the property owner have taken
5 action to preserve the structure of the
6 building?

7 A. Did you say could they have?

8 Q. Yes.

9 A. I'm not sure if they could have,
10 actually. I think the appropriate remedy is to
11 peel all the stucco, and then we would be in
12 front of this Board talking about whether we
13 could do that or not.

14 Q. Is that one option for repairing the
15 building?

16 A. I mean, it is part of the evaluation
17 of the renovation of the building.

18 Q. And so when you said in 2014 that
19 this building became a contributing building in
20 the Over-the-Rhine Historic District?

21 A. That's right.

22 Q. So it is a contributing building in
23 the historic district?

24 A. Yes.

25 MR. SUDER: All right. That's all I

1 have. Thank you.

2 MR. VOSS: All right. Ms. Ryan, do
3 you have any other rebuttal witnesses?

4 MS. RYAN: Yes. I'd like as to call
5 Mr. Patel, please.

6 MR. VOSS: Okay. You're still under
7 oath, Mr. Patel.

8 Ms. Ryan, go ahead.

9 REBUTTAL EXAMINATION

10 BY MS. RYAN:

11 Q. Mr. Patel, could you speak to the
12 sprinkler issue that Ms. Waller commented on?

13 A. I believe it was --

14 Q. I'm sorry.

15 A. Avery --

16 Q. Ms. Avery-Keely.

17 A. Keely, yes.

18 Yes, I can. When doing our
19 proforma, we created a break-even proforma,
20 which is a proforma that really encompasses if
21 one-third of the cost to repair the structure
22 was reduced -- if it was reduced down to
23 one-third of the actual cost, and whether the
24 project would still be viable.

25 And even if we reduced the

1 structural stability cost by -- and really
2 reduced it down to just a third of what the
3 actual cost would be, the project still doesn't
4 pencil from the renovation standpoint to get it
5 to a mix of office and retail, which is the
6 highest and best use in terms of rents for this
7 commercial building.

8 So even if you take the sprinklers
9 out of the equation, it's just a drop in the
10 bucket in terms of the cost that it would take
11 to salvage the building and actually make it
12 economically viable.

13 MS. RYAN: I have no further
14 questions, Mr. Patel.

15 MR. VOSS: Mr. Suder?

16 MR. SUDER: Nothing further. Thank
17 you, sir.

18 MR. VOSS: All right.

19 MR. HASSEY: Do I get to say
20 anything given that Matt's invoked our
21 name a number of times?

22 MR. VOSS: No. I appreciate the
23 inquiry, but at this point I'd like to
24 ask Ms. Ryan and Mr. Suder if they have
25 other witnesses they would like to

1 present?

2 MS. RYAN: I have none, Chairman.

3 MR. VOSS: All right.

4 MR. SUDER: No, Mr. Chairman.

5 MR. VOSS: Then I'd like to give
6 Mr. Suder an opportunity for closing
7 statement, then I'll give Ms. Ryan an
8 opportunity for closing statement.

9 MR. SUDER: Thank you, Mr. Voss and
10 members of the Historic Conservation
11 Board for your time this afternoon. I
12 know this has been going on for a while,
13 so I appreciate your time and attention.

14 The long and short of it is we have
15 to look at 1435-09-2, and that outlines
16 the standards for review in determining
17 whether there has been credible evidence
18 that the no demolition of contributing
19 buildings in Over-the-Rhine rule should
20 be overcome here, and is there's credible
21 evidence to overcome that rule.

22 Well, the answer to that, I think,
23 lies in Mr. Ramineni's testimony. I
24 mean, there are a lot of buildings in
25 Over-the-Rhine that are expensive to

1 maintain, expensive to repair, and maybe
2 expensive to bring up to code.

3 But that has not stopped scores of
4 buildings throughout Over-the-Rhine from
5 being renovated and the historic fabric
6 being preserved. Look at what 3CDC is
7 doing with tax credits. Look at all the
8 buildings that OTR Adopt has saved, and
9 on and on.

10 There are a number of small
11 developers, small owners who have done
12 incredible renovation to buildings in
13 Over-the-Rhine who have acted as stewards
14 of their buildings.

15 And purchasing a building on Central
16 Parkway that's a pre-Civil War building
17 that was canal-related, shame on the
18 property owner for not preserving that.

19 They used it for decades now, but
20 they've done nothing to preserve it,
21 clearly with the intention that when the
22 time was right, they could flip it to
23 somebody who would pay them a lot of
24 money for it and tear it down. That's
25 the impression I get from the testimony.

1 And the testimony is, frankly, that
2 all of these issues, if there are any,
3 were brought on by the property owners
4 themselves. And so that alone underlies
5 the case here, and that alone makes it
6 impossible for the Board to order the
7 demolition of this building.

8 The testimony simply is not
9 credible. And you cannot say there's no
10 economically viable use of a building
11 that's being used, and being used by the
12 property owner for 24 years. That's not
13 credible.

14 It may not be desirable anymore, but
15 it's not credible testimony and it
16 doesn't need meet the guidelines. It
17 doesn't meet the standards in 1435-09-2.

18 Now, even if the Board disagrees
19 with that and says, you know what, we'll
20 let them tear it down and build something
21 new. We don't believe that what they're
22 proposing to put back complies with the
23 guidelines either.

24 There are things like suburban-style
25 ribbon windows that they approved for the

1 fourth floor, presumably because they
2 don't think anybody can see it. But
3 that's not the case. People can see the
4 building from all adjacent buildings
5 around it. And what they are going to
6 see is a modern window type -- well, call
7 it what you want -- on the fourth floor.
8 The height doesn't relate at all to
9 Magnolia Street -- Magnolia Avenue where
10 my clients live.

11 And so the adjacent building next
12 door, directly next door is two stories.
13 They can do up to three, but not four
14 because that's going to tower over them,
15 the two-story resident they're directly
16 adjacent to.

17 The other building that they use as
18 a reference point is the antiques
19 building and that's across the street, so
20 you have that buffer of the street. The
21 width of the street to buffer the
22 building from the adjacent building.

23 It makes sense along Central
24 Parkway. It does not make sense as you
25 move back towards Magnolia to go up to

1 four stories.

2 So there are a lot of issues
3 relative to the infill, but I think the
4 threshold issue is whether we should
5 allow another contributing building in
6 Over-the-Rhine, especially one of this
7 significance to be demolished. And the
8 answer to that, from a preservation
9 perspective, is no. Thank you very much
10 for your time today.

11 MR. VOSS: Thank you. Ms. Ryan?

12 MS. RYAN: Thank you.

13 And Mr. Suder has mentioned that the
14 standards before the Board today are
15 regarding the credible evidence with
16 respect to the demolition that this
17 building has an economic hardship under
18 1435-09-2-B. These are a number of
19 factors, which as the code states, shall
20 be considered -- shall consider all the
21 following factors.

22 And then it goes on to say that the
23 Conservation Board may consider any or
24 all of the following establishing
25 economic hardships. This is the language

1 that provides the Board some leeway to
2 provide which evidence to weigh more
3 significantly than others with the sum of
4 the circumstances here.

5 Before you you've heard a number of
6 witnesses and we provided in the record a
7 number of extensive documentations with
8 respect to the structural condition of
9 this property.

10 This is a property that, as has been
11 testified to, there is an application on
12 the facade, that as you will find under
13 the Advantage Group Engineering report,
14 if you were to remove that area, the
15 parging, they require 50 percent brick
16 replacement and 100 percent tuck
17 pointing.

18 There are issues with the building,
19 ones that have been established years
20 before anybody involved at this point was
21 around, that established there would be
22 severe economic hardship to even bring
23 this building to anything that would
24 remotely establish it as an appropriate
25 structure for this area in an

1 economically viable way.

2 Additionally, you've heard a lot of
3 testimony from individuals about the idea
4 that this is a commercial -- it's in a
5 residential area to them. Again, we
6 object to any kind of testimony that
7 characterizes this as a residential
8 neighborhood.

9 We recognize there are residences
10 there. They are a conditional use and
11 this is a commercial district.

12 There was a lot of testimony that
13 you heard on the record that does not
14 speak to the standards whatsoever. We
15 heard things about whether there was a
16 compromise, how much individuals felt
17 that the applicant was willing to go back
18 and forth.

19 Again, that is not a standard before
20 the Board. There is no measure of how
21 agreeable or what level of back and forth
22 occurred.

23 The point is that they did engage
24 with the community. They reviewed the
25 code regulations and the district

1 standards and presented significant
2 evidence from a number of qualified
3 professionals to show you at the end of
4 day that the Certificates of
5 Appropriateness for both the demolition
6 and the design are adequate.

7 In addition to this, Mr. Suder has
8 mentioned the idea that, it's occupied,
9 so therefore it's economically feasible
10 to carry on this building. That simply
11 is not the standard.

12 As Mr. Erdman has said, of course
13 it's possible. One individual has stated
14 that her investment -- Ms. Brians Ragusa,
15 she said that she invested a lot in her
16 house. And we appreciate that. But
17 again, that standard of economics for a
18 commercial building of this nature is
19 different than what someone might do when
20 they're renovating their home.

21 Part of that is whether or not a
22 building can be economically renovated.
23 This building has been shown to have no
24 economic basis. The City of Cincinnati
25 Economic Development Department ran four

1 different scenarios. The applicant has
2 run five different scenarios. You've
3 heard no qualified experts on those
4 matters from the opposition providing why
5 any of that analysis is faulty or
6 inadequate.

7 In addition to that, you heard from
8 Mr. Suder that the current owner has
9 supposedly let this building be run into
10 the ground.

11 During his cross-examination, I
12 believe, he offered somewhat confusing
13 questioning to Mr. Ramineni regarding the
14 undefined terms of maintenance versus
15 investment. We don't need to get into
16 what everybody believed those to be, but
17 I believe that the owner's testimony says
18 one thing to you. He obtained the
19 building and it has significant
20 deficiencies in the foundation and other
21 things that will prevent him from ever
22 spending significantly in this building
23 in any way that would allow it, 20 years
24 later, to be economically feasible.

25 In addition to that, he mentioned a

1 number of ways that there are code
2 requirements that would be triggered to
3 bring in elevators or fire suppression
4 systems or various handicap
5 accessibility, things that greatly
6 limited his use. He has testified to no
7 code violations at this building.

8 He's maintained it on a minimal
9 basis to keep that building occupiable
10 and that is all that is expected. And
11 again, that is just one of many factors
12 to be weighed here.

13 In addition, the Certificates of
14 Appropriateness, both for the demolition
15 of the buildings at issue and the design
16 have been recommended for approval by the
17 staff.

18 We would respectfully request the
19 Board approve these requests consistent
20 with staff's recommendation. Thank you.

21 MR. STURKEY: Tim, you are muted.

22 MR. VOSS: Sorry. Thank you.

23 At this point, I'd like to give the
24 Board members an opportunity to ask
25 questions of staff of the applicant or

1 those in opposition.

2 Does anyone on the Board have
3 questions at this time?

4 MR. SUNDERMANN: I have a question
5 for Ms. Johnson. Ms. Johnson, when I'm
6 reviewing these numbers, the \$1.6 million
7 number for site -- fixing of the site and
8 everything, foundation. That's obviously
9 a big number, and to get past that number
10 with a viable use for this building is
11 difficult.

12 So my question -- and I believe
13 Ms. Ryan mentioned that some organization
14 in the county ran some hypotheticals on
15 how much it would cost to redo this
16 building. Do we think that \$1.6 million
17 number is a valid number?

18 MS. JOHNSON: The estimate was
19 provided by HGC, which has a very good
20 reputation within the City of providing
21 estimates, as well as doing work on
22 historic buildings.

23 MR. SUNDERMANN: Okay.

24 MR. VOSS: Do we have other
25 questions from the Board?

1 MS. SMITH-DOBBINS: This is
2 Pam Smith-Dobbins. I don't necessarily
3 have a question, it's more of a
4 statement. And I think it might have
5 been the attorney for the hotel developer
6 talked about community engagement. And I
7 was just questioning how meaningful that
8 community engagement was.

9 Just in listening to the people that
10 live in the neighborhood, and then with
11 what Mr. Klingler was saying, yes, there
12 was some engagement, but I'm just not
13 quite sure if it was meaningful
14 engagement on the part of the developer.

15 MR. VOSS: Thank you. I would like
16 to make a motion that we go into closed
17 session to consider this.

18 MR. SUNDERMANN: Second.

19 MR. VOSS: All right.

20 Mr. Sundermann?

21 MR. SUNDERMANN: Aye.

22 MR. VOSS: Ms. Smith-Dobbins?

23 MS. SMITH-DOBBINS: Yes.

24 MR. VOSS: Mr. Zielasko?

25 MR. ZIELASKO: Aye.

1 MR. VOSS: Mr. Weiss?

2 MR. WEISS: Yes.

3 MR. VOSS: Ms. McKenzie?

4 MS. MCKENZIE: Aye.

5 MR. VOSS: All right. I also signal
6 aye.

7 We will go into private session and
8 discuss this and we'll be back shortly.

9 (The Board deliberated in executive
10 session.)

11 MS. MAYNES: All right. Tim, we're
12 recording and on YouTube.

13 MR. VOSS: All right.

14 Ms. Ryan or Mr. Ramineni, we have
15 one question for you. Has there been an
16 attempt in the last couple of years to
17 sell this property to anyone else? Have
18 you made any efforts to market this
19 building?

20 MR. RAMINENI: We did -- I mean, it
21 wasn't listed to no real estate agent,
22 but we did have a discussion with
23 multiple developers, 3CDC, Model Group
24 and they the approached the building
25 multiple ways to see what they could do

1 for a development plan, and they figured
2 it's not a viable structure, and they
3 really couldn't come up with any kind of
4 positive use for the building. So they
5 backed out.

6 MR. VOSS: Thank you. We'll go back
7 into private session, unless a Board
8 member has another question while we're
9 here?

10 MR. RAMINENI: Thank you.

11 (The Board continued deliberating in
12 executive session.)

13 MR. VOSS: Okay. Thank you. We are
14 dividing it into four parts and we're
15 going to vote on all four for clarity
16 purposes.

17 So I would like to start with the
18 noncontributing building at 1430 Central
19 Parkway. I would entertain a motion.

20 MR. SUNDERMANN: Mr. Chairman, I
21 would like to make a motion that we
22 approve the Certificate of
23 Appropriateness for 1430 Central Parkway
24 as laid out by staff.

25 MR. ZIELASKO: Second.

1 MR. VOSS: Right. We have a motion
2 and a second. So 1430.
3 Mr. Sundermann?
4 MR. SUNDERMANN: Aye.
5 MR. VOSS: Ms. Smith-Dobbins?
6 MS. SMITH-DOBBINS: Yes.
7 MR. VOSS: Mr. Zielasko?
8 MR. ZIELASKO: Aye.
9 MR. VOSS: Mr. Weiss?
10 MR. STURKEY: Looks like he's just
11 coming back now.
12 MR. VOSS: Mr. Weiss, it's your vote
13 on 1430 demolition.
14 MR. WEISS: Yes.
15 MR. VOSS: Ms. McKenzie?
16 MS. MCKENZIE: Aye.
17 MR. VOSS: The Chair votes aye,
18 subject to a replacement with -- we're
19 okay with number -- with 1430.
20 Now, as to 1416 Central Parkway, I
21 would entertain a motion.
22 MR. SUNDERMANN: Mr. Chairman, I
23 would like to make a motion that we
24 disapprove the Certificate of
25 Appropriateness for 1460.

1 MR. VOSS: All right. So a positive
2 vote or a yes vote will be in opposition
3 to the demolition.

4 Do I have a second?

5 MR. ZIELASKO: Second.

6 MR. VOSS: All right. Mr. Zielasko?

7 MR. ZIELASKO: Aye.

8 MR. VOSS: Mr. Sundermann?

9 MR. SUNDERMANN: Aye.

10 MR. VOSS: Ms. Smith-Dobbins?

11 MS. SMITH-DOBBINS: Yes.

12 MR. VOSS: Ms. McKenzie?

13 MS. MCKENZIE: Aye.

14 MR. VOSS: Mr. Weiss?

15 MR. WEISS: Aye.

16 MR. VOSS: The chair votes no. I
17 believe that the applicant has
18 demonstrated the economic hardship
19 required, but motion is defeated. We do
20 not approve the demolition of 1416.

21 I do want to go ahead and have a --
22 since we took the time to talk to
23 everybody on the zoning relief for the
24 limited and full-time and restaurant and
25 outdoor areas, I would entertain a

1 motion.

2 MR. SUNDERMANN: Mr. Chairman, I
3 would like to make a motion that we
4 approve the zoning relief as laid out by
5 staff.

6 MR. ZIELASKO: Second.

7 MR. VOSS: Mr. Sundermann?

8 MR. SUNDERMANN: Aye.

9 MR. VOSS: Mr. Smith-Dobbins?
10 Did we lose her?

11 MS. SMITH-DOBBINS: Yes.

12 MR. VOSS: Mr. Zielasko?

13 MR. ZIELASKO: Aye.

14 MR. VOSS: Mr. Weiss?

15 MR. WEISS: Yes.

16 MR. VOSS: Ms. McKenzie?

17 MS. MCKENZIE: Aye.

18 MR. VOSS: The chair votes aye. The
19 zoning relief is approved.

20 Finally, on the Certificate of
21 Appropriateness for the new construction.
22 I would entertain a motion.

23 MR. SUNDERMANN: Mr. Chairman, I
24 would like to make a motion that we
25 disapprove the Certificate of

1 Appropriateness for the new construction.

2 MS. SMITH-DOBBINS: Second.

3 MR. VOSS: Again, to be clear, a yes
4 vote is against the proposal.

5 So Mr. Sundermann?

6 MR. SUNDERMANN: Yes.

7 MR. VOSS: Ms. Smith-Dobbins?

8 MS. SMITH-DOBBINS: Yes.

9 MR. VOSS: Mr. Zielasko?

10 MR. ZIELASKO: Aye.

11 MR. VOSS: Mr. Weiss?

12 MR. WEISS: Yes.

13 MR. VOSS: Ms. McKenzie?

14 MS. MCKENZIE: I like a lot of
15 things about the proposal, and I think
16 that parts of it are really well done and
17 really contribute to the neighborhood.
18 For me, it's really the massing as it
19 comes up against the residences on
20 Magnolia. I think it's too tall for that
21 area. So I'm an aye, so against it.

22 MR. VOSS: Got it. I agree. My
23 vote is aye. If it were necessary to
24 have that partial fourth floor, I would
25 prefer to see it on the Central Parkway

1 side where the massing makes more sense.

2 So we are six to nothing in
3 rejecting the Certificate of
4 Appropriateness for the new building and
5 rehabilitation as laid out by staff.

6 Ms. Johnson, do we have any other
7 business?

8 MS. JOHNSON: No.

9 MR. VOSS: Okay. I would entertain
10 a motion to adjourn.

11 MR. SUNDERMANN: Chairman, I would
12 like to make a motion to adjourn.

13 MR. ZIELASKO: Second.

14 MR. VOSS: All in favor?

15 THE BOARD: Aye.

16 MR. VOSS: We're adjourned. Thanks,
17 everyone.

18

19 - - -

20 MEETING ADJOURNED AT 6:41 P.M.

21 - - -

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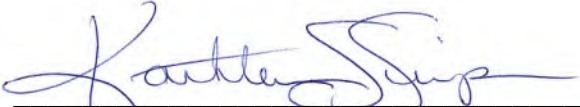
25

1 C E R T I F I C A T E

2 STATE OF OHIO :
3 : SS
4 COUNTY OF CLERMONT :

5 I, Kathleen S. Simpson, RPR, the
6 undersigned, a duly qualified and commissioned notary
7 public within and for the State of Ohio, do certify
8 that the foregoing is the hearing given at said time
9 and place; and that I am neither a relative of nor
10 employee of any of the parties or their counsel, and
11 have no interest whatever in the result of the
12 action.

13 IN WITNESS WHEREOF, I hereunto set my hand
14 and official seal of office at Cincinnati, Ohio, this
15 4th day of August 2021.

16
17 
18 Kathleen S. Simpson, RPR
19 Notary Public - State of Ohio
20 My commission expires March 21, 2022
21
22
23
24
25

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1	22nd 24:7	61:15,19 98:9 106:8
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**DECISION
HISTORIC CONSERVATION BOARD
CITY OF CINCINNATI
DATE OF DECISION: AUGUST 12, 2021**

APPLICANT: Luminaut

CASE TYPE: COA/Zoning Relief

CASE NO.: COA2021030/ZH20210086

PROPERTY: 1416-1430 Central Parkway Cincinnati OH 45202

SUMMARY OF REQUEST:

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

SUMMARY OF DECISION:

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

PUBLIC HEARING:

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

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

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

FINDINGS OF FACT:

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

1. This matter concerns the real property commonly known as 1416-1430 Central Parkway and more particularly identified as Hamilton County Auditor's parcel nos. 081-0002-0205-00, 081-0002-0204-00, 081-0002-0202-00, 081-0002-0201-90 (the "Property").
2. The Property is located in the CC-A, "Commercial Community Auto", Zoning District, in the Over-The-Rhine neighborhood,¹ and within the area designated as the Over-The-Rhine Historic District (the "District").
3. The Property currently contains a combination of contributing buildings, non-contributing buildings and a parking lot.
4. The Applicant's application for relief (the "Application") includes several proposals and requests as part of one larger project:
 - a. The Applicant is requesting a COA to demolish the contributing building at 1416 Central Parkway due to economic hardship.
 - b. The Applicant previously received approval to demolish the non-contributing building at 1424 Central Parkway and now requests COA approval to demolish the non-contributing addition to the building at 1430 Central Parkway.
 - c. The Applicant is requesting a COA for infill development at 1416-1430 Central Parkway which includes:
 - i. New construction at 1416 Central Parkway that would extend into the existing parking lot in the rear at 216-222 Magnolia Street. The Applicant proposes the infill development along 1416 Central Parkway to be a three-story building at the street line with a fourth story setback from the street. The rear of the building proposed along Magnolia Street would maintain a three-story façade along the street line with a fourth story set back from the street.
 - ii. Rehabilitating and renovating the building located at 1420 Central Parkway including façade changes and removing the large garage door on the 1st floor.
 - iii. New construction at 1424 Central Parkway and 1430 Central Parkway including infill development of one structure that will maintain two distinct facade treatments and will be three stories at the street line with a fourth story set back from the street. The Applicant proposes installing skyway connections over the alley between the structure at 1424, 1430 Central Parkway and the rehabilitated structure at 1420 Central Parkway at the second, third and fourth levels.
 - d. The Applicant is requesting Zoning Relief to allow two outdoor areas on the Property (one courtyard area and one rooftop area) for eating, drinking and entertainment that collectively

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

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

5. A representative for the current owner of the Property at 1416 Central Parkway testified that 1416 Central Parkway is in substantially poor condition and that only a small portion of the building is being put to any economically viable use – currently as an office. He further testified that the building is very difficult to maintain, and it is not practical or economically viable to rehabilitate.
6. A representative of the Applicant, Matt Erdman, testified that there was broad community engagement, that the community does not speak with one voice, and that there were many different preferences coming from the community regarding the design of the new construction. He discussed the extensive structural deficiencies with the building at 1416 Central Parkway and argued that a previous renovation that took place (Spanish stucco) would not have been approved by today’s historic conservation standards and thus much of the historic character has been lost.
7. Several members of the community including Danny Klingler, Margy Waller, and Mary Rivers as well as attorney Sean Suder and others argued that the demolition of the building at 1416 Central Parkway and the proposed new construction on the Property did not comply with the certificate of appropriateness standards. Among other arguments contained in the record, they argued that the building at 1416 Central Parkway has historic value and should be preserved, there was insufficient evidence to prove an economic hardship claim, and that the new construction is out of context for the adjacent residential neighborhood and the scale of the new construction would adversely impact adjacent properties.
8. Urban Conservator, Beth Johnson submitted to the Board a report concerning the application (the “Report”). The Report is 31 pages and dated June 23, 2021. The Report contains a summary of the requests, as well as a professional analysis and opinion, including a recommendation. The Report recommends approval of each request.

CONCLUSIONS OF LAW:

1. City Administrative Code (“CAC”) Article XXX, Section 4 establishes the Board and empowers it to “have the duties and powers imposed by ordinance and [administrative] code.”
2. CMC Section 1435-05-4 designates the Board to function as the Zoning Hearing Examiner concerning requests for zoning relief in Cincinnati’s local historic districts.
3. CMC Section 1435-05-4 provides that “[t]he Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

- a) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset; or
 - b) Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below.”
4. CMC Section 1435-09-2 sets forth the procedure for which the Board is to consider certificate of appropriateness applications and provides that “[n]o one shall make an alteration or undertake a demolition, or receive any permit to do so, without first obtaining a Certificate of Appropriateness.”
 5. CMC Section 1435-09-1-(b) provides that “[t]he Board may approve, approve with conditions, or deny an application for a Certificate of Appropriateness.”
 6. CMC Section 1435-09-2 establishes that “[t]he Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:
 - a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
 - b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the Certificate of Appropriateness is not approved.”

COA Demolition of Contributing Building – 1416 Central Parkway

7. The owner of the building at 1416 Central Parkway has not sought to demonstrate that its demolition conforms to the applicable conservation guidelines and instead claims that it will suffer economic hardship if it is not permitted to demolish the contributing building. Accordingly, the Board has limited its analysis to whether the Owner has demonstrated “economic hardship” pursuant to CMC 1435-09-2 (b).
8. CMC Section 1435-09-2 (b) establishes that the Board shall consider all of the following factors when determining whether the property owner has demonstrated an economic hardship:
 - a) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;
 - b) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and
 - c) Whether the economic hardship was created or exacerbated by the property owner.
9. In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

- a) A property's current level of economic return;
 - b) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;
 - c) The feasibility of alternative uses for the property that could earn a reasonable economic return;
 - d) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
 - e) Knowledge of landmark designation or potential designation at time of acquisition; and/or
 - f) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.
10. After considering the recommendations of the Urban Conservator and the evidence and testimony provided at the Hearing, the Board determines that the current owner at 1416 Central Parkway and the Applicant have not demonstrated that they will suffer economic hardship if they are not permitted to demolish the building at 1416 Central Parkway.

THE OWNER FAILED TO DEMONSTRATE THAT IT WILL SUFFER ECONOMIC
HARDSHIP

11. The evidence and testimony provided at the Hearing indicate that the current owner at 1416 Central Parkway failed to show that it will suffer economic hardship if it is not permitted to demolish the building.
12. The Board finds that the evidence does not demonstrate that all economically viable use of the Property will be deprived without approval of the COA.

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

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

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

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

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

CONCLUSION

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

Affirmative

Ms. McKenzie
Mr. Sundermann
Mr. Zielasko
Mr. Weiss
Ms. Smith-Dobbins

Negative

Mr. Voss

Recused

COA to Demolish Non-Contributing Addition at 1430 Central Parkway

1. The Over-the-Rhine Historic Guidelines (the “Guidelines”) generally allow for demolition of existing buildings when the demolition request is for an inappropriate addition or a non-significant portion of a building and the demolition will not adversely affect those parts of the building which are significant as determined by the Board.
2. After considering the recommendations of the Urban Conservator and the evidence and testimony provided at the Hearing, the Board determines that the Applicant demonstrated that the building addition at 1430 Central Parkway is a non-contributing addition and thus the requested COA is appropriate.

CONCLUSION

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

Affirmative

Ms. McKenzie
Mr. Sundermann
Mr. Zielasko
Mr. Weiss

Negative

Recused

Ms. Smith-Dobbins
Mr. Voss

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

1. The Applicant contends that the proposed new construction at 1416-1430 Central Parkway substantially conforms with the District Guidelines pursuant to CMC 1435-09-2 (a).
2. The District Guidelines establish that the Board's review of new construction will focus on the design compatibility with the surrounding contributing structures. The appropriateness of the design relates to the neighboring buildings and to the intent of the District Guidelines. New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.

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

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

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

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

CONCLUSION

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

Affirmative

Ms. McKenzie
Mr. Sundermann
Mr. Zielasko

Negative

Recused

Mr. Weiss
 Ms. Smith-Dobbins
 Mr. Voss

Zoning Relief to Allow Two Outdoor Areas on the Property

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

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

CONCLUSION

1. Based on the evidence submitted by the Applicant, testimony received at the Hearing, and the professional analysis and recommendation presented in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **APPROVE** the Zoning Relief request, finding it is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the District. Specifically, the Board approves two outdoor areas to be used for eating, drinking and entertainment that exceed 50% of the indoor area accessible to the public and are within 500 feet of a residential district boundary line.
2. The following is a record of the motion to approve the Application:

Affirmative

Ms. McKenzie
 Mr. Sundermann
 Mr. Zielasko
 Mr. Weiss
 Ms. Smith-Dobbins
 Mr. Voss

Negative

Recused

MADE this 12th day of August, 2021:

/s/ Tim Voss

Tim Voss, Chair

Historic Conservation Board

/s/ David Sturkey

David Sturkey, Staff Attorney

Historic Conservation Board

APPEALS:

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

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

Kinglsey + Co.

Attn: Jeremiah Hahn

1100 Sycamore Street, Suite 200

Cincinnati, OH 45202

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

Beth Johnson

Department of Buildings and Inspections

805 Central Avenue, 5th Floor

Cincinnati, Ohio 45202

1416 Central Parkway

April 25, 2022

CITY OF CINCINNATI HISTORIC CONSERVATION BOARD PUBLIC HEARING



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1 CITY OF CINCINNATI
2 HISTORIC CONSERVATION BOARD
3 PUBLIC HEARING
4
5

6 Address: 1416 Central Parkway

7 Applicant: Wood & Lamping
8
9

10 Date and Time: Monday, April 25, 2022
3:00 p.m.

11 Place: Historic Conservation Board
12 II Centennial Plaza
13 Fifth Floor Conference Room
805 Central Avenue
Cincinnati, Ohio 45202

14 Board members: Tim Voss, Chairman
Allison McKenzie
15 Pamela Smith-Dobbins
Herbert Weiss
16 Robert Zielasko
(all via videoconference)

17 City Law
Department: David Sturkey, Esq.
18 Kasandra Maynes
(both via videoconference)

19 Urban
Conservator: Douglas Owen
20 (via videoconference)

21 Reporter: Tracy L. Allen, RPR, RMR
(via videoconference)
22 Notary Public - State of Ohio
23
24
25

Page 2 1 APPEARANCES OF COUNSEL: 2 3 For the applicant: 4 Kathleen F. Ryan, Esq. (via videoconference) 5 of 6 Wood & Lamping, LLP 600 Vine Street Suite 2500 Cincinnati, Ohio 45202 513.852.6061 kfryan@woodlamping.com 9 Ohm Patel Matthew Erdman Jeremiah Hahn Matthew Wirtz (all via videoconference) 12 13 For the OTR Community Housing, Margy Waller, and Danny Klingler: 14 15 Sean S. Suder, Esq. (via videoconference) 16 of 17 Suder, LLC 455 Delta Avenue Suite 203 Cincinnati, Ohio 45226 513.694.7500 sean@ssuder.com 19 20 21 22 23 24 25	Page 4 1 in after the -- beyond the required time, 2 so I'm going to deny that -- entertaining 3 that motion. And, in part, because to 4 hear that motion I think we would have to 5 go through the case in total and it's 6 likely, irrespective of the motion, we 7 would have to do that process. 8 So given that, I'm going to treat 9 this as any other case, and I'm going to 10 turn it over to Mr. Owen, and then both 11 the applicant and the appealing group 12 will have an opportunity to address 13 whatever they think they would like to 14 address. 15 MR. SUDER: Mr. Voss, this is Sean 16 Suder. May I ask a question? 17 MR. VOSS: You may. 18 MR. SUDER: Did you say you denied 19 the motion to dismiss or you're not going 20 to hear the motion to dismiss? 21 MR. VOSS: It came in after time so 22 we're not going to hear it. 23 MR. SUDER: Okay. So then I'd like 24 to make a motion to dismiss on the record 25 verbally then.
Page 3 1 P-R-O-C-E-E-D-I-N-G-S 2 MR. VOSS: That brings us to Item 3 number 5, 1416 Central Parkway. 4 I want to preface our discussion on 5 this with a quick review. You have the 6 history on your -- in a staff report, but 7 we -- we saw this case last summer, 8 July 12, 2021, when we approved 9 demolition of a noncontributing building 10 at 1430 Central Parkway, and also 11 approved zoning relief for an outdoor 12 area and outdoor entertainment. 13 We denied a certificate of 14 appropriateness for the demolition of a 15 contributing building at 1416 Central 16 Parkway, and then further denied a COA 17 for the construction of a new building in 18 that location. 19 Since then, the zoning board of 20 appeals has overturned our decision to 21 deny the demolition of 1416. 22 So what's in front of us today is a 23 certificate of appropriateness for the 24 new construction that they're proposing. 25 We had a motion to dismiss that came	Page 5 1 MR. VOSS: Go ahead. 2 MR. SUDER: Unfortunately, I'm going 3 to have to read in what I filed that's 4 not being considered here, if that's okay 5 for the record. It shouldn't take but 6 five minutes. 7 MR. STURKEY: Mr. Suder, is this 8 like a proffer? 9 MR. SUDER: A proffer? 10 MR. STURKEY: Yeah. 11 So correct me if I'm wrong, I just 12 want to make sure the record's clear 13 here. 14 So you filed a motion to dismiss to 15 be heard by the Board. It came late and 16 it was submitted past the filing 17 deadline. 18 The Chair said that he is not going 19 to hear the motion because it was filed 20 after the deadline. 21 What are you proposing to do right 22 now? 23 MR. SUDER: To orally file a motion 24 to dismiss. 25 MR. VOSS: I'm inclined to suggest

Page 6 1 that you will have an opportunity, when 2 we come to you, to make your point and 3 your statement at that point. 4 I'd like to proceed with this as we 5 normally would. And we'll give you all 6 the time you need to make your point in 7 normal order. 8 MR. SUDER: Okay. Thank you, 9 Mr. Chair. 10 MR. VOSS: All right. So with that, 11 Mr. Owen, do you want to give us the 12 rundown on where we are on this? 13 MR. OWEN: Thank you, Mr. Chair. 14 So as you mentioned, this is a 15 certificate of appropriateness 16 application for 1416 to 1430 Central 17 Parkway in Over-the-Rhine Historic 18 District. And it has been before the 19 Board previously on July 12th, 2021. 20 So since the zoning board of appeals 21 has overturned the COA for the demolition 22 of the building, the applicant has 23 revised their plans and taken into 24 account the comments from the initial HCB 25 meeting and has submitted their changes	Page 8 1 remain at three stories. 2 However, the fourth floor of the 3 building has been significantly scaled 4 back so that it does not extend all the 5 way back to the rear of the building, but 6 it ends further towards Central Parkway 7 so that that massing is further removed 8 from the Magnolia frontage and from the 9 adjacent historic buildings. 10 So the other main difference is that 11 the applicant has added pilasters to this 12 rear block to help break up that massing 13 to provide more of a vertical emphasis on 14 this building and to better transition 15 into the residential architecture along 16 Magnolia Street. 17 So that being said, I think I will 18 leave it at that unless as staff -- or 19 the Board has further questions for me in 20 the future, but staff does, at this 21 point, recommend approval of the 22 certificate of appropriateness for the 23 new construction of the new building, 24 rehabilitation, and additions to two 25 existing contributing buildings per plans
Page 7 1 for review now. 2 So this is only a certificate of 3 appropriateness application at this 4 point. The zoning relief for the outdoor 5 area was previously granted at the 6 previous meeting. 7 So I will be brief on this. I'm not 8 going to go through piece by piece on the 9 entire development since it has been 10 before the Board previously. 11 There are not any major changes on 12 the main elevation along Central and 15th 13 Street. 14 The main changes are related to the 15 Magnolia frontage, which is where most of 16 the concern came from in the initial 17 hearing. 18 So you can see on your screen the 19 applicant has provided a comparison of 20 the previous submission that was heard by 21 the Board compared to the changes for 22 this meeting. 23 So the primary difference is on this 24 back wing along the Magnolia frontage. 25 The main portion of the building will	Page 9 1 from Luminaut dated 3/11/2020 for the 2 properties at 1416 to 1430 Central 3 Parkway with the following conditions; 4 that the building permit must be issued 5 within two years or the certificate of 6 appropriateness shall expire. 7 MR. VOSS: Okay. Thank you, 8 Mr. Owen. 9 With that, we'll turn to the 10 applicant. 11 I understand that Kathy Ryan will be 12 presenting. 13 MS. RYAN: Good afternoon, Chairman 14 and members of the Board. I'm Kathy Ryan 15 from Wood & Lamping here representing the 16 applicant, Ohm Patel, from Moment 17 Development, who is on Zoom; Matthew 18 Erdman, Jeremiah Hahn, and Matthew Wirtz 19 are here representing Luminaut. 20 At this time, I will have two 21 witnesses to present, Ohm Patel from 22 Moment Development and Mr. Erdman. And 23 our other representatives are available 24 as needed to answer questions, as well. 25 So I'd first like to start off

Page 10 1 presenting Mr. Ohm Patel. 2 MR. VOSS: Mr. Patel. 3 MR. PATEL: Thank you for the 4 opportunity. 5 MR. VOSS: Can he be sworn in? 6 MR. STURKEY: I'll swear him in. 7 (Witness duly sworn.) 8 MR. VOSS: Go ahead. 9 MR. PATEL: Thank you for the 10 opportunity. We here at Moment and 11 working with Luminaut, we have looked at 12 the plan and really kind of re-worked 13 room counts, because it really just boils 14 down to on the development side room 15 count and how we could address the 16 Magnolia Street massing and really kind 17 of hone in on the feedback that, not only 18 did we get from the Board the last time 19 that we presented, but also from the 20 residents that also gave a lot of their 21 commentary in terms of what their 22 concerns were. 23 So we definitely took a look at how 24 we could scale back the massing on the 25 side that does face residential, which is	Page 12 1 all the dollars that have been put into 2 the stadium and all the infrastructure 3 that has been dedicated by the City for 4 the improvements along Central Parkway. 5 So we feel that as an operating 6 business of The Pitch, we feel that 7 there's -- the more commercial activity 8 along Central Parkway that is developed 9 and created, it's going to be a benefit 10 across the board. 11 You know, a little bit of kind of 12 the previous applicant in terms of the 13 reasons why they'd want to move to OTR 14 really struck home with me in terms of 15 the reason why we're there. 16 I mean, we're operating Cobblestone 17 right on Washington Square Park as well 18 as The Pitch. We're commercial 19 operators. My partner lives in OTR. 20 We're embedded in the community and 21 want to see the success of new 22 restaurants and offices, et cetera. 23 And what COVID did teach us was that 24 we have to be able to evolve in terms of 25 bringing in new clientele, new residents,
Page 11 1 on Magnolia. 2 And so what you see before you 3 today, and I'll have Luminaut go into 4 detail as to how the programming has 5 deviated and changed from the last 6 presentation to now. 7 I did want to -- I did want to speak 8 to, a little bit, about how things have 9 transpired in the neighborhood 10 commercial -- on the commercial side over 11 the past year; you know, in terms of 12 opening The Pitch, having the stadium 13 have a full season of games, and also 14 kind of really seeing how the rhythm of 15 the commercial thoroughfare is really 16 being played out. 17 We do feel that the energy or the 18 activation of Central Parkway all up and 19 down the corridor of Over-the-Rhine is 20 crucial to the success of not only that 21 immediate area, but also as it 22 transitions over into the West End. 23 We feel like this is a very 24 important development for the future of 25 the commercial activation and success of	Page 13 1 et cetera, to keep the diversity of OTR 2 lively and sustainable long term, while 3 at the same time paying respect to the 4 history and the culture that makes OTR 5 OTR. 6 And I think that that was what we 7 set out to do when we put this 8 development together. And I think that 9 by really kind of doing some soul 10 searching and really kind of honing in on 11 what the details needed to be addressed 12 in this revised package, I think we were 13 able to do that. 14 As far as the hotel is concerned, I 15 know that it's a permitted use, but at 16 the same time, I do want to stress that 17 the hotel that we are presenting is a 18 boutique hotel. Every aspect of it is 19 customized. 20 It's not branded in terms of a 21 cookie-cutter hotel. It is a product 22 that is going to be unique to only this 23 location. 24 And in that respect, it will be a 25 higher end. Our average rates are

Page 14 1 probably going to be somewhere north of 2 \$200. Clientele is going to be of a 3 certain caliber. 4 And at the same time, we feel that 5 it's going to make a positive impact in 6 terms of the rest of the businesses 7 within OTR, whether it be office and/or F 8 and B just because they are yearning for 9 that business. Even coming out of COVID 10 and things being semi normal, these 11 businesses are in need of it. 12 And so when we look at the Airbnb 13 rates in the market, Airbnbs are going 14 for 4, \$500 a night. 15 So there's a clear demand that a 16 hotel is something that OTR needs, and it 17 being on the commercial thoroughfare of 18 Central Parkway, we feel like it's well 19 located across from the stadium and not 20 in the mix of a lot more density. 21 So with that, that's all I have at 22 this time. 23 MR. VOSS: All right. I want to 24 give -- given the nature of this, I want 25 to give Mr. Suder a chance to	Page 16 1 MR. PATEL: We have. 2 MR. SUDER: You have how? 3 MR. PATEL: I just stated it. 4 MR. SUDER: And didn't you state 5 that you opened it up for views? Did 6 that change the height of the building 7 when you did that? 8 MR. PATEL: Yes, in a certain 9 portion of the building it did. 10 MR. SUDER: What did it change it 11 from? 12 MR. PATEL: I will have the design 13 team give you the specifics of the height 14 reduction. 15 MR. SUDER: I can ask them. 16 So you didn't really change the 17 massing of the building relative to 18 Magnolia Street, right? 19 MR. PATEL: We have. Yes, we have. 20 MR. SUDER: And how did you do that? 21 MR. PATEL: We reduced the units on 22 the fourth floor. 23 MR. SUDER: What do you mean 24 reduced, what does that mean? 25 MR. PATEL: We removed.
Page 15 1 cross-examine witnesses as they come up. 2 MR. SUDER: Thank you, Mr. Voss. 3 I'll just ask a question here. 4 Mr. Patel, have you changed the 5 massing and the scale of the building 6 relative to the Magnolia Street rhythm 7 and scale of those buildings? 8 MR. PATEL: We have taken a broad 9 look at the overall neighborhood. The 10 three-story frontage is in consort with 11 the rhythm of the entire street and so we 12 left that the same. 13 What we have done is we've taken out 14 a significant portion of the setback 15 four-story units and really kind of 16 opened that portion up, which in relation 17 to the buildings next door on Magnolia, 18 there's a lot more clearance. And as far 19 as the properties to the rear, there's 20 clearance in terms of views, as well. 21 MR. SUDER: But you haven't changed 22 the height of the massing of the new 23 construction; is that right? 24 MS. RYAN: Objection. Asked and 25 answered.	Page 17 1 MR. SUDER: You removed units on the 2 fourth floor altogether? 3 MR. PATEL: Yes, as was presented by 4 Mr. Owen. 5 MR. SUDER: And -- okay. Well, 6 we'll ask your architect about that some. 7 Let me just look here real quick. 8 Okay. That's all I have for 9 Mr. Patel. I think I'll ask the 10 architects these questions. 11 MR. VOSS: All right. 12 Ms. Ryan, who would you like to have 13 speak next? 14 MS. RYAN: Thank you. 15 Next I have Mr. Matthew Erdman from 16 Luminaut. 17 MR. VOSS: All right. Mr. Erdman, 18 let's get you sworn in. 19 (Witness duly sworn.) 20 MR. VOSS: Go ahead. 21 MR. ERDMAN: Great. 22 I just, for the record, want to kind 23 of go back a little bit on the history of 24 the project. 25 When we started design work on this

Page 18 1 project in March of 2020, two years ago, 2 we started the conversation with the 3 Urban Conservator to get the City's 4 feedback and staff's feedback on the 5 appropriateness of massing in this area. 6 From there, we quickly went to the 7 Over-the-Rhine Community Council, and 8 they routed us through the Infill 9 Committee of the community council. 10 Since then, we've met with the 11 City's staff seven times, the 12 neighborhood groups officially five 13 times. We've had five public meetings 14 and numerous conversations offline with 15 stakeholders around the property. 16 So through that process, we 17 presented the project back last year. 18 The Board denied our certificate of 19 appropriateness in a tailored way. 20 So they said that they denied -- 21 while they found it successfully 22 incorporated many of the design features 23 of the historic guidelines, they find 24 that we failed to demonstrate scale, 25 proportion, and height of the	Page 20 1 Board. 2 What we've done is we've reduced the 3 fourth story for the west -- I'm sorry -- 4 the eastern portion of the addition along 5 Magnolia. 6 So we removed four guestrooms the 7 pulling four-story back to the west to 8 align with the existing four-story 9 structure at 223 15th Street so that our 10 fourth story aligns with four-story -- 11 the historic four-story adjacent, across 12 the alley. 13 Additionally, we took a look at the 14 rhythm of the Magnolia wing. And one of 15 the comments -- the only other comment 16 that didn't have to do with the 17 four-story was about sort of the 18 relentless nature of that Magnolia wing. 19 So we divided that into a 20 tripartite, a design solution where we 21 broke that down into three vertical 22 sections with a 3, 8, 3 pattern. 23 So we think the height aligns with 24 the historic guidelines. We think that 25 the revision really responds to the
Page 19 1 compatibility with surrounding 2 structures, specifically along Magnolia 3 as it abutted 220 -- 214 Magnolia. 4 So as we looked to redesign the 5 project to submit it, we really focused 6 there. We looked at Ms. McKenzie's 7 comments that the four-story was the key 8 problem as it abutted 214, and Mr. Voss 9 is concurrent. 10 We also looked at the testimony of 11 the surrounding neighbors that testified 12 during the hearing. 13 So both Mr. Hassey and Mrs. Hassey, 14 Danny Klingler, and -- and actually 15 Mr. Suder recommended that the fourth 16 story was appropriate along Central and 17 that the issue was the fourth story along 18 Magnolia. 19 So the staff has presented this 20 project in four blocks; the 15th Street 21 section, the Central Parkway section at 22 1424, the Central Parkway section at 23 1416, and the Magnolia section. 24 Our changes focused around the 25 Magnolia section as directed by the	Page 21 1 request of the Board and neighbors, and 2 we think that the project should be 3 approved. 4 MS. RYAN: Mr. Erdman, does this 5 comply height-wise with the code? 6 MR. ERDMAN: It does. The 7 guidelines -- it's not a code, it's a 8 guideline. And it suggests that we can 9 go one story above adjacent structures. 10 We have complied with that in all 11 areas of this project. 12 MS. RYAN: And this particular 13 property, could you describe a little bit 14 about what that means as far as walk 15 frontages and comparison buildings? 16 MR. ERDMAN: Sure. 17 So along Central Parkway to the 18 south, the Wooden Nickel building -- give 19 me one second here. 20 The Wooden Nickel building at 1408 21 Central Parkway has a height of around 22 three stories and 49 feet, 5 inches or 49 23 feet, 6 inches. Our fourth story is 24 51 feet, 6 inches. 25 As we round the corner on

Page 22 1 15th Street, 223 15th Street is a 2 three-and-a-half story or four-story 3 depending on how -- what code you might 4 look at, existing historic structure with 5 a top height of 46 feet. 6 And then 214 Magnolia is a two-story 7 building with a 30-foot height, and we 8 have dropped our building down to three 9 stories in that area with a 41 feet, six 10 inch height. 11 MS. RYAN: And you're looking at 12 page 19 of your submittal? 13 MR. ERDMAN: That's correct. 14 MS. RYAN: I have no other 15 questions. 16 MR. VOSS: All right. 17 Mr. Suder? 18 MR. SUDER: Thank you, Mr. Chairman. 19 I'm just curious. 20 Mr. Patel mentioned or testified 21 that the height of the overall building 22 was reduced. 23 How much was it reduced by, 24 Mr. Erdman? 25 MR. ERDMAN: Along the Magnolia	Page 24 1 MR. RAMINENI: I have no comment. 2 MR. VOSS: Okay. Mr. Hahn, do you a 3 have comment? 4 MR. HAHN: I have no comments. 5 MR. VOSS: Okay. Is there anything 6 else that you'd like to put in at this 7 point, Ms. Ryan? 8 If not, I'll go on to Mr. Suder. 9 MS. RYAN: We are finished at this 10 time until the closing argument. 11 MR. VOSS: All right. 12 Mr. Suder. 13 MR. SUDER: Thank you, Mr. Chairman. 14 As you mentioned earlier, we did 15 make a motion to dismiss. 16 For some reason or another, it came 17 in four minutes after midnight, so, yeah, 18 you're correct, it was late, but I don't 19 quite understand why, so there must have 20 been some issue with the clock. 21 But nonetheless, we had asked for it 22 to be allowed into the record because it 23 had no material impact on anyone the fact 24 that it was four minutes late, but you're 25 the Chair, you get to decide that.
Page 23 1 front was reduced by ten feet. 2 MR. SUDER: Along the Magnolia 3 front? 4 MR. ERDMAN: That's correct. 5 MR. SUDER: So that's -- 6 MR. ERDMAN: In the context of the 7 historic guidelines, it's -- we're really 8 talking about stories, there's height. 9 Underlying zone would be height, so we 10 can -- do you want me to talk stories or 11 feet? 12 MR. SUDER: Well, just overall 13 height. That's fine. 14 Thank you. That's all I have. 15 MR. VOSS: All right. 16 Ms. Ryan? 17 MS. RYAN: I have no redirect. And 18 that concludes my witnesses. 19 I would like an opportunity for 20 closing. 21 MR. VOSS: All right. I do have a 22 couple other people that are signed up as 23 part of the applicant team. 24 Brahma Ramineni and Jeremiah Hahn. 25 Either of them wish to speak?	Page 25 1 So we're going to go ahead and make 2 a motion to dismiss on the record today 3 just so it's in there. We would ask you 4 to consider it. 5 It's a little out of order because 6 you just heard the case of the applicant, 7 but we would ask you to grant the motion 8 to dismiss and not consider the 9 applicant's case. 10 I'm here on behalf of Margy Waller, 11 Danny Klingler, and the OTR Community 12 Housing, and we move for the historic 13 board to dismiss this COA application for 14 the following reasons: One, we think 15 it's a second bite at the apple. You've 16 already denied this COA and now they're 17 coming back. They didn't appeal it. 18 They're coming back asking for, 19 essentially, the same thing. 20 Applicant Luminaut has already 21 applied for and been denied a COA for 22 construction of its proposed hotel having 23 made no substantial changes in its second 24 application. 25 Luminaut is precluded from

Page 26 1 re-litigating the Board's previous 2 determination, but the hotel design does 3 not comply with historic guidelines. 4 Thus, the Board should dismiss the 5 application based on the doctrine of res 6 judicata and collateral estoppel. 7 As you know, Luminaut wants to build 8 a four-story hotel on the east side of 9 Central Parkway between 15th Street and 10 Magnolia Street. Last year Luminaut 11 applied to the Board for, among other 12 things, a COA to demolish the 13 contributing building at 1416 Central 14 Parkway and a second COA for new 15 construction of the hotel. 16 This Board denied both COAs finding 17 that Luminaut failed to demonstrate 18 economic hardship for demolition and 19 failed to demonstrate compliance with 20 historic guidelines for new construction. 21 As relevant here, the Board held, 22 quote, The applicant demonstrated that 23 the plans for the new construction 24 successfully incorporated several of the 25 specific design features required by the	Page 28 1 that decision. 2 Instead, Luminaut brings the second 3 application for new construction, which 4 is a near carbon copy of its first 5 application. 6 As shown on page 3 of its historic 7 conservation narrative, Luminaut makes 8 only two changes to its proposed design; 9 the fourth floor is pulled back so as not 10 to extend as far towards the adjacent 11 buildings on Magnolia Street, and the 12 facade facing Magnolia is broken up with 13 pilaster and cornice frames. 14 The fourth floor remains recessed 15 from the property line and is unviewable 16 from the sidewalk on Magnolia, thus from 17 the perspective of a pedestrian on 18 Magnolia Street, the proposed hotel 19 scale, height, and massing remain the 20 same as in the first application. 21 The Ohio Supreme Court has held that 22 two preclusion doctrines apply to 23 quasi-judicial administrative decisions, 24 such as the Board's ruling on a COA 25 application.
Page 27 1 district guidelines. 2 However, the Board finds that the 3 applicant failed to demonstrate the 4 scale, proportion, and height of the 5 proposed design as compatible with the 6 surrounding contributing structures and 7 nearby residential structures. 8 In particular, the Board said the 9 height and the massing of the new 10 construction along 216 to 222 Magnolia 11 Street overpowers adjacent residential 12 buildings. 13 The Board went on to say that 14 partial compliance with some design 15 guidelines does not outweigh the 16 incompatibility and the lack of rhythm 17 created by the massing and scale of new 18 construction compared to adjacent 19 contributing buildings. 20 Luminaut appealed this Board's 21 denial of demolition on COA, which is 22 currently being litigated in Hamilton 23 County Court of Common Pleas, but 24 Luminaut failed to appeal the denial of 25 the new construction COA and is bound by	Page 29 1 The first doctrine is that of res 2 judicata; A party to a previous decision 3 cannot bring another action based on any 4 claim arising out of a transaction that 5 was the subject of that earlier decision. 6 The second doctrine is that of issue 7 preclusion. A party cannot re-litigate 8 an issue that has been actually and 9 necessarily litigated and determined in a 10 prior proceeding even if that proceeding 11 was based on a different plan. 12 Luminaut is barred by both res 13 judicata and issue preclusion from 14 bringing a second COA application. 15 The Board has already determined 16 that the proposed hotel does not 17 substantially conform to the 18 Over-the-Rhine district historic 19 guidelines. 20 This second application undoubtedly 21 arises out of the same set of facts such 22 that res judicata bars reopening the 23 case. 24 And even if this could be considered 25 a separate case, which it is not, issue

Page 30 1 preclusion prevents Luminaut from seeking 2 a different result on virtually identical 3 facts. 4 The Board has already considered and 5 decided the exact issue which Luminaut 6 raises; does partial conformity with some 7 of the guidelines excuse blatant 8 non-conformity with the guidelines and 9 the issue of scale and massing? 10 The Board's conclusion on this issue 11 could not be any clearer the last time it 12 heard. The partial compliance with some 13 design guidelines does not outweigh the 14 incompatibility and lack of rhythm 15 created by the massing and scale of the 16 new construction compared to adjacent 17 contributing buildings. 18 The massing and the scale remain the 19 same on Magnolia as perceived by 20 passersby at street level. Luminaut 21 cannot get a second bite at the apple by 22 making minor tweaks and resubmitting the 23 near mere image application. 24 For all these reasons, the Board's 25 decision in this case has already been	Page 32 1 want to open the hearing up to discuss 2 the motion that Mr. Suder just introduced 3 into the record. 4 Now, I believe that that's the same 5 motion that you said that you were not 6 going to hear earlier. 7 I don't think there's anything wrong 8 with Mr. Suder more or less proffering 9 that to the record so that he can have 10 something preserved for appeal, but if 11 we're going to talk about or if you're 12 going to make a ruling on the motion that 13 he just read, I think you need to allow 14 Ms. Ryan an opportunity to respond to 15 that, to that motion, and/or to call 16 witnesses to rebut anything from that 17 motion. 18 MR. VOSS: I appreciate that. And I 19 would like to give Ms. Ryan that 20 opportunity. 21 I would like to -- we only have two 22 people signed up currently that are here. 23 I'd like to hear from them and then 24 come -- circle back around on that and 25 give Ms. Ryan an opportunity to address
Page 31 1 made. There is nothing for the Board to 2 do but dismiss Luminaut's application 3 based on res judicata and issue 4 preclusion. 5 That's our motion. Thank you. 6 MR. VOSS: Thank you. 7 All right. I have other people 8 signed up. I'd like to go ahead and have 9 them speak if they'd like. 10 And then I need to -- I think we 11 need to discuss going into private 12 session and get some legal advice here, 13 but first I'd like to go to Margy Waller. 14 MS. RYAN: Chairman, if I may, this 15 is Kathy Ryan. I intend to address the 16 motion and the substantive part of our 17 application in my closing. 18 MR. VOSS: Okay. 19 MS. RYAN: So I would ask I be given 20 the opportunity before entering executive 21 session. 22 MR. STURKEY: Let me just try to 23 clear this up just a little bit. 24 So, Mr. Chair, I think it's within 25 your discretion right now whether you	Page 33 1 that issue. 2 Is that acceptable? 3 MR. STURKEY: I believe so. 4 Although, in terms of the order that 5 we should be moving in at this point, it 6 is time for a presentation by a party of 7 record. 8 So I believe, Mr. Suder, you are 9 here representing Ms. Waller, right? Who 10 is your client in this matter? 11 MR. SUDER: That's correct. My 12 clients are Margy Waller, Dave Klingler, 13 and OTR Community Housing. 14 With me today is Margy Waller and 15 she has some things to say about the 16 application and its impact on her 17 property in particular and those on 18 Magnolia Street. 19 So, Margy, if you'd like to proceed, 20 please do. 21 MR. STURKEY: Mr. Chair, if you 22 would like to hear from those folks, then 23 allow Mr. Suder to make his -- 24 MR. VOSS: I agree to that, and then 25 we'll circle back around to the motion

Page 34 1 giving Ms. Ryan an opportunity to discuss 2 that, but I'd like to hear -- as I say, 3 the intent was to hear the case and then 4 we'll deal with the other things on the 5 back end. 6 MR. STURKEY: Okay. 7 (Witness duly sworn.) 8 MR. VOSS: Go ahead. 9 MS. WALLER: Thank you. 10 My name is Margy Waller, and I live 11 at 219 Magnolia Street, and have lived 12 here since 2013 when I bought the house. 13 I wanted to just start by saying I 14 know Mr. Patel made a lot of remarks 15 about the economics of the proposal, 16 which I think is probably not what you're 17 here to hear about. 18 But I did just want to note that, 19 you know, many of us are here because of 20 the historic character of the 21 neighborhood. 22 And we appreciate the things that 23 we're able to do in the neighborhood, as 24 you heard from some of the previous cases 25 today, as well as the diversity of	Page 36 1 pre-civil war townhomes are only two 2 stories. 3 And this proposed four-story 4 building, which it is for most of the 5 street, will really overwhelm and 6 fundamentally change the kind of 7 low-scale historic character of Magnolia 8 Street. 9 So I am -- you know, I actually 10 think that the issue (inaudible) made a 11 lot of sense because it just -- to me 12 it's not different enough to make sense 13 to have a whole other hearing about, but 14 even if you are, I still don't think it 15 meets the guidelines. 16 And it seems like you really should 17 be looking at the Magnolia Street impact, 18 not 15th Street -- one building on 15th 19 Street to make the case for a four-story 20 building on Magnolia. 21 And I think I'll -- I think I can 22 stop there and just say thank you again. 23 We do appreciate the time and energy that 24 the applicant has put into this, and we 25 do know that they value the neighborhood.
Page 35 1 residents and history and experience of 2 the people who live here. 3 We are fully expecting and looking 4 forward to having neighbors across the 5 street where the hotel is proposed. 6 However, I will say when I saw the 7 new filing, my immediate reaction was 8 they just filed the same thing they 9 originally filed, because it doesn't 10 really seem different from what they sent 11 before. 12 I realize they hold back the fourth 13 floor, but not all the way so from the 14 perspective of the street itself, it has 15 exactly the same feel. 16 The changes to the facade are minor, 17 and again, barely even noticeable in 18 comparison to what they had before. 19 As a resident, I just feel like 20 their use of the 15th Street building as 21 the reference point for the guidelines 22 seems really inappropriate given that 23 these -- this section of the building 24 faces Magnolia Street, and on Magnolia 25 Street my house and the five other	Page 37 1 It's just from where I sit, I will be 2 able to see that fourth story every 3 single day. 4 Thank you. 5 MR. VOSS: All right. 6 Ms. Ryan, would you like to 7 cross-examine? 8 MS. RYAN: I have no questions for 9 Ms. Waller. Thank you. 10 MR. VOSS: All right. I also have 11 John Walter signed up. 12 MR. STURKEY: I don't believe that 13 he's still with us here. 14 MR. VOSS: Okay. Is there -- I have 15 a number of other people signed up but 16 nobody checked in. 17 Kasandra, am I missing anyone? 18 MS. MAYNES: No. 19 MR. HASSEY: Kevin Hassey. I've 20 been here. I think I'm checked in. 21 MR. STURKEY: You are. 22 (Witness duly sworn.) 23 MR. STURKEY: So is this public 24 comment? This is not your client, 25 Mr. Suder, or --

Page 38 1 MR. SUDER: No. 2 MR. STURKEY: I can't hear you, 3 Mr. Suder. 4 MR. SUDER: Yes, that's correct. I 5 don't have any other persons to call. 6 MR. STURKEY: Okay. Got it. 7 Okay. Mr. Hassey, you can go ahead. 8 MR. HASSEY: Yes. 9 I live on West 15th with my wife 10 Roseann. And we have for, I believe, 11 three years now. And we did comment at 12 the last hearing, as well. 13 I would say we are -- we had seen 14 some changes. We are grateful for the 15 egress step being moved to the west, and 16 the massing being moved from four stories 17 to three stories along a good bit of our 18 alley, particularly the parts that are 19 across from the residential structures. 20 So we are thankful for that change. 21 Our comments are simple ones and are 22 not related to the massing. We know that 23 as part of this whole project, the -- and 24 can I make one more just positive 25 comment?	Page 40 1 And I heard from the applicant in 2 our little public session a week or two 3 ago, that they're fine with that. So I 4 would hope that moves forward. 5 And then we also are -- the only 6 other thing that I would raise is we are 7 less of fans of, I think they call Juliet 8 windows. I just question their energy 9 efficiency, as well, where you can open 10 the doors in cold weather and warm 11 weather and do what -- whatever else. We 12 also worry about noise coming in from 13 those places, and so on and so forth, and 14 just a party can be in room 404 and the 15 door's open and bustling into the 16 neighbors, and these are all transient 17 folks. 18 So we'd prefer fixed windows, but 19 that is -- that is just a comment of 20 ours. 21 But in general, we think the 22 improvements have been helpful and 23 appreciated. 24 Lastly, I think we would say that 25 there are non-HCB topics and we would
Page 39 1 Keyur and Kidus, who work at The 2 Pitch, have been -- I see Keyur right 3 there -- have been quite pleasant to work 4 with and would work through many just 5 different topics on a workmanlike way, so 6 thank you to both of them. 7 Things that we just think about not 8 massing-related are the previous approval 9 had zoning relief for outside areas. And 10 it said that on weekdays it wouldn't be 11 open -- the outside area wouldn't be open 12 past 11:00, and on weekends until 1:00, 13 and there wouldn't be outdoor 14 entertainment. 15 We understand that the big outdoor 16 space is now moved to the roof of The 17 Pitch. And we just are hopeful that 18 somehow, some way, we don't know if it 19 happens in, you know -- I think the HCB 20 accomplished this before in the zoning 21 relief for outside area, I don't know how 22 that gets transferred to the new outside 23 area, but you did rule on it previously. 24 We would hope that that same set of 25 guidelines is in -- stays in place.	Page 41 1 hope that there would be continued 2 discussion with Keyur or Kidus and Ohm, 3 just things like how is trash going to be 4 removed, how are we going to share the 5 alley with cars and workers and things 6 like that, and I think we can have very 7 productive discussions like that and look 8 forward to discussions like that 9 continuing. 10 That's it, unless my wife, Roseann, 11 wants to add anything. She's right 12 there. 13 No. She's shaking her head no. 14 MR. VOSS: Okay. Thank you. 15 All right. Mr. Sturkey, remind me, 16 if we're going to go to our closing 17 arguments, so where do I go? 18 MR. STURKEY: So I just wanted to 19 confirm -- I wanted to confirm -- 20 MS. RYAN: Can I jump in real quick? 21 This is Ms. Ryan. If I could introduce 22 rebuttal testimony? 23 MR. STURKEY: Yes. 24 MR. VOSS: Okay. 25 MR. STURKEY: I believe you are able

Page 42 1 to do that, according to the code. 2 Let me just make sure that -- we do 3 have two other individuals here. One's 4 checked in, one's not, that I believe 5 would fall under public comment here. 6 If Mr. Joshi or Ms. Hassey has 7 anything that they would like to add, I 8 think now would be the time, then we can 9 go to rebuttal. 10 MR. VOSS: Ms. Hassey does not. 11 Mr. Joshi? 12 MR. JOSHI: Yes. I could be sworn 13 in. 14 (Witness duly sworn.) 15 MR. JOSHI: I just want to say it's 16 been great to be open for a year in the 17 neighborhood. And I just wanted to share 18 a vote of confidence for the hotel 19 project. 20 We definitely welcome and need more 21 foot traffic and consumers, and we see 22 the hotel as an anchor and attracting 23 more commercial businesses next to us and 24 also in the district, so we're all for 25 this. Thanks.	Page 44 1 page of the staff report? 2 MR. VOSS: Which page? 3 MS. RYAN: Page 66. 4 MR. VOSS: Mr. Owen, can you bring 5 us up on page 66? 6 Mr. Owen? 7 MR. OWEN: Yes. 8 I'm sorry. I just sat back down 9 from the bathroom break. 10 Is page 66 of -- 11 MS. RYAN: Of the staff report. 12 MR. OWEN: Of the staff report? 13 MS. RYAN: Yeah. 14 MR. OWEN: Page 66 of the PDF file, 15 is that what you're -- is this the page 16 you're looking for, page 66 of the PDF 17 file? 18 MR. STURKEY: We can't see it. 19 MR. VOSS: We can't see it. 20 MR. OWEN: Oh, I'm sorry. 21 MR. STURKEY: Ms. Ryan, is that the 22 page you're looking for? 23 MS. RYAN: No. It would be page 25 24 of our PDF of the plans, if that helps. 25 There you go.
Page 43 1 MR. VOSS: Thank you. 2 MS. MCKENZIE: Is it possible for me 3 to request a short bathroom and water 4 break before we proceed? 5 MR. VOSS: We will take a 6 five-minute break and then we'll come 7 back with Ms. Ryan's rebuttal. 8 MS. MCKENZIE: Thank you. 9 MR. VOSS: You're welcome. 10 (A recess was taken from 4:59 to 5:03.) 11 MR. VOSS: All right. Ms. Ryan, you 12 had rebuttal that you would like to give? 13 MS. RYAN: Yes. I would like to 14 call back Mr. Erdman. 15 Mr. Erdman, you heard Ms. Waller 16 testify regarding the 15th Street 17 reference point building, correct? 18 MR. ERDMAN: Yes. 19 MS. RYAN: Could you respond to 20 that? 21 MR. ERDMAN: Sure. 22 We -- as we look at -- 23 MS. RYAN: Actually, let me stop 24 you. 25 Is it okay for staff to pull up a	Page 45 1 MR. VOSS: All right. 2 MR. ERDMAN: On the lower level 3 elevation, this is the view from Central 4 Parkway. 5 So as we're looking at massing, we 6 start at the primary street. The 7 building to the far north of the site, 8 222 West 15th, and the building to the 9 far south of the site, 408 Central 10 Parkway, are both used as reference 11 points for the overall massing between 12 those two contributing adjacent 13 buildings. 14 Both buildings are three stories 15 with heights that are much larger in 16 scale than typical buildings in the area. 17 They -- the Wooden Nickel building 18 is within two feet of our building 19 height. Actually, the building on 20 15th Street is higher than the building 21 we propose. 22 So as we're starting here, we still 23 step back the fourth floor to minimize 24 the massing on the street. 25 And as we turn the corner on

Page 46 1 Magnolia, which is the elevation above 2 that, that fourth story extends back a 3 certain distance. 4 Our original submission had the 5 fourth story a step-back fourth story 6 extending all the way to 214 Magnolia. 7 And in response to the Board's 8 comments and public comments, we wanted 9 to pull that fourth story back but we're 10 limited somewhat by egress. So we have 11 an egress there that was adjacent to 214 12 and that was pulled all the way back as 13 far as we could, 50 foot is the maximum 14 we could pull that inward. 15 So we pulled the fourth story 16 towards Central Parkway 50 feet, so that 17 win that abuts 214 is now three-stories 18 tall. 19 We have also used the adjacent 20 building at 214 and the neighboring 21 buildings at 212 and 210 as reference 22 points for scale and massing. 23 And as you can see, the building two 24 doors down is actually much taller than 25 our building as it abuts the 214.	Page 48 1 I have no other questions for 2 Mr. Erdman. 3 MR. VOSS: Mr. Suder, would you like 4 to cross-examine -- or re-rebut, I guess? 5 MR. SUDER: Yes. Thank you, 6 Mr. Chairman. I do have some questions. 7 If we can stay on this slide, that would 8 be great. 9 Mr. Erdman, you testified that this 10 building is in keeping with the scale and 11 massing of the other buildings in the 12 surrounding area, right? 13 MR. ERDMAN: I did. 14 MR. SUDER: Is that one continuous 15 building between Magnolia and Whetsel 16 Alley, that pink shaded area? 17 MS. RYAN: Objection. 18 We are simply responding to 19 Ms. Waller's commentary regarding 20 reference points and height from her 21 building. 22 MR. SUDER: I believe she also 23 commented on scale and massing. 24 MS. RYAN: Our rebuttal questioning 25 and testimony does not relate to that.
Page 47 1 Additionally, if you could turn to 2 page -- 3 MS. RYAN: 19? 4 MR. ERDMAN: It would be 19 in the 5 same slide deck, so up about 7 pages. 6 Great. So, again, here you can see 7 we have reference buildings at 222 8 15th Street, 223 15th Street, 1408 9 Central Parkway, and 214 Magnolia. 10 In response to Ms. Waller's 11 assertion that her view is four stories, 12 at 219 you can see here she's directly 13 across from the three-story portion of 14 the building. It isn't four stories 15 until you get much further down to -- 16 225 Magnolia is looking at four stories. 17 And it's important to note that 225 18 and 227 about the Wooden Nickel building 19 that is 50-foot tall, the same height as 20 our three-story building. 21 So the historic context shows this 22 exact same stepping and relative scale 23 between 215 and 217 and 1408 Central 24 Parkway. 25 MS. RYAN: Thank you.	Page 49 1 MR. STURKEY: Mr. Chair, would you 2 like to allow the question? 3 MR. VOSS: Yes. For preservation of 4 the record, let's go ahead and allow the 5 question. 6 MR. STURKEY: Could you restate 7 that, Mr. Suder? 8 MR. SUDER: Thank you. 9 My question is that pink area 10 between Whetsel and Magnolia one 11 continuous building -- contiguous 12 building? 13 MR. ERDMAN: Is the pink shaded area 14 between Magnolia and Whetsel one 15 building? 16 MR. SUDER: Yes. 17 MR. ERDMAN: It is one building. 18 MR. SUDER: Does that, to you, look 19 to be about the same size as the building 20 at 1408? 21 MR. ERDMAN: The building at 1408 is 22 cropped here. 23 It's actually pretty close, yes, if 24 you were to see the whole building. 25 You're looking at about 25 percent of the

Page 50 1 end of the 1408 building. 2 MR. SUDER: How about 214 Magnolia? 3 MR. ERDMAN: What about it? 4 MR. SUDER: Is that -- does that 5 building look like about the same scale 6 and size as the building at 214 Magnolia? 7 MR. ERDMAN: If you're asking if the 8 buildings are the same size, they're 9 not -- they're not the same size. 10 MR. SUDER: No. Is -- let me ask 11 you another question. 12 Is the building between West 15th 13 and Magnolia, is that one contiguous 14 building? 15 MR. ERDMAN: I think he just asked 16 me that, didn't he? 17 MR. SUDER: No. I asked you between 18 Whetsel and Magnolia. 19 I'm asking between West 15th and 20 Magnolia. Is that one contiguous 21 building? 22 MR. ERDMAN: I mean, this slide is 23 showing, I don't know, seven buildings 24 between 15th and Whetsel. 25 MR. SUDER: And they're all	Page 52 1 MR. ERDMAN: I don't have that at my 2 fingertips. 3 MR. SUDER: You don't know the size 4 of your project? 5 MR. ERDMAN: I don't have it readily 6 available. I could look it up if you 7 want to hold on. 8 I can't actually answer that 9 question, Mr. Suder. We'd have to pull 10 it. We don't have it. 11 MR. SUDER: Is it in excess of 12 50,000 square feet? 13 MR. ERDMAN: It depends on which 14 question you're asking. 15 MR. SUDER: What's the area under 16 roof of this property? 17 MR. ERDMAN: We have multiple 18 buildings with multiple different floor 19 areas depending on what level you're on. 20 So there are two buildings that are 21 north of Whetsel Alley, the 1430 building 22 and our new infill. 23 And then there are two buildings 24 that are south of Whetsel Alley, which 25 are 1420 Central and our new infill
Page 51 1 connected, right? 2 MR. ERDMAN: 1430 -- they're 3 adjacent -- two buildings that are 4 connected, one building. 5 For example, 223 is not the same 6 building, but we have -- 7 MR. SUDER: Are all the buildings -- 8 is all the under-roof in the pink, is 9 that one contiguous building? 10 MR. ERDMAN: No, not from a building 11 code perspective. 12 MR. SUDER: I didn't ask you about 13 the building code. It's one corrected 14 building, right? 15 MR. ERDMAN: No. 16 MR. SUDER: It's not? They're not 17 connected? 18 MR. ERDMAN: Are you asking me are 19 they connected or one building? Those 20 are two different questions. 21 MR. SUDER: Are they connected? 22 MR. ERDMAN: They are connected. 23 MR. SUDER: How big approximately is 24 the square footage total of that area 25 under the pink shaded?	Page 53 1 building. 2 MR. SUDER: Are there any buildings 3 on this block as large as your building? 4 MR. ERDMAN: No, there are not. 5 There are certainly buildings that are 6 taller than our building. 7 MR. SUDER: Can we go back to 8 that -- Mr. Owen, can we go back to that 9 page 66, I think it was, of the staff 10 report? I just have a question about 11 that. 12 I think it was the first page that 13 Kathy asked you to turn to. 14 MR. STURKEY: Is this the page or 15 are you looking for the elevation 16 drawing? 17 MR. SUDER: The elevation drawing. 18 MR. STURKEY: Is that correct, 19 Mr. Suder? 20 MR. SUDER: I can't see it. Maybe 21 I'm -- maybe I've got my -- oh, yes, 22 that's it. That's the one. Thank you. 23 Let me just understand what I'm 24 looking at, make sure the Board's clear 25 what we're looking at here.

Page 54 1 The top drawing elevation is what 2 you would see along Magnolia Street; is 3 that correct? 4 MR. ERDMAN: Is that a question for 5 me? 6 MR. SUDER: Yes. 7 MR. ERDMAN: Yes. 8 MR. SUDER: Okay. So you would 9 be -- this is showing what you would see 10 if you were standing on Magnolia Street 11 or -- 12 MR. ERDMAN: I mean, it's a view so 13 it's not a perspective. But yes, it's a 14 flattened version of the drawing. 15 MR. SUDER: Okay. And then the 16 bottom elevation, that is what you would 17 see from Central Parkway; is that 18 correct? 19 MR. ERDMAN: Correct. 20 MR. SUDER: Okay. And that 21 elevation on the bottom there, that's all 22 one connected building; is that correct? 23 MR. ERDMAN: No. I'm sorry. That's 24 four buildings. 25 MR. SUDER: It's -- but they're not	Page 56 1 You're talking about the bridge and 2 what's on the fourth -- 3 MR. SUDER: Yeah. 4 MR. ERDMAN: It's pushed back from 5 the street. 6 MR. SUDER: Is that the hotel? 7 MR. ERDMAN: It is all uses of the 8 hotel, yes. 9 MR. SUDER: Okay. And you didn't 10 change any of the windows in this design, 11 did you? 12 MR. ERDMAN: We did on Magnolia. 13 MR. SUDER: But not these 14 office-style windows that you have here, 15 these ribbon windows; you haven't changed 16 those, correct? 17 MR. ERDMAN: We don't have any 18 ribbon windows on this project. 19 MR. SUDER: What are those? What 20 would you characterize those as? 21 MR. ERDMAN: Office-style windows. 22 MR. SUDER: Okay. 23 MR. ERDMAN: No, I didn't 24 characterize it that way. 25 MS. RYAN: Objection.
Page 55 1 connected? 2 MR. ERDMAN: You keep asking 3 questions that aren't the same question. 4 They are connected. They are not 5 one building. There's four buildings. 6 MR. SUDER: So you can move freely 7 through the buildings, though, right? 8 MR. ERDMAN: You can transgress 9 between buildings, yes. 10 MR. SUDER: Yes. Okay. 11 And is that a -- is that a bridge 12 over the alley there? Is that what that 13 is? 14 MR. ERDMAN: It is. 15 MR. SUDER: Okay. And are those -- 16 it's hard to really tell what's going on 17 with this building, but is the stuff 18 that's recessed back here, is that the 19 hotel portion, or what is that exactly 20 that we're looking at? 21 MR. ERDMAN: Back here -- 22 MR. SUDER: Back here, this 23 grayed-out stuff in the back, it looks 24 like it's further away from the street. 25 MR. ERDMAN: It is further away.	Page 57 1 Mr. Suder, if you could please let 2 the witness finish. 3 MR. SUDER: Sure. I asked him what 4 he characterizes those windows as. 5 MR. ERDMAN: The windows are 6 designed to be in accordance with the 7 proportion of the building but not so 8 historic. 9 So we weren't trying to mimic 10 historic building and make -- 11 MR. SUDER: But those -- 12 MR. ERDMAN: (Inaudible.) 13 MR. SUDER: You would not describe 14 those as punched windows, would you? 15 MR. ERDMAN: No, I would not. 16 MR. SUDER: No. 17 MR. ERDMAN: We would on the 18 Magnolia side. 19 MR. SUDER: But on the first three 20 floors of Magnolia, right? 21 MR. ERDMAN: The Magnolia side. 22 MR. SUDER: Yeah. Okay. 23 I think that's the only questions 24 and clarifications that I have. Thank 25 you.

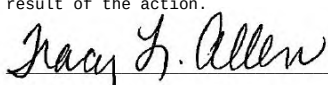
Page 58 1 MR. VOSS: All right. We'll do a 2 close here. 3 Mr. Suder. 4 MR. SUDER: Well, we're back again, 5 members of the Board, with the same 6 proposal. 7 It was too big last time, it was too 8 massive last time, it was inappropriate 9 relative to the scale and proportion and 10 the height relative to the adjacent 11 residential buildings on Magnolia Street 12 last time, and it's still inappropriate. 13 Nothing has significantly changed to 14 change the massing or the scale of the 15 building. 16 And I think it's -- it really jumped 17 out at me when I looked at these drawings 18 that were just up there how massive this 19 building is. There's nothing else like 20 it in this area. 21 It's totally inappropriate for 22 Magnolia Street, which is a small-scale, 23 a pre-civil war in part, mid-19th century 24 block. It just -- it looked -- it is so 25 out of scale, it punches you in the face	Page 60 1 that's appropriate. The windows need to 2 be punched, not ribbon office windows 3 from the suburbs that actually have no 4 relation to anything, the height is -- on 5 it is, you know, way too high, if you 6 look at it from both Magnolia and Central 7 Parkway with that fourth story. 8 So I think they're just trying to 9 fit in way too much into this historic 10 fabric to maximize the opportunity. And 11 no doubt, there's an opportunity, an 12 economic opportunity. No one's 13 questioning that. Of course there is. 14 But what we put on the ground here 15 is going to have impacts on this 16 neighborhood and the people who live 17 there, the people who have invested there 18 for years. 19 And so they're coming to the 20 neighborhood. I think that's important 21 to understand. Yeah, they're putting 22 money into the neighborhood, that's 23 great, but they're coming to the 24 neighborhood and we have to start 25 respecting -- yes, we have for many
Page 59 1 almost. 2 And I just -- you know, that and 3 there's nothing else on Magnolia that has 4 that long uninterrupted rhythm. It is a 5 massive building. 6 And the Board the last time with the 7 exact same massing and scale and 8 essentially the same design, didn't like 9 it, didn't think it was appropriate. 10 And so instead, you know, the 11 partial compliance with some design 12 guidelines do not outweigh the 13 incompatibility and lack of rhythm 14 created by the mass and the scale of the 15 new construction. 16 It's just not appropriate. If it 17 were smaller scale, if it were in line 18 with the rhythm and the massing of the 19 buildings -- look what it does to that 20 building next door to it on Magnolia. It 21 dwarfs it. It dwarfs everything on 22 Magnolia. 23 So, you know, if we're going to 24 allow for a massive hotel to be placed 25 here, it has to be broken up in a way	Page 61 1 years, but we have to continue to respect 2 the fact that people live here. 3 And this is out of scale. It's out 4 of composition. And the massing is way, 5 way out of whack with what the 6 neighborhood is. 7 So that's the general argument. 8 It's the same as last time, essentially 9 nothing's really changed and that's why 10 we made this motion to dismiss to say 11 they're coming back for another bite at 12 the apple. They should have appealed 13 your decision. They won the last time 14 they did it on the demolition, they can 15 do it again. But they didn't. 16 They decided to come back with, 17 essentially, the same thing and try their 18 hand again. 19 And so that's why you should deny 20 the COA. You should dismiss the case. 21 If you're not inclined to do that, you 22 should deny the COA. 23 And I appreciate your time. Thank 24 you. 25 MR. VOSS: Thank you.

Page 62 1 Ms. Ryan. 2 MS. RYAN: Thank you, Chairman, 3 members of the Board. 4 I would like to start out with 5 addressing the motion to dismiss. You 6 have received our response to that, I 7 believe, on Friday, that includes a 8 number of attachments, as well. 9 One of the things in the motion from 10 this party of record is that they don't 11 site to a single point of case law that 12 store what they're saying. 13 They simply make a conclusory 14 statement that this is the same, quote, 15 unquote, you know, transaction or 16 occurrence or identical issue that was 17 before the Board before. 18 As we presented in our response to 19 the motion to dismiss, we've got a couple 20 cases in here; Davis v. Coventry Township 21 Board of Zoning Appeals and Captain 22 Buffalo Foods. 23 Some of the issues here is that when 24 you have an issue before a zoning board, 25 there is not a black and white kind of	Page 64 1 And another thing, as a matter of 2 policy, when this Board is faced with 3 amendments to proposed new construction, 4 it's beneficial to everybody to 5 dis-incentivize appealing and going 6 through the courts for every iteration of 7 a design when an applicant makes an 8 attempt to respond to feedback and come 9 back to the Board rather than appeal as 10 exactly this applicant has done. 11 And kind of a final point with 12 respect to the res judicata issue, this 13 sort of analysis, if the Board is to 14 consider it this afternoon, is if you 15 think that this degree of change is 16 insignificant enough to merit dismissal 17 of the case, that analysis applies either 18 way. 19 If the previous plan was approved 20 and this applicant came to staff with an 21 equally changed plan, would you think 22 that that is something that should just 23 be passed through at City staff level, a 24 change that should not come back to the 25 Board, or is that something significant
Page 63 1 dividing line between what is a 2 significant change and what is not. 3 This is not the same plan that was 4 before you before. 5 There have been changes made, and 6 the question becomes whether they are 7 significant or meaningful. And here as 8 the case law states, these changes were 9 made significant or made in response to 10 the Board's feedback. Whether you agree 11 with them or not, they are made in 12 response to the feedback. 13 And in addition to that, this isn't 14 a design context. It's not like a 15 numerical value where we've asked for a 16 20-foot setback and now we're coming back 17 where we're asking for an 18-foot 18 setback. 19 These are changes that are going to 20 be subjective to some degree. And to the 21 extent that they are subjective or the 22 scope of them is subjective, that you 23 should err on the side of the property 24 owner and encourage us to return to the 25 Board with those changes.	Page 65 1 enough to merit return? 2 It's our argument that a COA is 3 approved for what you proposed, and if 4 this were the other way around, this 5 would most certainly be a change that 6 would come back before the Board. 7 So just for policy reasons and 8 practical reasons, this is definitely a 9 change. We've attached an additional 10 exhibit to our response that shows -- 11 that highlights those changes. And we 12 don't believe that there's any merit that 13 the policy behind the principle of res 14 judicata is to discourage overly 15 burdensome re-litigation of issues. 16 We're obviously here, as 17 Mr. Chairman has stated, part of even 18 considering this legal principle is to 19 kind of go back over everything. This is 20 not an instance where we're before the 21 Court re-litigating. We're back before 22 the Board reviewing the things that you 23 did say that had to be reviewed to even 24 consider this. 25 And with that said, I would ask the

Page 66 1 Board to deny the motion to dismiss. 2 With respect to the merits of the 3 application, again, as we -- as you have 4 heard, the applicant has attempted to 5 respond to specific points made by the 6 Board relative to the scale and massing, 7 particularly on the Magnolia Street side. 8 Mr. Suder, at times, refers to this 9 as a quote blatantly non-conforming 10 proposal, which we believe is not 11 representative of what is proposed here. 12 The Board has indicated and some of 13 the individuals testified in support of 14 this have indicated this is a design that 15 largely meets the guidelines. And to the 16 extent that the board felt it did not, we 17 have returned with changes. 18 Ms. Waller had, at times, insisted 19 that there was a single reference point 20 for the height. That is, in fact, not 21 the case. 22 As Mr. Erdman had stated, there are 23 several buildings that serve as several 24 reference points, as this is a 25 multi-frontage building.	Page 68 1 we'd ask that you would approve the COA 2 as proposed. 3 Thank you. 4 MR. VOSS: Thank you. 5 MR. SUDER: Can I ask a question, 6 Mr. Chairman, a procedural question? 7 MR. VOSS: Go ahead. 8 MR. SUDER: To Mr. Sturkey and the 9 staff attorney. 10 David, is Ms. Ryan's response 11 allowed to be in the record if my 12 original motion is stricken from the 13 record, my written motion, not my oral 14 motion, which was made today? 15 MR. STURKEY: If the written motion 16 that was -- that you submitted is not 17 going to be accepted by the Board or 18 considered by the Board because the Board 19 chair has determined it's out of time. 20 But the other one would also be kept out 21 of the record and become the -- 22 MR. SUDER: Okay. Just to clarify 23 that, we did make a motion to dismiss 24 today early on the record, and that will 25 be considered by the Board, correct?
Page 67 1 And, again, when I say building, 2 this is multiple buildings that are 3 connected, as Mr. Erdman had testified 4 to. 5 The staff has recommended approval 6 of this design. This is something for 7 which we are here with no variances 8 requested. 9 The design guidelines ask for no 10 more than one story stepping up from 11 relative buildings. 12 And I think the testimony and the 13 exhibits support that there are a number 14 of buildings with a number of stories 15 within this vicinity and adjacent to this 16 proposed project, and that those have all 17 been carefully analyzed and evaluated 18 when deciding where these stories should 19 be. 20 And as they've stated, they've 21 pulled back that Magnolia side to the 22 extent that they needed to offset those 23 other buildings on Magnolia Street. 24 Other than that, we would ask 25 that -- I think that is all I have and	Page 69 1 MR. VOSS: Correct. 2 MR. SUDER: Okay. Thank you. 3 MS. RYAN: Mr. Chairman -- 4 MR. VOSS: Go ahead. 5 MS. RYAN: -- to the extent that he 6 insists on the motion to dismiss, his 7 oral one being submitted, I, again, would 8 urge the Board to include my submittal 9 citing the case law I reference in 10 response to that, or otherwise I would 11 like to read it into the record directly. 12 MR. VOSS: I think we're -- I read 13 it and it is part of the record, so I 14 don't know that we need to read it into 15 the record now. 16 MR. STURKEY: Mr. Chair, I'm sorry. 17 MR. VOSS: Do you want me to go 18 ahead and have her do that? 19 MR. STURKEY: It is not going to be 20 a part of the record. Unless you want to 21 just bring in Mr. Suder's and her 22 response would come in, but otherwise 23 it's not a part of the record. 24 The other Board members have not 25 seen either motion. They were -- they

Page 70 1 were intent -- we were not allowed -- 2 according to the rules, we were not 3 allowed to accept the motion because it 4 was past the final submission deadline. 5 So it was at your discretion whether 6 to let it in. My understanding was that 7 you were not letting it in at the 8 beginning of the hearing because it was 9 untimely. So then you made an oral 10 motion that you are going to consider it 11 today. 12 MR. VOSS: Okay. Then no, Ms. Ryan, 13 I do not want it read into the record. I 14 think we have closed out, unless 15 Mr. Suder says I'm missing something, our 16 presentation. 17 And I would like to move that we go 18 into private session very briefly, 19 because I do have a -- 20 MS. RYAN: Mr. Chairman, I'm sorry 21 to interrupt. Just for preservation of 22 my response if that is not accepted, I 23 would like to just read into the record 24 just the two cases. It's a one page of 25 that document in response to Mr. Suder's	Page 72 1 building on the same tract of land. 2 However, here the Court in Davis 3 found that Davis modified his plans to, 4 quote, accommodate the concerns of the 5 Board. 6 The Court went on to say, quote, if 7 we were to find his subsequent 8 application for a variance be barred by 9 res judicata, one would appear to be 10 forever barred from requesting a variance 11 after a variance once denied despite 12 one's best effort to change one's 13 proposal to ameliorate the concerns of 14 the applicable Board. 15 Hence, we conclude that Mr. Davis' 16 second application for a variance was not 17 barred by res judicata as it arose from 18 different operative facts than his first 19 application for variances, close quote. 20 In Captain Buffalo Foods, Inc. 21 versus Cleveland, a court similarly held 22 that where an applicant altered his plans 23 from a previously approved one proposing 24 to add a second and third floor to 25 proposing a loft, quote, the second
Page 71 1 statements, if that is possible. 2 MR. VOSS: Go ahead. 3 MS. RYAN: Thank you. 4 In the case of Davis v. Coventry 5 Township Board of Zoning Appeals, 6 applicant Davis filed an application 7 where he proposed to construct a 8 single-family home, referred to as the 9 May 1998 request. 10 The township's board of zoning 11 appeals denied the May 1998 request. 12 Davis submitted a revised plan, called 13 the November 1998 request, which altered 14 setbacks and changed the proposed 15 location of the driveway. 16 And Davis did so in part to respond 17 to the concerns of the Board expressed 18 regarding the May 1998 request. 19 The township's BZA position was that 20 Davis' November request was barred by res 21 judicata. 22 The Court in Davis contrasted this 23 scenario with the scenario in Brava, a 24 supreme court case where that case was 25 attempting to construct exactly the same	Page 73 1 application represented a substantial 2 departure res judicata does not apply to 3 bar the second appeal, close quote. 4 Thank you. 5 MR. VOSS: All right. 6 MR. STURKEY: Mr. Chair, I know that 7 you may be entertaining a motion to 8 deliberate, but this is also the time 9 that if any Board members have any 10 questions for the applicant or anyone 11 else, to pose those before we go to 12 deliberation. 13 MR. VOSS: Fair enough. 14 Questions from the Board for anyone? 15 MS. MCKENZIE: Yes. If I can just 16 ask a brief question. 17 I believe that I heard that the new 18 proposal eliminated four guestrooms. 19 Is that the basic scale of the new 20 proposal's difference as far as square 21 footage and -- 22 MR. ERDMAN: Yes. We eliminated 23 four guestrooms and pulled that fourth 24 story 50-foot back from the concerned 25 property, the property that the Board had

Page 74 1 mentioned that it being concerning to -- 2 I think it's Magnolia, which is the 3 maximum egress distance that we can pull 4 the stair back. 5 MR. VOSS: Other questions? 6 All right. I would like to make a 7 motion that we go into private session. 8 MS. SMITH-DOBBINS: Second. 9 MR. VOSS: All right. 10 Very quickly, Mr. Zielasko? 11 Do I still have Mr. Zielasko? 12 MR. ZIELASKO: There we go. 13 Aye. 14 MR. VOSS: Ms. McKenzie? 15 MS. MCKENZIE: Aye. 16 MR. VOSS: Ms. Smith-Dobbins? 17 MS. SMITH-DOBBINS: Yes. 18 MR. VOSS: And Mr. Weiss? 19 MR. WEISS: Okay. Yes. 20 MR. VOSS: Private session. We'll 21 be back with you in just a few minutes. 22 Kasandra, let me know when we're 23 clear. 24 (The Board deliberated in executive 25 session.)	Page 76 1 to approve the certificate of 2 appropriateness for 416 to 430 Central 3 Avenue and as otherwise identified in 4 staff's notes. 5 MR. VOSS: I will second that. 6 All right. Mr. Zielasko? 7 MR. ZIELASKO: Aye. 8 MR. VOSS: Ms. McKenzie? 9 MS. MCKENZIE: No. 10 MR. VOSS: Ms. Smith-Dobbins? 11 MS. SMITH-DOBBINS: No. 12 MR. VOSS: Mr. Weiss? 13 MR. WEISS: No. 14 MR. VOSS: The Chair votes aye. All 15 right. 16 We will need a second motion. 17 Will somebody make that, please? 18 We need a motion to deny the COA. 19 MS. MCKENZIE: And I will make a 20 motion to deny the COA. 21 MR. WEISS: Second. 22 MR. VOSS: All right. We have a 23 motion and a second. 24 Mr. Zielasko? 25 MR. ZIELASKO: Nay.
Page 75 1 MR. VOSS: We're back in session. 2 And I first want to take a vote on 3 the motion to dismiss the hearing on the 4 COA. 5 I will move that we deny that 6 motion. 7 Do I have a second? 8 MR. ZIELASKO: Second. 9 MR. WEISS: Second. 10 MR. VOSS: Motion to second. 11 Mr. Zielasko? 12 MR. ZIELASKO: Aye. 13 MR. VOSS: Ms. McKenzie? 14 MS. MCKENZIE: Aye. 15 MR. VOSS: Ms. Smith-Dobbins? 16 MS. SMITH-DOBBINS: Yes. 17 MR. VOSS: Mr. Weiss? 18 MR. WEISS: Yes. 19 MR. VOSS: The Chair votes yes. We 20 will deny the motion to dismiss. 21 All right. Now, I want to entertain 22 a motion on the certificate of 23 appropriateness as requested by the 24 applicant and proposed by staff. 25 MR. ZIELASKO: Mr. Chair, I'll move	Page 77 1 MR. VOSS: Ms. McKenzie? 2 MR. STURKEY: For the record, was 3 that an aye, Ms. McKenzie? 4 I'm sorry. We couldn't catch that. 5 MS. MCKENZIE: Yes, that was an aye. 6 MR. STURKEY: Thank you. 7 MR. VOSS: Ms. Smith-Dobbins? 8 MS. SMITH-DOBBINS: Yes. 9 MR. VOSS: The Chair votes no. The 10 vote is an affirmative to deny the COA. 11 All right. Mr. Sturkey, anything 12 else on that? 13 MR. STURKEY: I don't believe 14 there's anything else on that case. I 15 think that concludes that portion of the 16 case -- or, I'm sorry -- that concludes 17 the COA application. 18 MR. VOSS: All right. We do have 19 other business. We have staff level 20 COAs. 21 I move that we approve the staff 22 level COAs as submitted. 23 MR. WEISS: Second. 24 MR. VOSS: All right. Mr. Zielasko? 25 MR. ZIELASKO: Aye.

Page 78 1 MR. VOSS: Ms. McKenzie? 2 MS. MCKENZIE: Aye. 3 MR. VOSS: Ms. Smith-Dobbins? 4 MS. SMITH-DOBBINS: Yes. 5 MR. VOSS: Mr. Weiss? 6 MR. WEISS: Yes. 7 MR. VOSS: The Chair votes aye. 8 Mr. Owen, do we have any other 9 business? 10 MR. OWEN: No, we do not. 11 MR. VOSS: Thank you. I move we 12 adjourn. 13 MR. ZIELASKO: Aye. 14 MR. VOSS: All in favor? 15 MR. WEISS: Aye. 16 MS. MCKENZIE: Aye. 17 MR. VOSS: We are adjourned. Thank 18 you, everyone. 19 MR. ZIELASKO: Take care. 20 21 22 23 24 25	
Page 79 1 C E R T I F I C A T E 2 3 STATE OF OHIO : 4 : SS 5 6 COUNTY OF HAMILTON : 7 8 I, Tracy L. Allen, RPR, RMR, the 9 undersigned, do certify that the foregoing is 10 the transcript of proceedings given at said 11 time and place; and that I am neither a 12 relative of nor employee of any of the parties 13 or their counsel, and have no interest whatever 14 in the result of the action. 15  16 Tracy L. Allen, RPR, RMR 17 18 19 20 21 22 23 24 25	

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**DECISION
HISTORIC CONSERVATION BOARD
CITY OF CINCINNATI
DATE OF DECISION: MAY 25, 2022**

APPLICANT: Wood & Lamping LLP

CASE TYPE: COA

CASE NO.: COA2022011

PROPERTY: 1416-1430 Central Parkway Cincinnati OH 45202

SUMMARY OF REQUEST:

Wood & Lamping LLP (the “Applicant”) and Parkway Towers Association (the “Owner”) request a Certificate of Appropriateness (“COA”) for new construction and rehabilitation of an existing historic building at the properties located at 1416-1430 Central Parkway.

SUMMARY OF DECISION:

The application is **DENIED**.

PUBLIC HEARING:

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

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

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

FINDINGS OF FACT:

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

1. This matter concerns the real property commonly known as 1416-1430 Central Parkway and more particularly identified as Hamilton County Auditor's parcel nos. 081-0002-0205-00, 081-0002-0204-00, 081-0002-0202-00, 081-0002-0201-90 (the "Property").
2. The Property is located in the CC-A, "Commercial Community Auto", Zoning District, in the Over-The-Rhine neighborhood,¹ and within the area designated as the Over-The-Rhine Historic District (the "District").
3. The Property currently contains a contributing building, a building that was previously approved to be demolished, and a parking lot.
4. The Applicant proposes constructing a new hotel development on the Property that includes new infill construction as well as rehabilitation of an existing historic structure on the Property (the "Project").
5. The Board previously denied the Owner's request for a COA for a new hotel development on the Property under Case No. COA2021030 on August 12, 2021 (the "Previous Submission").
6. The Applicant is now requesting a COA to complete the Project. The current COA request includes:
 - a) New construction at 1416 Central Parkway that would extend into the existing parking lot in the rear at 216-222 Magnolia Street. The Applicant proposes the infill development along 1416 Central Parkway to be a three-story building at the street line with a fourth story setback from the street. The Applicant proposes a mostly brick building with arched openings on the first floor and larger grouped windows on the second and third floor with vertical plasters dividing the building into bays. The current design of the Project removes 4 guests rooms on the 4th story of the building and holds back the 4th story to allow it to step down to smaller adjacent structures on Magnolia Street.
 - b) Rehabilitating and renovating the building located at 1420 Central Parkway including façade changes and removing the large garage door on the 1st floor.
 - c) New construction at 1424 Central Parkway and 1430 Central Parkway including infill development of one structure that will maintain two distinct facade treatments and will be three stories at the street line with a fourth story set back from the street. The Applicant proposes installing skyway connections over the alley between the structure at 1424, 1430 Central Parkway and the rehabilitated structure at 1420 Central Parkway at the second, third and fourth levels.
7. A representative for the Applicant, Matt Erdman, testified that the new design of the Project responds to the concerns from the community and from the Board about the Previous Submission. Specifically, Mr. Erdman contended that the new design reduces the scale, proportion, and height of the building along the Magnolia frontage. Mr. Erdman testified that the new design of the Project eliminates some of the scale and massing by setting back the 4th story from the street by 50 feet and eliminating 4 guest rooms. Further, Mr. Erdman testified

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

that there are a number of buildings in the vicinity with similar size and scale and that the new design is consistent with the District guidelines for new construction.

8. An adjacent property owner, Margy Waller, as well as attorney Sean Suder argued that the Project did not comply with the certificate of appropriateness standards. Among other arguments Ms. Waller and Mr. Suder contended that the Project is still out of context for the adjacent residential neighborhood, that the scale of the new construction would adversely impact adjacent properties, and that the application should be dismissed because it is not substantially different from the Previous Submission.
9. Acting Urban Conservator, Doug Owen submitted to the Board a report concerning the application (the "Report"). The Report is 12 pages and dated April 7, 2022. The Report contains a summary of the request, as well as a professional analysis and opinion, including a recommendation. The Report recommends approval of the request.

CONCLUSIONS OF LAW:

1. City Administrative Code ("CAC") Article XXX, Section 4 establishes the Board and empowers it to "have the duties and powers imposed by ordinance and [administrative] code."
2. CMC Section 1435-09-2 sets forth the procedure for which the Board is to consider certificate of appropriateness applications and provides that "[n]o one shall make an alteration or undertake a demolition, or receive any permit to do so, without first obtaining a Certificate of Appropriateness."
3. CMC Section 1435-09-1-(b) provides that "[t]he Board may approve, approve with conditions, or deny an application for a Certificate of Appropriateness."
4. CMC Section 1435-09-2 establishes that "[t]he Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:
 - a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
 - b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the Certificate of Appropriateness is not approved."

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

5. The Applicant contends that the proposed Project at 1416-1430 Central Parkway substantially conforms with the Over-the-Rhine Historic Guidelines (the "Guidelines") pursuant to CMC 1435-09-2 (a).
6. The Guidelines establish that the Board's review of new construction should focus on the design compatibility with the surrounding contributing structures. The appropriateness of the design should be based on how well it relates to the neighboring buildings and to the intent of

the Guidelines. New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.

THE OWNER FAILED TO DEMONSTRATE THAT THE NEW CONSTRUCTION DESIGN SUBSTANTIALLY CONFORMS TO THE DISTRICT GUIDELINES.

7. The Boards finds that the evidence and testimony provided at the Hearing does not demonstrate that the design of the Project at 1416-1430 Central Parkway substantially conforms to the Guidelines.

The Applicant demonstrated that the plans for the new construction successfully incorporated several of the specific design features required by the Guidelines including the windows, front setbacks, rhythm, and materials. However, the Board finds that the Applicant failed to demonstrate that the scale, proportion, and height of the new design is compatible with the surrounding contributing structures and nearby residential structures. In particular, the Board finds that the design fails to meet the Guidelines due to its incompatibility with surrounding residential buildings on Magnolia Street based on the scale and massing of the Project.

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

CONCLUSION

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

Affirmative

Ms. McKenzie
Mr. Weiss
Ms. Smith-Dobbins

Negative

Mr. Voss
Mr. Zielasko

Recused

MADE this 25th day of May, 2022:

/s/ Tim Voss

Tim Voss, Chair
Historic Conservation Board

/s/ David Sturkey

David Sturkey, Staff Attorney
Historic Conservation Board

APPEALS:

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

TRANSMITTED this 25th day of May, 2022, by certified mail to:

**Kathy F. Ryan
Wood & Lamping LLP
600 Vine Street, Suite 2500
Cincinnati, Ohio 45202**

TRANSMITTED this 25th day of May, 2022, by interdepartmental mail to:

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

APPROVED: 1600-1602 PLEASANT STREET

Mixed use multifamily (3cdc & model group)

5 stories tall, abuts a contributing 3-story residence on pleasant street

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

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

Source: City of Cincinnati Website, HCB Transcript 8-5-2019¹

¹ chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.cincinnati-oh.gov/buildings/hearings-appeals/zoning-board-of-appeals/z-4049-2019-pertains-to-1600-1602-pleasant-st-transcript-only/



Collectively, the new buildings set the tone for future development in the northern portion of Over-the-Rhine. We analyzed w



The new building on Pleasant preserves a glimpse of a much older piece of the city's contemporary history—its past.



APPROVED: 1425-1437 VINE STREET + 5 W. 15th St. (VINE & 15th)

Mixed use retail-restaurant & office - 4-story infill abuts both 3 & 4 story contributing buildings.

~ 55,000-square-foot office and retail building. The rear portion of the existing three-story building at 1435 Vine St. would be completely demolished and existing building at 5 W. 15th St., a five-story building, will remain intact but be incorporated into the new building.

3CDC went before the Historic Conservation Board on Monday, Feb. 8, 2016, requesting a certificate of appropriateness and a zoning variance for parking relief of a required 155 parking spaces.



Source: <https://www.bizjournals.com/cincinnati/news/2018/04/12/check-out-3cdc-s-19-5m-office-building-in-over-the.html>

APPROVED: Elm & Liberty

Kean Development

Mixed use infill. 305 units, a 210-space parking garage and 11,717 square feet of retail. 5 stories on elm where abuts 3 story contributing, 5 stories tall on west elevation of Logan abutting 3 story residential, 7 stories (78') tall on east elevation at Logan abutting 2-story Warner Bros. pictures building on the left & 3 story residential contributing structures across the street; 6 stories on Central Parkway abutting 2-story portion of historic contributing 2-story structure on left (1628 Central Pkwy) & 2-story warner bros. pictures building on right.





OTRCH'S PENDING APPLICATION: 2000 Dunlap Street

APPLICATION #: COA2022032/ ZH20210183

APPLICANT: New Republic Architecture

OWNER: Over-the-Rhine Community Housing

ADDRESS: 2000 Dunlap Street

PARCELS: 009600050116

The Applicant requested a Certificate of Appropriateness for new infill construction. The proposal includes a density variance to allow 44 units of congregate housing at 227 sf of lot area/unit and a rear yard setback of a zero lot line for a new construction project.

Zoning Relief Requested:

1. 1410-07- Development Regulations. Density. 700 sq of lot area/unit is required. The lot is 10,000 sf and 14 units are permitted. 44 are requested. A variance to allow a density of 227 sf of lot area/unit is required.
2. 1410-07- Development Regulations. Rear setback. A rear setback of 10 feet is required for residential projects. As a property is a square either street frontage can be considered the front lot line. As both the north and east property lines can be considered rear and both have a zero-lot line, a 10 ft variance for the rear yard is required.



PROPOSED ZONE CHANGE | ALONG ELM STREET, ODEON STREET, AND W. 14TH STREET IN OVER-THE-RHINE

[City Planning and Engagement](#) / [Planning Projects and Studies](#) / [Active/Ongoing](#)
 / [Proposed Zone Change | Along Elm Street, Odeon Street, and W. 14th Street in Over-the-Rhine](#)

Proposed Zone Change | Along Elm Street, Odeon Street, and W. 14th Street in Over-the-Rhine

Project Summary and Background:

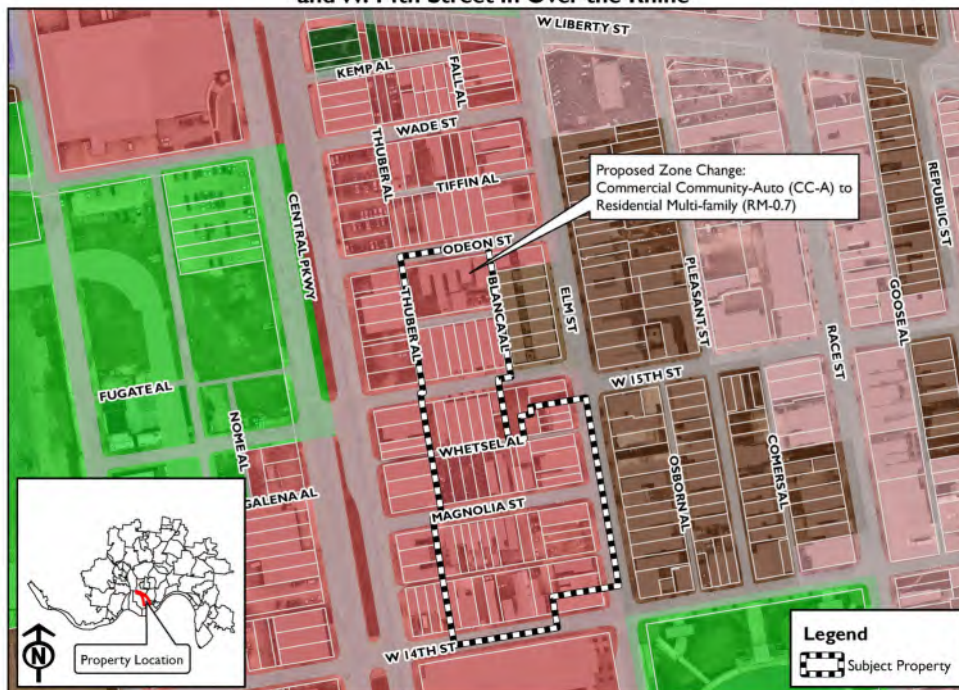
Sean S. Suder, Esq. c/o Margaret Waller has submitted a formal application for a zone change:

- Proposed zone change from Commercial Community – Auto Oriented (CC-A) to Residential Multifamily – 0.7 (RM-0.7) along Elm Street, between Odeon Street and W. 14th Street in Over-the-Rhine.
- The proposed zone change consists of 0.0327 acres and would allow future development to reflect the current uses and character of the area, specifically the residential uses of the subject properties. The zone change was submitted as a petition of property owners located within the zoning district, requesting a change of zoning from Community Commercial Auto Oriented (CC-A) to Residential Multi-Family (RM-0.7) for their homes in the area between 14th Street, Elm Street, Odeon Street, and properties along the eastern side of Central Parkway. The applicant seeks the zone change to reflect the residential uses of their properties within the subject area.
- The proposed zone change must be reviewed by City Planning Commission and City Council. Please find the application materials below, as well as information for upcoming public meetings

Location:

Along Elm Street, Odeon Street, and W. 14th Street in Over-the-Rhine (see map below):

Proposed Zone Change along Elm Street, between Odeon Street and W. 14th Street in Over-the-Rhine



Previous Public Meetings:

[Skip to main content \(Press Enter\).](#)

- Wednesday, December 8, 2021 | 4:00 p.m.
- Held Virtually via Zoom
- [Notice of Virtual Public Staff Conference](#)

Upcoming Public Meetings:

- Public Staff Conference #2
 - Wednesday, February 9, 2022 | 4:00 p.m.
 - Being held Virtually via Zoom
 - [Notice of Virtual Public Staff Conference](#)
- City Planning Commission
 - TBD
- Economic Growth and Zoning Committee of City Council
 - TBD

Zone Change and Concept Plan Application Materials:

- [Application](#)
- [Survey Plat](#)

Contact:

For questions or comments, please contact:

City Planning at planning@cincinnati-oh.gov

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Direct Dial: 513-852-6061
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6-29-2022 Supplement, Item 8

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THOMAS J. BREED

JOHN WOOD II (1917-1998)
FRED C. LAMPING (1903-1989)
ROBERT F. RECKMAN (1922-2016)
ARTHUR D. WEBER, JR. (1947-2018)

February 8, 2022

Ashlee Dingler-Marshall
City Planner, City of Cincinnati
II Centennial Plaza
805 Central Avenue, Suite 720
Cincinnati, Ohio 45202
Via email: ashlee.dingler-marshall@cincinnati-oh.gov

Re: February 9, 2022 Staff Conference for Proposed Rezoning Along Elm Street, Odeon Street, and W. 14th Street in Over-the-Rhine

Dear Ms. Dingler-Marshall and members of the City Planning Staff:

This letter is submitted for purposes of the staff conference scheduled for February 9, 2022 regarding the proposed rezoning along Elm Street, Odeon Street, and W. 14th Street in Over-the-Rhine. I represent The Pitch Cincy, 1430 Central Parkway, LLC, Downtown Property Management LLC and Parkway Towers Associates, LLC.

I. Area Description and Current Land Use

The area proposed to be rezoned is bounded by Odeon Street to the north, Elm Street and some RM 0.7-zoned properties to the east, W. 14th Street to the south, and the rear parcel line of Central Parkway properties to the west. Current land uses were ascertained by reviewing Hamilton County property records and other records online. The approximate current land uses are shown on the attached Exhibit, via colors overlaid on the Petitioner's submitted map. The area is a mix of some commercial/office shown in red, mixed use shown in black, residential shown in yellow, and blue areas that are shown as "institutional," though they may be commercial or mixed use. The entire area proposed to be rezoned is currently zoned CC-A, Commercial Community – Auto Oriented.

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The proposed rezoning boundary excludes those properties fronting Central Parkway to the west. Those properties are likewise zoned CC-A. The properties abutting Central Parkway just outside of the rezoning area are commercial in nature. The parcels along Central Parkway are between 72 feet and 110 feet deep.

II. RM 0.7 is Inappropriate for District – Petitioner’s Rationale

Petitioner’s letter argues four reasons why the area at issue should be rezoned from CC-A to RM0.7. They are as follows, with our comments found below:

Petitioner’s Argument # 1

The current Commercial Community Auto-Oriented zoning is inappropriate for this primarily residential neighborhood. Per § 1409-05(c) of the Zoning Code, such a designation is intended for areas where “large buildings are located on the site with parking in front,” such as “out lots associated with shopping centers.” In Cincinnati, CC-A zoning is found in places such as Glenway Avenue and Colerain Avenue—auto-dominated commercial corridors, entirely unlike this neighborhood.

OUR RESPONSE: We do not disagree with this statement in that the area is certainly not an “auto-oriented” district as describe within the Cincinnati Zoning Code (“CZC”). However, this is not an argument which justifies a rezoning to RM 0.7.

Petitioner’s Argument # 2

The use of property in this part of Over-the-Rhine has evolved dramatically over the last decade.

OUR RESPONSE: While this area, as most areas in the city, have seen turnover in uses and occupants, the overall general composition of this area is very similar to what it was at the time the Over the Rhine Comprehensive Plan (“OTR Plan”) was adopted in 2002. Please see the attached diagram, which includes the OTR Plan’s current land use map from 2002, and a color-coded version of current land use using the OTR Plan’s categories and color scheme. Generally, the area has always been a mix of commercial, office, institutional, and residential, with residential being the predominant use. However, despite this, even in 2002, the OTR plan recommended keeping a majority of the current “area to be rezoned,” as commercial and residential mixed use zoning, as shown on page 3 of the OTR Plan under future land use:



As stated on page 2 of the OTR Plan, the commercial/mixed use area should be as follows:

The **residential and commercial mixed-use** areas include a large percentage of buildings designed with office or retail space on the first floor and housing in the floors above. Densely packed, these buildings are generally three- to five-stories in height with long, narrow floor plates. The future land use plan for OTR respects these building types and therefore envisions higher-density rental housing and, in some cases, condominiums in these areas. Provisions for commercial and office uses in street level storefronts, as well as alternative uses of the upper floors for office and studio space, are also made in these areas.

Following the adoption of the 2002 OTR Plan, during a time in which the general use composition of the block was similar to now, the City overhauled its zoning code and map. In 2004, the City adopted the current zoning map, and determined that the entire block, composed of land uses similar to now, should be CC-A. The City Council was correct in determining that this area should generally be considered a commercial/mixed use area. The petitioners are misleading when they attempt to characterize the area to be rezoned as having undergone some

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dramatic change in uses. If anything, the area's uses and occupants have shifted, but the use composition overall has remained very similar to how it was ten or even twenty years ago. And, during those times, this area was always contemplated to be a mix of commercial and mixed use residential, with any reduction in density to the east occurring in a transitional manner.

Petitioner's Argument # 3

Although some commercial uses remain, the current use of property is almost entirely residential. The quiet, residential experience of this historic neighborhood is one of the reasons that many of the petitioners purchased their residences. Petitioners now seek this zoning change to protect their investment in the neighborhood and to reflect the residential use of their properties.

OUR RESPONSE: See the explanation above. This area has always included about the same composition of residential, commercial, and other uses as it does now.

Petitioner's Argument # 4

The proposed rezoning would be a modest change to bring the zoning in line with the actual uses of property in the area, especially considering that the area north of 15th on Elm is already zoned RM-0.7. Petitioners do not seek to change any existing uses in the rezoning area, even that which would normally require a variance or ordinance in the RM-0.7 zone, and recommend that such uses continue to be permitted non-conforming uses.

OUR RESPONSE: This area clearly a transitional area within close proximity to the CBD, Central Parkway corridor, and other uses, and is not intended to change abruptly from Central Parkway to the east, into a solely residential district. This change would by no means be a "modest change" to the area. The area currently contains some commercial uses which would become nonconforming. Additionally, the rezoning of this area ignores the impact of the commercial properties along Central Parkway. **Districts cannot be looked at in a vacuum; they must be considered within the context of the adjacent districts. The petitioner's proposal fails to look at the surrounding area and assess the impact on adjacent areas. It abandons any consideration of a clean transition of land use patterns from one district to the next.**

As previously mentioned, the commercial properties along Central Parkway are all only 70-110 feet deep. This area along Central Parkway has no doubt grown in importance over the past couple decades, due in large part to its proximity not only to all the activities that are now

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taking place in Washington Park and adjacent OTR area, but also to its proximity to the new TQL Stadium. These commercial properties are small but play a crucial part in enriching the Central Parkway corridor. The proposal which abruptly changes from CC-A at the boundaries of these properties, to a residential zone, does nothing to consider the larger planning goals of the entire block or Central Parkway corridor. The OTR Plan recognized this area should be predominantly commercial/mixed use even 20 years ago. The CZC Section 1423-13B requires that buffer yards between Commercial and RM Districts include 15-25 feet of buffer. This is hardly the type of development that would make sense along this corridor – both in terms of practical development space on these shallow parcels, and in terms of planning policy. The City never intended to have 25 foot greenspaces between buildings on this block. Rather, this entire block is contemplated to be mixed use and dense. The boundary requirements between commercial and residential at this location would stifle development and would impose development patterns that simply do not make sense for this block.

A change from CC-A to RM 0.7 as proposed would not be a “modest” change. It would be a dramatic change for this area that eradicates any transitional area, ignores the use and density requirements of earlier plans, creates detrimental impacts to key development areas, and creates nonconformities on the block that did not previously exist. None of the points made by petitioners are compelling reasons to make such a dramatic change in the zoning along this block, as it is proposed. The rezoning does not consider the area’s relationship to the larger block or neighborhood immediately adjacent. And simply because an area contains residential uses, does not mean that it should be rezoned “residential,” particularly in this area. That is why the CZC includes so many districts which incorporate and mix a variety of uses.

III. Appropriate Districts for Proposed Rezoning Area

The biggest flaw in petitioner’s proposal is its complete lack of justification as to why a number of other districts may not also work. It’s also not apparent from the petition, aside from the petitioner’s motivation to make the area as restrictive as possible to development, why RM 0.7 is “the” district, to the exclusion of a myriad of other potential districts. We would urge planning staff to evaluate this area comprehensively and to consider a number of other districts which would make more sense for the area. We agree that auto-oriented development may not accurately describe these blocks; however, RM0.7 does not, either. Rather, districts such as CN-

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P, CC-P, CN-M, DD (sub a, b, and c), and Urban Mix should be reviewed. These other districts possess purpose statements and allow uses which are much more in line within the development patterns of the neighborhood, and which consider the context in which this rezoning is proposed, while also allowing residential to co-exist with the other types of commercial uses that were meant to be a part of this area.

Additionally, we would urge planning staff to consider the dramatic changes that have taken place along the Central Parkway corridor recently. It may be appropriate for the Central Parkway Corridor generally – which straddles the West End and OTR – to have its own planning study performed before rezoning of large areas of the vicinity be considered. It would greatly undermine any planning and economic goals along this corridor to begin hastily rezoning areas some 70-100 feet off this corridor to residential zones.

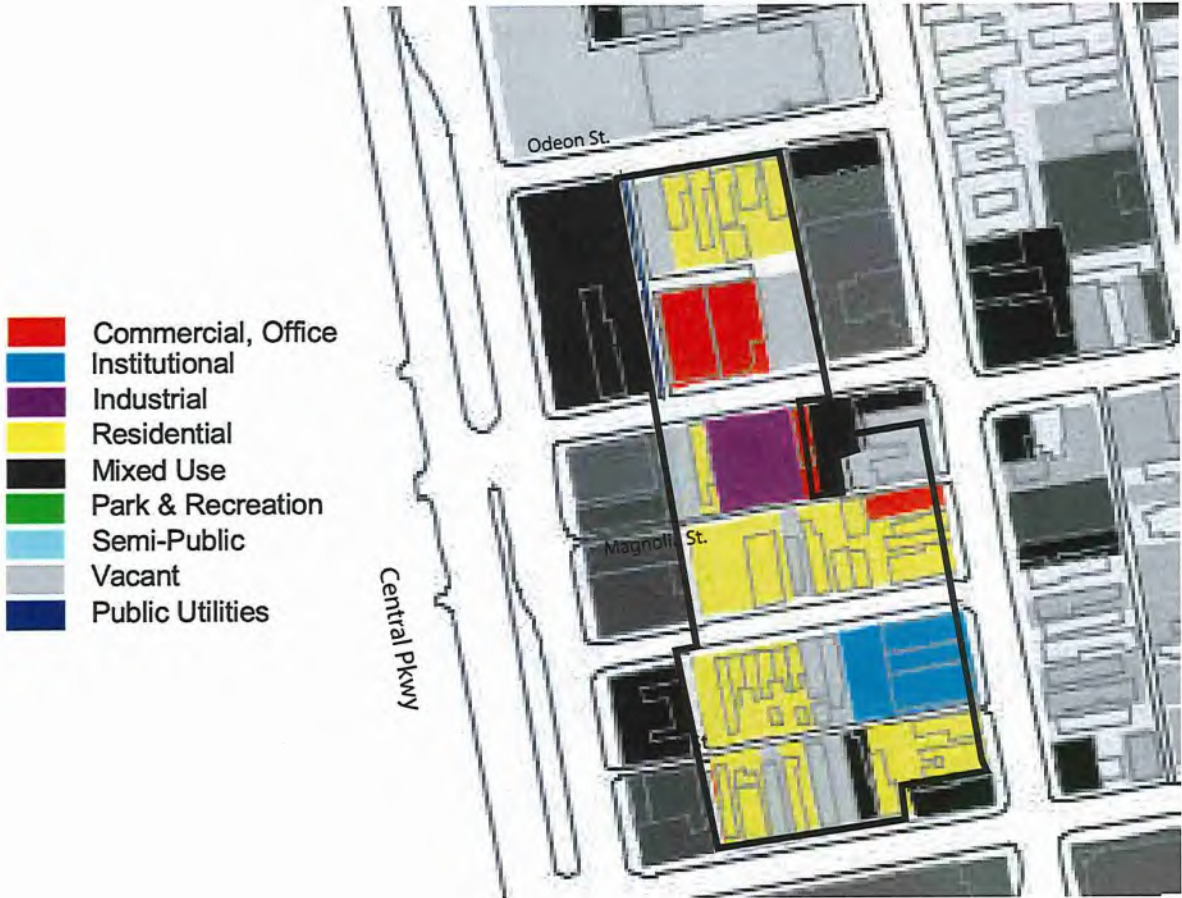
IV. Conclusion.

The petitioners do not present a compelling reason why this area should be rezoned to RM 0.7. While we agree that the area generally may not be “auto-oriented” and may be more appropriately zoned to another zoning designation, RM 0.7 is not the appropriate district. This area has long been considered an area which certainly includes a healthy amount of residential uses, which are included in a densely-developed mixed use and commercial area. Additionally, areas right outside of the area to be rezoned, particularly along the Central Parkway corridor, must be considered relevant in how they interact with this area. The area should not be rezoned RM 0.7.

Sincerely,

s/ Kathleen F. Ryan

Kathleen F. Ryan
*Attorney for The Pitch Cincy, 1430 Central
Parkway, LLC, Downtown Property
Management LLC and Parkway Towers
Associates, LLC*



OTR 2002 Plan, Current
Land Use, pg. 27
with proposed rezoning outline



Current proposed rezoning with
estimated current land uses, 2022

Owen, Douglas

From: johnwalter@cinci.rr.com
Sent: Friday, July 1, 2022 1:54 PM
To: Conservator, Urban
Subject: [External Email] COA2022033 - Central Parkway hotel input for July 11th hearing

You don't often get email from johnwalter@cinci.rr.com. [Learn why this is important](#)

External Email Communication

Honorary HCB Members-

I've been a resident and small business owner in OTR since 1984. I currently serve as an OTRCC trustee and lead our local neighborhood organization called the Klotter Conroy Residents Association. I'm sharing my own thoughts below in strong support of the hotel project on Central Parkway (COA2022033).

I walk the length and breadth of OTR daily for exercise. My observation is that except for nice weekend days the sidewalks, streetcar and small businesses of OTR are underpopulated. This simple lack of daily vibrancy calls into question the long-term sustainability of many OTR small businesses. Hotel guests staying at this proposed OTR hotel will undoubtedly seek out OTR restaurants and small businesses and use the streetcar. Given a potential of between 100 and 150 guests per night, this hotel will inject much needed 24/7 vibrancy into OTR.

Soccer fans from all over Greater Cincinnati and beyond look across Central Parkway from the stadium and see a blighted urban scene where this beautifully designed hotel will stand. The visitor's perception of OTR will be greatly enhanced when this hotel becomes a reality.

This hotel will provide many employment opportunities for local residents, both during its construction and operational phase. The market for this hotel is vibrant and this product is needed in OTR as demonstrated by the high occupancy rate of local short-term rentals.

Thanks for allowing me to share my point of view. I encourage your vote in support of this exciting hotel development!

John Walter

524 Conroy Street

Cincinnati, Ohio 45214

Owen, Douglas

From: Tamara Harkavy <tamaraharkavy@gmail.com>
Sent: Tuesday, August 2, 2022 5:53 PM
To: Maynes, Kasandra; Owen, Douglas
Cc: Matt Kotlarczyk; mwirtz@luninaut.com
Subject: [External Email] 1416 Central Parkway COA2022033

Follow Up Flag: Follow up
Flag Status: Flagged

External Email Communication

Subject Property: **1416 Central Pkwy**
Full Case Number of hearing: **COA2022033**

Dear Urban Design Reviewers:

We are writing this email in support of the proposed project for the hotel on Central Parkway at 15th up for review.

We are property owners rehabbing two long-abandoned townhouses at 1615-1617 Pleasant Street, just blocks from this proposed project. Our investment is considerable and we are committed to supporting the neighborhood with smart development. This project is smart development.

Despite being a major tourist destination, OTR currently has no hotels (aside from a few very small hotels like the Symphony Hotel). The ~100 rooms that this hotel would bring would help support more events and ongoing tourism in our neighborhood.

Over the past few years we have witnessed additions to the urban landscape including the new FC Stadium, the realization of the Willkommen project and a great deal of construction activity around Findlay Market. These projects and others have been carefully designed to attract and retain residents and visitors to OTR, new businesses are opening and the result is Over-the-Rhine has become an exciting place to live, work and play. .

We were asked to review the latest designs and feel the scale and massing of the proposed infill is appropriate and, if built as designed, would be a wonderful addition to our neighborhood. We like the "rhythm" of the design as it alternates between historic construction, new construction, spanning the alley in a sensitive way.

Additionally, the design team listened and responded to the concerns of residents on Magnolia by shifting the massing towards the Central Parkway side of the site, and removing part of the structure on the Magnolia side. The new construction fills several "missing teeth" along the street walls of 15th, Central Parkway, and Magnolia. Despite being a large structure, the visual effect provides a "human-scaled" facade, and appropriate to OTR's historic fabric, while, as one person put it, also not being a cheesy mish-mash of designs (as we've unfortunately seen on other infill projects). We applaud that you have been discerning in your review of this project.

This design will be pleasant for pedestrians who walk by, for residents who live nearby, and I suspect will be very attractive to travelers looking for a unique hotel option in Cincinnati.

We hope the Board recognizes how these projects, if done correctly, add value to the urban fabric, helping to sustain the redevelopment of the neighborhood.

Thank you for your support of this proposal.

Tamara Harkavy and Matt Kotlarczyk

--

Tamara Harkavy (she/her)

c: 513.702.2727

e: Tamaraharkavy@gmail.com

Owen, Douglas

From: John Wulsin <jwulsin@gmail.com>
Sent: Friday, July 8, 2022 3:40 PM
To: Conservator, Urban
Cc: Matt Wirtz; Jeremiah Hahn; Matt Erdman; ohm@moment-development.com
Subject: support for proposed hotel at 15th and Central Parkway

Mr Owen,

Sorry for the late email on a Friday afternoon, but I just learned that the proposed project for the hotel on Central Parkway at 15th is up for review on Monday, July 11th.

I reviewed the latest designs and want to share my thoughts. The scale and massing of the proposed infill is truly beautiful and, if built as designed, would be a wonderful addition to our neighborhood. I like the "rhythm" of the design as it alternates between historic construction, new construction, spanning the alley in a sensitive way. Despite being a major tourist destination, OTR currently has no hotels (aside from a few very small hotels like the Symphony Hotel). The ~100 rooms that this hotel would bring would help support more events and ongoing tourism in our neighborhood.

I think the design team did a great job listening to the concerns of residents on Magnolia by shifting the massing towards the Central Parkway side of the site, and removing part of the structure on the Magnolia side. The new construction fills several "missing teeth" along the street walls of 15th, Central Parkway, and Magnolia. And despite being a large structure, the visual effect provides a "granularity" that feels "human-scaled" and appropriate to OTR's historic fabric, while also not being a cheesy mish-mash of designs (as we've unfortunately seen on other infill projects). This design will be pleasant for pedestrians who walk by, for residents who live nearby, and I suspect will be very attractive to travelers looking for a unique hotel option in Cincinnati.

I also think the latest design does a good job of using the 4th floor as a "buffer" for the outdoor rooftop patios, minimizing the noise/disruption to the immediate neighbors.

I hope the Board recognizes how much work has gone into the design and realize that it would be a great addition to our neighborhood.

Thanks,
John
61 E Clifton Ave

Owen, Douglas

From: Maynes, Kasandra
Sent: Tuesday, August 9, 2022 1:18 PM
To: mbruggeman tipmlc.com
Cc: Ohm Patel; Owen, Douglas
Subject: RE: [External Email] RE: HCB 8.22.22 Meeting with Zoom Link.

Follow Up Flag: Follow up
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Thank you for your email. I have also forwarded your email the Urban Conservator for review and consideration.

Regards,
Kasandra

From: mbruggeman tipmlc.com <mbruggeman@tipmlc.com>
Sent: Tuesday, August 9, 2022 10:31 AM
To: Maynes, Kasandra <Kasandra.Maynes@cincinnati-oh.gov>
Cc: Ohm Patel <ohm@moment-development.com>
Subject: [External Email] RE: HCB 8.22.22 Meeting with Zoom Link.

External Email Communication

Kasandra/

I'm writing in support of the proposed hotel development at 1416-30 Central Parkway for the following reasons:

- 1) Staff is supportive of the design as it substantially conforms to the Historic Conservation District Guidelines. Not to diminish public input, diverse opinion and the capability of opponents to file for legal action, the findings of subject matter experts will hopefully maintain merit even in a political process.
- 2) From a larger perspective, Cincinnati economic development competes against regional cities for the benefits of job creation, industry diversification, business retention and expansion, economy fortification, increased tax revenue, and improved quality of life. Currently we rank No. 111 in [Milken Institute's 2022 Best-Performing Cities list](#), which analyzed 200 metro areas with a population of 250,000 or more. How do we compete?

OTR needs more diverse uses, density and amenities to compete. This proposed development makes sense for the city.

Tipm,LLC design-build tenant improvements

Mark Bruggeman RA, NCARB, principal
111 W. Elder St. #4, Cincinnati OH 45202
T 513.315.1788 www.tipmLLC.com
mbruggeman@tipmLLC.com

Public Architecture
STRENGTHENING NONPROFITS THROUGH DESIGN



Owen, Douglas

From: robertsehlhorst <robertsehlhorst@gmail.com>
Sent: Sunday, August 14, 2022 1:45 PM
To: Conservator, Urban
Subject: [External Email] COA2022033 1416 Central Parkway

You don't often get email from robertsehlhorst@gmail.com. [Learn why this is important](#)

External Email Communication

August 12th, 2022

Dear Mr. Owens,

This letter is in support of application COA2022033, 1416 Central Parkway. My name is Robert Sehlhorst and I am a ten year resident and small business owner in OverTheRhine. For too long we have waited for a larger boutique hotel to serve the visitors, businesses and residents of OTR. This location is a commercial area near FC Cincinnati Stadium and Music Hall and will help to provide much needed hotel accommodations for visitors to our neighborhood. It will also help to connect the two historic neighborhoods of OTR and West End.

OTR businesses are in great need of additional patrons and foot traffic and this project will greatly contribute to the economic vitality of our community. The applicant has made a concerted effort to customize the building and make changes to the design to meet the needs of nearby residents.

I urge the Historic Conservation Board to approve this Certificate of Appropriateness and enable this exciting project to move forward.

Respectfully,

Robert Sehlhorst

Sent from my Verizon, Samsung Galaxy smartphone

Owen, Douglas

From: Seth Maney <seth.maney@gmail.com>
Sent: Monday, August 15, 2022 12:55 PM
To: Owen, Douglas
Subject: [External Email] Luminaut hotel project on Central Parkway

[You don't often get email from seth.maney@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

External Email Communication

Hi Doug,

I want to voice my support for the Luminaut hotel project on Central Parkway. It is an exceptional infill design and would greatly improve the quality of life in OTR and surrounding neighborhoods.

Thank you,
Seth Maney

-

Seth Maney
513.441.9446

Sent from my iPhone

Owen, Douglas

From: Judi Craig <jcdc415@gmail.com>
Sent: Monday, August 15, 2022 1:42 PM
To: Owen, Douglas
Subject: [External Email] In favor of Luminaut hotel project on Central Parkway

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from jcdc415@gmail.com. [Learn why this is important](#)

External Email Communication

Doug, I want to submit my commendation to the HCB to accept and move forward with the plans for the Luminaut hotel on Central Parkway. I am a resident of OTR (30 E. Central Parkway) and property owner since 2012. I was a member of the HCB from 2015 to 2017. My term was cut short for a brief work related relocation.

I have reviewed the plans and find them to be in compliance with the OTR Historic Guidelines. More than compliant, tho, I believe that the plan would be a significant enhancement to the corridor and complimentary of the city's plans to revitalize the corridor and close the gap that exists between OTR and the West End neighborhoods. Activating that space with a hotel (which is greatly needed in OTR) would bring life to what is now largely an urban freeway for much of the time (other than when FC or Music Hall are open).

The issue associated with demolition of the historic building at the corner of Magnolia and Central Parkway is one that we must consider diligently. However, the building has been so significantly altered that I struggle to see its contribution to the district at this time.

Please advance the plan without further alterations.

Sincerely,
Judi DeWilde Craig
30 E. Central Parkway, 1102
Cincinnati, OH 45202

JULY 2022 STAFF COA APPROVALS					
NUMBER_KEY	REVIEW_COMPLETED	ADDRESS	COMP_TYPE	DESCRIPTION	ENTRY_COMMENTS
2022P05515	07/01/2022	1618 ELM ST	CBPCMCH	HVAC	HVAC CONDENSERS IN MIDDLE OF ROOF OF 4 STORY BDLG
2022P05169	07/06/2022	1400 CLAY ST	CBPCBCP	HVAC	Staff COA - HTC Project - Density reduced from 8 to 7 units - white-box commercial space - storefront and replacement windows and doors meet OTR guidelines
2022P05169	07/06/2022	1400 CLAY ST	CBPCBCP	Alteration	Staff COA - HTC Project - Density reduced from 8 to 7 units - white-box commercial space - storefront and replacement windows and doors meet OTR guidelines
2022P05083	07/06/2022	335 W 5TH ST	CBPCBCP	Repair	Staff COA - Marvin Ultimate replacement windows meet historic standards - Windows to fill entire opening
2022P05179	07/12/2022	209 W 7TH ST	CBPCSGN	Signs	Staff COA - signage meets guidelines
2022P05207	07/12/2022	106 W MCMICKEN AV	CBPCSGN	Signs	Face change - same size and dimensions
2022P05210	07/12/2022	132 W ELDER ST	CBPCSGN	Signs	Plans match HCB approved plans per 4.25.22
2022P06104	07/14/2022	123 E MCMICKEN AV	CBPCTEMP	Misc. Structures	Staff COA - temporary banner may be installed for maximum of 30 days per 1427-13(c)
2022P05929	07/15/2022	4121 HAMILTON AV	CBPCSGN	Signs	Proposed sign meets Conservation Guidelines
2022P06104	07/18/2022	123 E MCMICKEN AV	CBPCTEMP	Misc. Structures	Staff COA - temporary banner may be installed for maximum of 30 days per 1427-13(c).
2022P05218	07/18/2022	1119 WALNUT ST	CBPCBCP	Alteration	Staff COA approval - aluminum clad wood windows proposed - specific model to be approved by Urban Conservator prior to installation
2022P05218	07/18/2022	1119 WALNUT ST	CBPCBCP	HVAC	Staff COA approval - aluminum clad wood windows proposed - specific model to be approved by Urban Conservator prior to installation
2022P06196	07/22/2022	335 W 5TH ST	CBPCBCP	Alteration	Staff COA - 8 replacement windows - Marvin Ultimate aluminum clad wood double-hung windows meet historic standards
2022P04381	07/25/2022	106 E 14TH ST	CBPCBCP	HVAC	Historic Review Fee - HTC project - Infill two window openings on side elevation - replacement doors
2022P04381	07/25/2022	106 E 14TH ST	CBPCBCP	Alteration	Historic Review Fee - HTC project - Infill two window openings on side elevation - replacement doors
2022P06314	07/28/2022	307 SEITZ ST	CBPCBCP	Alteration	Staff COA - Elevator shaft toward rear of building - not highly visible from street
2022P05590	07/05/2022	1303 CYPRESS ST	COA	Fence	Staff COA - Fence complies with Historic Guidelines
2022P06051	07/19/2022	1230 & 1241 ELM ST	COA	Signs	Temporary Signs installed for 4 days
2022P06122	07/19/2022	1344 BROADWAY	COA	Fence	Privacy Fence in rear yard meets Conservation Guidelines