



September 15, 2022

Cincinnati City Planning Commission
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EXECUTIVE DIRECTOR
ERIC RUSSO

RE: 3250-3256 Hardisty Avenue Subdivision (Brookfield)

Dear Honorable Commissioners:

Per your request from the July 15 Planning Commission hearing, I am submitting my analysis of the above-referenced development. It was vetted and unanimously approved by The Hillside Trust Board during its meeting of September 15, 2022.

To set the context of this analysis, I am providing an historical summary of hillside planning within the City of Cincinnati. I will also provide an overview of The Hillside Trust.

In 1967, the Cincinnati City Planning Commission began to study and analyze the city's hillsides in a way that had never been done. Over the next seven years, leading experts from around the country were brought in to quantify the impacts of our hillsides, encompassing a variety of social, economic, and environmental perspectives. In 1971 Richard A. Gardiner & Associates produced The Cincinnati Hillsides: Recommended Design Process and Action Program for the Planning Commission. The report notes that the city recognized that technology had finally caught up with economics, and "the development of heretofore inaccessible areas began." Hillside development regulations were needed to protect both the form and the function of Cincinnati's hillsides.

Further studies and analyses ensued, culminating in the Cincinnati Hillside Development Guidelines report that was prepared for the Planning Commission in 1975. This seminal work is the foundational piece for Cincinnati's hillside zoning. Its 49 hillside design guidelines first appeared in Cincinnati's Environmental Quality-Hillside District (EQ-HD) zoning in 1976. Later it was incorporated into Cincinnati's Hillside Overlay District (HOD) zoning that was codified in 2004.

Implicit in these guidelines is recognition of the valuable functions that

our wooded hillsides provide. This includes providing community separation on both a macro and micro scale, defining our sense of place. It includes the moderation of local climate by filtering air pollution, cooling summer heat, and slowing stormwater runoff. It includes the moderation of noise and light pollution, and the provision of critical natural habitats that help keep our ecosystems in balance.

As a by-product of nearly a decade of hillside research and planning, The Hillside Trust was established in 1976 as a 501(c)3 non-profit. Its purpose is to advocate for the thoughtful use and preservation of our region's hillsides through a three-part mission of research and education, advocacy of responsible land use, and land conservation. The Hillside Trust has become the institutional record of memory when it comes to hillsides and hillside issues in the region, especially within the City of Cincinnati.

How Brookfield Aligns with Cincinnati's Hillside Development Standards

The Brookfield developer has assembled a geo-technical engineer and structural engineer who are highly regarded in their fields. These engineers have investigated geologic and sub-surface features to design structures that are appropriate to the site's conditions. However, they have yet to demonstrate how and if the site will remain stable when the hillside is cut into. This can be one of the most problematic phases of hillside development.

In 2018, the city approved a multi-unit hillside development on the southeast side of Mt. Lookout Square, adjacent to Millions Café on Linwood Ave. Per The Hillside Trust's written concern about hillside stability during the earthworks phase, the City Hearing Examiner required the developer to stage his approximately 60-foot-long hillside cut incrementally in 12-foot sections. Despite this, the hillside excavation triggered two landslides that affected property owners on Grischy Lane. One of the property owners suffered cracks in her basement foundation. The other one suffered damage to multiple hillside trees.

Even if stability issues can be met during and after development, there are additional standards within the Hillside Overlay District this project has failed to address. More importantly, because of the site's topography and geography, they will be nearly impossible to satisfy.

Per Section 1433-23, Hillside Development Standards, “the Zoning Hearing Examiner must consider the following standards to ensure harmonious relationships with adjacent buildings and the hillside environment:”

Section 1433-23 (a): Avoid cuts in the hillside if they would leave cliff-like vertical slopes and excessively high retaining walls.

Analysis: the development calls for cumulative cuts of 46 feet. This includes a retaining wall of 16 feet that is twice the maximum allowed, and a cumulative excavation and fill of approximately 26 feet, that is 18 feet more than the standard.

Section 1433-23 (b): Design buildings to fit into the hillside rather than altering the hillside to fit the buildings.

Analysis: the development is not working within the constraints of the hillside topography. Instead, it is essentially eliminating the hillside with massive earthworks and engineering to accommodate the development.

Section 1433-23 (c): Hillside development should be designed to minimize excavation required for foundations, parking, and access drives.

Analysis: referring to standards (a) and (b) above, this development clearly is not minimizing excavation to engineer the foundations and private drive.

Section 1433-23 (d): Cluster new development to retain surrounding tree cover and minimize alterations to the existing topography.

Analysis: with this scale of development in a small area, it will be impossible to retain any meaningful amount of tree cover, nor to minimize alterations to the existing topography.

Section 1433-23 (e): Maintain a clear sense of the hillside brow by locating buildings back from the brow of the hill.

Analysis: the hillside brow is being eliminated.

Section 1433-23 (f): Site buildings to respect views from public viewing places within the HS District identified in a community plan or other documentation approved by the City Planning Commission.

Analysis: not applicable.

Section 1433-23 (g): Where applicable, consider the guidelines contained in the Cincinnati Hillside Development Guidelines report to evaluate development applications.

Analysis: due to its multi-page length, please see Appendix I – Hillside Development Guidelines for an analysis of each of the 49 guidelines.

Summary

The Hillside Trust cannot find any room for compromise, agreement, or improvement concerning this project. It is the organization's position that the project does not belong in this wooded ravine. Further, this development is not a straight subdivision case, and it cannot be reviewed solely within the context of subdivided land. It involves identified land that is located within Cincinnati's Hillside Overlay District (HOD) zoning.

HOD zoning employs Hillside Development Standards that must be evaluated by the City's Hearing Examiner. The Hillside Trust's analysis focused on these standards to demonstrate the project's inattention to these important regulations. The project fails to meet any of these standards. Of the 49 hillside design guidelines analyzed in Appendix I, only one is met, Guideline 27. The only way this development can proceed is if the 22 variances requested by the developer are granted, nine of which are related to cut and fill regulations.

It is counterproductive to grant these variances when, in effect, they will circumvent the purpose of the Hillside Development Standards. It is The Hillside Trust's emphatic position that approving this development will destroy functional hillside greenspace, and it would set a negative precedent for dismissing the city's hillside regulations.

APPENDIX I – Hillside Development Guidelines

Guideline 1: Plan buildings to reflect the scale and proportion of surrounding trees.

Analysis: it will be impossible not to clearcut and significantly alter the topography of the site. A very high percentage of trees and vegetation will be eliminated due to the scale of earthworks and infrastructure that are required to engineer the development.

Guideline 2: Use irregular architectural edges to interlock buildings with hillside vegetation. Emphasize attachment with planting which overlaps building edges, especially at the foundation.

Analysis: insufficient information is available at this point.

Guideline 3: Plan development to fit the visual composition of the hillside wall in which it would occur or demonstrate that positive improvement would result from modifying it.

Analysis: there will be no hillside wall left post-development. Instead, the hillside slope will be replaced by a wall of building facades and a high retaining wall.

Guideline 4: Do not exceed equilibrium in the structure-vegetation relationship.

Analysis: this development is located at the mouth of a wooded tributary. A large percentage of trees will need to be removed. Once the development is complete, the first thing one will notice in the ravine is a mass of buildings that will dominate the landscape.

Guideline 5: Align man-made boundaries such as roads and streets with the natural boundaries created by the terrain.

Analysis: a substantial hillside cut of twice the 8-foot allowance will be made to locate the private drive.

Guideline 6: Avoid excessive cutting and filling for roads and streets along boundaries.

Analysis: the private drive is going to be deeply cut into the hillside at the rear boundary of two private residences from which the proposed development would be subdivided.

Guideline 7: Emphasize boundaries with tree cover.

Analysis: there is no physical room to emphasize the private drive boundary with tree cover. The entrance of the private drive from Delta Ave would have to be replanted post-development.

Guideline 8: Cluster new development, retaining surrounding tree cover and minimizing changes in topography.

Analysis: it is impossible to retain any meaningful amount of tree cover nor to minimize changes in topography due to proposed cumulative cuts of up to 46 feet.

Guideline 9: Site valley development to focus the encircling hillsides rather than fragmenting the spaces they create.

Analysis: this development will in fact be the focal point of the terrain, and not in a positive way. It is located at the mouth of a small, wooded valley, and its scale and height will overpower the surrounding hillsides.

Guideline 10: Match scale of buildings to scale of terrain.

Analysis: like Guideline 9, this development does not match the scale of the terrain.

Guideline 11: Retain the natural slope lines as seen profile. Restore the vegetation lines which convey the slope lines.

Analysis: there will be no slope line seen in profile. Instead, it will be replaced by a mass of buildings and a retaining wall that breaks up the slope. It will also take many years to restore vegetation lines, and only if trees are planted and maintained between the individual homes themselves.

Guideline 12: Plan buildings to fit into the hillside rather than altering the hillside to fit the buildings.

Analysis: with cumulative cuts of up to 46 feet to engineer the site, the hillside is essentially being eliminated to accommodate the development.

Guideline 13: Maintain a clear sense of the hillside brow by siting buildings back from it.

Analysis: not applicable.

Guideline 14: Maintain the natural appearance of the brow by tree planting and other landscape measures.

Analysis: the brow is being eliminated.

Guideline 15: Do not obscure the hillside foot at the end of basin streets.

Analysis: not applicable.

Guideline 16: Only buildings of significance to the entire community should be allowed at the end of basin streets.

Analysis: not applicable.

Guideline 17: As seen on the face of the hillside or on the hilltop, buildings should appear higher than they are wide.

Analysis: insufficient information is available at this point.

Guideline 18: Emphasize the vertical dimension in the use of units, modules, and exterior treatment of large developments.

Analysis: insufficient information is available at this point.

Guideline 19: Stagger or step building units according to the topography.

Analysis: the building foundations will be stepped into the hillside due to the extreme grade of the site. There is no indication that the buildings themselves will be stepped or staggered into the hillside.

Guideline 20: Use narrow lanes, one-way streets, and split-level roads to avoid excessive earth moving.

Analysis: even with the use of a narrow private lane, an excessive amount of earth is going to be removed to construct the roadway and buildings.

Guideline 21: Site buildings not only to provide views, but also to provide a variety of community and private viewing places.

Analysis: not applicable.

Guideline 22: Utilize for community or public land use those portions of the hillside most exposed to public view, or from which the widest views are possible.

Analysis: the portion of hillside that currently is most exposed to public viewing from Delta Ave when the leaves are down, is the same portion that will be replaced by the development.

Guideline 23: In small places site, and design buildings to emphasize intimacy and privacy, avoid the use of high rise or high bulk buildings, and develop personal scale circulation paths and meeting areas.

Analysis: this is a small site, and the proposed footprint and height of the buildings would not emphasize either intimacy or privacy.

Guideline 24: Provide maximum opportunities for exploration and discovery of small-scale phenomena by retaining and increasing hillside vegetation and landscape, and by making variety a major design feature of all elements.

Analysis: very little existing hillside vegetation will be retained to build this development. There has not been any landscaping plan submitted of what it will look like post-development.

Guideline 25: Plan buildings, drives and parking areas to acknowledge the natural contour of the site.

Analysis: the natural contour of the site will no longer remain once the buildings and private drive are completed.

Guideline 26: Meet large parking requirements with multiple small parking areas, and screen with planting, berms, and terraces.

Analysis: not applicable.

Guideline 27: Provide parking on the uphill side behind buildings.

Analysis: guideline met.

Guideline 28: Avoid rooftop utilities, or provide screening and sound-control, or otherwise integrate them into the rooftop.

Analysis: insufficient information is available at this point.

Guideline 29: Site and design structures along major roads to preserve driver views of the hillsides, especially at bends.

Analysis: the view of the wooded ravine will be eliminated.

Guideline 30: Employ extensive landscaping alongside development in corridors:

Analysis: not applicable.

Guideline 31: Plan highly visible buildings to be of landmark quality.

Analysis: not applicable.

Guideline 32: Aim roads and streets directly at hillsides for maximum impact.

Analysis: Brookfield Ln paper street is already aimed at the hillside.

Guideline 33: Site major structures to show only a portion of themselves beyond the hill's brow or profile when viewed from important roads.

Analysis: a significant portion of these buildings will be observable from Delta Ave.

Guideline 34: Design hillside roads and walkways to convey a vivid sense of movement.

Analysis: not applicable.

Guideline 35: Provide circulation paths as steep as technically feasible.

Analysis: not applicable.

Guideline 36: Employ vertical structures and detailing along hillside roads. These include buildings, trees, street furniture and retaining wall detailing.

Analysis: insufficient information is available at this point.

Guideline 37: Respect the site's conditions of steepness, soil, bedrock, and hydrology to ensure hillside stability both during and after development.

Analysis: an engineering team has been assembled and consulted on this development to address the geological and physical conditions of the site after it is developed. There is insufficient information concerning how the site will be stabilized during the initial stages of development when the hillside is cut into. The hydrology of the site is complex and problematic due to its location in a wooded ravine that drains multiple acres of land. This ravine has flooded multiple times in just the last 10 years, and The Hillside Trust has major concerns about flooding being exacerbated because of this development.

Guideline 38: Use megastructure development to restore and enhance the form of damaged hillsides, to stabilize slope conditions, and to create new landmarks.

Analysis: not applicable.

Guideline 39: employ methods and machines which match the grain and scale of the terrain being modified.

Analysis: significant earthmoving equipment will be necessary to engineer this development.

Guideline 40: Do not heedlessly displace, degrade, or destroy hillside vegetation.

Analysis: it will be impossible not to remove a significant amount of vegetation to develop this site.

Guideline 41: Do not add to nor take away soil around or over tree roots within the area covered by branches of trees which are expected to live.

Analysis: no construction limits have been established or discussed.

Guideline 42: Replant all cuts, fills and any other earth modifications.

Analysis: all cuts are proposed to be replaced with buildings or retaining walls.

Guideline 43: Respect and retain natural site features such as streams, slopes, ridge lines, wildlife habitat, plant communities, and trees.

Analysis: the site, including the slopes and ridge lines, will essentially be eliminated. It will be nearly impossible for the existing stream not to be trampled and degraded, especially by heavy machinery during the earthworks phase. This drastic site alteration will impact existing plant and animal communities.

Guideline 44: Employ techniques that create a variety of architectural solutions responsive to the limits and potentials of hillside development.

Analysis: insufficient information is available at this point.

Guideline 45: Avoid image incongruities by balancing the tone (the degree of white or black in the color) of new development with the dominant quality of the surrounding hillside.

Analysis: insufficient information is available at this point. It is important to reiterate however that the existing hillside is being eliminated.

Guideline 46: Maintain a clear sense of balance between the surroundings through the choice of color, texture, and other exterior building treatments.

Analysis: insufficient information is available at this point.

Guideline 47: Retain and add landscape and vegetation which show strong seasonal change.

Analysis: a high percentage of existing seasonal vegetation is being removed. There is insufficient information at this point concerning what landscaping will be planted post-development.

Guideline 48: Where practical, respect and retain historic site features such as old buildings, retaining walls, and other signs of past land use.

Analysis: not applicable.

Guideline 49: Provide site planning landscaping and open space around developments which allow and encourage personal and total sensory contact with nature and the nature of the hillside.

Analysis: there will be little remaining open space post-development, given the scale of this project. In addition, no landscaping plans have been provided thus far.