

CYT

**OFFICE OF THE HEARING EXAMINER
CITY OF CINCINNATI
REPORT AND DECISION**

Date of Decision: August 2, 2002

APPLICANT: Charles J. Postow
Suite 400
150 E. Fourth Street
Cincinnati, OH 45202-4018

FILE NO.: EQ-HS. 4; 006-02
CASE NO.: 613.234
RE: 3.1 Acres of Land
between Oregon
and Baum Streets

SUMMARY OF REQUEST

This application is also considered a Planned Unit Development as defined in Chapter 1467 of the Cincinnati Zoning Code.

The property owner is proposing a modified residential project to be built on the west face of Mt. Adams between Oregon and Baum Streets. The original EQ application was case No. 613.26; EQ-HS-4; 001-91. The project consisted of the development of 150 condominium units to be built in 13 multi-story buildings. The current proposal is more modest in scope. It is significantly smaller and less dense than the 1991 proposal in order to blend with the small scale neighborhood context of Mt. Adams.

The property where the project will be developed is currently vacant and is located between Oregon and Baum Street, as shown on the attached site plan. The site contains 3.1 acres.

The project will consist of a total of 44 residential units in nine buildings. The units will be composed of a mix of townhouse style residences with interior stairways (and possibly interior elevators) and single-floor flat residences. The final number of each type of residence will be determined as market conditions dictate. Each residence will be approximately 2,500 square feet in size and will be marketed in the \$475,000 to \$775,000 price range. Each home will have two or three bedrooms and will have two side-by-side garage parking spaces.

The H.C. Nutting Company previously prepared extensive geotechnical evaluations for the site. The project site contains a number of old retaining and foundation walls that range in condition from stable to severely distressed.

Historically, the area was densely populated but currently has few residents. A review of historic photographs and records indicates a series of deep narrow buildings, three to five stories in height. The project design continues the historic Mt. Adams residential character in a contemporary context.

PHYSICAL LAND CHARACTERISTICS:

Generally, the subject site contains open field vegetation, low shrubbery, a few small trees, old foundations and debris.

The property owner has retained the services of H.C. Nutting Co. to advise with respect to geotechnical matters related to the project. Nutting has performed extensive geotechnical research, including without limitation, the drilling of various test borings, as they deemed necessary and appropriate for the development of the project. The H.C. Nutting geotechnical reports have been delivered to the City as part of the original EQ application and are incorporated herein by reference. The geotechnical reports indicate that the project can be safely developed and built and that the integrity of the hillside will not be compromised.

The building will be built at or near grade and will require minimal grading and excavation. All excess dirt that will be cut from the site in order to accommodate development will be removed and disposed of appropriately. Snow fencing and erosion control measures will be utilized as necessary. All cut and fill ordinances will be strictly followed.

As in the past, the property owner will work with the City's geotechnical engineers to establish appropriate monitoring controls such as inclinometer readings and monuments to measure and anticipate any earth movement.

SUMMARY OF RECOMMENDATION AND DECISION

Staff Reviewing Authority--Approval with Conditions
Hearing Examiner--Approved with Conditions

REVIEWING AUTHORITY REPORT

Received by the Hearing Examiner on July 23, 2002.

PUBLIC HEARING

After reviewing the Staff Reviewing Authority's report, examining available information on file with the application, and visiting the subject property and surrounding area, the Hearing Examiner, Robert H. Richardson, AIA, as required by Section 1459-408 of the Zoning Code, Chapter 113 of the Cincinnati Municipal Code, conducted a public hearing on the application, prior notice of the time and place of the hearing having been publicized in The City Bulletin and mailed to the applicant/petitioner and owner in this application and to all abutting property owners and other interested parties. The hearing was opened on Wednesday, July 24, 2002, at 9:00 A.M.

SUMMARY OF MINUTES

After explaining the hearing process and affirming the persons wishing to testify, the Hearing Examiner asked Mr. Stephen Briggs, of the City Planning Department, to summarize the staff report. Mr. Briggs reviewed the issues and recommended approval. Mr. Charles Postow, applicant, described the project. Mr. Jerry Foote, Architect, explained the plans and the changes from the original 1991 application. He walked through the specifics of each proposed building and the roof heights as currently proposed as compared to the original plan. Mr. Foote also discussed the

relationship between the existing residences above the site and the heights of the proposed roof lines of the project. Mr. George Web, N.C. Nutting Co., described the geotechnical issues including the test borings and pits.

Several people asked questions about the proposal including: Ms. Barbara Wiethe, 118 W. Sixth St.; Evelyn Banzhof McCord, 1033 Celestial Street; and Rick Menke, 1053 Celestial Street.

Mr. Menke and Ms. Wiethe also spoke in support of the application. No one spoke in opposition. The Hearing Examiner suggested that the applicant team meet with any abutting property owners that had further questions or issues about the project at their earliest convenience. The applicants agreed to the suggestion. The Hearing Examiner then closed the hearing.

GENERAL INFORMATION

1. Owner: ASF, LLC
Suite 400
150 E. Fourth Street
Cincinnati, OH 45202-4018
2. Location: The site is located on the north and south side of Oregon Street and the north side of Baum Street within the neighborhood of Mt. Adams.
3. Property: The property has substantial frontage along Oregon and Baum Streets. Oregon Street divides a portion of the site. The property owned by Mid-American totals 3.1 acres.
4. Category: Category II, the pre-hearing conference for this development was held on Monday, July 8, 2002.
5. Notification: Advertisement for the Hearing Examiner's hearing was in the June 25, 2002 City Bulletin.
6. Purpose: To improve vacant hillside property.
7. History of Zoning:
 1. 1933 to 1963: Zoned Residence "C"
 2. 1963 to present: Zoned R-6, Multi-Family High-Density
 3. EQ-HS No. 4 applied 11/15/78 per Ordinance No. 467-1978
8. As previously mentioned in the Summary of the Request, this new proposal replaces the previous one approved in 1991. The number of units is reduced from 150 to 44.

FINDINGS

1. Section 1401-200(a) of the Zoning Code and map designates the property in question to be in Environmental Quality Hillside District No. 4 (EQ-HS-4).
2. The City Planning Department, reported the issues, findings of facts, and departmental recommendations in this matter and that report is hereby attached as Exhibit A and incorporated in this report by reference as if set forth in full herein.
3. It should be noted that no opposing correspondence or phone calls were received and no one spoke in opposition at the hearing.
4. The existing zoning is R-6, Multi-Family High-Density.
5. The R-6 zone district designation would permit a density of between 168 to 135 dwelling units on the property.
6. Building 'N' is not a part of the PUD application; this was previously approved and constructed as Phase One of the Incline Condominium Development (Reference EQ-HS Case No. 613.126).
7. **Buildings Heights – Table 1**

	Previously Approved Building Heights (Reference EQ-HS Case No. 613.126)	New Building Heights
Building A	735'	726' 8"
Building B	725'	708'
Building C	705'	694' 4"
Building D	691'	686"
Building E	700'	696' 4"
Building G	681'	679' 4"
Building M	675'	660'
Building K	695'	654'
Building J	691'	668' 6"

As noted above, the massing and height of the buildings have all been reduced to enhance views. The residents on Filson and Riverview Place have lower floor elevations which are above the top of the roofs of the planned buildings. The buildings (Buildings E and G) on Oregon Street have also been moved closer to Oregon Street, thereby further reducing any view impact. The new buildings, with metal roofs, will become a part of the view as contemplated by the Cincinnati Hillside Development Guidelines.

8. Front Yard Setback: Pursuant to Section 1467-405(b), the PUD regulations require a uniform setback from the street line and the property line equal to the front yard required for principal buildings in the R-6 zone district. The required front yard setback in the R-6 zone district is 20 feet.

9. The proposed front yard setback is five feet along Baum and Oregon Streets for Buildings A, B, C, D, E, G, K, and M. Building J, as a corner building, has a proposed setback on Baum Street and a proposed five to ten foot setback from Oregon Street.
10. Distance Between Buildings: Pursuant to Section 1467-405(c), the distance between buildings should be the sum of the minimum side yards. The required side yard minimum in an R-6 zone district is five feet; therefore, the distance between buildings should be ten feet.

Distance Between Buildings – Table 2

	REQUIRED	PROPOSED	MODIFICATION
Building A and B	10'	5'*	Yes
Building B and C	10'	10'	No
Building C and D	10'	6'*	Yes
Building D and J	10'	7'*	Yes
Building E and G	10'	10'	No
Building K and C	10'	70'	No
Building M and A	10'	75'	No

* Closest Point, average distance greater

11. The setback between adjoining property line pursuant to Section 1467-405(b) requires a front yard setback of 20 feet.

Adjoining Property Line Setback – Table 3

	Yard	REQUIRED	PROPOSED	MODIFICATION
Building A	West	20'	5'	Yes
Building E	West	20'	20'	No
Building E	North	20'	32'	No
Building G	North	20'	15'	Yes
Building G	East	20'	5'	Yes
Building K	East	20'	15'	Yes
Building K	West	20'	8'/18'	Yes
Building J	West	20'	5'	Yes
Building M	East	20'	25'	No
Building M	West	20'	5'	Yes

12. It is the opinion of the Hearing Examiner that the proposed development is in conformance with the General Guidelines (GG) as set forth in the report entitled "Cincinnati Hillside Development Guidelines" (City Planning Commission, December 1975) and the Specific Guidelines (SG) as outlined in the EQ-HS No. 9, Ordinance No. 29-84.
13. It is the opinion of the Hearing Examiner that the proposed development will not have a negative impact upon the surrounding environment.

14. Additional Information:

A. Project Phasing – Table 3

BUILDING	START CONSTRUCTION
Building M	10/01/02
Building A	10/01/03
Building B	10/01/04
Building C	10/01/05
Building D	10/01/06
Building E	10/01/07
Building G	10/01/08
Building J	10/01/09
Building K	10/01/10

The start of construction for the various buildings may vary depending upon market conditions. For example, if market conditions dictate, Buildings A and G may be constructed prior to Buildings A and B. However, the phasing schedule set forth above is the applicant's present phasing schedule for the project.

- B. At the pre-hearing conference, Mr. Rich Pohana, P.E., Engineering Geologist, Department of Transportation and Engineering, indicated a need for a retaining wall along Baum Street so as to facilitate the clearing and opening of the sidewalk along Baum Street. The location of this wall would be approximately along the Building K frontage. It was suggested that this wall should be a modular design, thus, potentially reusable, and range in height from four to six feet. The modular design would closely match similar walls previously constructed.
- C. The proposed landscaping plan illustrates ornamental white flowering and red flowering crab apple trees as the prominent landscape elements. Individual townhomes are proposed to contain low growth Wilton Juniper along the driveways in addition to annual plantings within pre-cast concrete planters.
15. The proposal to construct forty-four condominium units as a Planned Unit Development complies with Section 1459-406 of the Zoning Code; Modification of Underlying District Regulations. The proposal will result in the following conditions:
- (a) Provision will be made for substantial usable open space where the slope does not exceed ten percent (10%) for the use of the occupants of the area;
 - (b) Usable open space will be created for the public by the dedication of public areas or space;
 - (c) The restoration of plant materials will be accomplished by the planting of trees, shrubs, and ground covers;

- (d) Utility and other service distribution lines will be placed underground;
 - (e) An improvement in public safety will result; and
 - (g) The use of creative site planning and urban design in order to provide efficient use of land an improved urban environment.
16. After the day of the hearing, the applicant team met with five owners of the Riverview Place condominiums, Mr. Rick Menke, property owner on Baum and Oregon Streets and Mr. Larry McCord, 1033 Celestial Street, to clarify proposed building heights as compared to the existing elevations of their properties. In terms of the Riverview Place condominium, the applicants toured each of the units and took additional elevations to establish the lower level of each residence. The applicants then proposed to reduce the roof pitch of the peaks on Building E so that the top of the peaks would not exceed the lower level elevations of the Riverview Place condominiums. They prepared a letter and a new drawing reflecting the roof changes. They reached an agreement with the condominium owners, which is a one-page hand written document. (EXHIBIT C)

In terms of the other two property owners, the applicants prepared a letter describing their specific discussion which resulted in clarification rather than any design change. (EXHIBIT D)

CONCLUSIONS

It is the opinion of the Hearing Examiner that approval of the application for development is in accordance with the applicable provision's of Section 1459-201 and Section 1401-200(a) of the Zoning Code and that approval would be neither contrary to the public interest or the intent and purpose of the code, nor would it be injurious to the properties in EQ-HS-4 or the vicinity of the premises in question.

DECISION

Therefore, it is the decision of the Hearing Examiner, as empowered by Section 1459-408 of the Zoning Code, to approve the application for the proposed Planned Unit Development (PUD) containing 44 dwelling units in 9 buildings as a revised and improved plan located along Oregon Street and north of Baum Street in the neighborhood of Mt. Adams, and to authorize the issuance of the applicable certificates and/or permits.

SUBJECT TO THE FOLLOWING CONDITIONS

1. This recommendation is provided so that the proposed improvements are built substantially in accord with the plans as transmitted by the Hearing Examiner. The final building plans are subject to all the applicable regulations; administered by the Department of Building and Inspections and to any other applicable regulation or ordinance not herein described.
2. The applicant has up to two years or until August 2, 2004 to apply for the building permit.

3. That the proposed development meets all applicable codes and regulations of the City of Cincinnati.
4. That all building heights be capped as detailed in the Building Heights – Table 1 of this report. and modified by EXHIBIT C (height of Building E).
5. That the distance between the proposed buildings match the setbacks as detailed in the Distance Between Buildings – Table 2 of this report.
6. That the proposed buildings that are adjacent to the adjoining property lines match the setbacks as detailed in the Adjoining Property Line Setback – Table 3.
7. That the project phasing as detailed in the Project Phasing – Table 4 be followed.
8. That the landscaping plan be approved.
9. That as outlined in a report from Richard E. Pohana, P.E., Engineering Geologist, DOTE, a temporary stabilization of the hillside along Baum Street across the proposed Building K frontage shall be erected. This wall should be composed of modular block. Building K is scheduled to be constructed last in the project-phasing scenario. The stabilization activity shall occur concurrently with the Phase I construction of Building M scheduled for 10/01/02.
10. That pursuant to Section 1467-501, Covenants, the applicant/owner shall file with the Department of Buildings and Inspections, a covenant in a form acceptable to the City Solicitor to be recorded indicating that the open spaces, parking areas, walks and drives as shown on the plan will not be used for any other purpose. The owner shall further covenant that all streets, common areas, common utilities and other common facilities shall remain in common ownership by all owners of interest in the land or buildings in the PUD.
11. That pursuant to Section 1467-406, Deferred Plan Approval, this Planned Unit Development be approved in concept but that the specific architectural and engineering plans for each building and /or phase be submitted and approved by the staff reviewing authority and the Hearing Examiner before a building permit is issued. That the detailed design and plans of each building and site be reviewed at that point in terms of proportion, scale, site work, materials, color, fenestration, landscaping and details etc. It is recommended that the specific design be submitted as preliminary design documents and that the final contract documents not be prepared until approval is final.
12. That the revised elevation drawing for Building J (J1) be approved as opposed to the original elevation for Building J.
13. That a more detailed site and 'courtyard plan' plan be submitted and approved by the staff reviewing authority and the Hearing Examiner before a building permit is issued. This plan should depict in much more detail, the sidewalk, retaining walls, grade changes, plantings, landscaping, site lighting, gardens, walkways, etc.
14. That all utility and other service distribution lines be placed underground within the site as well as the connections to the utility service in the street right-of-way.

PROCEDURE FOR FILING AN APPEAL

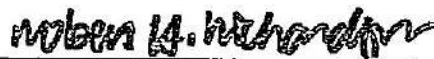
Following the close of a hearing the Hearing Examiner has ten days to make a decision.

The decision is mailed by certified mail to the applicant. All other persons wishing to receive a copy of the decision will receive a copy through the regular mail, provided they advise the staff of the desire to receive a copy of the decision.

The decision of the hearing examiner is subject to appeal. Only those persons who have standing (Section 1477-501 of Zoning Code) can appeal. A person who has standing is one who testifies at the hearing or who has written a letter, which is read into the record at the hearing. There are two ways in which a decision can be appealed.

1. Any person affected by my decision who expressed a position prior to the Public Hearing may request reconsideration. The request shall be filed in writing to me within seven (7) days of the date of mailing of the original decision and set forth with particularity the alleged errors. The party requesting reconsideration shall serve copies of the request upon all other parties of record. I then have 30 days to reconsider.
2. Persons may also appeal to the Zoning Board of Appeals pursuant to Section 1477-501(d) of the Zoning Code. Notice of Appeal shall be filed with the secretary of the Zoning Board of Appeals within 30 days of the date of mailing of the decision. Pursuant to Section 1477-502(c) of the Zoning Code within 21 days of the filing of the notice of appeal, the appellant shall prepare a complete record of all testimony. The appellant shall bear the cost of transcription, which could be expensive depending upon the length of the hearing. With each appeal the appellant shall pay a fee of \$100.
3. The date of the decision is the date written on the first page of the report and identified as date of decision. The length of time for an appeal starts one day after the date **NOT** when an interested party or applicant receives the report by mail. (Example Date of Decision March 16, 1990 the 17th of March would be the 1st day of the appeal period.)

ORDERED THIS 2nd day of August 2002



Robert H. Richardson, AIA
Hearing Examiner

TRANSMITTED THIS 2nd day of August 2002, by certified mail to:

Charles J. Postow
Suite 400
150 E. Fourth Street
Cincinnati, OH 45202-4018

TRANSMITTED THIS 2nd day of August 2002, by interdepartmental mail to:

Clerk of Council
City Planning Department
Neighborhood Services
BCI Division
Zoning Administration
William L. Spurling, P.E., Plan Examination Section

City of Cincinnati



Interdepartment
Correspondence Sheet

Date 23-Jul-02

To Robert H. Richardson, Hearing Examiner
From Stephen C. Briggs, Staff Reviewing Authority, City Planning Department

Copies to

Subject **AN ADVISORY REPORT TO THE HEARING EXAMINER ON AN APPLICATION
UPON 3.1 ACRES OF LAND BETWEEN OREGON AND BAUM STREETS
(EQ-HS NO. 4 - MT. ADAMS)**

Date of Hearing Examiner's Hearing:

Wednesday, July 24, 2002 at 9:00 A.M.
Two Centennial Plaza
805 Central Avenue, Suite 700
J. Martin Griesel Conference Room
Cincinnati, Ohio 45202

Applicant: Charles J. Postow
150 E. Fourth Street, Suite 400
Cincinnati, Ohio 45202-4018

File No.: EQ-HS No. 4; 006-02

Case No.: 613.234

This application is also considered a Planning Unit Development as defined in Chapter 1467 of the Cincinnati Zoning Code.

- A. **Summary of Request:** The property owner is proposing a modified residential project to be built on the west face of Mt. Adams. The existing approvals for the project (as set forth in EQ-HS-4 001-91 Case No. 613.126) provides for the development of 150 condominium units to be built in 13 multi-story buildings. In an effort to make the project more in keeping with the nature of the smaller residences and townhomes that make up most of the housing stock in Mt. Adams, the significantly smaller and less dense project for the site.

The property where the project will be developed is currently vacant and is located between Oregon and Baum Street, as shown on the attached site plan. The site contains 3.1 acres.

The project will consist of a total of 44 residential units in nine buildings. The units will consist of a mix of townhouse style residences with interior stairways (and possibly interior elevators) and single-floor flat residences. The final number of each type of residence will be determined as market conditions dictate. Each residence will be approximately 2,500 square feet in size and will be marketed in

the \$475,000 to \$775,000 price range. Each home will have two or three bedrooms and will have two side-by-side garage parking spaces.

H.C. Nutting Company previously prepared extensive geotechnical evaluations for the site. The project site contains a number of old retaining and foundation walls that range in condition from stable to severely distressed.

Historically, the area was densely populated but currently has few residents. A review of historic photographs and records indicates a series of deep narrow buildings, three to five stories in height. Our project design continues the historic Mt. Adams residential sense in a contemporary context.

B. General Information:

1. **Owner:** ASF, LLC
150 E. Fourth Street, Suite 400
Cincinnati, Ohio 45202-4018
2. **Location:** The site is located on the north and south side of Oregon Street and the north side of Baum Street within the neighborhood of Mt. Adams.
3. **Access:** Oregon and Baum Streets
4. **Property:** The property has substantial frontage along Oregon and Baum Streets. Oregon Street divides a portion of the site. The property owned by Mid-American totals 3.1 acres.
5. **Zoning:** R-6, Multi-Family High-Density
6. **Category:** Category II, the pre-hearing conference for this development was held on Monday, July 8, 2002.

Comment: Generally, the proposal was positively received in regards to materials, heights and siting of buildings.

7. **Notification:** Advertisement for the hearing examiner's hearing was in the June 25, 2002 *City Bulletin*. Attached are names and addresses of all those notified by regular mail prior to the pre-hearing meeting.

C. Purpose: To improve vacant hillside property.

D. History of Zoning:

1. 1933 to 1963: Zoned Residence "C"
2. 1963 to present: Zoned R-6, Multi-Family High-Density
3. EQ-HS No. 4 applied 11/15/78 per Ordinance No. 467-1978

E. Physical Land Characteristics:

Generally, the subject site contains open field vegetation, low shrubbery, a few small trees, old foundations and debris.

The property owner has retained the services of H.C. Nutting Co. to advise with respect to geotechnical matters related to the project. Nutting has performed extension geotechnical research, including without limitation, the drilling of various test borings, as Nutting deemed necessary and appropriate for the development of the project. The Nutting geotechnical reports have been delivered to the city as part of the original EQ application and are incorporated herein by reference. The geotechnical reports indicate that the project can be safely developed and built and that the integrity of the hillside will not be compromised.

The buildings will be built at or near grade and will require minimal grading and excavation. All excess dirt that will be cut from the site in order to accommodate development will be removed and disposed of appropriately. Snow fencing and erosion control measures will be utilized as necessary. All cut and fill ordinances will be strictly followed.

As in the past, the property owner will work with the city's geotechnical engineers to establish appropriate monitoring controls such as inclinometer readings and monuments to measure and anticipate any earth movement.

F. Sections of the Code:

1. The existing zoning is R-6, Multi-Family High-Density
2. The site development is being reviewed as a Planned Unit Development pursuant to Chapter 1467 of the Cincinnati Zoning Code.
3. Pursuant to Section 1467.301, the Environmental Quality District Hearing Examiner assumes the role of Director of City Planning exercise the authority granted in Chapter 1467, Planned Unit Development Regulations.
4. The site development plan illustrates 3.1 acres.
5. The R-6 zone district designation would permit a density of between 168 to 135 dwelling units on the property.
6. Building 'N' is not a part of this PUD application; this was previously approved and constructed as Phase One of the Incline Condominium Development (Reference EQ-HS Case No. 613.126).

7. Buildings Heights – Table 1

	Previously Approved Building Heights (Reference EQ-HS Case No. 813.126)	New Building Heights
Building A	735'	726' 8"
Building B	725'	708'
Building C	705'	694' 4"
Building E	700'	696' 4"
Building G	681'	679' 4"
Building M	675'	660'
Building K	695'	654'
Building J	691'	668' 6"

As noted above, the massing and height of the building have all been reduced to enhance views. The residents on Filson Place and Riverview have elevations which exceed the top of the roofs of the planned buildings. The buildings (Buildings E and G) on Oregon Street have also been moved closer to Oregon Street, thereby further reducing any view impact. The new buildings, with metal roofs, will become a part of the view as contemplated by the Cincinnati Hillside Development Guidelines.

8. **Front Yard Setback:** Pursuant to Section 1467-405(b), the PUD regulations require a uniform setback from the street line and the property line equal to the front yard required for principal buildings in the R-6 zone district. The required front yard setback in the R-6 zone district is 20 feet.
9. The proposed front yard setback is five feet along Baum Street and Oregon Street for Buildings A, B, C, D, E, G, K and M. Building J, as a corner building, has an eight-foot setback on Baum Street and a five to ten foot setback from Oregon Street.
10. **Distance Between Buildings:** Pursuant to Section 1467-405(c), the distance between buildings should be the sum of the minimum side yards. The required side yard minimum in an R-6 zone district is five feet; therefore, the distance between buildings should be ten feet.

Distance Between Buildings – Table 2

	REQUIRED	PROPOSED	MODIFICATION
Building A and B	10'	5'	Yes
Building B and C	10'	10'	No
Building C and J	10'	5'	Yes
Building E and G	10'	10'	No
Building K and C	10'	70'	No
Building M and A	10'	75'	No

11. Setback between adjoining property line pursuant to Section 1467-405 (b) requires a front yard setback of 20 feet.

Adjoining Property Line Setback – Table 3

	YARD	REQUIRED	PROPOSED	MODIFICATION
Building A	West	20'	5'	Yes
Building E	West	20'	20'	No
Building E	North	20'	32'	No
Building G	North	20'	15'	Yes
Building G	East	20'	5'	Yes
Building K	East	20'	15'	Yes
Building K	West	20'	8'/18'	Yes
Building J	West	20'	5'	Yes
Building M	East	20'	25'	No
Building M	West	20'	5'	Yes

- G. **Applicable Guidelines:** It is the opinion of the staff reviewing authority that the proposed development will not conflict with the general guidelines as set forth in the report entitled "Cincinnati Hillside Development Guidelines" (City Planning Commission, 1975) or the specific guidelines for EQ-HS No. 9 per Ord. No. 29-84.
- H. **Impact on the Environment:** It is the opinion of the staff reviewing authority that the proposed development will not have a negative impact upon the environment.
- I. **Additional Information:**

1. Project Phasing – Table 3

The current phasing schedule (depending upon market conditions) for the project is as follows:

BUILDING	START CONSTRUCTION
Building M	10/1/02
Building A	10/1/03
Building B	10/1/04
Building C	10/1/05
Building D	10/1/06
Building E	10/1/07
Building G	10/1/08
Building J	10/1/09
Building K	10/1/10

The start of construction for the various buildings may vary depending upon market conditions. For example, if market conditions dictate, Buildings E and G may be constructed prior to Buildings A and B. However, the phasing schedule set forth above is the applicant's present phasing schedule for the project.

2. At the pre-hearing conference, Mr. Rich Pohana, P.E., Engineering Geologist, Department of Transportation and Engineering, indicated a need for a

retaining wall along Baum Street so as to facilitate the clearing and opening of the sidewalk along Baum Street. The location of this wall would be approximately along the Building K frontage. It was suggested that this wall should be of modular design, thus, potentially reusable, and range in height from four to six feet. The modular design would closely match similar walls previously constructed.

3. The proposed landscaping plan illustrates ornamental White Flowering and Red Flowering Crab Apple Trees as the prominent landscape elements. Individual townhomes are proposed to contain low growth Wilton Juniper along the driveways in addition to annual plantings within pre-cast concrete planters.
- J. **Departmental Recommendation:** The staff reviewing authority recommends that the hearing examiner give his approval to the proposed Planned Unit Development (PUD) containing 44 dwelling units in 9 buildings as a revised and improved plan located along Oregon Street and north of Baum street in the neighborhood of Mt. Adams, EQ-HS District No. 4, with the following conditions:
1. That all building heights be capped as detailed in the Building Heights - Table 1 of this report, and
 2. That the distance between the proposed buildings match the setbacks as detailed in the Distance Between Buildings - Table 2 of this report; and
 3. That the proposed buildings that are adjacent to the adjoining property lines match the setbacks as detailed in the Adjoining Property Line Setback - Table 3; and
 4. That the project phasing as detailed in the Project Phasing - Table 4 be followed; and
 5. That the landscaping plan be approved; and
 6. That as outlined in a report from Richard E. Pohana, P.E., Engineering Geologist, DOTE, a temporary stabilization of the hillside along Baum Street across the proposed Building K frontage be erected. Building K is scheduled to be constructed last in the project-phasing scenario. A modular wall is suggested. It is recommended that this stabilization activity occur concurrently with the Phase I construction of Building M scheduled for 10/1/02; and
 7. That pursuant to Section 1467-501, Covenants, the applicant/owner shall file with the Department of Buildings and Inspections, a covenant in a form acceptable to the City Solicitor to be recorded indicating that the open spaces, parking areas, walks and drives as shown on the plan will not be used for any other purpose. The owner shall further covenant that all streets, common areas, common utilities and other common facilities shall remain in

common ownership by all owners of interest in the land or buildings in the PUD; and

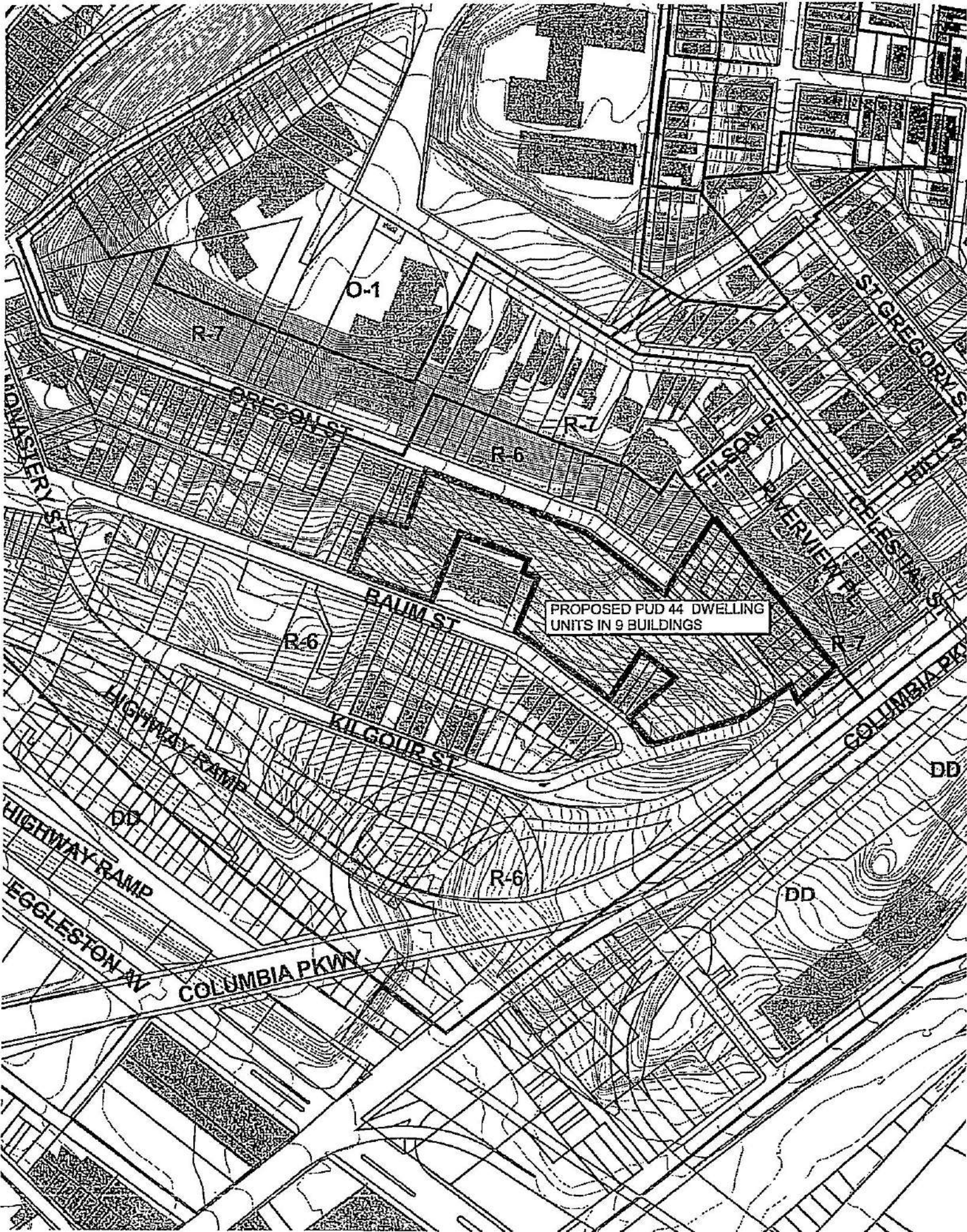
8. That all utility and other service distribution lines be placed underground; and
9. That pursuant to Section 1467-406, Deferred Plan Approval, once the applicant has obtained approval of the overall site development plan, the applicant shall obtain approval of the specific plans for Buildings A, B, C, D, E, G, J, K and M from the hearing examiner and staff reviewing authority prior to applying for a building permit inclusive of elevation designs, materials and floor plans.

This recommendation is provided so that the proposed improvements are built substantially in accordance with the plans as transmitted by the staff reviewing authority. The final building plans are subject to all the applicable regulations administered by the Department of Buildings and Inspections and to any other applicable regulations or ordinance not herein described.

K. Attachments:

1. Existing topographical map
2. Existing zoning map
3. Notice of hearing examiner's hearing
4. Attendance list for pre-hearing conference
5. Notice of pre-hearing conference
6. Notification list for hearing examiner's hearing
7. Coordinated Report form
8. Application for Development Permission in EQ Districts
9. Various correspondence

SCB:sml



PROPOSED PUD 44 DWELLING
UNITS IN 9 BUILDINGS

O-1

R-7

OREGON ST

R-6

R-7

BALM ST

R-6

KILGOUR ST

R-6

R-7

COLUMBIA PKWY

DD

HIGHWAY RAMP

DD

HIGHWAY RAMP

EGGLESTON AV

COLUMBIA PKWY

DD

ST GREGORY'S

FELSON PL

VERVIEW ST

CHILL ST

REVISED
Notice of a Public Hearing

Scheduled Before the Hearing Examiner

Wednesday, July 24, 2002 at 9:00 A.M.

**Two Centennial Plaza
805 Central Avenue, Suite 700
J. Martin Griesel Conference Room
Cincinnati, Ohio 45202**

An application to develop a Planned Unit Development consisting of 44 dwelling units in nine buildings on 3.1 acres in the vicinity of Baum and Oregon Streets in Environmental Quality Hillside District #4 (Mt. Adams).

This hearing is being held pursuant to Section 1459-408, Chapter 1459, Environmental Quality District Regulations of the Zoning Code and Chapter 113 of the Municipal Code of the City of Cincinnati.

Any written comments, findings, and/or communications from interested parties should be filed by Tuesday, July 23, 2002.

Individuals with disabilities requiring special accommodations to participate in or attend this meeting should call Steve Briggs at 352-4840 seven days prior to the meeting.

Information, requests and communications should be directed to the office listed below.

Stephen C. Briggs, Senior City Planner
City Planning Department
Land Use Management
Two Centennial Plaza
805 Central Avenue, Suite 720
Cincinnati, Ohio 45202

513-352-4840 (Phone)
513-352-4853 (FAX)
steve.briggs@rcc.org (E-Mail)

Notice of a Public Hearing

Scheduled Before the Hearing Examiner

Wednesday, July 24, 2002 at 9:00 A.M.

**One Centennial Plaza
705 Central Avenue, Suite 405
Cincinnati, Ohio 45202**

An application to develop a Planned Unit Development consisting of 44 dwelling units in nine buildings on 3.1 acres in the vicinity of Baum and Oregon Streets in Environmental Quality Hillside District #4 (Mt. Adams).

This hearing is being held pursuant to Section 1459-408, Chapter 1459, Environmental Quality District Regulations of the Zoning Code and Chapter 113 of the Municipal Code of the City of Cincinnati.

Any written comments, findings, and/or communications from interested parties should be filed by Tuesday, July 23, 2002.

Individuals with disabilities requiring special accommodations to participate in or attend this meeting should call Steve Briggs at 352-4840 seven days prior to the meeting.

Information, requests and communications should be directed to the office listed below.

**Stephen C. Briggs, Senior City Planner
City Planning Department
Land Use Management
Two Centennial Plaza
805 Central Avenue, Suite 720
Cincinnati, Ohio 45202**

**513-352--4840 (Phone)
513-352-4853 (FAX)
steve.briggs@rcc.org (E-Mail)**

Pre-hearing Date 7.08.02

Case No. _____ EQ-HS No. 4 Location: BAUM & OREGON ST.
Owner: ASF, L.L.C. Applicant: POSTOWN
Proposed Use: PUD - TOWNHOUSES & FLATS 44 DU 9 BLDGS

PLEASE PRINT YOUR NAME AND ADDRESS CLEARLY - ATTENDANCE SHEET

1. MARGARET WALKER 2 FILSON PL #1
2. KAREN KHARHAN 1043 CELESTIAL ST.
3. Mary J. Schneider 903 Riverview Pl.
4. Dr. Stanley Kaplan 702 Riverview Pl.
5. Tom Kemmer 909 RIVERVIEW PL. P.O. Box 45202
6. Jim & Nancy Beauregard 380 BAUM ST #4A
7. BOB SCHNEIDER 903 RIVERVIEW PL 45202
8. Debra Henning 403 Oregon
9. JEFF FOOTE 9467 MONTGOMERY RD 45242
10. Charlie Foulon 1506 4th Street 45202
11. KENNETH SEGAL 1433 E McMillan St 45206
12. Missy De Bullis 1433 E McMillan St 45206
13. Rich Pohana Rm 410 City Hall 45202
14. Lee Robinson 2722 Observatory Ave 45208
15. Donald Meyers 1041 Celestial St 45202
16. JOHN R SALSALONE ONE FILSON PL 3A 45202
17. _____
18. _____
19. _____
20. _____
21. _____
22. _____

(E.Q. – H.S.)

A notice of a pre-hearing conference concerning a proposal to develop a Planned Unit Development consisting of 44 dwelling units in nine buildings on 3.1 acres in the vicinity of Baum and Oregon Streets in Environmental Quality Hillside District #4 (Mt. Adams).

You are invited to participate in a pre-hearing conference to study and discuss a proposed development at the above location. This conference will be held on Monday, July 8, 2002, in the J. Martin Griesel Conference Room, Two Centennial Plaza, 805 Central Avenue, Suite 710 at 10:00 A.M..

The reason for this conference is that the property in question is in an Environmental Quality District, which requires special procedures in advance of a building permit application. These procedures include a pre-hearing conference and a hearing by a Hearing Examiner, which will be held on Wednesday, July 24, 2002.

The purpose of the pre-hearing conference is to bring the applicant, adjoining property owners and other interested parties together to determine whether any features of the proposed development should be revised, which might benefit all concerned parties.

Individuals with disabilities requiring special accommodations to participate in or attend this meeting should call Steve Briggs at 352-4840 seven days prior to the meeting.

If you have any questions concerning the above matter, please call the office listed below.

Stephen C. Briggs, Senior City Planner
City Planning Department
Land Use Management
Two Centennial Plaza
805 Central Avenue, Suite 720
Cincinnati, Ohio 45202

513-352-4840 (Phone)
513-352-4853 (FAX)
steve.briggs@rcc.org (E-Mail)

**Notification List for Vicinity of Baum and Oregon Streets
EQ-HS No. 4 -- Mt. Adams**

Owner: ASF, LLC
150 E. Fourth Street, Suite 400
Cincinnati, Ohio 45202-4018

Applicant: Charles J. Postow
150 E. Fourth Street, Suite 400
Cincinnati, Ohio 45202-4018

Community Organization(s):

Mt. Adams Civic Association
Malcolm Bernstein, President
1046 St. Paul Place
Cincinnati, Ohio 45202

City Departments:

Robert Richardson	Hearing Examiner
Melissa Autry	Clerk of Council
Don Rosemeyer	Transportation and Engineering
Martha Kelly	Traffic Engineering
Dan Johns	MSD
Tom Schwiers	MSD
William Spurling	Buildings and Inspections
Bill Langevin	Buildings and Inspections
Robert Wright	Fire Division, 430 Central Avenue
Peg Moertl	Community Development
Valerie Lemmie	City Manager
Steve Kurtz	City Planning
Tim Jamison	Engineering, Structures
Richard Pohana	Engineering, Structures
Steve Schuckman	Park Planner
Becky Calder	Water Works

Advisory Council:

Karl Graham Office of Environmental Management

Hillside Trust: P.O. Box 8625, Cincinnati, Ohio 45208

Surrounding Property Owners: Attached

SCB:smf

MAILING LIST
VICINITY OF BAUM AND OREGON STREETS
6/21/02

GERRY DONAHUE
319 BAUM STREET
CINCINNATI OH 45202

BRIAN D SCHOMAEKER &
ALISON M CAMPBELL
321 BAUM STREET
CINCINNATI OH 45202

HALE J JOSEPH JR &
LINDA DAYHUFF HALL
368 BAUM STREET
CINCINNATI OH 45202

JOSEPH & NANCY W OTTAVIANI
380 BAUM STREET #1A
CINCINNATI OH 45202

JAMES & W JEAN SUSTAR
280 BAUM STREET #2A
CINCINNATI OH 45202

JEROME F & JOANNE NEUMANN
380 BAUM STREET 3B
CINCINNATI OH 45202

EDWARD J & ANNIE W STERN
380 BAUM STREET UNIT 1B
CINCINNATI OH 45202

SUSAN G LANDAU
380 BAUM STREET UNIT 2B
CINCINNATI OH 45202

MICHAEL R & KAREN F ZEDEK
380 BAUM STREET UNIT 3A
CINCINNATI OH
45202

JAMES F & NANCY P BEAUREGARD
380 BAUM STREET UNIT 4A
CINCINNATI OH 45202

JAMES J & DOLORES A AMANN
380 BAUM STREET UNIT 4B
CINCINNATI OH 45202

TERRY LEE
380 BAUM STREET UNIT 5B
CINCINNATI OH 45202

ROOKWOOD HIGHLAND TOWER
INVESTMENTS
1071 CELESTIAL
CINCINNATI OH 45202

JACQUELINE MEYERS
1041 CELESTIAL STREET
CINCINNATI OH 45202-1627

EDNA A & KAREN A KOHRMAN TRS
1043 CELESTIAL STREET
CINCINNATI OH 45202-1627

CRAIG E LIEBEL
1045 CELESTIAL STREET
CINCINNATI OH 45202

VERE E GAYNOR
1055 CELESTIAL STREET
CINCINNATI OH 45202-1627

GLEN J WISSEMEIER
9610 CROSLY FARM DR APT 1
CINCINNATI OH 45251

BRUCE E NIEMEYER &
DAVID W COVINGTON
20 E CENTRAL PARKWAY
CINCINNATI OH 45210

ASF LLC
150 E FOURTH STREET SUITE 400
CINCINNATI OH 45202-4018

CHARLES J POSTOW
150 E FOURTH STREET SUITE 400
CINCINNATI OH 45202-4018

TRILOGY PROPERTIES LLC
1433 E MCMILLAN
CINCINNATI OH 45206

KENNETH C SEGAL
1433 E MCMILLAN STREET
CINCINNATI OH 45206

ERICH KUNZEL JR
1241 ELM STREET
CINCINNATI OH 45210

ANNA MARIE EVANS
3939 ERIE AVENUE #514
CINCINNATI OH 45208-1915

PHILIP R GLOTFELTY III
4 FILSON PLACE
CINCINNATI OH 45202

THOMAS S HELDMAN TR
7 FILSON PLACE
CINCINNATI OH 45202-1612

PEGGY L BRUEGGEMANN
8 FILSON PLACE
CINCINNATI OH 45202-1612

ROBERT MCDONAL GRAY
9 FILSON PLACE
CINCINNATI OH 45202-1612

KENNETH T PARKER &
ANGELA ADAMS
2 FILSON PLACE #3
CINCINNATI OH 45202

JOHN GABRIEL CO-TR &
BENJAMIN R GETTLER CO-TR
1 FILSON PLACE UNIT #4
CINCINNATI OH 45202

TOBY A & JOYCE E GRIFFIN
1 FILSON PLACE UNIT 1
CINCINNATI OH 45202-1612

WILLIAM & MARGARET A GIACALONE
2 FILSON PLACE UNIT 1
CINCINNATI OH 45202

LEON H LOEWENSTINE TR
1 FILSON PLACE UNIT 2
CINCINNATI OH 45202

JUDITH M RUTHVEN TR
2 FILSON PLACE UNIT 2
CINCINNATI OH 45202

ERIC JENKINS
1 FILSON PLACE UNIT 313
CINCINNATI OH 45202

JOHN R SANSALONE TR
1008 MARSHALL AVENUE
CINCINNATI OH 45225-2381

LEE ROBINSON
2726 OBSERVATORY AVENUE
CINCINNATI OH 45208

JOHN R MURRAY TR
330 OREGON STREET
CINCINNATI OH 45202-1619

JOHN W STUCK
371 OREGON STREET
CINCINNATI OH 45202

GEORGE R & BEVERLY ANN WOLF
387 OREGON STREET
CINCINNATI OH 45202-1618

CITY VIEW TAVERN INC
403 OREGON STREET
CINCINNATI OH 45202

ROBERT E & MARY J SCHNEIDER
903 RIVERVIEW PLACE
CINCINNATI OH 45202-1622

J THOMAS HEMMER &
KATHY HAMM
909 RIVERVIEW PLACE
CINCINNATI OH 45202

LYNNE M GORDON
915 RIVERVIEW PLACE
CINCINNATI OH 45202

STANLEY M KAPLAN
897 RIVERVIEW PLACE UNIT 3
CINCINNATI OH 45202

RODERICK J & SANDRA J SOMMER
899 RIVERVIEW PLACE UNIT 4
CINCINNATI OH 45202

THOMAS L DEARDORFF
901 RIVERVIEW PLACE UNIT 5
CINCINNATI OH 45202

CHRISTOPHER OHLINGER
905 RIVERVIEW PLACE UNIT 7
CINCINNATI OH 45202

SUSAN G & JACK C LOUISO
907 RIVERVIEW PLACE UNIT 8
CINCINNATI OH 45202

MT ADAMS CIV ASSOCIATION
MALCOLM BERNSTEIN PRESIDENT
1046 ST PAUL PLACE
CINCINNATI OH 45202

GAYLE L MCCAFFERTY
1475 SYLVED LANE
CINCINNATI OH 45238

FRANCES JONES POETKER TR
2368 VICTORY PARKWAY SUITE 100
CINCINNATI OH 45206-2810

BARBARA R WIETHE
118 W EIGHTH STREET
CINCINNATI OH 45202

BRYAN M MOELLER
1201 ELM STREET SUITE 400
DALLAS TX 75270

DAVID J OVERBECK
PO BOX 18537
FAIRFIELD OH 45018

STATE OF OHIO
505 S STATE ROUTE 741
LEBANON OH 45036

DAVID G BERWAGNER
17197 NO LAUREL PARK #221
LIVONIA MI 48152-7900

NORMA L GOULD TR
7344 POINTS OF ROCKS ROAD
SARASOTA FL 34242

CHRISTOPHER R OHLINGER
10751 BIG BONE CHURCH ROAD
UNION KY 41091

MARY ANN PIETROMONACO
1133 CARPENTER TRACE
VILLA HILLS KY 41017



CITY OF CINCINNATI

EQ- _____
ZONE _____

APPLICATION FOR DEVELOPMENT PERMISSION IN EQ DISTRICTS

In accordance with SEC. 1457-404 of the Zoning Code, development permission shall be obtained in all cases, except where exempted by SEC. 1459-404, where a building, curb-cut driveway, excavation or fill permit is intended to be sought. The review process shall be in accord with SEC. 1459-405. Submit application in Room 328 of City Hall.

A. APPLICATION INFORMATION

1. Address of premises in question Oregon and Baum Streets Zip Code 45202
If no address is known, fill out (a) and (b) Cincinnati, Ohio
(a) N ☐ S ☐ E ☐ W ☐ side of See Site Plan and ALTA Survey attached
(b) _____ feet, N ☐ S ☐ E ☐ W ☐, from intersection of _____
2. Purpose of permit Residential development
3. Existing use Residential 4. Proposed use Residential
5. Date application filed _____ 6. Category I ☐ II ☐
7. Applicant ASF, LLC Address 150 E. Fourth Street Cincinnati, Ohio 45202 Phone 629-9492 984-1050
8. Owner ASF, LLC Address 150 E. Fourth Street Cincinnati, Ohio 45202 Phone 629-9492 984-1050
9. Relationship of applicant to owner: Lessee ☐ Attorney ☒ Architect ☒ Engineer ☐
Other (Specify) _____

Per Section 113-9 Cincinnati Municipal Code: Applicant shall post notice of hearing on subject property (Item A.1. above)

B. INFORMATION REQUIRED (All material shall be submitted in triplicate)

An application for development permission for a Category I permit shall include, according to SEC. 1459-404(a) of the Zoning Code, the following information which shall be provided by applicant hereto:

- (1) Existing Conditions Report - written statement to show existing conditions and use of property involved; said report may include statistical data, drawings, photographs or maps
- (2) Physical Improvements Report - written statement, maps, drawings, renderings, or elevations sufficient to show proposed constructions, alterations, repairs, or change in use.
- (3) Other information as may be requested by the Department receiving this application.

CITY OF CINCINNATI

ZONE _____
ZONE MAP _____

AN APPLICATION FORM FOR PLANNED UNIT DEVELOPMENT (PUD) PERMISSION

In accordance with SEC. 1467-400 of the Zoning Code, development permission shall be obtained in all cases where the Planned Unit Development uses, as specified in SEC. 1467-200(a) are desired by the applicant. The review process shall be in accord with SEC. 1467-400 through 1467-407 and with appeals in accord with SEC. 1467-408.

A. APPLICATION INFORMATION

1. Address of premises in question Baum and Oregon Streets Zip Code 45202

If no address is known, fill out (a) and (b)

(a) N S E W side of Baum and Oregon Streets. See Survey

(b) _____ feet, N S E W, from intersection of _____

2. Area contained in property 3.05 acres± See Survey

3. Existing use Vacant. Existing approval File No. EO-HS-4001-91;

Case No. 613.126

4. Proposed use Multi-family residential condominium project.

5. Date application filed June 18, 2002

6. Date accepted _____

7. Applicant Charles J. Postow

Phone (513) 621-2120

Address 150 E. Fourth Street, Suite 400, Cincinnati, OH 45202-4018

8. Owner ASF, LLC

Phone (513) 621-2120

Address 150 E. Fourth Street, Suite 400, Cincinnati, OH 45202-4018

9. Relationship of applicant to owner: Lessee _____ Attorney X Architect _____ Engineer _____

Other (Specify) _____

B. INFORMATION REQUIRED

SEC. 1467-400. APPLICATION SUBMITTAL. Twelve copies of a PUD application shall be filed with the director. The application shall include all the plans and statements required by paragraphs (a) through (m) as follows. However, an application for approval of a site improvement plan may be made and the submission of the information required by paragraph (m) deferred.

THE INCLINE RESIDENCES/UNIQUELY MT. ADAMS

ASF, LLC, an Ohio limited liability company ("ASF"), is proposing a modified residential project to be built on the west face of Mt. Adams. The existing approvals for the project (as set forth in EQ-HS-4 001-91 Case No. 613.126) provides for the development of 150 condominium units to be built in 13 multi-story buildings. In an effort to make the project more in keeping with the nature of the smaller residences and townhomes that make up most of the housing stock in Mt. Adams, ASF is proposing a significantly smaller and less dense project for the site.

The property where the project will be developed is currently vacant and is located between Oregon and Baum Street, as shown on the attached site plan.

The project will consist of a total of 44 residential units. The units will consist of a mix of townhouse style residences, with interior stairways (and possibly interior elevators) and single-floor flat residences. The final number of each type of residence will be determined as market conditions dictate. Each residence will be approximately 2,500 square feet in size and will be marketed in \$475,000 to \$775,000 price range. Each home will have two or three bedrooms and will have two side-by-side garage parking spaces.

H.C. Nutting Company ("Nutting") previously prepared a Phase One Environmental Report for the site. The report indicates that there are no toxic wastes, environmental hazards, or endangered animal species located at the site. The project site contains a number of old retaining and foundation walls that range in condition from stable to severely distressed.

Historically, the area was densely populated but currently has few residents. A review of historic photographs and records indicates a series of deep narrow buildings, three to five stories in height. Our project design continues the historic Mt. Adams residential sense in a contemporary context.

As we proceed with construction, we will, within the limits of safety, permit archaeology research on the site. We will also share with the Historical Society any artifacts that are discovered.

GEOTECHNICAL MATTERS

ASF has retained the services of Nutting to advise with respect to geotechnical matters related to the project. Nutting has performed extensive geotechnical research, including, without limitation, the drilling of various test borings, as Nutting deemed necessary and appropriate for the development of the project. The Nutting geotechnical reports have been delivered to the City as part of the original EQ application and are incorporated herein by reference. The geotechnical reports indicate that the project can be safely developed and built and that the integrity of the hillside will not be compromised.

The buildings will be built at or near grade and will require minimal grading and excavation. All excess dirt that will be cut from the site in order to accommodate development will be removed and disposed of appropriately. Snow fencing and erosion control measures will be utilized, as necessary. All cut and fill ordinances will be strictly followed.

As in the past, ASF will work with the City's geotechnical engineers to establish appropriate monitoring controls such as inclinometer readings and monuments to measure and anticipate any earth movement.

UTILITY AND PUBLIC IMPROVEMENTS

Telephone, electric, and cable lines will be installed underground. Storm water runoff will utilize the existing storm sewer system. In addition, the sanitary sewers are adequate to handle sewerage as the site was previously densely developed and heavily populated.

Because this is an urban renewal district and because ASF is not seeking public funding for acquisition or site development we are requesting that the City provide infrastructure improvements necessary to help make the project a success. We are requesting the following improvements:

1. Repair and upgrade underground water and sewer systems.
2. Repair and upgrade streets, curbs, and sidewalks. Oregon Street needs to be rebuilt and repaved with a surface compatible with the existing surface. Brick sidewalks should be built along Oregon and Baum Streets in lieu of the existing deteriorated concrete sidewalks.
3. Trees should be planted along Oregon and Baum Streets and new street lighting, compatible with the neighborhood and the proposed project, should be installed.

CINCINNATI HILLSIDES DEVELOPMENT GUIDELINES AND MT. ADAMS GUIDELINES

The following narrative, read in conjunction with the submitted drawings, shows how the proposed project satisfies the Guidelines. The following numbered paragraphs correspond numerically to the numbered paragraphs contained in the Guidelines.

1. The site is located in an urban setting with few trees. As the project is developed, trees, shrubbery, and other vegetation, will be planted. We will be reflecting the scale of the trees and the feeling of historic Mt. Adams by developing residential housing along street frontages leaving the center of the site green, thus reintroducing traditional horizontal greenery to the site as is evident in old photographs of Mt. Adams. The highly articulated buildings together with the proposed landscaping show how the proposed project satisfies this Guideline.
2. The proposed buildings are designed with articulated rooflines and irregular architectural edges that interlock with the hillside vegetation. The project will also use garden walls and plazas to further interlock the buildings with the hillside vegetation and to promote a firm hillside base.
3. As depicted on the attached drawings, the proposed development fits the visual composition of the hillside wall and the historic residential development of the hillside.
4. This Guideline was not written with the hillside we will be working on in mind. All the previous studies "A Hillside Study", "Cincinnati Urban Natural Areas Study" discuss the Mt. Adams Hillside as being unique to the City's hillsides in that it is a very densely developed urban space and not part of the "green hillside walls". However, the proposed project which is substantially less dense than the current approvals permit, does not exceed the equilibrium in the structure-vegetation relationship.
5. We are working within the constraints of existing streets.
6. We are not changing existing streets nor are we building new roads or streets. Therefore, there will be no cutting and filling for roads and streets.

7. The boundaries are emphasized with greenspace and trees where aesthetically desirable.
8. We have clustered the development and placed parking at street grade and as a part of the proposed buildings in order to minimize changes in the existing topography.
9. Not Applicable.
10. The proposed development has been carefully designed to provide a strong sense of place within a limitless space. The scale of the buildings matches the scale of the surrounding terrain.
11. The proposed residences have been designed to respect and complement the profile of the existing hillside. The natural slope lines of the hillside profile have been retained and vegetation will be reintroduced to the site to help convey the natural slope lines.
12. The proposed buildings have been carefully designed to fit into the existing hillside and the historic nature of Mt. Adams. The buildings are at street grade level with the back yards providing grade transition and open space.
13. The proposed project is well below the brow of the hill.
14. Not Applicable.
15. Not Applicable.
16. Not Applicable.
17. Individually and collectively the buildings present a sense of height as opposed to width.
18. The project has been designed to maintain and enhance the hillside sense of verticality. The design of the buildings, including the design of the articulated rooflines and the exterior treatment of the buildings, emphasize a sense of verticality.
19. The buildings are staggered and are stepped into the existing topography of the hillside.
20. Not applicable.
21. The buildings have been carefully sited and massed so as to not only provide views for our residents but also to protect the views of neighbors. The buildings are smaller and significantly less high than allowed by the current EQ approvals. The project also provides public viewing areas and view portals through the buildings. A public park is being developed along Baum Street that will provide the community with various public viewing places.
22. See response 21 above.
23. The project does not contain any high-rise or high bulk buildings. Conversely, the project, consisting of a mix of residential townhouses and low-rise one-level residences, has been designed to emphasize intimacy and privacy.
24. The project area is currently devoid of significant hillside vegetation and landscaping. The proposed residential community, nicely landscaped, will enhance the small-scale sense of the project.

25. Garage parking is at street grade and is designed to be an integral part of each building.
26. Each residential unit will contain two individual garage parking spaces.
27. As set forth in responses 25 and 26 above, parking for the residents will be at street grade and in garages that will be a physical part of each building. As applicable, the residences along Oregon Street will have parking on the uphill side of the buildings.
28. There will be no rooftop-mounted utilities.
29. Although Oregon and Baum Streets are not major roads, the site is visible from many major roads. The project has been designed to enhance the views of the hillside.
30. Not Applicable.
31. We designed the proposed buildings to be part of the urban fabric of Mt. Adams and to fit comfortably with its neighbors. We worked with the Mt. Adams Guidelines to develop a high-end project of significant importance to the entire City. Contemporary heights, widths, materials were utilized to further blend the contemporary with the traditional in Mt. Adams.
32. Not Applicable.
33. The project is designed so that portions of the buildings will be visible from beyond the brow or profile of the hill when viewed from major roads.
34. Not Applicable.
35. Internal walkways will be as steep as technically feasible.
36. We are providing vertical detailing along the roads. The garden walls, stairs, trees, and buildings all have a vertical orientation.
37. We have worked extensively with Nutting to design a project that will address the geotechnical issues of the site.
38. The project will help stabilize the hillside. The foundations for the buildings will be constructed using piers or other suitable foundation systems that will be anchored in bedrock underlying the soft overburden. The construction will help stabilize the hillside and will help prevent landslides.
39. During construction, we will use machines and techniques that match the grain and scale of the hillside.
40. Hillside vegetation will only be disturbed at the actual construction site. The project will be developed in phases and there will be no disruption to existing hillside vegetation (which is currently minimal) until construction is begun for a particular phase. After completion of construction the developed area will be tastefully landscaped.
41. Existing landscaping will be respected and will only be removed when the particular site is under construction.
42. See responses 40 and 41 above.

43. The project respects and utilizes the natural hillside and site features in an aesthetically pleasing way. The project will blend in nicely within the existing hillside and will be in keeping with the residential nature of Mt. Adams.

44. We have created a variety of architectural solutions for the project. The rooflines are highly articulated and different facades may be used in construction.

45. & 46. We will work with the Hearing Examiner to arrive at a palette of colors that can be used on the buildings to create subtle variations in color and shading that will emphasize their multi-faceted quality.

47. As the project is developed, the site will be appropriately landscaped with planting that will show strong seasonal change.

48. There are no existing buildings or other structures currently at the site.

49. The terraces and sidewalks plus the unique urban environment provide a habitat full of personal and sensorial contact.

MT. ADAMS HILLSIDE URBAN DESIGN AND RENEWAL PLAN

As we designed the Incline Residences we used the Mt. Adams Hillside Urban Design Guidelines as a touchstone to ensure excellence of our project. We have also consulted with the immediate neighbors and the community as a whole. Our project conforms to the spirit of these Guidelines.

GUIDELINES FOR NEW CONSTRUCTION

1. Our new development complements the existing building in height and width by breaking down the buildings vertically and horizontally with steps, setbacks and subtle variations in color and texture.

2. The new residential development blends into the visual urban fabric. While the buildings have a strong vertical component taken individually, the overall context of the proposal has a strong horizontal massing. The strong horizontal nature of the street, the low walls, and the strong breaks between the buildings facing the street add to this concept. Open space is a much sought after amenity in Mt Adams; by placing the parking under the buildings, we have been able to provide ample parking as well as an exceptionally large open space.

3. Our project is solely a residential development. Experience has taught us that people living in a community such as this do not want swimming pools, tennis courts, or clubhouses. Easily maintained open space with lush landscaping is what the residents want; therefore, this is what we are providing.

4. All utilities will be located underground.

5. All units will be owner occupied residences. Each unit has been carefully designed to maintain an environmental fit with the rest of the community.

6a. We have clustered the buildings and used garage parking as a part of the residences to maximize the amount of open space. Figure 9, attached to the Mt. Adams Hillside Urban Design And Renewal Plan, was used extensively in the design of the proposed development.

6b. While the configuration of the site limits the siting possibilities, we feel that their location will reduce the audio and visual impact for the residents above us. We will also be using sound reducing glass in the windows facing the expressway system.

6c. We have carefully sited the buildings to protect the views of our neighbors.

6d. Not applicable.

6e. The existing retaining walls will be retained until new buildings are built.

6f. The Mt. Adams Incline did not border or pass through our site. However, our name and design graphics will acknowledge the Incline.

7a. Parking will be provided within each building:

7b. Because we are providing adequate resident parking and also have significant street frontage and in many areas our project occupies both sides of the street, we think the best solution to guest parking is on the street. It maintains the feel of Mt. Adams without the desperate search for parking all too frequent. Therefore guest parking will be distributed more equitably around the entire site.

7c. There will be garage parking for two cars per residence. The garages will be a part of each building.

7d. As noted above, each residence will have two garage parking spaces as a part of their building.

8a. The existing EQ approvals would permit us to construct a total of 140 additional units at the site. We have reduced that number of units to be constructed to 44.

9a. As discussed our development is considerably lower than the existing EQ approvals permit. Further, our proposed development is not as tall as the recommended building heights as shown on Figure 10 of the Mt. Adams Hillside Urban Design And Renewal Plan. The massing has been articulated to provide visual variety and reduced scale. The ratio of solid to void is more solid than void and all the windows are vertical. The rooflines are pitched.

9b. We are proposing primarily brick buildings with some exterior stucco. We are planning to use subtle variations in color of brick on the same building to emphasize the articulated steps in them. The colors will reflect traditional Mt. Adams.

9c. The open space issues have been previously discussed.

STRAUSS & TROY

A Legal Professional Association

Founded in 1953

THE FEDERAL RESERVE BUILDING
150 EAST FOURTH STREET
CINCINNATI, OHIO 45202-4018

Telephone: 513-621-2120
Facsimile: 513-241-8259
www.strauss-troy.com

NORTHERN KENTUCKY OFFICE
50 EAST RIVERCENTER BOULEVARD
SUITE 1400
COVINGTON, KENTUCKY 41011

LUCIEN G. STRAUSS (1900-1982)
ORVILLE A. TROY (1896-1967)
KENNETH D. TROY (1918-1993)
ALAN C. ROSSER (1946-2001)

January 3, 2002

ANTHONY M. BARLOW
MARSHALL K. DOSKER*
SHAWN M. YOUNG
STEVEN E. STUHLBARG
AUGUST T. JANSZEN*
THOMAS P. GLASS*
PETE A. SMITH*
MICHAEL A. RUH, JR.*
JOSEPH J. BRAUN
STEPHANIE A. DILL
LORI A. ROSS*
SARA E. MILLS

- OF COUNSEL -
SAMUEL M. ALLEN*
GORDON H. HOOD*
CHARLES G. ATKINS*
MITCHELL E. GOLDBERG
LEON L. WOLF
PAUL J. THEISSEN*
DIANE SCHNEIDERMAN
CHARLES H. MELVILLE
JOHN G. PARNELL
PHILOMENA S. ASHDOWN

*Also Admitted in Kentucky
**Also Admitted in Florida

MARK H. BERLIANT
WILLIAM V. STRAUSS
LARRY A. NEUMAN*
WILLIAM S. ABERNETHY, JR.
THOMAS C. RINK
FRANKLIN A. KLAINE, JR.*
WILLIAM R. JACOBS
DANIEL H. DEMMERLE, II*
JAMES G. HELDMAN
CHARLES J. POSTOW**
STUART C. BRINN*
MARTIN C. BUTLER*
R. GUY TAFT
ANN W. GERWIN
RICHARD S. WAYNE
PAUL B. CALICO*
ANDREW M. SHOTT
CLAUDIA G. ALLEN
TIMOTHY B. THEISSEN*
WILLIAM K. FLYNN*
CHARLES C. ASHDOWN
MARILYN J. MAAG
THOMAS L. STACHLER

Mr. Steve Briggs
The City of Cincinnati
805 Central Avenue
Centennial Two Plaza
Suite 720
Cincinnati, Ohio 45202

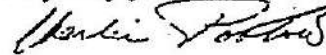
Re: ASF, LLC/Mt. Adams EQ Application

Dear Steve:

I am enclosing the original and two copies of a letter I received from H. C. Nutting, with respect to the above-referenced EQ Application. Jerry Foote delivered the original EQ Application and accompanying documents and drawings this past Friday, December 28, 2001. The enclosed correspondence from H. C. Nutting should be included as a part of the EQ Application.

Should you have any questions, please let me know.

Very truly yours,



Charles J. Postow

CJP/tw
encl.

cc: Mr. Jerry Foote (w/encl.)
355757_1.DOC



H. C. NUTTING COMPANY

EMPLOYEE OWNED

GEOTECHNICAL, ENVIRONMENTAL AND TESTING ENGINEERS
SINCE 1921

CORPORATE CENTER
611 LUNKEN PARK DRIVE
CINCINNATI, OHIO 45226
(513) 321-5816
FAX (513) 321-0294

December 31, 2001
W. O. 10783.022 crk

Mr. Steve Briggs
City Planning Department
805 Central Ave. (Centennial II)
Room 720
Cincinnati, Ohio 45202

Phone: 352-4840

**Re: Geotechnical Letter of Intent
Proposed Oregon St. / Baum St. Development
Mt. Adams, Cincinnati, Ohio**

Dear Mr. Briggs:

The purpose of this letter is to advise that the H.C. Nutting Company has been retained by Mid-American Development to provide geotechnical engineering design and construction services for the proposed single family housing development which is planned on Oregon and Baum Streets in Mt. Adams.

Based on the current set of drawings (received on Friday, December 14, 2001), eight structures are planned on the eastern extremity of Oregon and Baum Streets. Eight building types are planned which will house seven single family rowhouse type flats and thirty-six townhomes. Each flat and townhome will encompass approximately 2500 sf and provide for parking of 2 cars within or under the unit. Each unit will front on Oregon and Baum Streets and will extend from 47 to 87 ft. behind the street curb. This building size will allow the new construction to take advantage of the existing retaining walls on Baum Street.

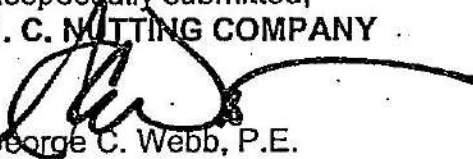
Numerous test borings, test pits and field reconnaissance have been performed on this site by both the H.C. Nutting Co. and G.J. Thelen and Associates. We have copies of the test boring and test pit logs which have been completed on this site. In addition, we have the top of rock elevations which were recorded by Thelen at each drilled pier for the retaining wall behind (north) of 380 Baum Street. Further, we have been involved with the construction of the existing building at 380 Baum St., as well as with the design of the originally planned multistory building due west of 380 Baum St. Thus, there is a wealth of existing subsurface data available which is available and will be used for the planned construction. We have shown on the attached site plan the location of all test borings and test pit which have been completed in this area. Each test boring and test pit has extended to shale bedrock.

The initial phase of design and construction will be due west of 380 Baum St, consisting of four single family units. Nutting will provide a geotechnical report for this construction as well as reports for each additional phase of construction. At this time, it is planned for each structure to be supported on stable shale bedrock. Further, some upslope retaining walls will likely be required to maintain slope stability during and after construction, especially north of Oregon Street. Discussions with Mr. Charles Postow and Mr. Gerry Foote have indicated that the Nutting recommendations will be incorporated into the structure design and associated grading requirements.

We are available to meet with you and your staff to discuss the proposed construction and its impact on the site geology. Please contact the writer if you have any comments concerning this letter or if you would like to schedule a meeting.

Thank you for your consideration.

Respectfully submitted,
H. C. NUTTING COMPANY



George C. Webb, P.E.
Vice President - Engineering



Scot H. Gilb, P.E.
Senior Geotechnical Engineer

Attachments

CC: Mr. Charles J. Postow, Esq.
Mr. Gerry Foote, Architect

STRAUSS & TROY
A Legal Professional Association

Founded in 1953

**THE FEDERAL RESERVE BUILDING
150 EAST FOURTH STREET
CINCINNATI, OHIO 45202-4018**

Telephone: 513-621-2120

Facsimile: 513-241-8259

www.strauss-troy.com

**NORTHERN KENTUCKY OFFICE
50 EAST RIVERCENTER BOULEVARD
SUITE 1400
COVINGTON, KENTUCKY 41011**

**LUCIEN G. STRAUSS (1900-1982)
ORVILLE A. TROY (1896-1967)
KENNETH D. TROY (1918-1993)
ALAN C. ROSSER (1946-2001)**

July 1, 2002

MARK H. BERLIANT
WILLIAM V. STRAUSS
LARRY A. NEUMAN*
WILLIAM S. ABERNETHY, JR.
THOMAS C. RINK
FRANKLIN A. KLAIN, JR.*
WILLIAM R. JACOBS
DANIEL H. DEMMERLE, II*
JAMES G. HELDMAN
CHARLES J. POSTOW**
STUART C. BRINN*

MARTIN C. BUTLER*
R. GUY TAFT
ANN W. GERWIN
RICHARD S. WAYNE
PAUL B. CALICO*
ANDREW M. SHOTT
CLAUDIA G. ALLEN
TIMOTHY B. THEISSEN*
WILLIAM K. FLYNN*
CHARLES C. ASHDOWN
MARILYN J. MAAG
THOMAS L. STACHLER

ANTHONY M. BARLOW
MARSHALL K. DOSKER*
SHAWN M. YOUNG
AUGUST T. JANSZEN*
PETE A. SMITH*
STEVEN E. STUHLBARG
THOMAS R. GLASS*
MICHAEL A. RUH, JR.*
JOSEPH J. BRAUN
STEPHANIE A. DILL
LORI A. ROSS*
SARA E. MILLS
JEREMY A. HAYDEN***

- OF COUNSEL -
SAMUEL M. ALLEN*
GORDON H. HOOD*
CHARLES G. ATKINS*
MITCHELL B. GOLDBERG
LEON L. WOLF
PAUL J. THEISSEN*
DIANE SCHNEIDERMAN
CHARLES H. MEIVILLE
JOHN G. PARNELL
PHILOMENA S. ASHDOWN

*Also Admitted in Kentucky
**Also Admitted in Florida
***Admitted Only in Kentucky

Mr. Steve Briggs
City of Cincinnati
805 Central Avenue
Centennial Two Plaza, Suite 720
Cincinnati, Ohio 45202

Re: The Incline Residences
ASF, LLC/Mt. Adams EQ Application

Dear Steve:

As you requested, I am enclosing three additional copies of the drawings prepared by P. Gerald Foote and Associates (as revised from the drawings submitted in December 2001).

Jerry Foote will be delivering requisite drawings showing the dimensions and rear elevations as you requested. Jerry indicated that he will be delivering these drawings to you by Tuesday, July 2, 2002.

Should you have any questions or need any additional information, please let me know.

Very truly yours,



Charles J. Postow

CJP/tw
encl.

cc: P. Gerald Foote (via facsimile)
371637_1.DOC

STRAUSS & TROY

A Legal Professional Association

Founded in 1953

THE FEDERAL RESERVE BUILDING
150 EAST FOURTH STREET
CINCINNATI, OHIO 45202-4018

Telephone: 513-621-2120
Facsimile: 513-241-8259

www.strauss-troy.com

NORTHERN KENTUCKY OFFICE
50 EAST RIVERCENTER BOULEVARD
SUITE 1400
COVINGTON, KENTUCKY 41011

LUCIEN G. STRAUSS (1900-1982)
ORVILLE A. TROY (1896-1967)
KENNETH D. TROY (1918-1993)
ALAN C. ROSSER (1946-2001)

ANTHONY M. BARLOW
MARSHALL K. DOSKER*
SHAWN M. YOUNG
AUGUST T. JANSZEN*
PETE A. SMITH*
STEVEN E. STUHLBARG
THOMAS R. GLASS*
MICHAEL A. RUH, JR.*
JOSEPH J. BRAUN
STEPHANIE A. DILL
LORI A. ROSS*
SARA E. MILLS
JEREMY A. HAYDEN***

- OF COUNSEL -
SAMUEL M. ALLEN*
GORDON H. HOOD*
CHARLES G. ATKINS*
MITCHELL B. GOLDBERG
LEON L. WOLF
PAUL J. THEISSEN*
DIANE SCHNEIDERMAN
CHARLES H. MELVILLE
JOHN G. PARNELL
PHILOMENA S. ASHDOWN

*Also Admitted in Kentucky
**Also Admitted in Florida
***Admitted Only in Kentucky

June 18, 2002

VIA HAND-DELIVERY

Mr. Steve Briggs
The City of Cincinnati
805 Central Avenue
Centennial Two Plaza, Suite 720
Cincinnati, Ohio 45202

Re: The Incline Residences
ASF, LLC/Mt. Adams EQ Application

Dear Steve:

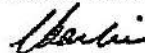
In accordance with our recent meeting, I am enclosing the following items:

1. Architectural drawings prepared by P. Gerald Foote & Associates (as revised from the drawings submitted in December 2001);
12 sets are 11 x 17
3 sets are 24 x 36
2. Three sets of the EQ Application as filed with the City of Cincinnati on December 28, 2001;
3. Three sets of the H.C. Nutting Company materials, which I submitted on January 3, 2002;
4. Copy of letter dated January 7, 2002, detailing the individuals involved with the project;
5. Boundary line survey for the property prepared by Savage Walker & Associates; and
6. Twelve copies of the PUD Application.

Should you have any questions, please let me know.

Very truly yours,

STRAUSS & TROY



Charles J. Postow

CJP:lms
Encls.
370515_1

STRAUSS & TROY

A Legal Professional Association

Founded in 1953

THE FEDERAL RESERVE BUILDING
150 EAST FOURTH STREET
CINCINNATI, OHIO 45202-4018

Telephone: 513-621-2120

Facsimile: 513-241-8259

www.strauss-troy.com

NORTHERN KENTUCKY OFFICE
50 EAST RIVERCENTER BOULEVARD
SUITE 1400
COVINGTON, KENTUCKY 41011

LUCIEN G. STRAUSS (1900-1982)

ORVILLE A. TROY (1896-1967)

KENNETH D. TROY (1918-1993)

ALAN C. ROSSER (1946-2001)

ANTHONY M. BARLOW

MARSHALL K. DOSKER*

SHAWN M. YOUNG

STEVEN E. STUHLBARG

AUGUST T. JANSZEN*

THOMAS P. GLASS*

FELE A. SMITH*

MICHAEL A. RUH, JR.*

JOSEPH J. BRAUN

STEPHANIE A. DILL

LORI A. ROSS*

SARA E. MILLS

- OF COUNSEL -

SAMUEL M. ALLEN*

GORDON H. HOOD*

CHARLES G. ATKINS*

MITCHELL B. GOLDBERG

LEON L. WOLF

PAUL J. THEISSEN*

DIANE SCHNEIDERMAN

CHARLES H. MELVILLE

JOHN G. PARNELL

PHILOMENA S. ASHDOWN

*Also Admitted to Kentucky
**Also Admitted to Florida

MARK H. BERLIANT

WILLIAM V. STRAUSS

LARRY A. NEUMAN*

WILLIAM S. ABERNETHY, JR.

THOMAS C. RINK

FRANKLIN A. KLAINE, JR.*

WILLIAM R. JACOBS

DANIEL H. DEMMERLE, II*

JAMES G. HELDMAN

CHARLES J. POSTOW**

STUART C. BRINN*

MARTIN C. BUTLER*

B. GUY TAFT

ANN W. GERWIN

RICHARD S. WAYNE

PAUL B. CALICO*

ANDREW M. SHOTT

CLAUDIA G. ALLEN

TIMOTHY B. THEISSEN*

WILLIAM K. FLYNN*

CHARLES C. ASHDOWN

MARILYN J. MAAG

THOMAS L. STACHLER

January 7, 2002

Mr. Steve Briggs
The City of Cincinnati
805 Central Avenue
Centennial Two Plaza
Suite 720
Cincinnati, Ohio 45202

Re: The Incline Residences
ASF, LLC/Mt. Adams EQ Application

Dear Steve:

I am writing to give you additional information as to the above-referenced EQ Application. The owner of the subject real estate is ASF, LLC, an Ohio limited liability company ("ASF"). ASF is the successor in title to Mid American Development Limited Partnership ("Mid American"). ASF is actually owned by many of the same principals that were the owners of Mid American (i.e., members of the Samawi family). Accordingly, all of the Mt. Adams property that was previously owned by Mid American is now owned by ASF.

The following is a list of the various people that will be involved in the project:

Charles J. Postow
Strauss & Troy
The Federal Reserve Building
150 East Fourth Street
Cincinnati, Ohio 45202
(513) 629-9492
(513) 241-1521 (facsimile)

Attorney and Owners' Representative

P. Gerald Foote
P. Gerald Foote & Associates
9467 Montgomery Road
Cincinnati, Ohio 45242
(513) 984-1050
(513) 984-0237 (facsimile)

Project Architect

Mr. Steve Briggs

January 7, 2002

Page 2

Mr. Carl Walker
Savage Walker & Associates
10880 Indeco Drive
Blue Ash, Ohio 45241
(513) 793-7410
(513) 793-7431 (facsimile)

Civil and Structural Engineer

Mr. George Webb
H.C. Nutting & Co.
611 Lunken Park Drive
Cincinnati, Ohio 45226
(513) 321-5816
(513) 321-4540 (facsimile)

Geotechnical Consultant

Should you have any questions or need any additional information, please let us know.

Very truly yours,



Charles J. Postow

CJP/tw

cc: P. Gerald Foote

STRAUSS & TROY

A Legal Professional Association

Founded in 1953

THE FEDERAL RESERVE BUILDING
150 EAST FOURTH STREET
CINCINNATI, OHIO 45202-4018

Telephone: 513-621-2120
Facsimile: 513-241-8259
www.strauss-troy.com

NORTHERN KENTUCKY OFFICE
50 EAST RIVERCENTER BOULEVARD
SUITE 1100
COVINGTON, KENTUCKY 41011

LUCIEN G. STRAUSS (1900-1982)
ORVILLE A. TROY (1896-1967)
KENNETH D. TROY (1918-1993)
ALAN C. ROSSER (1946-2001)

ANTHONY M. BARLOW
MARSHALL K. DOSKER*
SHAWN M. YOUNG
AUGUST T. JANSZEN*
PETE A. SMITH*
STEVEN E. STUHLBARG
THOMAS E. GLASS*
MICHAEL A. RUH, JR.*
JOSEPH J. BRAUN
STEPHANIE A. DILL
LORI A. ROSS*
SARA E. MILLS

- OF COUNSEL -
SAMUEL M. ALLEN*
GORDON H. HOOD*
CHARLES G. ATKINS*
MITCHELL B. GOLDBERG
LEON L. WOLF
PAUL J. THEISSEN*
DIANE SCHNEIDERMAN
CHARLES H. MEIVILLE
JOHN G. PARNELL
PHILOMENA S. ASHDOWN
*Also Admitted in Kentucky
**Also Admitted in Florida

MARK H. BERLIANT
WILLIAM V. STRAUSS
LARRY A. NEUMAN*
WILLIAM S. ABERNETHY, JR.
THOMAS C. RINK
FRANKLIN A. KLAINE, JR.*
WILLIAM R. JACOBS
DANIEL H. DEMMERLE, II*
JAMES G. HELDMAN
CHARLES J. POSTOW**
STUART C. BRINN*
MARTIN C. BUTLER*
R. GUY TAFT
ANN W. GERWIN
RICHARD S. WAYNE
PAUL B. CALICO*
ANDREW M. SHOTT
CLAUDIA G. ALLEN
TIMOTHY B. THEISSEN*
WILLIAM K. FLYNN*
CHARLES C. ASHDOWN
MARILYN J. MAAG
THOMAS L. STACHLER

July 19, 2002

VIA HAND DELIVERY

Mr. Steve Briggs
The City of Cincinnati
805 Central Avenue
Centennial Two Plaza
Suite 720
Cincinnati, OH 45202

Re: ASF, LLC/Mt. Adams EQ Application
Oregon and Baum Street

Dear Mr. Briggs:

We are writing with respect to the above-referenced matter in order to clarify a few relevant matters.

As previously indicated, the prior EQ approval for the site allowed for the development of 150 residential units in various mid-rise buildings. The revised project, as set forth in the new EQ application, contemplates only 44 residential units; 20 townhouses and 24 single-level condominium units.

In planning the project careful attention was paid to the heights of the buildings so as to respect the views of the neighbors. As more fully depicted on the architectural drawings submitted by P. Gerald Foote & Associates, a comparison of the heights of the proposed buildings with the heights of the buildings as contained in the existing EQ approval is as follows:

Mr. Steve Briggs

July 19, 2002

Page 2

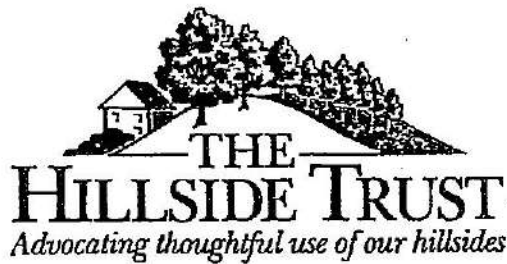
	<u>Previously Approved Building Heights</u>	<u>New Building Heights</u>
Building A	735'	726'8"
Building B	725'	708'
Building C	705'	694'4"
Building E	700'	696'4"
Building G	681'	679'4"
Building M	675'	660'
Building K	695'	654'
Building J	691'	668'6"

As noted above, the massing and height of the building have all been reduced to enhance views. The residents on Filson Place and Riverview have elevations which exceed the top of the roofs of the planned buildings. The buildings (Buildings E and G) on Oregon Street have also been moved closer to Oregon Street thereby further reducing any view impact. The new buildings, with metal roofs, will become a part of the view, as contemplated by the Cincinnati Hillside Development Guidelines.

The current phasing schedule (depending upon market conditions) for the project is as follows:

<u>Building</u>	<u>Start Construction</u>
Building M	10/1/02
Building A	10/1/03
Building B	10/1/04
Building C	10/1/05
Building D	10/1/06
Building E	10/1/07
Building G	10/1/08
Building J	10/1/09
Building K	10/1/10

The start of construction for the various buildings may vary depending upon market conditions. For example, if market conditions dictate, Buildings E and G may be constructed prior to Buildings A and B. However, the phasing schedule set forth above is the applicant's present phasing schedule for the project.



BOARD OF TRUSTEES

PRESIDENT

A. CHRISTIAN WORRELL, III

VICE PRESIDENT

ARTHUR STURBAUM, PE

TREASURER

MICHAEL BURNS

SECRETARY

OTTO D. WOLFF, ESQ.

TIM AGNELLO, CPM

STEPHEN ALEXANDER, PE

ROY BENECHHI

RICHARD M. BLOCK

IRENE BOLING

MARY BROWN

COOPER BURCHENAL

SCOT CONOVER

HENRY DOLIVE

ROLAND JOHNSON

ANGELA LARIMER

MEL MARTIN

THANE MAYNARD

FRANCINE McCASLIN

STUART PRALL

BEN RUSSETT

MARY STEWART

JAMES ZENTMEYER, PE

TECHNICAL ADVISORS

RON BURGESS

DR. WILLIAM BRYANT

CATHY CRAIN

GEORGE CUMMINGS

JOSEPH J. DEHNER, ESQ.

M. FREEMAN DURHAM, ESQ.

RICK ECABERT, CA

CALEB FAUX, AICP

DR. STAN HEDEEN

TIM JECKERING, AIA

PEGGY KELLY

GARY MEISNER, FASLA

DR. DAVID NASH

DR. MARY RIESTENBERG

BRENDA SCHEER, AIA

RICHARD D. SPOOR, ESQ.

EXECUTIVE DIRECTOR

ERIC RUSSO

July 8, 2002

Mr. Steve Briggs
Cincinnati City Planning
805 Central Ave Ste 720
Cincinnati, OH 45202

Dear Steve:

The Hillside Trust Land Use Advisory Committee has reviewed the Incline Residences plan for Mt. Adams. We offer the following comments.

The Hillside Trust supports the development of this prominent part of the Mt. Adams hillside with buildings that enhance its visual and historic character. It is the Trust's position that the plan accomplishes this through the proposed style, siting, and heights of the buildings. Clearly, this plan is superior to that of its predecessor some 12 years ago.

Having said that, there is one fundamental aspect to this development that needs to be determined. The Incline Residences, and for that matter all existing structures on the slope, are only as stable as the massive retaining wall that supports the hillside below Kilgour Street.

Can the City verify that this wall is durable, that it is stabilizing the hillside, and that it will support what will become a significant and important reinvestment on the hillside? If so, then The Hillside Trust endorses the project.

Sincerely,

Eric Russo

Eric Russo
Executive Director

Briggs, Steve

From: Walker, Peggy [pwalker@nuco.com]
Sent: Tuesday, July 09, 2002 2:58 PM
To: steve.briggs@rca.org
Subject: Baum & Oregon Streets Planned Development

Dear Steve, I attended the pre-hearing yesterday on the Planned Unit Development in the vicinity of Baum & Oregon Streets in Mt. Adams. Generally, I think the development, as proposed and outlined yesterday, will be a valuable addition to the Mt. Adams community.

As owner of the condominium on the first two floors of 2 Filson Place, I have a serious concern that the heights of Buildings E, F and G not exceed what was proposed yesterday. As I understand the proposal, Building E will have an elevation at its highest peak of 696' 4", Building F will be at 676' 3" and Building G will be at 679' 4". These are slightly below the original elevations agreed to in the 1990s according to the architect.

I also understand that you said these heights would be capped and no variances would be granted on that.

Mr. Foot, the architect, also appeared to be sympathetic to the encroachment of our views by any trees that will be planted. He suggested that dogwoods and other "like scale" trees would be planted initially. He also recommended that language be written into the agreement that would require the Homeowners Association(s) of these buildings to work cooperatively with the homeowners on Filson Place, River View and Phillips Place to ensure that no soaring trees be planted in the future and that trees be maintained at a height that respects our views.

Because I will not be able to attend the hearing on the 24th of July, I wanted to make sure that my concerns became a permanent part of the record.

If there is anything in this that I have misunderstood, I would appreciate being advised. Thank you.

Margaret (Peggy) Walker
2 Filson Place, Unit #1
Cincinnati, OH 45202
Home: 513-621-1944
Phone: 859-692-2168
Fax: 859-692-2246
pwalker@nuco.com

***** Message scanned for viruses with Mail Essentials 2000 *****

PARADROME SQUARE

Real Estate Management & Development

1433 E. McMillan Street

Cincinnati, Ohio 45206

(513) 861-1000

July 8, 2002

Mr. Steven Briggs
City Planning Department
Two Centennial Plaza
805 Central Avenue, Suite 720
Cincinnati, OH 45202

In Re: Baum/Oregon Street development

Dear Steven,

First and foremost I feel that the development as proposed is exciting and will have the most positive impact of any development project that I have seen in Mt. Adams in the last 30 years:

- I believe the development as proposed greatly helps to stabilize the hillside. The area is currently a collection of scrub bushes and weeds that do little to reduce slippage. Working in conjunction with the proper geo-technical specialists will help to reduce the potential slippage.
- I was a part of the committee that wrote the guidelines overseeing the development of the hillside. These guidelines provide that new projects respect the view of its neighbors. Altering the view is acceptable and somewhat expected. By reducing the density of the units, lowering the rooflines, and remaining out of direct lines of sight, the development is respectful to the neighbors on Filson Place and Riverview Place.
- By pulling the buildings back from neighboring buildings, the new structures become part of the view – they do not obstruct anyone's lines of sight.

JOHN R. SANSALONE & COMPANY
CIVIL ENGINEERS, PLANNERS AND SURVEYORS

1008 MARSHALL AVENUE
CINCINNATI, OHIO 45225

PHONE 559-1150
FAX 559-1154

July 9, 2002

Mr. Stephen C. Briggs, Senior City Planner
City Planning Department, Land Use
Two Centennial Plaza
805 Central Avenue, Suite 720
Cincinnati, OH 45202

Re: PUD Baum & Oregon
Mount Adams

Dear Steve:

Subsequent to review of the Preliminary Plan and the presentation at the Public Hearing held on July 8, 2002 of the proposed PUD along Baum and Oregon Streets in Mount Adams, I have the following comments for myself and on behalf of the residents of One Filson Place Condominium:

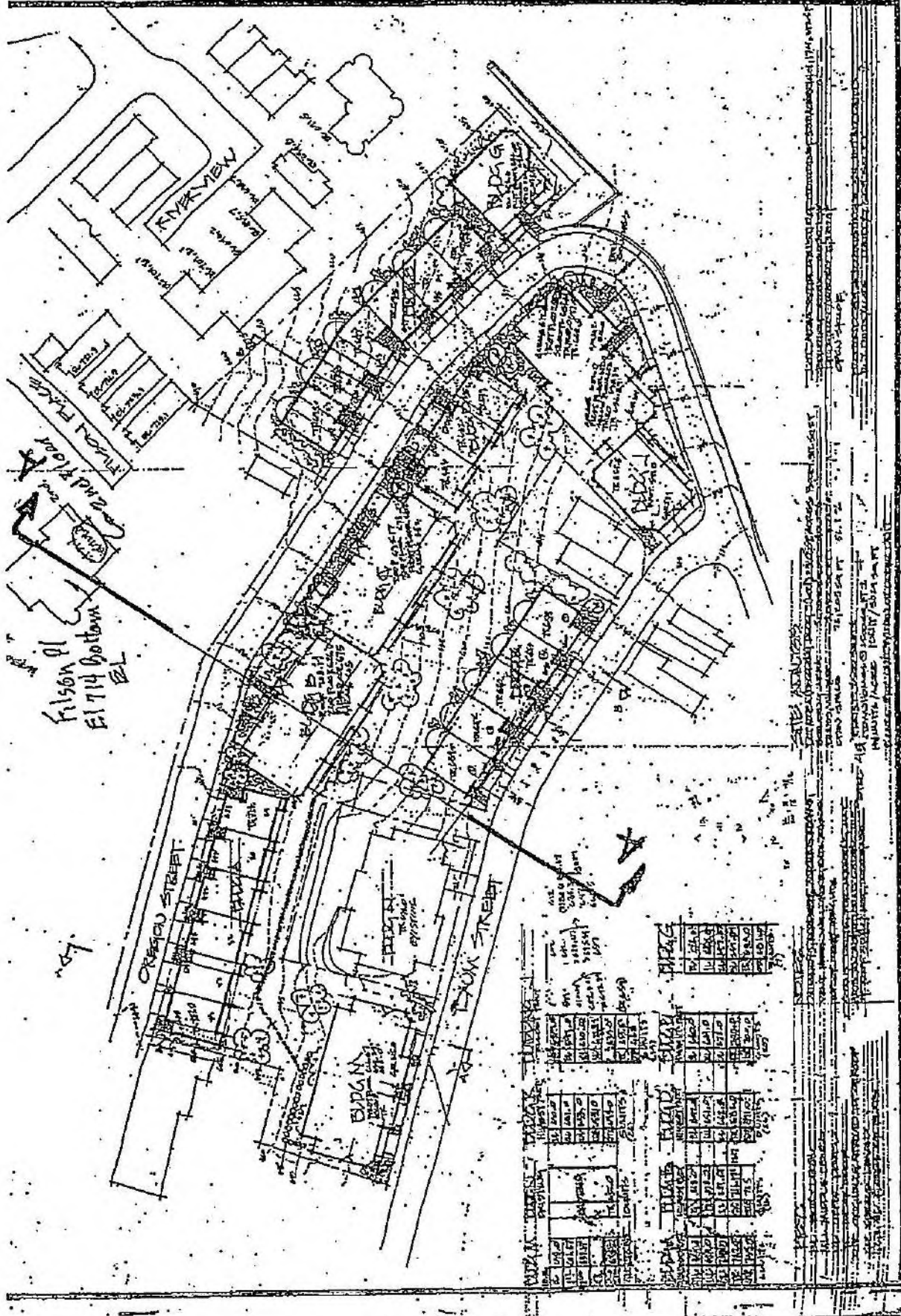
1. We are in general agreement with the preliminary plan as presented at the Public Hearing and as outlined in the summary of that Hearing, attached hereto.
2. We understand that a hearing will be held on July 24, 2002 to complete the planning process, at which time a number of restrictions (as required under the EQ-HS District) will become a part of the final approval, some of which are as follows:
 - a) The developer will adhere to the site plan, landscape plan, architecture elevations, building design, building materials as presented and shown on the Preliminary Development Plan.
 - b) The top roof elevations will be strictly followed and capped as presented and generally as follows:
(Bldg A @ 722.8 to 726.8; Bldg B @ 708; Bldg C @ 694.5; Bldg D @ 682 to 686; Bldg E @ 676.3 to 696.3; Bldg G @ 679.4; Bldg J @ 655.5 to 668.5; Bldg K @ 654; Bldg M @ 660)
 - c) Geotechnical report being prepared by H C Nutting Company is to be reviewed and followed to assure that the hillside remains stable. Proper insurance is to be carried by the developer to cover any hillside problems that might occur because of the proposed development.

Steve Briggs (Sr Planner) 352 4853 2 sheets 1/2

John P Samsalau

July 8, 02

P. GERALD FOOTE & ASSOCIATES



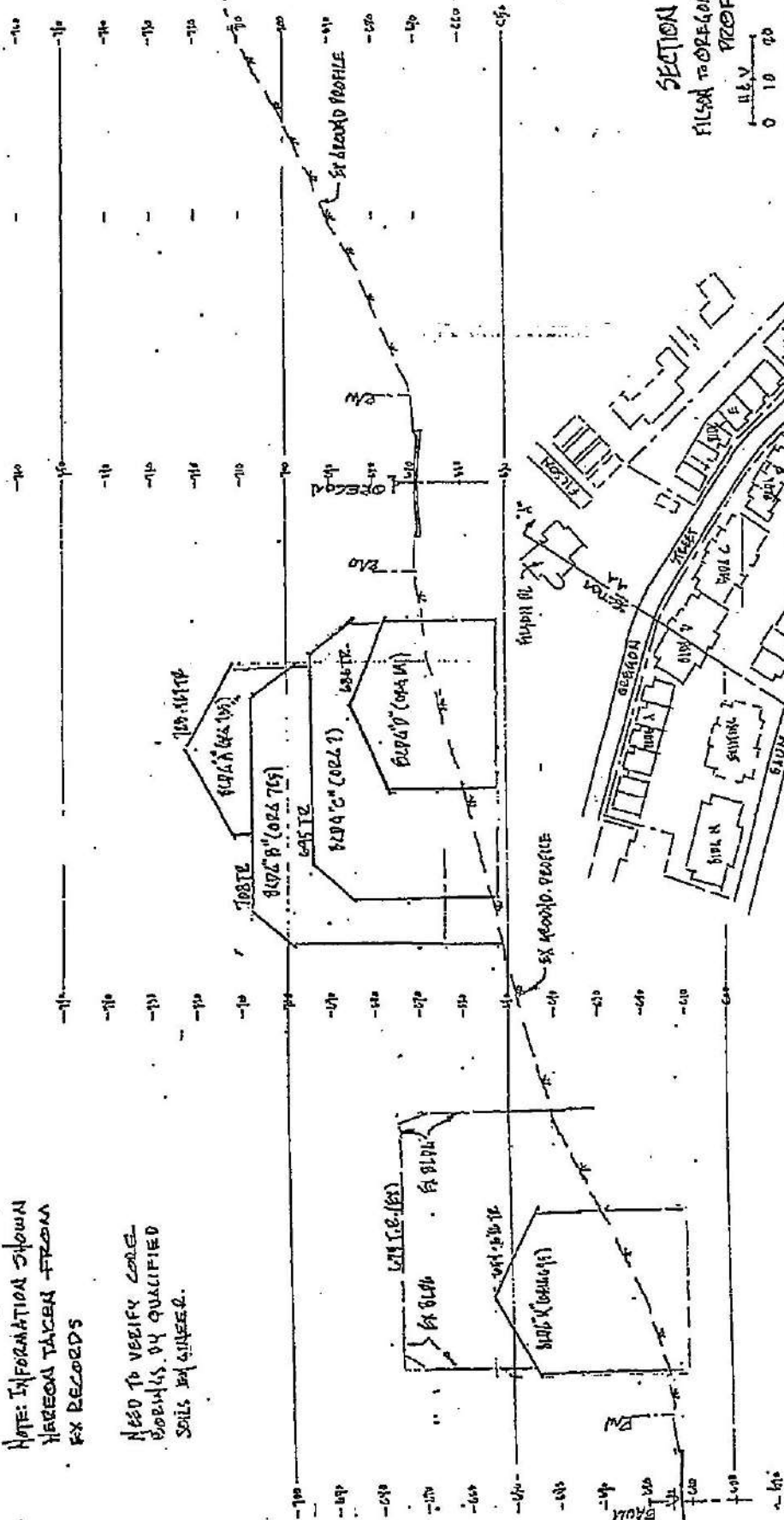
Filson Pl
El 714 Bottom
EL

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100	
100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200

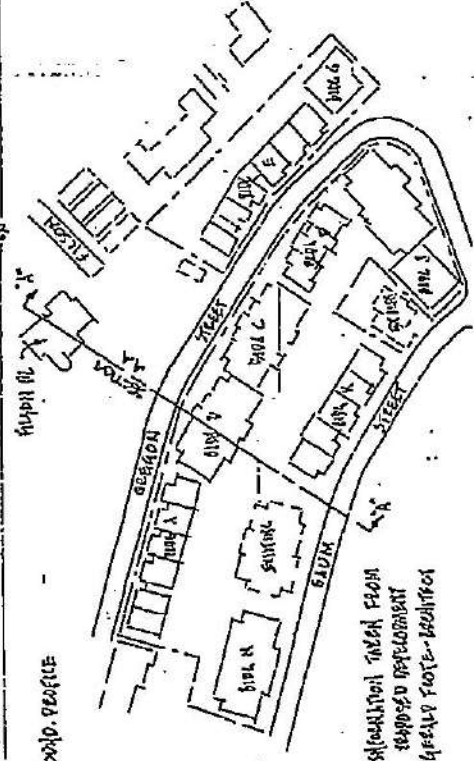
NOTE: INFORMATION SHOWN
HEREON TAKEN FROM
EX RECORDS

NEED TO VERIFY CORRELATION
OF QUALIFIED
SOILS AND GROUNDWATER.

DATE	FILE NO.	FILE NO.	FILE NO.	FILE NO.	FILE NO.
1964	1000	1001	1002	1003	1004
1965	1005	1006	1007	1008	1009
1966	1010	1011	1012	1013	1014
1967	1015	1016	1017	1018	1019
1968	1020	1021	1022	1023	1024



SECTION "A-A"
FILSON TO OREGON TO BAUM
PROFILE
0 10 20
JULY 1967
PLAT 84 JES.



STANDARD PROFILE
BAUM

paradigm
associates, inc.

May 22, 2002

Mr. Steve Briggs
The City of Cincinnati
805 Central Avenue
Centennial Two Plaza
Suite 720
Cincinnati, Ohio 45202

Re: ASF, LLC/Mt. Adams EQ Application
Oregon and Baum Street

Dear Mr. Briggs:

We have reviewed the various drawings and materials ASF, LLC has submitted with respect to its revised Mt. Adams project to be developed on Baum and Oregon Streets. We find the proposed project to be extremely well conceived and in keeping with the character and nature of the Mt. Adams neighborhood.

The project is significantly less dense than the existing approved project and the buildings are shorter as well. Generally, we feel the project will be a major enhancement to the Mt. Adams neighborhood and the entire City of Cincinnati.

We enthusiastically support ASF's EQ application.

Very truly yours,

NAME

James L. Drayton

Unit #

380 Baum St. #4A



THE MT. ADAMS CIVIC ASSOCIATION ZONING COMMITTEE

MAZC

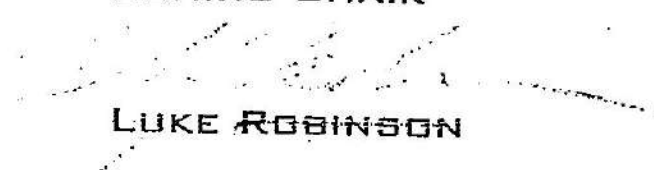
5-15-'02

REGARDING:

A.S.F. L.L.C. / E.Q. APPLICATION, MT. ADAMS
OREGON AND BAUM ST. DEVELOPMENT

The Zoning Committee and the Civic Association of Mt. Adams have no objection to the development as presented to the groups by Mr. Postow and Mr. Foote and as indicated in drawings left with the Committee. The Committee understands these to be the basis of the developers upcoming E.Q. application and looks forward to articulating its understanding of the project and the projects impact on Mt. Adams at this hearing.

ZONING CHAIR


LUKE ROBINSON

CC: STEPHEN BRIGGS

CHARLES POSTOW

DAMS CIVIC ASSOCIATION ZONING COMMITTEE, CHARTERED IN 1998 HAS AS ITS PURPOSE TO REVIEW AND RECOMMEND ACTION TO THE CIVIC ASSOCIATION ON BUILDING PROJECTS, PROPERTY DEVELOPMENT PLANS AND ZONING IN THE NEIGHBORHOOD OF MT. ADAMS. THE COMMITTEE MEETS THE LAST TUESDAY OF THE MONTH AT IMMACULATE PARISH CENTER, GUIDO ST. LUKE G. ROBINSON: CHAIRMAN, 1023 CELESTIAL ST. CINCINNATI, OHIO 45202 (621-1023)



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 8, 505 South S.R. 741, Lebanon, OHIO 45036-9518
(513) 932-3030 or 1-800-831-2142

July 19, 2002

RECEIVED
JUL 23 2002

Mr. Stephen C. Briggs
Senior City Planner
Land Use Management
Two Centennial Plaza
805 Central Avenue, Suite 720
Cincinnati, Ohio 45202

CITY PLANNING DEPARTMENT
BY _____

Re: Ham-IR 471/US 50

Proposed PUD consisting of 44 Dwelling Units
in 9 buildings on 3.1 acres in the vicinity of
Baum and Oregon Streets in Environmental
Quality Hillside District #4 (Mt. Adams)

Dear Mr. Briggs,

This letter is in response to your Notice of Public Hearing for the subject PUD located in Mt. Adams in the vicinity of Baum and Oregon Streets.

Please be advised that we have reviewed the notice and offer the following comment and concern.

ODOT believes that the hillside should not be subjected to development. We strongly urge the City of Cincinnati Planning Department to consider the protection of the Slope Stability System, and to limit exposure to further liability due to hillside instability.

Attached is a letter addressed to Mr Timothy Jamison, City of Cincinnati Department of Transportation and Engineering, dated December 1, 2000, also expressing this concern regarding proposed development for the same vicinity in Mt. Adams.

Respectfully,

Andrew J. Fluegemann
Andrew J. Fluegemann, P.E.
Transportation Engineer

c: Fluegemann
Reading File



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 8, 505 South S.R. 741, Lebanon, OHIO 45036-9518
(513) 932-3030 or 1-800-831-2142

December 1, 2000

Mr. Timothy Jamison
City of Cincinnati
Department of Transportation and Engineering
Room 440 City Hall
801 Plum Street
Cincinnati, Ohio 45202

**RE: Comments on Proposed
Development 325 Baum St.**

Dear Mr. Jamison:

In answer to your inquiry on the proposed development in the vicinity of 325 Baum St., we wish to advise you of our position. We do not believe the hillside should be subjected to development in the areas between Baum and Kilgour Streets. The area between these two streets contains part of the original 'Slide A'. This location continues to show incremental movement, and has been placed on an increased monitoring level.

Although the Department objects to the construction of new buildings in this area, we are not in a position to oppose the proposed construction. We strongly urge the City to consider the protection of the Slope Stability System, and to limit exposure to further liability due to hillside instability.

If you have any questions, please contact Stefan Spinoso at 513-932-3030 ext. 446.

RECEIVED

JUL 23 2002

CITY PLANNING DEPARTMENT
BY _____

Respectfully,

Michael C. Flynn, P.E., P.S.
District Deputy Director

MCF:scs

cc: file

Briggs, Steve

From: Niemeier, Steve
Sent: Friday, June 28, 2002 9:41 AM
To: Briggs, Steve
Cc: Kelly, Martha; Conn, Kim; Pohana, Rich
Subject: EQ for PUD at Baum and Oregon

Steve:

The Transportation Planning Section has reviewed the proposed PUD and have no objections from a traffic standpoint. The development will generate approximately 37 trips to and from the development during the afternoon peak traffic hour, which can be adequately handled within the existing street network. On-street parking is always an issue within Mt. Adams. However, this condition is adequately addressed since each unit will have two off-street parking spaces.

Our Structures Section may want to comment with regard to any hillside issues. (Kim/Rich...I have plans if you need them)

Steve Niemeier, P.E.
Cincinnati DOT&E
513/352-3738
steve.niemeier@rcc.org

Briggs, Steve

From: Schwierts, Thomas
Sent: Friday, July 12, 2002 7:00 AM
To: Briggs, Steve
Cc: Johns, Dan
Subject: Baum and Oregon Streets

Steve:

Sorry for not getting back to you before the 7-8--02 date but I just received the data for the 44 unit PUD on Mt. Adams. Baum and Oregon.

We are requesting separate sewers.

Detention will be required.

CSO located downstream which will require credits that can be obtained by excess detention.

We need to know flow values for the development. These can be determined once we know the number of bedrooms per unit.

Tom Schwierts
MSD Wastewater Engineering

City of Cincinnati



Interdepartment
Correspondence Sheet

Date: July 22, 2002

To: Stephen Briggs, Senior City Planner, City Planning Department

From: Richard E. Pohana, P.E., Engineering Geologist, DOTE *REP*

Copies: K.S. Conn/T.M. Jamison/R.E. Pohana, Structures; W. Spurling, B&I; M. Niswonger, Right-of-Way; Admin. File; Div. File

Subject: PROPOSED PUD BAUM AND OREGON STREETS IN EQHS #4
MT. ADAMS

The geotechnical staff has reviewed the preliminary plans for the proposed PUD project in Mt. Adams and has no objections from a geotechnical standpoint. The staff will work with the Department of Buildings and Inspections and review the detailed plans and reports for each specific phase of the project when they are submitted to the Plans Examiners. Detailed recommendations concerning geotechnical issues will be given at that time.

The existing sidewalk east of existing Building N, in the area of proposed Building K has been covered by the toe of an existing landslide since prior to construction of Building N. The DOTE did not require removal of the slide debris since future development of the area would incorporate stabilization of the landslide. In 2002, DOTE received complaints concerning the slide debris covering the sidewalk. Soil in this area also moved into the gutter on several occasions. At the pre-hearing, the applicant stated that the construction of Building K will most likely be the last phase and may not occur until at least four years. Given this scenario DOTE met with Mr. Charles Postow and Mr. Gerald Foote to discuss the opening of the sidewalk along this section of Baum Street. Mr. Postow and Mr. Foote verbally agreed to temporally stabilize the hillside and reopen the sidewalk. Official orders to reopen the sidewalk have not been issued.

The temporary stabilization of the hillside must be done according to the recommendations of the applicant's geotechnical engineer. A permit issued by the Department of Buildings and Inspections must be obtained for the stabilization project. It is anticipated that a retaining wall will be necessary to stabilize the landslide. Although analyses have not been performed, a modular block retaining structure is expected to be able to provide sufficient retention of the hillside. The Right-of-Way Management Section of DOTE will require that the sidewalk meet all of the sidewalk standards. The City is responsible for a section of sidewalk immediately east of Building N and will coordinate the repair or reconstruction of this section with the activity of the applicant.

(EXHIBIT C)

STRAUSS & TROY
A Legal Professional Association

Founded in 1953

THE FEDERAL RESERVE BUILDING
150 EAST FOURTH STREET
CINCINNATI, OHIO 45202-4018

Telephone: 513-621-2120
Facsimile: 513-241-8259
www.strauss-troy.com

NORTHERN KENTUCKY OFFICE
50 EAST RIVERCENTER BOULEVARD
SUITE 1400
COVINGTON, KENTUCKY 40111

LUCIEN G. STRAUSS (1900-1982)
ORVILLE A. TROY (1896-1967)
KENNETH D. TROY (1918-1993)
ALAN C. ROSSER (1946-2001)

July 29, 2002

ANTHONY M. BARLOW
MARSHALL K. DOSKER*
SHAWN M. YOUNG
AUGUST T. JANSZEN*
PETE A. SMITH*
STEVEN F. STUHLBARG
THOMAS P. GLASS*
MICHAEL A. RUH, JR.*
JOSEPH J. BRAUN
STEPHANIE A. DILL
LORI A. ROSS*
SARA E. MILLS
JEREMY A. HAYDEN***

- OF COUNSEL -
SAMUEL M. ALLEN*
GORDON H. HOOD*
CHARLES G. ATKINS*
MITCHELL B. GOLDBERG
LEON L. WOLF
PAUL J. THEISSEN*
DIANE SCHNEIDERMAN
CHARLES H. MELVILLE
JOHN G. PARNELL
PHILOMENA S. ASHDOWN

*Also Admitted in Kentucky
**Also Admitted in Florida
***Admitted Only in Kentucky

MARK H. BERLIANT
WILLIAM V. STRAUSS
LARRY A. NEUMAN*
WILLIAM S. ABERNETHY, JR.
THOMAS C. RINK
FRANKLIN A. KLAINE, JR.*
WILLIAM R. JACOBS
DANIEL H. DEMMERLE, II*
JAMES G. HELDMAN
CHARLES J. POSTOW**
STUART C. BRINN*
MARTIN C. BUTLER*
R. GUY TAFT
ANN W. GERWIN
RICHARD S. WAYNE
PAUL B. CALICO*
ANDREW M. SHOTT
CLAUDIA G. ALLEN
TIMOTHY B. THEISSEN*
WILLIAM K. FLYNN*
CHARLES C. ASHDOWN
MARILYN J. MAAG
THOMAS L. STACHLER

VIA HAND DELIVERY

Mr. Steve Briggs
The City of Cincinnati
805 Central Avenue
Centennial Two Plaza
Suite 720
Cincinnati, Ohio 45202

Re: The Incline Residences
ASF, LLC/Mt. Adams EQ Application

CITY PLANNING DEPARTMENT
BY _____

Dear Steve:

After the July 24, 2002, hearing before Hearing Examiner, Mr. Richardson, we made arrangements to meet with the individuals who expressed concern about the proposed project.

Specifically, we met with the following residents of the Riverview Place Condominiums:

- 1) Dr. Stanley Kaplan - 897 Riverview Place;
- 2) Dr. Tom Deardorff - 901 Riverview Place;
- 3) Mr. and Mrs. Robert Schneider - 903 Riverview Place;
- 4) Mr. and Mrs. Jack Louiso - 907 Riverview Place; and
- 5) Mr. and Mrs. Rod Sommer - 899 Riverview Place.

We toured each individual unit and Jerry Foote took additional measurements to establish the lower level elevations of each residence. The only floor level where there was any view impact was the lower level floor elevations.

In the spirit of cooperation and compromise we proposed that we would reduce the pitch of the peaks on Building E so that the top of the peaks would not exceed the lower level elevations of the Riverview Place Condominiums. A brief hand-written note was prepared acknowledging the agreement which note is attached to this letter. The Riverview Place Condominium residents seemed pleased with the meeting and the compromise that was reached.

RECEIVED

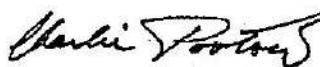
JUL 30 2002

Mr. Steve Briggs
July 29, 2002
Page 2

Accordingly, we have agreed that the top of the various peaks of Building E will be reduced so that the highest point of each peak will not exceed the lower level floor elevation of the corresponding Riverview Place Condominium unit behind Building E. We are enclosing a drawing prepared by Jerry Foote depicting how the new roof line of Building E will look in connection with the Riverview Place Condominiums as well as a new site plan showing the new top of the roof of Building E at 692' 4".

Should you have any questions, please let me know.

Very truly yours,



Charles J. Postow

CJP/tw
encl.

cc: Dr. Stanley Kaplan
Dr. Tom Deardorff
Mr. and Mrs. Robert Schneider
Mr. and Mrs. Jack Louiso
Mr. and Mrs. Rod Sommer

373656_1.DOC

RECEIVED

JUL 30 2002

CITY PLANNING DEPARTMENT
BY _____

BUILDING ELEVATIONS

Building A	726' 8"
Building B	708'
Building C	694' 4"
Building E*	692' 4"
Building G	679' 4"
Building M	660'
Building K	654'
Building J	668' 6"

*The various peaks of Building E shall not exceed the lower level floor elevations of the Riverview Place Condominium units to the rear of Building E.

373679_I.DOC

RECEIVED

JUL 30 2002

CITY PLANNING DEPARTMENT
BY _____

7/27/02

Bldg E top of peaked roofs
to be reduced so that the highest
point of the peak will not
exceed the ^{lower level} ~~floor~~ floor elevations
of the Riverview Condominium

901 Riverview Pl

LL 687.9

PKS 688.4 & 685.4 (L)

OK [Signature] 7/27/02

903 Riverview

PL LL 687.9

PKS 688.4 & 685.4 (L)

OK [Signature] 7/27/02

897 Riverview

LL 692.8

Peak 692.4

RECEIVED

JUL 30 2002

CITY PLANNING DEPARTMENT
BY _____

907 RIVERVIEW

LL 683.0

PKS R-682.4

& L 676.4

FL 672.4

OK [Signature] 7/27/02

899 RIVERVIEW

ACTUAL LL 690-8

AGREED TR

(1) 692-4

(2) 688-4

(3)

[Signature]
28 July 02

Agreed: [Signature]
[Signature]

CEXHIBIT 07

STRAUSS & TROY
A Legal Professional Association

Founded in 1953

THE FEDERAL RESERVE BUILDING
150 EAST FOURTH STREET
CINCINNATI, OHIO 45202-4018

Telephone: 513-621-2120
Facsimile: 513-241-8259

www.strauss-troy.com

NORTHERN KENTUCKY OFFICE
50 EAST RIVERCENTER BOULEVARD
SUITE 1400
COVINGTON, KENTUCKY 41011

LUCIEN G. STRAUSS (1900-1982)
ORVILLE A. TROY (1896-1967)
KENNETH D. TROY (1918-1993)
ALAN C. ROSSER (1946-2001)

July 29, 2002

ANTHONY M. BARLOW
MARSHALL K. DOSKER*
SHAWN M. YOUNG
AUGUST T. JANSZEN*
PETE A. SMITH*
STEVEN E. STUHLBARG
THOMAS P. GLASS*
MICHAEL A. RUH, JR.*
JOSEPH J. BRAUN
STEPHANIE A. DILL
LORI A. ROSS*
SARA E. MILLS
JEREMY A. HAYDEN***

- OF COUNSEL -
SAMUEL M. ALLEN*
GORDON H. HOOD*
CHARLES G. ATKINS*
MITCHELL B. GOLDBERG
LEON L. WOLF
PAUL J. THEISSEN*
DIANE SCHNEIDERMAN
CHARLES H. MELVILLE
JOHN G. PARNELL
PHILOMENA S. ASHDOWN

*Also Admitted in Kentucky
**Also Admitted in Florida
***Admitted Only in Kentucky

MARK H. BERLIANT
WILLIAM V. STRAUSS
LARRY A. NEUMAN*
WILLIAM S. ABERNETHY, JR.
THOMAS C. RINK
FRANKLIN A. KLAINE, JR.*
WILLIAM R. JACOBS
DANIEL H. DEMMERLE, II*
JAMES G. HELDMAN
CHARLES J. POSTOW**
STUART C. BRINN*
MARTIN C. BUTLER*
R. GUY TAFT
ANN W. GERWIN
RICHARD S. WAYNE
PAUL B. CALICO*
ANDREW M. SHOTT
CLAUDIA G. ALLEN
TIMOTHY B. THEISSEN*
WILLIAM K. FLYNN*
CHARLES C. ASHDOWN
MARILYN J. MAAG
THOMAS L. STACHLER

VIA HAND DELIVERY

Mr. Steve Briggs
The City of Cincinnati
805 Central Avenue
Centennial Two Plaza
Suite 720
Cincinnati, Ohio 45202

Re: The Incline Residences
ASF, LLC/Mt. Adams EQ Application

Dear Steve:

As promised, we met with Mr. Rick Menke, on Saturday, July 27, 2002, with respect to the above-captioned project. Mr. Menke acknowledged that he is not the owner of any property near the proposed Oregon and Baum Street project, but that he is a contract vendee of certain property on Oregon Street. Mr. Menke indicated that he supports our project. We agreed to talk to Mr. Menke in the future when and if his Oregon Street project becomes a reality. Mr. Menke was satisfied with the results of our meeting.

We also met with Mr. Larry McCord, who is purchasing the property at 1033 Celestial Street, on land contract. Jerry Foote took measurements at the rear of the residence with the following results:

- 1) First floor elevation - 753' 6";
- 2) Basement elevation - 745' 6".

It was pointed out that the first floor elevation at 1033 Celestial Street is approximately 27 feet higher than the top of the peak of Building A and approximately 46 feet higher than the peak of Building B. The basement elevation at 1033 Celestial Street is approximately 17 feet higher than the top of the

RECEIVED
JUL 30 2002

CITY PLANNING DEPARTMENT
BY _____

Mr. Steve Briggs
July 29, 2002
Page 2

peak of Building A and approximately 37 feet higher than the peak of Building B. Further, it was noted that the residence at 1033 Celestial Street is a considerable distance from proposed Buildings A and B and should not be impacted by the proposed project.

Should you have any questions, please let me know.

Very truly yours,



Charles J. Postow

CJP/tw
encl.

373666_1.DOC

RECEIVED

JUL 30 2002

CITY PLANNING DEPARTMENT
BY _____