

# OVER THE COMMUNITY COUNCIL **RHINE**

The Following will serve as a record of the Emergency business conducted by the OTRCC Board of Trustees on November 25, 2018.

1. On Nov 25, 2018, at 3:54 P.M., Danny Klingler <dannyklingler@gmail.com> wrote:

*Start of email* [Hello Board,

I'm writing with a voting item that needs your immediate attention. **Please respond with your vote by 3pm tomorrow, Monday November 26th.**

You may recall the large scale development project proposed for the corner of 12th and Sycamore, also known as 1118 Sycamore. It is a 6-7 story building that includes residential, commercial, and parking. It would be across from Joe's Diner on what is currently a parking lot.

You may also recall that we voted to oppose this project, on the basis that the developers chose not to engage us as a community.\*

On October 8 the Historic Conservation Board (HCB) voted 3-2 to approve the project as-is, with no changes.

**Tomorrow, Monday, November 26, is the last day to file an appeal of the HCB's decision.\*\***

**I move that we, the community council, appeal this decision of the HCB to the Zoning Board of Appeals, and allocate the \$1,000 held in reserve for the Davis Furniture Building to pay the costs of the appeal.** This would be an emergency action taken by the board that would need to be subsequently presented to the full membership for retroactive ratification.

I am sorry that this is being brought up at the last minute. The truth is, for the past 30 days I have tried to make this appeal happen outside the community council, by organizing a group of residents, but the legal standards for appeal are so high that it makes it difficult for anyone BUT a community council to appeal. I spent a bunch of time organizing residents, only to conclude that the OTRCC was the best, and maybe the only way to file an appeal. Now we are up against the deadline. Again, I am sorry this is so last minute, but with Thanksgiving and work and everything else, this is the best I could do. I feel in order to preserve the community's right to have a say in this project, it is important to take this step.

**The reasons for the appeal are as follows:**

- The developers intentionally avoided engagement with the community, instead planning out the project for a year using backdoor channels with the city -- including the mayor -- to move the project forward
- I've been told that the Mayor intervened in the HCB process and improperly and unduly influenced it so that he would get the result he wanted (project approval)

- The HCB process had no integrity and was completely compromised. For evidence of this you can read the attached Urban Conservators report.
- The developers are working with the city on TIF funding for the project, which means that Over-the-Rhine residents property taxes will go to pay for this development, which is precisely why residents SHOULD be consulted.
- The housing is luxury housing without consideration for our neighborhood plan, which suggests a mix of housing prices, especially in large projects. The studios will range from \$1,000-\$1,400/mo. The 1 BRs will be \$1,550/mo, and the 2BRs will be approximately \$2,000/mo. There is no affordable housing.
- The developers essentially copied and pasted the same project design they are building in Columbus right now, and are using it for the Over-the-Rhine Historic District. (see photos below). This shows that the project does not respect or celebrate the special and unique place where it would be located. Our historic district deserves infill housing that reflects the uniqueness of our place.
- Many residents and businesses near the site have concerns about the parking impacts of this project. While there will be on-site parking, it will not be enough, according to the previous zoning code formula, to accommodate their renters. Thus, they will be expected to park on the street or in other garages, neither of which has excess capacity.
- Our Davis Furniture Fund has been sitting dormant for 4 years, and it is highly unlikely that we will ever need it for the Davis Furniture Building appeal.

Please let me know if you have any questions, and again, please submit your vote on this matter by **3pm tomorrow, Monday November 26**. If the BOT approve, I will file the appeal before the close of business tomorrow.

Best,  
Danny

\*Despite knowing for the better part of a year that the community wanted to be engaged, the developers chose not to engage us, instead choosing to schedule their hearing with the Historic Conservation Board and push forward with their approvals. They did meet with our Housing and Economic Development Committee on October 1, and we asked them if they would postpone their hearing so we could have time for meaningful engagement -- nevertheless they declined. On October 8 they presented to the HCB.

\*\* I have been working with a nearby group of neighbors to sponsor this appeal, but at the end of the day Community Councils are in a much much better position to appeal than residents, due to legal standards as well as the cost of appeals. However, there is a group of neighbors that is quite upset about this project and I will be petitioning them to support our appeal.] *end of email*

2. Danny,  
I second your motion and vote in favor of it.

Peter  
Peter Hames  
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(513) 684-9988

3. 6 yes votes. 2 no vote. 1 abstention. Motion carries.

Voting BOT members: Amy, Maurice, Key, Julie, Mike, Peter, Danny, Carissa, Stefan.

Submitted as Minutes for approval by BOT 2/11/2019. To be submitted to the membership for ratification on 2/25/2019