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Re: 3060 Durrell Avenue

Dear Mr. Sturkey, Mr. Owen, and Ms. Kellam:

On behalf of Kingsley Investment Group LLC (dba Kingsley + Co.) (“Kingsley”), we write in opposition to the Cincinnati Preservation Association’s (the “CPA’s”) proposed designation of the building at 3060 Durrell Avenue in Evanston (“3060 Durrell”) as a City of Cincinnati (“City”) Local Historic Landmark (the “Proposed Designation”). We request that this letter and the exhibits attached hereto be included and made part of the record of the May 8, 2023 Historic Conservation Board Meeting. The Proposed Designation should be denied because:

- (i) 3060 Durrell is not considered to be an architecturally significant building designed by Samuel Hannaford. It was designed seven years after Samuel Hannaford’s death.

- (ii) 3060 Durrell does not possess integrity of materials as it is a deteriorating and dilapidated building, posing a danger to the community.
- (iii) Consistent with the views of critics of the City Beautiful movement and the Progressive Era, the Proposed Designation seeks to prioritize aesthetics and utopian ideals over the equitable and affordable housing needs of the City and the Evanston community as well as the needs and desires of the Christ Temple Full Gospel Baptist Church and its congregation, thereby reinforcing the urban inequality the City Beautiful movement and Progressive Era unsuccessfully sought to alleviate.
- (iv) The Proposed Designation is inconsistent and incompatible with the specific purposes of the Historic Preservation Rules of the Cincinnati Zoning Code as it is a threat to public health, safety, and welfare and will serve to inhibit and discourage the facilitation of reinvestment, revitalization, economic development, and private investment in the Evanston community.
- (v) The Proposed Designation is inconsistent and incompatible with the overall purposes of the Cincinnati Zoning Code as it will inhibit providing opportunities for economic development and new housing for all segments of the community.
- (vi) Kingsley's proposed redevelopment of 3060 Durrell achieves Plan Cincinnati's Live Goal 3 by providing quality, healthy, and affordable housing.
- (vii) Kingsley's proposed redevelopment of 3060 Durrell is directly on point with the primary and overriding goals of the City-approved Evanston Plans (defined below) as it is a mixed income development with affordable and market rate housing that addresses the Evanston community's concerns regarding gentrification and the need to aggressively retain affordable housing while creating a mixed income neighborhood without displacement and facilitating African American participation and minority contractor involvement.
- (viii) Adaptive reuse and restructuring of 3060 Durrell is not possible or permissible by the State Historic Preservation Office under Section 106 reviews.
- (ix) Adaptive reuse and restructuring of 3060 Durrell is not economically feasible as it is prohibitively expensive and it is not possible to develop affordable housing while also obtaining historic tax credits under recently enacted Ohio law, the effect of which law, as eloquently articulated by the CPA, will cause existing affordable housing projects to be converted to market rate, cause residents to be displaced and historic buildings to become vacant, exacerbate the severe shortage of housing the City already faces, and prevent equitable development necessary for retaining an economically diverse population in the City's changing neighborhoods.
- (x) The Proposed Designation would constitute an unconstitutional taking of property, and, as to the CPA based on its conduct, tortious interference with a contract between two private parties to buy and sell property.

1. **Background & Kingsley's Commitment to Serving the City's Historically Underserved Communities & Developing Equitable & Affordable Housing.**

Kingsley is a Cincinnati-based African American developer with an established track record of high quality housing development projects and a demonstrated commitment to investing in the revitalization and improvement of the City's historically underserved communities and neighborhoods.¹ Since June 2022 of last year, Kingsley has been under contract to purchase 3060 Durrell from its current owner, Christ Temple Full Gospel Baptist Church, which is located in the heart of the Evanston neighborhood of Cincinnati (the "Church" or "Christ Temple"). Kingsley plans to build a mixed income multi-family development at 3060 Durrell, which will (i) provide critically needed equitable, affordable, and market-rate housing to the City and Evanston community with approximately 250 apartment units; (ii) facilitate reinvestment, revitalization, and economic development into the Evanston community; (iii) activate a currently blighted and uninhabitable property that is a threat to public safety and health; and (iv) provide much needed funding to the Church and its congregation to serve and benefit the Evanston community and relocate to a safe, warm, and habitable space.²

The Church is supportive of Kingsley's planned development and is opposed to the Proposed Designation.³ The Evanston Community Council has voted in favor of rezoning 3060 Durrell as a planned-unit development (PUD) and there is a large contingent of support for Kingsley's planned development within the Evanston Community Council and the Evanston community at large.⁴ The Evanston Bulldogs Youth Association that currently uses 3060 Durrell for its programming, community garden, and sports teams is also supportive of Kingsley's planned development.⁵ Kingsley has also invited community members to eight informational meetings, with its development and construction teams, to give community members the opportunity to ask questions and provide feedback.

Despite all of its efforts to engage with community stakeholders and proceed with care and diligence, Kingsley has been unable to proceed with its plan supported by the Church, members of the Evanston Community Council and other members of the community at large, simply because under Cincinnati Zoning Code ("CZC") § 1435-07-2-A, the existence of the mere application proposing to designate 3060 Durrell as a local historic landmark prohibits the actions necessary for Kingsley to construct affordable housing.

¹ Kingsley has a history of collaborating and partnering with community organizations and historically underserved neighborhoods to develop desperately needed affordable housing for the City. Kingsley's affordable housing projects that have received support from the City include, for example, Blair Lofts I, Blair Lofts II & Lindsay Lofts in Avondale and Victory Vistas in Paddock Hills. *See Mayor Aftab, Councilmember Reggie Harris Announce Affordable Housing Award Recipients* (Sep. 19, 2022), <https://www.cincinnati-oh.gov/cityofcincinnati/news/fy23-affordable-housing-award-recipients/>.

² *See* Exhibit A, Kingsley Development Plans for 3060 Durrell.

³ *See* Exhibit B, Letter from Church to Mayor Aftab Pureval (Mar. 30, 2023); *see also* Exhibit C, Randy Tucker, Cincinnati Enquirer, *Demolition of old Hoffman school blocked, leaving church stuck in crumbling building* (Mar. 26, 2023) (with the Church's Rev. Peterson Mingo noting Kingsley's offer was "an answer to his prayers").

⁴ *See* Exhibit D, Toyia Montgomery Letter (Apr. 27, 2023).

⁵ *See* Exhibit E, Evanston Bulldogs Youth Association Letter (Mar. 27, 2023).

2. **No Attempts Have Been Made to Designate 3060 Durrell as a Local Historic Landmark Until Now.**

The CPA's Proposed Designation came as a surprise to both Kingsley and the Church. Despite having numerous opportunities to do so, at no time prior to filing its application for the Proposed Designation did the CPA attempt to engage with Kingsley regarding its plans for 3060 Durrell. Moreover, until now, there has never been an attempt to designate 3060 Durrell as a local historic landmark including when Cincinnati Public Schools ("CPS") publicly auctioned off and sold the building to another private developer over ten years ago.

On November 8, 2012, CPS publicly auctioned off 3060 Durrell for \$200,000 along with 12 other vacant school buildings and four land parcels allowing CPS to make \$3.5M to complete the districts' Facilities Master Plan. Ohio law, pursuant to Ohio Revised Code Section 3313.41, allows school district boards of education to publicly auction off unused buildings, but only after offering such buildings to other schools and entities and providing sufficient public notice. Buyers have no legal restrictions regarding what the school buildings can be used as – some of the buildings become other schools, residential housing or office buildings; others are torn down and something else is constructed in their places.⁶ As discussed below, 3060 Durrell was also identified as an excellent re-development opportunity in City-approved Evanston Work Plans as early as 2003.

Indeed, not until (i) more than 20 years after 3060 Durrell was identified as an excellent re-development opportunity in publicly available and City-approved plans, (ii) more than ten years after 3060 Durrell was publicly auctioned off and sold to another private developer, (iii) almost one year after Kingsley had 3060 Durrell under contract, (iv) after the Evanston Community Council voted in favor of rezoning 3060 Durrell as a planned-unit development (PUD), and (v) after Kingsley held eight community informational meetings soliciting questions and feedback (which the CPA did not engage in), did the CPA set on a path of seeking the Proposed Designation at the eleventh-hour.

3. **3060 Durrell is Not an Architecturally Significant Building Designed by Samuel Hannaford and the Proposed Designation Prioritizes Aesthetics Over the Needs of the City and the Evanston Community.**

The CPA maintains that 3060 Durrell is of "Historical Significance" under CZA § 1435-07-1(a)(1) and (3) (referred to as "Criterion 1" and "Criterion 3", respectively). However, a closer look at the CPA's Historic Designation Report, reveals that 3060 Durrell is of no architectural significance arising to the level appropriate for a Historic Designation, and certainly not in light of the competing needs for affordable housing in Cincinnati.

⁶ See Caitlin Koenig, *Vacant CPS Schools Recently Sold at Auction* (Nov. 12, 2012), <https://www.soapboxmedia.com/devnews/112012.cpsauction.aspx>; see also Exhibit C, Randy Tucker, Cincinnati Enquirer, *Demolition of old Hoffman school blocked, leaving church stuck in crumbling building* (Mar. 26, 2023) (noting CPS planned to tear down 3060 Durrell before it was sold at auction).

a. 3060 Durrell does not meet Criterion 1 under CZA § 1435-07-1.

The CPA maintains that 3060 Durrell meets Criterion 1 for purposes of making a determination of “Historic Significance” under CZC § 1435-07-1. The CPA’s basis for this appears to be 3060 Durrell’s “association with the Progressive Era and City Beautiful movements and their influence on educational design and planning.”⁷ This claim, however, is incorrect and misleading.

The CPA first claims 3060 Durrell to be architecturally significant based on it being “a significant example of the Jacobethan Revival *educational architecture*”.⁸ This is completely fabricated as 3060 Durrell’s former use as a school has no bearing on its qualification as Jacobethan architecture. The CPA’s Historic Designation Report seems to subsequently acknowledge this when it correctly sets forth the various architectural features that make a structure qualify as being designed and constructed under the “Jacobethan Revival” style.⁹ And while the Jacobethan Revival style may have had “its major impact on educational architecture[.]” there is no basis in law for consideration of 3060 Durrell’s former use when determining its Historic Significance, or lack thereof. Importantly, the CPA cites three other existing structures “within the Cincinnati School system that were also designed in the Jacobethan Revival Style.”¹⁰ It is unclear if the CPA has sought historic designations for these three structures. However, what is clear is that even if “Jacobethan Revival educational architecture” is some significant subset of the “Jacobethan Revival” style of architecture, there are three other existing structures on which the CPA can seek a designation to preserve such purported style, which would not interfere with and cut against the City’s desire to facilitate affordable housing.

The CPA’s second contention for 3060 Durrell’s historic significance is its ostensible association with events that have made a significant contribution to the broad patterns of our history and in particular the City Beautiful movement, which was contemporaneous with the Progressive Era. As noted by the CPA, this “was a period where urban reform was sought through introducing beautification and monumental grandeur into cities as a way to create moral and civic population among an urban population that suffered from poor living and working conditions.”¹¹ According to commentators, it “was a part of the progressive social reform movement in North America under the leadership of the upper-middle class concerned with poor living conditions in all major cities” where “[a]dvocates of the philosophy believed that such beautification could promote a harmonious social order that would increase the quality of life, while critics would complain that the movement was overly concerned with aesthetics at the expense of social reform” with some even describing the movement as an “architectural design cult.”¹² Other commentators have noted that “[i]n its quest to create rigorously planned spaces that would promote utopian ideals and

⁷ See CPA’s Historic Designation Report at 12.

⁸ See CPA’s Historic Designation Report at 3 (emphasis added.)

⁹ See CPA’s Historic Designation Report at 6 (listing the identifiable features of Jacobethan Revival Style).

¹⁰ See CPA’s Historic Designation Report at 7.

¹¹ See CPA’s Historic Designation Report at 9.

¹² See Wikipedia, *City Beautiful movement*, https://en.wikipedia.org/wiki/City_Beautiful_movement (citing *The Death and Life of Great American Cities* (New York: Random House, 1961), p.375; quoted in Rybczynski, Witold. *City Life: Urban Expectations in a New World* New York: Scribner, 1995. p.27. ISBN 0-684-81302-5).

inspire civic responsibility, the movement often reinforced the urban inequality it sought to alleviate and left a lasting impact on subsequent urban renewal programs.”¹³

The Proposed Designation would only serve to further these failed “utopian ideals” paid for by frustrating the ability of the Evanston community to overcome the “poor living and working conditions” referenced in CPA’s Historic Designation Report.¹⁴ Ironically, the CPA’s Historic Designation Report attempts to convince this Board to continue the failed policies of the past by reference to Avondale’s Samuel Ach Junior High as a comparable design to 3060 Durrell/Hoffman School. Samuel Ach Junior High, however, was a racially segregated school built during the Progressive Era in 1907 and was the scene of protests and riots in 1967 as a result of racial tensions generated by unemployment and “dislocation from urban renewal projects.”¹⁵ It was demolished in 1976 following the Cincinnati Board of Education’s vote to close it “after studying the comparative cost of renovation and new construction.”¹⁶ The same tensions are at play here where an uninvested third party has asked this Board to quash the hopes of an affordable housing project in the name of preserving an architecturally irrelevant “money pit” that it finds aesthetically pleasing. And while beauty is subjective, it cannot be argued that providing the Evanston community with the resources it needs to better the lives of its inhabitants has far greater beauty than any single feat of architecture, significant or not, may have. Even if this were not the case, the CPA, as indicated above, has pointed out three other structures that will continue to serve as examples of Jacobethan Revival style of architecture.

Consistent with the views of critics of the City Beautiful movement and the Progressive Era, the Proposed Designation seeks to prioritize aesthetics and utopian ideals over the equitable and affordable housing needs of the City and the Evanston community (as detailed in the Evanston Work Plans discussed below) as well as the needs and desires of the Christ Temple Full Gospel Baptist Church and its congregation. Accordingly, 3060 Durrell should not be deemed to have “Historic Significance” under Criterion 1 of CZC § 1435-07-1 as such designation would result in reinforcing the urban inequality the City Beautiful movement and Progressive Era sought to alleviate, but are now ironically furthering.

For these reasons, 3060 Durrell does not meet Criterion 1 for purposes of making a determination of “Historic Significance” under CZC § 1435-07-1.

¹³ See Planetizen, *What Is the City Beautiful Movement*, <https://www.planetizen.com/definition/city-beautiful/>; see also Encyclopaedia Britannica, Inc., *City Beautiful movement*, <https://www.britannica.com/topic/City-Beautiful-movement> (noting “Over time, the movement’s shortcomings came to the fore, and it became apparent that improvement of the physical city without addressing social and economic issues would not substantively improve urban life.”); see also Paolo Fresnoza, *The City Beautiful Movement – Urban Design and Moral Well-being*, <https://vancouverpublicspace.ca/2016/02/04/the-city-beautiful-movement-urban-design-and-moral-well-being/> (noting “Ironically, the actual implementation of City Beautiful ideas actually reinforced urban inequality – as older slums and their tenement structures were cleared, and poor residents displaced, to make way for the sweeping boulevards and rigorous geometries of the new plans.”).

¹⁴ See CPA Historic Designation Report at 9.

¹⁵ See Exhibit F, *Lost Cincinnati: Why Buildings Die*.

¹⁶ *Id.*

b. 3060 Durrell does not meet Criterion 3 under CZA § 1435-07-1 or qualify under CZC § 1435-01-H3.

The CPA's second basis for a historic designation is that 3060 Durrell meets Criterion 3 for purposes of making a determination of "Historic Significance" under CZC § 1435-07-1, and is consistent with CZC § 1435-01-H3. For support, the CPA claims that 3060 Durrell is "a significant and well-preserved example of the Jacobethan Revival style designed by the prominent local architecture firm of Hannaford and Sons."¹⁷ These assertions fall short of arising to Historic Significance.

Although 3060 Durrell is reported to have been designed by the architectural firm of Hannaford & Sons, the subject building is not referenced, mentioned or regarded as significant, in any of the writings referencing the outstanding or well-known buildings designed by Samuel Hannaford (including the writing referenced in the CPA's Historic Designation Report) and in fact was designed seven years *after* Samuel Hannaford's death.¹⁸ Accordingly, 3060 Durrell was not designed by Samuel Hannaford and is not considered to be important or significant. And, as set forth above, there are numerous examples of Jacobethan schools remaining in the City, not to mention other non-school Jacobethan structures.

Importantly, 3060 Durrell is not "well-preserved" as claimed by the CPA. In other words, the attributes or characteristics of 3060 Durrell do not possess integrity of location, design, setting, materials, workmanship, feeling and association as the building's integrity of materials and workmanship have been severely impacted by the building's deterioration thereby diminishing its integrity. In its Historic Designation Report, the CPA states that the exterior and interior materials of 3060 Durrell are "largely intact" and the report includes photographs of the building in pristine condition. These statements and photographs are misleading¹⁹ and inaccurate as current photographs of 3060 Durrell, attached hereto as Exhibits C and G, tell a completely different story and illustrate that 3060 Durrell does not possess integrity of materials or workmanship.²⁰ In fact, it is dangerously deteriorated and the state has already nearly contributed to the death or seriously bodily injury of a child as outlined in a March 26, 2023 article from Cincinnati.com.²¹ As noted by the Church, 3060 Durrell is a "crumbling structure" with extensive water damage,²² "[b]ricks, stones, roof tiles, and other debris fall from entryways, windows, ceilings, and other parts of the building frequently. The foundation is unstable, the interior is rotting, and the cost of utilities are astronomical."²³ According to Berardi+, one of the major Historic Architecture Firms in the

¹⁷ See CPA Historic Designation Report at 12.

¹⁸ See e.g., *The Samuel Hannaford Project*, <https://www.thesamuelhannafordproject.com/>; *Samuel Hannaford: The Man Who Built Cincinnati* (Dec. 3, 2019), <https://www.cincinnatihistory.org/post/samuel-hannaford-the-man-who-built-cincinnati/>; *List of Samuel Hannaford Architecture* (Jun. 8, 2017), <https://www.ranker.com/list/samuel-hannaford-architecture/reference>.

¹⁹ The CPA also makes various unsupported claims such as the fact that 3060 Durrell "was listed in the 1978 Historic Inventory with a ranking of Excellent[.]" but it fails to acknowledge the deterioration that has occurred in the 40 plus years since this claimed listing.

²⁰ See Exhibit G, Current Photographs of 3060 Durrell; see also Exhibit C, Randy Tucker, Cincinnati Enquirer, *Demolition of old Hoffman school blocked, leaving church stuck in crumbling building* (Mar. 26, 2023).

²¹ See Exhibit C, Randy Tucker, Cincinnati Enquirer, *Demolition of old Hoffman school blocked, leaving church stuck in crumbling building* (Mar. 26, 2023)

²² *Id.*

²³ See Exhibit B, Letter from Church to Mayor Aftab Pureval (Mar. 30, 2023).

Midwest, “the adaptive reuse of the Huffman [sic] School in Evanston poses extreme impossibilities for redevelopment and eliminates repositioning as we consider an entire list of imagined uses” and restructuring would not be permitted by the State Historic Preservation Office under Section 106 reviews:

Being one of the major Historic Architecture Firms in the Midwest, the Berardi+ Team certainly appreciates the general aesthetic of the building, as well as any remaining representative detailing of that which may have existed at one time. But while the building is failing in many ways, the plan and general structure of the Huffman [sic] School (...noting that structure exists in various stages of deterioration), simply do not offer opportunities for effective planning as an adaptive reuse environment without completely restructuring the floor plates. And to that end we must also note that any such restructuring would not be permitted by the State Historic Preservation Office under Section 106 reviews, as we would normally follow the Secretary of the Interior’s Standards for Rehabilitation.²⁴

We also note that the CPA does not appear to have ever filed an application for local historic landmark designation of the 100-year-old Schiel School, which is also cited in the CPA’s Historic Designation Report as a comparable design to 3060 Durrell, and was demolished to make way for a \$20M mixed-use development in Corryville as part of a larger wave of multi-story residential development sweeping through historic uptown neighborhoods including Clifton Heights, Corryville, Clifton, University Heights, Avondale and Mt. Auburn.²⁵ Nor does it appear that the CPA has sought designations for the other three existing structures that it claims are examples of the Jacobethan Revival Style architecture. Therefore, another question remains why the Proposed Designation is being sought for 3060 Durrell when designations have not been sought for other similarly designed buildings, some of which have already been demolished to make way for other private developers’ residential developments with apparently no objection by the CPA.

For these reasons, 3060 Durrell does not meet Criterion 3 for purposes of making a determination of “Historic Significance” under CZC § 1435-07-1 and CZC § 1435-01-H3.

4. The Proposed Designation is Inconsistent with the Specific Purposes of the Historic Preservation Rules of CZC Chapter 1435 and the Overall Purposes of the CZC.

CZC § 1435-03 provides that the specific purposes and intent of the Historic Preservation Rules of CZC Chapter 1435 include, among others, (i) promoting the public health, safety, and welfare; (ii) strengthening the local economy; (iii) facilitating reinvestment in and revitalization of certain districts and neighborhoods; and (iv) facilitating and encouraging economic development and public and private investment in the city. CZC §1400-03 further provides that with respect to the

²⁴ See Exhibit H, Letter from George D. Berardi, AIA of Berardi+ re: 3060 Durrell Planned Uses Limitations (Apr. 18, 2023).

²⁵ See Randy A. Simes, *Historic Schiel School to Make Way for \$20M Development in Corryville* (Dec. 15, 2011) <https://www.urbancincy.com/2011/12/historic-schiel-school-to-make-way-for-20m-development-in-corryville/>; see also Dan Monk, *Man with the plan: How developer Dan Schimberg brought Short Vine back to the future* (Sep. 3, 2018), <https://www.wcpo.com/news/insider/man-with-the-plan-how-developer-dan-schimberg-brought-short-vine-back-to-the-future>.

overall purposes of the CZC, the CZC was adopted in part to provide opportunities for economic development and new housing for *all* segments of the community.²⁶

Kingsley plans to build a mixed income multi-family development at 3060 Durrell, which will (i) provide critically needed equitable, affordable and market-rate housing to the City and Evanston community; (ii) facilitate reinvestment, revitalization, economic development into the Evanston community; (iii) activate a currently blighted and uninhabitable property that is a threat to public safety and health; and (iv) provide much needed funding to the Church and its congregation to serve and benefit the Evanston community and relocate to a safe, warm and habitable space.

However, in this case, the Proposed Designation is a threat to public health, safety, and welfare and will serve to inhibit and discourage the facilitation of reinvestment, revitalization, economic development, private investment and new housing in the Evanston community.

a. The Proposed Designation is a Threat to Public Health, Safety, and Welfare.

As noted above, in its Historic Designation Report, the CPA States that the exterior and interior materials of 3060 Durrell are “largely intact” and the Report includes photographs of the building in pristine condition. These statements and photographs are misleading and inaccurate as the photographs attached as Exhibits C and G illustrate that 3060 Durrell is not safe or habitable. Indeed, as noted by the Church, “[b]ricks, stones, roof tiles, and other debris fall from entryways, windows, ceilings, and other parts of the building frequently. The foundation is unstable, the interior is rotting, and the cost of utilities are astronomical.”²⁷ We understand that there have also been reports of a large concrete slab falling from the building’s wall and nearly crushing a child participating in a youth program.²⁸ Architectural firm Berardi+ has further opined on 3060 Durrell’s threat to public health, safety, and welfare:

With an unbiased view we must point to the condition of the building’s entire infrastructure, including all components related to structural systems existing in serious condition of accelerated deterioration, and building services that are completely depleted. Additionally, this last statement does not attempt to detail the myriad of hazards linked with the existing uses and occupancy violations attributed to the lack of building safety systems. Of some added import, it is also quite clear that there is no suitable market segment which will respond for placing the building in service....the history of the building’s long-term vacancy should be sufficient evidence in that regard.²⁹

If the Proposed Designation is granted, 3060 Durrell would become a hotbed for danger for wandering children who do not realize the danger of a moldy and asbestos-tainted building, with

²⁶ (Emphasis added).

²⁷ See Exhibit B, Letter from Church to Mayor Aftab Pureval (Mar. 30, 2023).

²⁸ See Exhibit C, Randy Tucker, Cincinnati Enquirer, *Demolition of old Hoffman school blocked, leaving church stuck in crumbling building* (Mar. 26, 2023).

²⁹ See Exhibit H, Letter from George D. Berardi, AIA of Berardi+ re: 3060 Durrell Planned Uses Limitations (Apr. 18, 2023).

falling debris and stone, and danger from the kinds of people and activities that gravitate toward unused, uninhabited, unwatched spaces.

b. The Proposed Designation will Inhibit and Discourage the Facilitation of Reinvestment, Revitalization, Economic Development, Private Investment and New Housing in the Evanston Community.

As discussed in Section 6 below, renovating the existing building at 3060 Durrell is not economically feasible as it is prohibitively expensive, its adaptive reuse poses extreme impossibilities, it is not possible to develop affordable housing while also obtaining Ohio historic tax credits under recently enacted Ohio law and restructuring would not be permitted by the State Historic Preservation Office under Section 106 reviews. Accordingly, if the Proposed Designation is granted it will inhibit and discourage the facilitation of already planned reinvestment, revitalization, economic development, and private investment in the Evanston community. As noted by the Church, “[a] historic designation of an uninhabitable building does not benefit a community that would be better served with affordable housing rather than the albatross that it is becoming.”³⁰

Because the Proposed Designation is a threat to public health, safety, and welfare and will serve to inhibit and discourage the facilitation of reinvestment, revitalization, economic development, and private investment in the Evanston community, it is inconsistent and directly and odds with the specific purposes of the Historic Preservation Rules of CZC Chapter 1435 and should be denied.

5. The Proposed Designation is Inconsistent and Incompatible with Plan Cincinnati and the City’s Approved Neighborhood Plans for Evanston.

Pursuant to § 1435-07-2-B(c), in determining whether to approve or disapprove the Proposed Designation, the following additional factors are also considered: (i) the relationship of the proposed designation to the comprehensive plans of the city and of the community in which the proposed Historic Landmark is located (ii) the effect of the proposed designation on the surrounding areas and economic development plans of the city; and (iii) such other planning and historic preservation considerations as may be relevant to the proposed designation.

a. Kingsley’s Proposed Development of 3060 Durrell is Consistent with Plan Cincinnati.

The Proposed Designation is inconsistent and incompatible with Plan Cincinnati’s Live Goal 3, while Kingsley Proposed Development achieves Plan Cincinnati’s Live Goal 3, as it will provide a full spectrum of housing options, improve housing quality and affordability, provide quality healthy housing for all income levels, and distribute housing that is affordable throughout the City.³¹

³⁰ See Exhibit B, Letter from Church to Mayor Aftab Pureval (Mar. 30, 2023).

³¹ See Plan Cincinnati (Nov. 21, 2012) (“Plan Cincinnati”).

b. Kingsley’s Proposed Development of 3060 Durrell is Consistent with the City’s Approved Neighborhood Plans for Evanston.

The Proposed Designation is inconsistent and incompatible with the City’s approved neighborhood plans for Evanston, while Kingsley’s Proposed Development of 3060 Durrell is consistent and compatible with such plans including the 2019-2029 Evanston Work Plan (the “2019-2029 Evanston Work Plan”)³² and the 2003 Evanston Five Point Urban Renewal Plan (the “2003 Evanston Urban Renewal Plan”) (collectively, the “Evanston Plans”).³³

As part of the development of the 2019-2029 Evanston Work Plan, the Evanston Community Council cited “growing *concerns of Gentrification* and its negative effects on the community, the need to aggressively push to retain *affordable housing* and to also protect our seniors and the legacy home owners in the Evanston Community” along with “restoring the business district with *African American participation*.”³⁴ Accordingly, “Goal 1” of the 2019-2029 Evanston Work Plan Goals is to “Create a sustainable, *mixed income neighborhood without displacement*”, followed by “Goal 2”, which is to “Position commercial real estate to support a diversity of locally and corporately owned businesses that would be attractive to residents and where our community can work and thrive.”³⁵ In furtherance of these goals, the 2019-2029 Evanston Work Plan recommended an action step to “redevelop under-performing properties ... to create a *mixed-use, mixed-income district* with a variety of neighborhood serving businesses and an appropriate *mix of affordable and market rate housing options*.”³⁶

The 2003 Evanston Urban Renewal Plan, which is consistent with the 2019-2029 Evanston Work Plan,³⁷ identified 3060 Durrell as an excellent re-development opportunity for mixed-use development and noted a preference for the use of minority contractor involvement.³⁸ As part of its plan to attract new commercial development that supports the residents’ needs and is compatible with the residential character of the Evanston community and to encourage mixed-use development, the 2003 Evanston Urban Renewal Plan notes that it was the community’s goal to “[e]ncourage *minority contractor involvement in all construction projects* recommended by this plan.”³⁹

Kingsley’s redevelopment plan for 3060 Durrell is directly on point with the City-approved Evanston Plans and its primary goals (identified as “Goal 1” and “Goal 2”) – that is, it is a “mixed-use, mix-income” development with a “mix of affordable and market rate housing” that “[c]reate[s] a sustainable, mixed income neighborhood without displacement” and addresses the Evanston community’s “growing concerns of Gentrification and its negative effects on the community” and

³² See 2019-2029 Evanston Work Plan.

³³ See 2003 Evanston Urban Renewal Plan,

³⁴ See 2019-2029 Evanston Work Plan at 10 (emphasis added).

³⁵ See 2019-2029 Evanston Work Plan at 36 (emphasis added).

³⁶ See 2019-2029 Evanston Work Plan at 63 (emphasis added).

³⁷ See 2019-2029 Evanston Work Plan at 18 (noting “The goals in this Evanston Work Plan are consistent with the goals in the most recent business district planning completed as part of the Evanston Five Point Urban Renewal Plan (2003)”.)

³⁸ See 2003 Evanston Urban Renewal Plan at 17.

³⁹ *Id.* (Emphasis added).

the “need to aggressively push to retain affordable housing” and utilizes and facilitates “African American participation” and “minority contractor involvement.”

6. Adaptive Reuse of 3060 Durrell is Not Feasible and Would Limit the Ability to Address the City’s and Evanston’s Affordable Housing Crisis.

According to experts, adaptive reuse and restructuring of 3060 Durrell is not possible. The architectural firm, Berardi+, has opined that “the adaptive reuse of the Huffman [sic] School in Evanston poses extreme impossibilities for redevelopment and eliminates repositioning as we consider an entire list of imagined uses” and “that any such restructuring would not be permitted by the State Historic Preservation Office under Section 106 reviews, as we would normally follow the Secretary of the Interior’s Standards for Rehabilitation.”⁴⁰

a. Adaptive Reuse of 3060 Durrell Would Be Prohibitively Expensive and Would Limit Kingsley’s Ability to Develop Critically Needed Affordable Housing.

Even if Kingsley could renovate the building at 3060 Durrell, it would be prohibitively expensive. Kingsley uses existing infrastructure at every opportunity and has spent thousands of dollars over the last year and a half studying the current building. The existing building is simply unsafe and hazardous. Westech Environmental Solutions estimates the cost of asbestos abatement alone to be \$1,573,623.⁴¹ Estimates to repair extensive water damage and replace the broken radiant heating system range from about a half-million dollars to \$1 million.⁴² Kingsley estimates that it would cost \$400-\$500 per square foot to renovate the structure, which would limit Kingsley’s ability to make the residential units affordable. And even at that price, any attempt to renovate the building would severely limit the number of residential units Kingsley could build as “the total number of dwellings possible is limited to a range of 22 apartments.”⁴³ In short, renovation means fewer, more expensive units, which is precisely the *opposite* of affordable housing.

b. The CPA Has No Money Earmarked and No Plan for 3060 Durrell.

The CPA has no money earmarked and no plan for 3060 Durrell. At best, the Proposed Designation would leave the Evanston community with an empty building that it can neither use nor repair. “All the while, building will continue the slow process of deterioration, likely to a point of being designated unsafe” and “could potentially result in public/private action against the current owner for demolition by neglect as the building’s useful life continues to be depleted.”⁴⁴ In short, the Proposed Designation would not serve its very purpose, to preserve 3060 Durrell. It is simply too late as the building has been neglected for far too long.

⁴⁰ See Exhibit H, Letter from George D. Berardi, AIA of Berardi+ re: 3060 Durrell Planned Uses Limitations (Apr. 18, 2023).

⁴¹ See Exhibit I, Westech Environmental Solutions Asbestos Abatement Cost Estimate for 3060 Durrell (April 19, 2023).

⁴² See Exhibit C, Randy Tucker, Cincinnati Enquirer, *Demolition of old Hoffman school blocked, leaving church stuck in crumbling building* (Mar. 26, 2023)

⁴³ See Exhibit H, Letter from George D. Berardi, AIA of Berardi+ re: 3060 Durrell Planned Uses Limitations (Apr. 18, 2023).

⁴⁴ *Id.*

c. **Redevelopment of 3060 Durrell into Desperately Needed Affordable & Equitable Housing for the Evanston Community while also Obtaining Historic Tax Credits is Not Possible Under Ohio Law.**

Cincinnati developments frequently rely on using historic tax credits in tandem with federal low-income housing tax credits (LIHTCs) dollars.⁴⁵ However, on January 6, 2023, Ohio House Bill 45 (H.B. 45) was signed into law, which includes permanent changes to the Ohio Historic Preservation Tax Credit Program effective as of April 7, 2023. The first provision prevents property owners from combining federal LIHTCs with Ohio Historic Preservation Tax Credits for the preservation and rehabilitation of historic buildings; as enacted, the new law prevents future twinning of those incentives and also applies to properties in development but not placed in service. The second provision explicitly allows county auditors, beginning in tax year 2023, to assess the value of affordable housing properties based on the market rate, rather than their income-based rent ceilings—a change that is expected to lead to higher property taxes for LIHTC properties.

On one hand the CPA in its Historic Designation Report states that the Proposed Designation is compatible with Plan Cincinnati Goal 2b because “Landmark designation allows for preservation of a highly significant structure in danger of destruction. *It will further allow for state historic rehabilitation tax incentives to be used to renovate the school building, thereby preserving this true Cincinnati landmark for future generations to appreciate and enjoy.*”⁴⁶ This statement is inaccurate and is even contradicted by the CPA’s own previous public statements. As eloquently articulated by the CPA, Ohio law “prevents property owners from pairing federal low-income housing tax credits (LIHTCs) with state historic tax credits (HTCs) for the preservation and rehabilitation of historic buildings” and will “cause existing affordable housing projects to be converted to market rate causing residents to be displaced and historic buildings to become vacant” thereby exacerbating the severe shortage of housing the City already faces and prevent equitable development necessary for retaining an economically diverse population in the City’s changing neighborhoods.⁴⁷ In the CPA’s own words:

The above 2 provisions will put Ohio’s affordable and workforce properties at risk: both of being created, and from being able to continue operation. This will reduce availability and exacerbate the severe shortage that Cincinnati already faces. Cincinnati has been a tremendous example of [sic] the positive impact of using Low Income Housing Tax Credit and Historic Tax Credit together. Both are vital tools to transforming communities and retaining an economically diverse population within changing neighborhoods. Using these tools together are key for equitable development and healthy communities. These are essential tools for Cincinnati to address the dire need for quality affordable housing for

⁴⁵ See Michelle Alfini, *New Law Pulls Funding Source for Affordable Housing* (Jan. 23, 2023), <https://spectrumnews1.com/oh/columbus/news/2023/01/12/new-law-pulls-funding-source-for-affordable-housing> (noting “affordable housing in historic structures is just so, so very expensive and difficult to do”).

⁴⁶ See CPA Historic Designation Report at 11 (emphasis added).

⁴⁷ See *Statement on House Bill 45 from CPA Executive Director, Beth Johnson*, <https://cincinnati-preservation.org/statement-on-house-bill-45-from-cpa-executive-director-beth-johnson/>.

our citizens, while saving and using Cincinnati's historic buildings as sustainable and attractive places for affordable housing.

The passing of House Bill 45 prevents this from happening and is an assault on Cincinnati and other communities that leverage their historic buildings for holistic community development.⁴⁸

Because redevelopment of 3060 Durrell into desperately needed affordable and equitable housing while also obtaining historic tax credits is not possible under Ohio law, the Proposed Designation will certainly prevent the equitable development of housing necessary for retaining an economically diverse population in the Evanston community.

7. **The Proposed Designation Would Constitute an Unconstitutional Taking of Property and, as to the CPA, Tortious Interference with a Contract Between Two Private Parties to Buy and Sell Property.**

The Proposed Designation ignores the legal and property rights of both the Church and Kingsley. If granted, the Proposed Designation would upend an agreement between a private buyer and the private seller who owns the building, and effectuate an undue hardship on the Church. It appears that the CPA has not fully explored the legal hazards for the CPA and the City from that kind of interference.

The Proposed Designation could amount to a regulatory taking of property, violating both the U.S. and Ohio Constitutions. The building is uninhabitable. Christ Temple cannot use the building in its current condition, cannot afford to rehabilitate the building into something useable, and cannot afford to relocate absent a sale. The Proposed Designation locks the Church into that untenable position, and forecloses any economically viable use for the building. Under both state and federal law, that amounts to a *per se* regulatory taking.

Even if the Church could find some economically viable use for 3060 Durrell, the Proposed Designation would remain an unlawful regulatory taking. The Proposed Designation upsets the investment-backed expectations for the property: the Evanston community and Kingsley's expectation that the property will be rezoned for badly needed affordable housing, and the Church's expectation that it would finally have the means to relocate to a safe and usable building. The parties (and the Evanston community) developed these expectations over the year that Kingsley and Christ Temple have had the building under contract; they should not be lightly tossed aside for an eleventh-hour "historic" preservation bid. The economic impact of the Proposed Designation is extraordinary. In addition to hamstringing both the congregation at Christ Temple and the feasible uses of the building itself, the Proposed Designation would also further pinch the already tight housing supply in Cincinnati. And it would do so without serving a useful purpose; whereas Kingsley's proposed redevelopment would convert 3060 Durrell into a space for families to live and thrive, the Proposed Designation would convert 3060 into a permanent health and safety threat for the Evanston community.

⁴⁸ *Id.*

May 1, 2023

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The Proposed Designation would likely ripen a claim for tortious interference by the CPA with Kingsley and Christ Temple's contract and business relationship. Indeed, it appears that interference is the very purpose of the sought designation. The late-developing push for a historical landmark designation is meant solely to prevent Kingsley from redeveloping 3060 Durrell. The CPA's efforts to find another buyer for the building—and the CPA's lack of interest in financing any of the work that would be required to actually preserve 3060 Durrell—further indicate that the CPA is intentionally trying to disrupt Kingsley's contractual relationship with Christ Temple.⁴⁹

Based on the foregoing, the Proposed Designation should be denied. If any additional information is required, or if you have any questions, please do not hesitate to contact the undersigned. Thank you for your consideration and attention to this matter.

Sincerely,

Taft Stettinius & Hollister LLP

A handwritten signature in black ink that reads "Sonya Jindal". The signature is written in a cursive, flowing style.

Sonya Jindal Tork
Christopher (Kit) S. Houston
Attorneys for Kingsley Investment Group LLC

SSJ:jrb

⁴⁹ See Exhibit J, Taft Stettinius & Hollister LLP Letter to CPA (Apr. 27, 2023).



3060 DURRELL AVE REDEVELOPMENT

250 MIXED INCOME UNITS

OPPOSITION TO PROPOSED HISTORIC DESIGNATION



NOTES

- A Residential - Phase I**
Total SF: 32,600sf/level
- B Amenities + Main Entry**
Total SF: 4,000 sf
- C Amenity Courtyard/Pool**
- D On-Grade Parking**
Spaces : 133 spaces
- E Residential - Phase II**
Total SF: 30,000sf/level
- F Podium Parking**
Spaces : 75 spaces
- G On-Grade Parking**
Spaces : 43 spaces

Residential - Phase II
30,000 sf:
(High)= gsf/1,000sf/unit 30 units
(Low)= gsf/1,200sf/unit 25 units
Total GSF: 120,000 sf

Total Units (high range): 120
Total Units (low range): 100

Total Units Phase I+II(high range): 248

Total Units Phase I+II(low range): 208
Required Parking

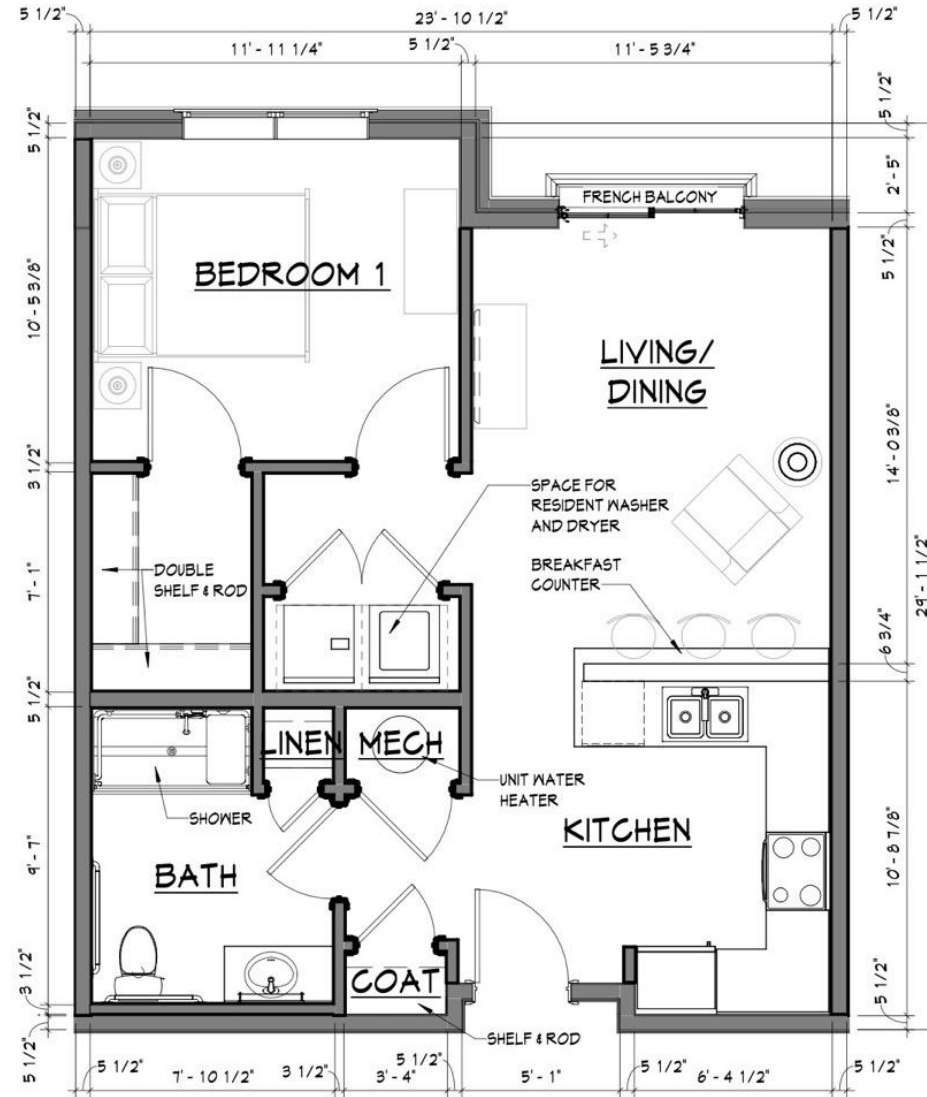
248(x1 spaces/unit) = 248 spaces
208(x1 spaces/unit) = 208 spaces
Podium Parking = 075 spaces
On grade PKG = 176 spaces
Total Spaces = 251 spaces



NOTES

- A Residential - Phase I**
Total SF: 32,600sf/level
- B Amenities + Main Entry**
Total SF: 4,000 sf
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Spaces: 43 spaces

Residential - Phase II	
30,000 sf:	
(High)= gsf/1,000sf/unit	30 units
(Low)= gsf/1,200sf/unit	25 units
Total GSF:	120,000 sf
Total Units (high range):	120
Total Units (low range):	100
Total Units Phase I+II(high range): 248	
Total Units Phase I+II(low range): 208	
Required Parking	
248(x1 spaces/unit)	= 248 spaces
208(x1 spaces/unit)	= 208 spaces
Podium Parking	= 075 spaces
On grade PKG	= 176 spaces
Total Spaces	= 251 spaces



UNIT PLAN - 1 BR 1/4" = 1'-0"
NET SQUARE FOOTAGE = 667 SF

DWELLING UNIT FEATURES

- GENERAL:**
1. ALL DWELLING UNITS SHALL COMPLY WITH THE FAIR HOUSING ACCESSIBILITY GUIDELINES (FHAG), AND ALL FEDERAL, STATE AND LOCAL ACCESSIBILITY CODES AS WELL AS THE SELECTED ACCESSIBILITY SAFE HARBOR.
 2. SEE UNIVERSAL DESIGN FEATURES NOTES FOR ADDITIONAL INFORMATION.

- DWELLING UNIT FINISHES:**
1. ALL HARD SURFACE FLOORING SHALL BE INSTALLED WALL-TO-WALL (UNDER ALL APPLIANCES AND REMOVABLE CABINETS) AND WILL BE SMOOTH, NON-GLAZE, AND SLIP RESISTANT.
 2. ALL UNIT CARPET TO BE DYED NYLON WITH ANTI-MICROBIAL AND WATER-RESISTANT BACKING WITH FIRM PAD (NO PAD AT HG UNITS). CARPET, PADS, AND ADHESIVES TO MEET GREEN LABEL OR GREEN LABEL PLUS STANDARDS.
 3. ALL UNIT WINDOWS TO RECEIVE MINI BLINDS.
 4. ALL LIGHT AND ENVIRONMENTAL CONTROLS, ALONG WITH ELECTRICAL AND DATA OUTLETS SHALL BE OF ACCESSIBLE DESIGN AND MOUNTED IN ACCESSIBLE LOCATIONS AS REQUIRED BY FHAG AND OR ANSI.
 5. ALL PAINTS, ADHESIVES AND FINISHES ARE ENVIRONMENTALLY FRIENDLY LOW/NO VOC.

- DWELLING UNIT BATHROOMS:**
1. ALL ANSI A / 2010 ADA BATHROOMS EXCEED A 60" TURNING RADIUS; ALL OTHER RESTROOMS PROVIDE REQUIRED FIXTURE CLEAR FLOOR AREAS.
 2. ALL DESIGNATED FULLY ACCESSIBLE UNITS ARE PROVIDED WITH ROLL-IN CURBLESS SHOWER ENCLOSURES THAT MEET ALL ACCESSIBILITY REQUIREMENTS INCLUDING GRAB BARS, SHOWER HEAD SLIDE BAR, AND PORTABLE TRANSFER SEATS.
 3. ANSI A BATHROOMS FEATURE A WALL HUNG ACCESSIBLE VANITY WITH DROP IN SINK AND LOW FLOW LEVER FAUCET (1.5 GPM), DRAIN AND WATER SUPPLY PIPES ARE PROTECTED TO AVOID BURNS AND BUMPS.
 4. ADA COMPLIANT LOW FLOW WATER CLOSETS WITH SEAT SET AT 17"-14" AFF MIN.
 5. PROVIDE FRONT AND SIDE GRAB BARS AT ANSI A UNITS AND SIDE ONLY WITH REQUIRED BLOCKING FOR FUTURE INSTALLATION AT ALL OTHER UNITS. BLOCKING MUST EXCEED THE ABILITY TO SUPPORT 250-300 LBS.

- DWELLING UNIT KITCHENS:**
1. KITCHENS SHALL MEET ALL ACCESSIBILITY REQUIREMENTS INCLUDING A 30"x48" CLEAR SPACE AT ALL FIXTURES AND APPLIANCES.
 2. CABINETRY IS FSC CERTIFIED, WITH NO ADDED FORMALDEHYDE; ACCESSIBLE FEATURES INCLUDING LOOP PULLS.
 3. KITCHEN SINKS ARE 8-8" DEEP BASINS WITH LEVER TYPE ACCESSIBLE LOW FLOW FAUCETS (1.5 GPM). EXPOSED DRAIN AND WATER SUPPLY PIPES PROTECTED TO AVOID BURNS AND BUMPS.
 4. 30" ACCESSIBLE WORK SPACE AT ALL ANSI TYPE A DWELLING UNITS.
 5. KITCHENS ARE EQUIPPED WITH THE FOLLOWING APPLIANCES: 30" ENERGY STAR REFRIGERATOR, 30" RANGE (2" DROP-IN RANGE IN 30" CABINET AT HG UNITS), 30" (CHARCOAL FILTER RE-CIRCULATING) RANGE HOOD.
 6. EXTENDED COUNTER AT PASS-THROUGH.
 7. 12X15" COUNTER SPACE PROVIDED ADJACENT TO ALL APPLIANCES.

- DWELLING UNIT DOORS:**
1. UNIT ENTRY DOORS ARE 36" WIDE SOLID FILLED CORE WITH 180 DEGREE VENEER AND LEVER DOOR HARDWARE. TWO VENEERS INSTALLED AT ACCESSIBLE UNITS WITH ONE LOCATED AT ACCESSIBLE HEIGHT.
 2. UNIT INTERIOR DOORS: FILLED-CORE WHICH MEET OR EXCEED THE MINIMUM CLEARANCE AT ALL PASSAGE DOORS AS REQUIRED BY FHAG AND ANSI (MIN. OPENING NOMINAL 32" CLEAR WIDTH) AND HAVE ACCESSIBLE DOOR HARDWARE WITH A LEVER DESIGN.

- DWELLING UNIT PLUMBING:**
1. ALL PLUMBING FIXTURES TO BE LOW-FLOW - TOILETS - 1.3 GPF; SHOWERHEADS - 1.75 GPM; KITCHEN FAUCETS - 1.5 GPM; BATHROOM FAUCETS - 1.5 GPM.
 2. ALL EXPOSED PLUMBING (AT BATHROOMS AND KITCHENS), SUPPLY AND DRAIN/SANITARY LINES, TO PROTECT AGAINST SCALDING/BURNS AND BUMPS.
 3. ALL PLUMBING FIXTURES TO HAVE ACCESSIBLE LEVER DESIGN AND SHOULD BE TEMPERATURE LIMITED AND SHOWERS TO BE PRESSURE BALANCED.

- SENSORY IMPAIRED DWELLING UNITS (2%):**
1. FIRE ALARM STROBE TO BE PROVIDED IN THE LIVING ROOM AND BATHROOM.
 2. FIRE ALARM HORN AND STROBE TO BE PROVIDED IN THE BEDROOM(S).
 3. DOORBELL STROBE TO BE PROVIDED IN THE LIVING ROOM AND BEDROOM(S).
 4. VIDEO DOOR INTERCOM CONNECTED TO THE MAIN ENTRY DOOR SYSTEM.

FINISH KEY		ROOM FINISH SCHEDULE					
CODE	DESCRIPTION	ROOM NAME	BASE	FLOOR	WALLS	CEILING	REMARKS
CABS	CABINETS	ENTRY	WD	VP	PT-E	PT-F	
PLAM	PLASTIC LAMINATE COUNTERTOP	CLOSET	-	-	-	-	FINISHES TO MATCH ADJACENT SPACE
PT-E	PAINT - EGG SHELL	LIVING/DINING	WD	VP	PT-E	PT-F	
PT-F	PAINT - FLAT	UTILITY	WD	SV	PT-E	PT-F	CABS, PLAM
PT-SG	PAINT - SEMI GLOSS	KITCHEN	WD	VP	PT-E	PT-F	
VP	VINYL PLANK	BEDROOM	WD	CPT	PT-E	PT-F	
VCB	VINYL COVE BASE, 4"	BDRM CLOSET	WD	CPT	PT-E	PT-F	PLAM
WD	WOOD BASE, 4" (PRE-FINISHED)	BATH	VCB	SV	PT-SG	PT-F	
CPT	CARPET						
SV	SHEET VINYL						



UNIT PLAN - 2 BR 1/4" = 1'-0"
NET SQUARE FOOTAGE = 868 SF

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 4. VIDEO DOOR INTERCOM CONNECTED TO THE MAIN ENTRY DOOR SYSTEM.

FINISH KEY

ROOM FINISH SCHEDULE

CABS	CABINETS	ROOM NAME	BASE	FLOOR	WALLS	CEILING	REMARKS
FLAM	PLASTIC LAMINATE COUNTERTOP	ENTRY CLOSET	WD	VP	PT-E	PT-F	FINISHES TO MATCH ADJACENT SPACE
PT-E	PAIN - EGG SHELL	LIVING/DINING	WD	VP	PT-E	PT-F	
PT-F	PAIN - FLAT	UTILITY	-	SV	PT-E	PT-F	CABS, PLAM
PT-SG	PAIN - SEMI GLOSS	KITCHEN	WD	VP	PT-E	PT-F	
VP	VINYL PLANK	BEDROOM	WD	CPT	PT-E	PT-F	
VGB	VINYL COVE BASE, 4"	BDRM CLOSET	WD	CPT	PT-E	PT-F	PLAM
WD	WOOD BASE, 4" (PRE-FINISHED)	BATH	WD	SV	PT-SG	PT-F	
CPT	CARPET						
SV	SHEET VINYL						











March 30, 2023

To:
Mayor Aftab Pureva, Cincinnati, Ohio
801 Plum St., Suite 150
Cincinnati, OH 45202

Dear Mayor Aftab Pureval,

The City Planning Department recently notified us of the Cincinnati Preservation Association's application for local historic designation and historic zone change hearings for our property at 3060 Durrell Ave. in Evanston. This request is inappropriate and unacceptable. We have owned this building since 2013 and the application was completed and submitted without our knowledge or consent. For 10 years we have invested thousands of dollars of the churches finances on this building only to find that it is deteriorating at a pace we cannot keep up with. To fix these issues it would take an investment that the congregation is unwilling to make to fix this deteriorating building. This building (In a few years, if not sooner) will become an issue of public safety. Our congregation and youth programs encounter issues with the building daily. Bricks, stones, roof tiles, and other debris fall from entryways, windows, ceilings, and other parts of the building frequently. The foundation is unstable, the interior is rotting, and the cost of utilities are astronomical. The Cincinnati Preservation Association has never offered to assist in its preservation in the 10 years we have owned the building, yet now that we have a sales agreement established that will allow our congregation funds to relocate. The sale of 3060 Durrell benefits our congregation and will have a positive impact on the Evanston community. The purchaser plans to tear down the distressed building and build quality housing units desperately needed in Evanston. A historic designation would terminate the pending sale of the building, and leave us with the existing building, jeopardizing the health and safety of our congregation. We are seeking to transition from this soon to be (in a few years) an uninhabitable building, and funds from its sale make this possible. The building and green space behind it is privately owned by our congregation and we have put in the work and funds to maintain it to the best of our ability. Please do not let a third party with sudden interest in our building ruin our ability to find a new, safe home for our congregation. A historic designation of an uninhabitable building does not benefit a community that would be better served with affordable housing rather than the albatross that it is becoming.

Respectfully,


Senior Pastor Peterson W. Mingo,
Christ Temple Full Gospel Baptist Church

Cc:

Vice Mayor Jan-Michele Lemon Kearney
Council Member Seth Walsh
Council Member Meeka Owens
Council Member Liz Keating
Council Member Scotty Johnson
Council Member Mark Jeffreys
Council Member Reggie Harris
Council Member Jeff Cramerding
President Pro Tem Victoria Parks
Markiea Carter
Historic Board

EW

Demolition of old Hoffman school blocked, leaving church stuck in crumbling building



Randy Tucker
Cincinnati Enquirer

Published 11:00 p.m. ET March 26, 2023 | Updated 9:22 a.m. ET March 27, 2023

Key Points

Developer Chinedum Ndukwe has offered to buy the old Hoffman Elementary School building from a local church to build apartments on the site

The Cincinnati Preservation Association has filed an application to have the building declared a local landmark, blocking redevelopment plans

When a concrete slab fell off the wall of his church last year, nearly crushing one of the kids participating in a youth program, Rev. Peterson Mingo knew it was time to move his congregation.

So, when former Bengal and real estate developer Chinedum Ndukwe offered to buy the old Hoffman Elementary School, where Christ Temple Full Gospel Baptist Church has been holding services for more than a decade, Mingo jumped at the chance.

Who is Chinedum Ndukwe? An informant in Jeff Pastor case was a Cincinnati fan favorite

"With what we'll make off the building, we can pay for a new building and still have more than enough to make any modifications and improvements," said Mingo, who's been pastor at the church for more than three decades.

Church is close to a deal

Mingo said he and the church's trustees are close to finalizing a deal to sell their building to Ndukwe for an undisclosed price. The building in Cincinnati's Evanston neighborhood has a market value of about \$1.4 million, according to Hamilton County property records.

Ndukwe wants to tear down the dilapidated old school at Durrell Avenue and Victory Parkway and build apartments there. He told The Enquirer his preliminary plans call for 86 apartments on the school site plus 155 apartments in two new buildings on the adjacent ballfield.

But the project has been put on hold because of pushback from preservationists and some local residents.

Cincinnati Preservation Association last week filed an application with the city of Cincinnati to have the more than 100-year-old building declared a local historic landmark.

Preservationists want old Hoffman school building declared a local landmark

Under the Historic Conservation Legislation that Cincinnati City Council passed in 1980, no demolition or development can take place while a decision is pending, which could take several months.

The preservation association filed the landmark application after consulting with nearby neighbors and members of the Evanston Community Council who oppose the redevelopment plans, according to Beth Johnson, the association's executive director.

"I was told they didn't support demolition of the school," Johnson said, referring to council leaders.

Saved from destruction: You can still see pieces of these historic Cincinnati sites

Ndukwe told The Enquirer he had the full support of the council.

Council president James Stallworth and other members of the community council did not immediately return calls, texts and emails seeking comment.

Johnson said the building deserves a landmark designation, in part, because of its "extreme architectural significance."

Building designed by firm founded by architect Samuel Hannaford

Built in 1922, the old Hoffman Public School was designed by the architectural firm Samuel Hannaford and Sons. The architect who founded the firm and is famous for designing Music Hall, Cincinnati City Hall and numerous other Cincinnati landmarks did not personally have a hand in the design of the old school building. He died in 1911.

After years of neglect, Mingo said he's bewildered by the "sudden interest" in the church property, which Cincinnati Public Schools planned to tear down before it was sold at auction in 2012.

Cincinnati History: Cincinnati Bell is older than the telephone! Queen City's biggest anniversaries of 2023

If preservationists had wanted the building when he was soliciting offers last year, Mingo said he would have gladly sold it to them.

"If someone wanted to buy it or had donated the money to fix the building up, we'd roll with that. But nobody stepped forward," Mingo said, noting the preservation association did not contact the church before filing the landmark application.

Church wants to move from crumbling building

Mingo said he and his congregation just want to move on after years of dealing with costly maintenance and repairs to the crumbling structure, which has relied on wall-hung space heaters and a portable furnace to keep worshipers warm for the past several years.

The boiler for the school's radiant heating system broke down in 2018 and couldn't be repaired because parts are no longer made for it, Mingo said.

The pipes that conducted heated water to radiators froze and burst over the winter, resulting in flooding throughout the building, he said. "We had water pouring through the walls. There was flood damage everywhere, and there still is."

Cost to repair building could exceed a half-million dollars

Estimates to repair the damage and replace the heating system range from about a half-million dollars to \$1 million, Mingo said.

The building is insured for \$1 million, but the deductible the church would have to pay before insurance kicks in is about \$18,000, he said. "We don't have that kind of money."

Mingo said he's been wanting to move for years because of the deteriorating condition of the building, but his congregation of just over 100 mostly seniors and children simply couldn't afford it.

That's So Cincinnati: Crossroads' commitment to racial healing, 'Mayor' Mingo, goetta first-timer and The Farm's legacy in local politics

The offer from Ndukwe was an answer to his prayers, Mingo said, similar to the prayers that he believes brought his congregation to the building years ago.

The church, which had been leasing the building in lieu of a permanent home, was faced with the prospect of relocating again when the old school building was being auctioned.

Towne Properties founder donated building to church

Then Neil Bortz, founder of Mount Adams-based Towne Properties, bought the building at auction and donated it to the church, Mingo said.

Mingo's dad worked for Bortz for many years, helping to fix up the properties Bortz first purchased to get his real estate company off the ground more than 60 years ago.

Bortz could not be reached for comment.

But Mingo described Bortz's intervention as a "blessing" and said he's counting on divine intervention to once again help him and his congregation achieve their goal of relocating to a newer facility.

"All I can do is pray on it," Mingo said.



The Rev. Peterson Mingo walks to the decommissioned boiler room at the former Hoffman School on Durrell Avenue in the Evanston neighborhood of Cincinnati on Tuesday, March 21, 2023. The Christ Temple Baptist Church currently resides in the building, but church leader, pastor Peterson Mingo, and the congregation have said the maintenance and repairs required to keep the building safe and operational are beyond their means.

Sam Greene/The Enquirer

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A temporary furnace is installed inside the sanctuary at the former Hoffman School on Durrell Avenue in the Evanston neighborhood of Cincinnati on Tuesday, March 21, 2023. The Christ Temple Baptist Church currently resides in the building, but church leader, pastor Peterson Mingo, and the congregation have said the maintenance and repairs required to keep the building safe and operational are beyond their means.

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The Rev. Peterson Mingo looks over water damage inside of the kitchen at the former Hoffman School on Durrell Avenue in the Evanston neighborhood of Cincinnati on Tuesday, March 21, 2023. The Christ Temple Baptist Church currently resides in the building, but church leader, pastor Peterson Mingo, and the congregation have said the maintenance and repairs required to keep the building safe and operational are beyond their means.

Sam Greene/The Enquirer

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Water damage has caused many ceiling tiles to collapse at the former Hoffman School on Durrell Avenue in the Evanston neighborhood of Cincinnati on Tuesday, March 21, 2023. The Christ Temple Baptist Church currently resides in the building, but church leader, pastor Peterson Mingo, and the congregation have said the maintenance and repairs required to keep the building safe and operational are beyond their means.

Sam Greene/The Enquirer

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Water damage to a hallway at the former Hoffman School on Durrell Avenue in the Evanston neighborhood of Cincinnati on Tuesday, March 21, 2023. The Christ Temple Baptist Church currently resides in the building, but church leader, pastor Peterson Mingo, and the congregation have said the maintenance and repairs required to keep the building safe and operational are beyond their means.

Sam Greene/The Enquirer

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SMALL
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The Rev. Peterson Mingo describes the extent of water damage inside the building at the former Hoffman School on Durrell Avenue in the Evanston neighborhood of Cincinnati on Tuesday, March 21, 2023. The Christ Temple Baptist Church currently resides in the building, but church leader, pastor Peterson Mingo, and the congregation have said the maintenance and repairs required to keep the building safe and operational are beyond their means.

Sam Greene/The Enquirer

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The current state of a women's restroom at the former Hoffman School on Durrell Avenue in the Evanston neighborhood of Cincinnati on Tuesday, March 21, 2023. The Christ Temple Baptist Church currently resides in the building, but church leader, pastor Peterson Mingo, and the congregation have said the maintenance and repairs required to keep the building safe and operational are beyond their means.

Sam Greene/The Enquirer

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Furniture is moved to one corner as the floors have been pulled up due to water damage at the former Hoffman School on Durrell Avenue in the Evanston neighborhood of Cincinnati on Tuesday, March 21, 2023. The Christ Temple Baptist Church currently resides in the building, but church leader, pastor Peterson Mingo, and the congregation have said the maintenance and repairs required to keep the building safe and operational are beyond their means.

Sam Greene/The Enquirer

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The Rev. Peterson Mingo talks about the struggles of upkeep in the gaining building at the former Hoffman School on Durrell Avenue in the Evanston neighborhood of Cincinnati on Tuesday, March 21, 2023. The Christ Temple Baptist Church currently resides in the building, but church leader, pastor Peterson Mingo, and the congregation have said the maintenance and repairs required to keep the building safe and operational are beyond their means.

Sam Greene/The Enquirer

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The Rev. Peterson Mingo points to a large chunk of cement which had fallen from the ceiling onto the balcony below at the former Hoffman School on Durrell Avenue in the Evanston neighborhood of Cincinnati on Tuesday, March 21, 2023. The Christ Temple Baptist Church currently resides in the building, but church leader, pastor Peterson Mingo, and the congregation have said the maintenance and repairs required to keep the building safe and operational are beyond their means.

Sam Greene/The Enquirer

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From: **Toyia Montgomery** <toyia.montgomery@gmail.com>
Date: Thu, Apr 27, 2023, 8:40 AM
Subject: RE: Hoffman School
To: <CityCouncil@cincinnati-oh.gov>

To whom it may concern,

I started my career in 2002 at Lafayette Bloom Back on Track School, the school closed in 2006.

It was acquired nearly 10 years ago to be renovated and now it has been acquired by the Port Authority after the developer failed to keep their promises of renovating the school.

I lived across from the redevelopment of the old Fairview Elementary school and heard numerous complaints of rats and mice still running throughout the building post renovation.

There was not a problem demolishing historic buildings like Taft High School and businesses in the west end for FC Cincinnati. Why is Hoffman School an exception?

After being a landlord for 15+ years and watching the housing market transition. It is imperative that we develop more housing. Market rate housing, housing people can feel safe living in, knowing there isn't a threat to their families. We know these old buildings are beautiful but we can't save them all. They are rot with issues, asbestos, lead based paint, rodents among other things. We shouldn't have to bring in big developers from NY City. We should allow local Cincinnati developers the opportunity to reimagine the space into housing for the people of Evanston, the people of Cincinnati.

It is for the reasons outlined above that I stand in opposition of the historic designation.

Thank you,

Toyia Montgomery
(513) 290-6357



March 27, 2023

Chinedum Ndukwe
Kingsley + Co.
30 W. 3rd Street
Cincinnati, OH 45202

Dear Mr. Ndukwe,

We have been made aware of your intent to purchase the building at 3060 Durrell Avenue, Cincinnati, Ohio 45207. We understand that the building and surrounding property is currently and privately owned by Christ Temple Full Gospel Church, Rev. Peterson Mingo. With this purchase, we also understand that we must relocate our programming, community garden and sports teams.

The Evanston Bulldogs Youth Association has been operating in the community for over 30 years and will continue our work with the youth in the Evanston community. As we transition into a new location, thank you for offering a temporary green space at the St. Mark's property for the 2023 growing season for the garden. We support the decision made by Christ Temple FGBC and Rev. Mingo to sell the building and surrounding property to you.

We wish you well on your future project.

As always, you are welcomed to reach out should you need further information, please do not hesitate to call me at 513-254-1973 or my personal email, milanlanier@gmail.com.

Thank you.

Be safe-Be Well-

**Milan Lanier Sr.,
President
513-254-1973**

SAMUEL ACH JUNIOR HIGH SCHOOL

From the Collection of The Public Library of Cincinnati and Hamilton County

This Collegiate Gothic school building once stood at the southwest corner of Reading Road and Rockdale Avenue. Designed by Edward H. Dornette, who was H. E. Siter's successor as architect for the Board of Education, it was built about 1907. Notice a portion of the Lincoln & Liberty Monument in the lower left corner of this view. The monument remains and was restored several years ago, but the school is gone.

In 1967 the school, then known as Samuel Ach Junior High School, was the scene of a protest meeting. Racial tensions generated by unemployment, dislocation from urban renewal projects, overcrowding and friction with police led to two nights of rioting. The Board of Education voted to close the school in July 1975 after studying the comparative cost of renovation and new construction. To some the decrepit physical conditions at Ach required its replacement, while others argued for preservation. It was subsequently demolished, and the site is a playground for the 1950 South Avondale School adjacent.



1907-1975

COVERED BRIDGE OVER THE MILL CREEK

From the Collection of The Cincinnati Museum Center-Cincinnati Historical Society Library

Today it is difficult to imagine there was ever a wooden covered bridge anywhere in the city; yet this bridge was one of two that spanned the Mill Creek in Northside (historically known as Cummins-ville). The bridge was built in 1860 along with Spring Grove Avenue as a private venture backed by Ephraim S. Bates and Richard Hopple. With additional investors, they operated a mule-drawn street railway along the avenue. In 1901, the old wooden bridge was demolished and replaced with a new "steel archway," more "suited to modern purposes."



CROSLY FIELD 1912-1970

From the Collection of The Public Library of Cincinnati and Hamilton County

From 1912 to 1970 Crosley Field, at 1200 Findlay Street and Western Avenue, was the home of the Cincinnati Reds, the first professional baseball team in America. Originally known as Redland Field, it was renamed Crosley Field in 1934 when the Reds were owned by Cincinnati businessman and inventor Powel Crosley, Jr. Baseball devotees count the first night game in 1935 as one of the most notable events to take place in this ball park.

The ball park was remodelled by Harry Hake's firm during the 1930s, but both the city and the club remained dissatisfied with the location. The West End was deteriorating and parking there was difficult. The 1948 Metropolitan Master Plan called for a multi-sports stadium to be built on the riverfront just east of the Suspension Bridge. Twenty years later, ground was broken for Riverfront Stadium and on June 24, 1970, the last game was played at Crosley Field.



1970-2002

RIVERFRONT STADIUM

Courtesy of the City of Cincinnati, Department of Buildings & Inspections

Completed in 1970 and recently known as Cinergy Field, Riverfront Stadium was reflective of its time. It combined facilities for both baseball and football and helped anchor downtown Cincinnati by its location on the river. It also made good use of the floodplain with its construction on columns and parking decks below. Designed by Heery & Heery of Atlanta, it cost \$52 million and seated 52,000. For over 30 years, it was home to the Cincinnati Reds and the Bengals, who both won championships the year it opened. As the new millennium approached; however, the stadium was considered outmoded and both teams wanted their own arenas. Riverfront Stadium was imploded on December 29, 2002, and replaced by two new sports arenas—the Bengals Stadium and the Great American Ballpark.

CHRIST CHURCH 1835-1955

From the Collection of The Public Library of Cincinnati and Hamilton County

This early Gothic Revival church, designed by Henry Walter, was built on Fourth Street east of Sycamore in 1835 by one of Cincinnati's oldest and most prestigious congregations. The interior was redecorated in 1890 by the Tiffany Studio in New York, but 50 years later the décor, particularly the indescent purple and gold tile, was considered garish. In 1941, the parish decided to replace the old church, finding it worn out, functionally obsolete and unfashionable.

The plans for a new building were delayed by World War II and controversy over its design. An innovative concept by Eiel Saarinen, a proponent of Modern architecture, was rejected in 1949 as too radical. It was not until 1955 that the old church was demolished. The current neo-Gothic building by David Briggs Maxfield was finally completed two years later, and has been renovated several times since.



1867-1990

CINCINNATI WORKHOUSE

From the Collection of The Cincinnati Museum Center-Cincinnati Historical Society Library

You may remember spying this formidable fortress of a building in Camp Washington while driving by on Interstate 75. Completed in 1867, the Workhouse was a prison established on the principle that criminals could be rehabilitated through work. It was also the first major commission by Samuel Hannaford one of Cincinnati's most prolific architects, with Edwin Anderson.

In 1978 there was a court order to close the Workhouse because of unhealthy conditions and functional obsolescence. A new jail east of the present Hamilton County Courthouse was completed in 1982. For over a decade preservationists attempted to save the Workhouse by listing it in the National Register of Historic Places and searching for new uses for it. But this was not enough to keep it from being demolished in 1990.



FUNCTIONAL OBSOLESCENCE

LOST CINCINNATI: WHY BUILDINGS DIE

3060 DURRELL AVENUE

EXHIBIT
G











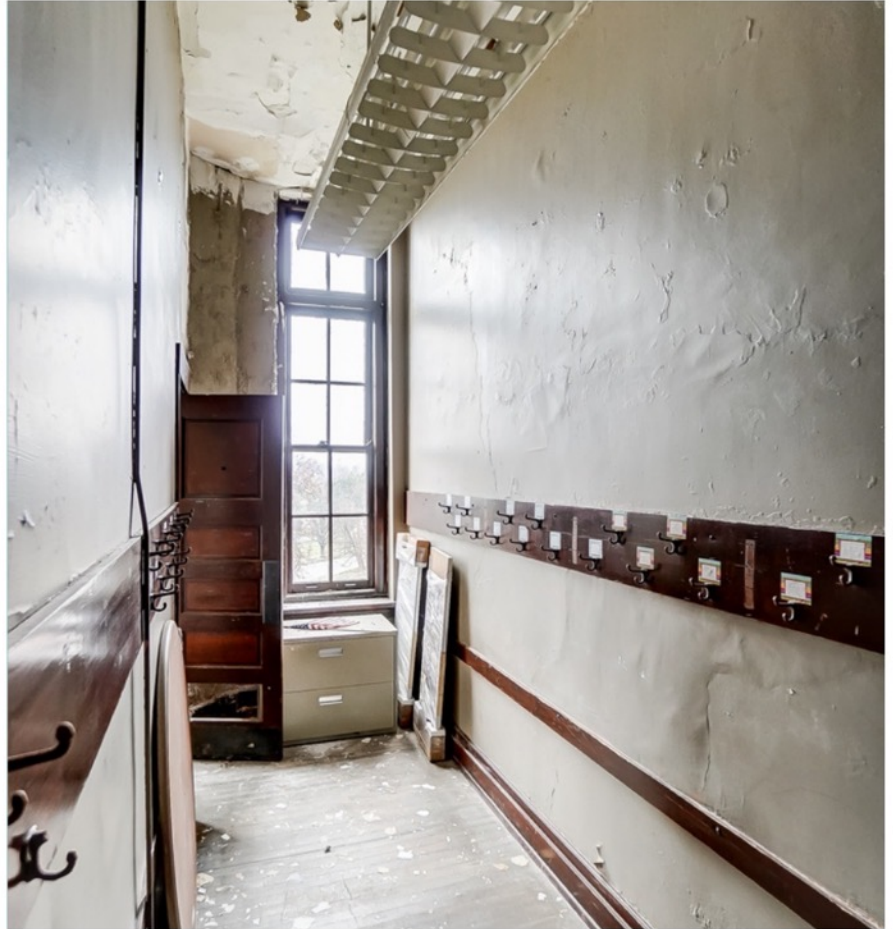


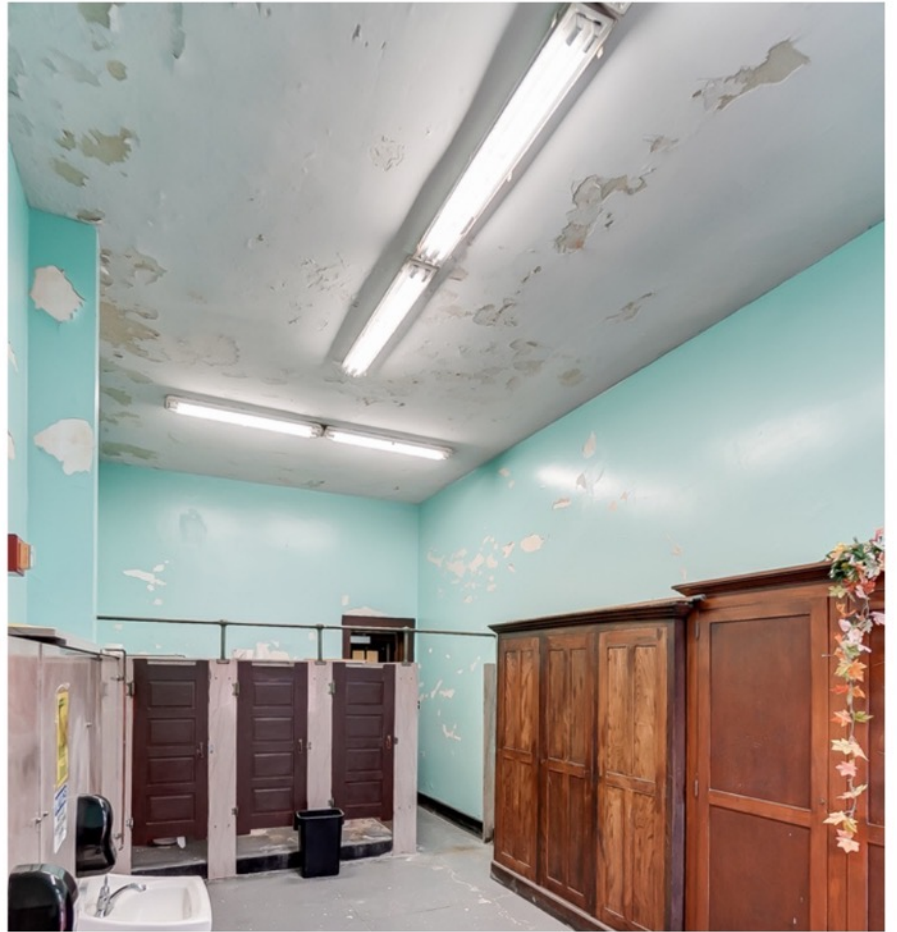


















































April 18, 2023

KINGSLEY + CO.
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**30 West Third Street
Cincinnati, Ohio 45202**

**Attention: Chinedum Ndukwe
Principal and Founder**

**Subject: Hoffman School--Evanston
3060 Durrell Avenue
PLANNED USES LIMITATIONS**

Dear Mr. Ndukwe:

As we have discussed on numerous occasions, the adaptive reuse of the Huffman School in Evanston poses extreme impossibilities for redevelopment and eliminates repositioning as we consider an entire list of imagined uses. There also exist Community Redevelopment guidelines that are typically applied by the Real Estate Industry and neighborhoods, advising developers toward the most viable use alternatives for existing buildings and open site areas. In fact, at one point in the history of Evanston, the Community and immediate neighborhood directed that a school be constructed at this site. Neighborhoods and cities still most often carefully guide our use responses for specific needs to best offer benefits to our communities, especially considering those currently identified as support to the Affordable Housing Community for Evanston. Neighborhoods evolve, and all too often the result is vacated unused and unsafe buildings. As such, our proposed use, creating an open site opportunity thorough demolition, is most fitting for the neighborhood, offering alternatives to create new neighborhoods.

Being one of the major Historic Architecture Firms in the Midwest, the Berardi+ Team certainly appreciates the general aesthetic of the building, as well as any remaining representative detailing of that which may have existed at one time. But while the building is failing in many ways, the plan and general structure of the Huffman School (...noting that structure exists in various stages of deterioration), simply do not offer opportunities for effective planning as an adaptive reuse environment without completely restructuring the floor plates. And to that end we must also note that any such restructuring would not be permitted by the State Historic Preservation Office under Section 106 reviews, as we would normally follow the Secretary of the Interior's Standards for Rehabilitation.

With an unbiased view we must point to the condition of the building's entire infrastructure, including all components related to structural systems existing in serious condition of accelerated deterioration, and building services that are completely depleted. Additionally, this last statement does not attempt to detail the myriad of hazards linked with the existing uses and occupancy violations attributed to the lack of building safety systems. Of some added import, it is also quite clear that there is no suitable market segment which will respond for placing the building in service....the history of the building's long-term vacancy should be sufficient evidence in that regard. And while unfortunate, the current Owner does not have the means to restructure the building for a substantial occupancy.

Reviewing general building characteristics, the existing plan is defined with large classrooms and public spaces. And while each classroom could be planned for your proposed uses, the total number of dwellings possible is limited to a range of 22 apartments, when considering required preservation of larger 'public areas'. As we consider the essential reconstruction of general building systems, and the new construction associated with an apartment community, 22 dwellings is simply not an efficient use for a building whose area is approximately 60,000 gross square feet.

Page 2 of 2
Hoffman School--Evanston
3060 Durrell Avenue
PLANNED USES LIMITATIONS
April 15, 2023

The gross building area attributable to each unit is greater than 2,600 sf per unit (...this will include all circulation and support areas). The area currently defined as classrooms, each equal to 800 sf (...including the coat rooms), can accommodate good planning for 1-BR dwellings, or at best a very small 2-BR dwelling. But in this current case the efficient factor is approximately 30%, whereas normal efficiencies for multi-family residential planning is ideally at 80%. Reuse of the floor plates and demising walls as they exist is very limiting and simply not effective for and do not respond to market needs for residential planning.

As I have indicated for you previously, the Hoffman School regardless of potential historic designations, will only enable fulfilment of its current limited uses, without true contributions to the neighborhood at large. All the while, the building will continue the slow process of deterioration, likely to a point of being designated unsafe. And the latter could potentially result in public/private action against the current owner for demolition by neglect as the building's useful life continues to be depleted. This last comment continues the notion that other prospective users of the building seem to be far afield, as they have understood the need for extensive reconstruction. And while cost is not considered a hardship cause for review of historic properties' redevelopment, unreasonable costs are clearly considered during feasibility analysis, and appear to have negated any past attempts for adaptive reuse of Hoffman. As we recognize, not all buildings offer ideal options for redevelopment.

However, it remains my opinion that little argument can be made against the idea that the 'Hoffman School meets Criterion 1 for its association with the Progressive Era and City Beautiful movements...'. But, the notion of the building representing a well-preserved example of the Jacobean Revival style is an opinion, though the limited effort made for preservation through selective maintenance and emergency repairs must be recognized. I'm also reminded of the notion that 'beauty is often only skin deep'. But what is internal to the Hoffman is likely another matter related to structure, safety, and environmental concerns that we have discussed. This is without doubt a beautiful example of a distinct style. At the same time I'm somewhat intrigued by the proposal for the current designation, especially since it serves well to feature the most dominant positive ornamentation and general character of the building but does not detail these last comments...the parts that truly create redevelopment feasibility.

In any case, please review in concert with our previous notes, and as you require added discussion please contact me at your convenience.

Very truly yours,
Berardi+



George D. Berardi, AIA
GDB/lp



April 19, 2023

Mr. Chinedum Ndukwe
Kingsley + Co.
30 W. 3rd Street, 4th Floor
Cincinnati, Ohio 45202

**Subject: Asbestos Abatement Cost Estimate
Former School Building
3060 Durrell Avenue, Cincinnati, Ohio**

Dear Chin:

WESTECH Environmental Solutions (WESTECH) has completed a limited asbestos survey of the former school building located at the subject site.

The results of this survey revealed the following asbestos-containing materials (ACM) or assumed ACM in or on the school building:

- Floor tile
- Floor tile and mastic
- Floor tile mastic
- Thermal system insulation (pipe insulation)
- Thermal system insulation debris
- Door caulking
- Window and door glazing compound
- Window caulking
- Roof vent duct mastic
- Roof mastic
- Fiber board
- Plaster (asbestos-containing needing further analysis to confirm asbestos concentration)
- Insulation board and mastic (assumed ACM)
- Corkboard and mastic (assumed ACM)
- Chalkboard and mastic (assumed ACM)
- Roofing material (assumed ACM)

Since this building was occupied during the survey, certain suspected ACM could not be sampled as sampling of these materials requires destructive investigative methods. However, if these ACM and assumed ACM (except for the roofing material and roofing mastics) are abated, WESTECH estimates the cost of abatement to be \$1,573,623. An itemized cost estimate is attached.

March 18, 2023

WESTECH Environmental Solutions

We appreciate the opportunity to offer our professional consulting services. If you have any questions concerning this estimate, please contact me.

Sincerely,

WESTECH Environmental Solutions

A handwritten signature in blue ink, appearing to read "Michael J. Westerfield".

Michael J. Westerfield, CPG
Project Director

Attachment

Asbestos Abatement Cost Estimate

Former School Building
3060 Durrell Building
Cincinnati, Ohio 45207

Homogeneous Area (Material Description)	Approx. Quantity	Unit Cost	Extended Cost
12" Pink Floor Tile with Tan Mastic	1075	2.5	\$2,688
White Chalkboard Mastic/Plaster	1500	4	\$6,000
White Steam Line Insulation	1500	15	\$22,500
White Interior Door Caulking	15	20	\$300
Black Interior Window and Door Glazing Compound	5	20	\$100
Green 9" Floor Tile with Black Mastic	815	2.5	\$2,038
Grey 9" Floor Tile with Black Mastic	815	2.5	\$2,038
Green 9" Floor Tile with Black Mastic	6220	2.5	\$15,550
White 9" Floor Tile with Black Mastic	6220	2.5	\$15,550
Hard Plaster Walls	60000	10	\$600,000
White Window and Door Glazing Compound	100	10	\$1,000
Hard Plaster Ceilings	80000	10	\$800,000
White Pipe Insulation on Steam Lines	530	15	\$7,950
TSI Pipe Insulation Debris	5775	10	\$57,750
Grey Window Caulking	280	10	\$2,800
Grey Exterior Door Frame Caulking	720	10	\$7,200
Grey Fiber Board	8	20	\$160
Orange Insulation Board	1500	4	\$6,000
Tan Corkboard	1500	4	\$6,000
Black Chalkboard	1500	4	\$6,000
Tan Insulation Board Mastic	1500	4	\$6,000
Black Corkboard Mastic	1500	4	\$6,000

Total **\$1,573,623**



Sonya Jindal Tork
513.357.9335
jindal@taftlaw.com

April 27, 2023

SENT VIA FEDEX

Cincinnati Preservation Association
812 Dayton Street
Cincinnati, OH 45214

RE: Kingsley Investment Group; 3060 Durrell Avenue, Cincinnati Ohio.

Dear Cincinnati Preservation Association:

Taft Stettinius & Hollister LLP represents Kingsley Investment Group LLC dba Kingsley + Co. ("Kingsley") as buyer under that certain commercial real estate contract (the "Contract") executed on or about June 17, 2022, for Kingsley's purchase of 3060 Durrell Avenue, Cincinnati Ohio (the "Property").

It has come to Kingsley's attention that the Cincinnati Preservation Association (the "Association") is tortiously interfering with Kingsley's Contract and business relationship with the Christ Temple Baptist Church, the seller of the Property under the Contract (the "Seller"). Specifically, the Association is encouraging other entities and people to enter into a contract to purchase the Property, despite Kingsley having exclusive purchase rights, by attempts to induce Seller to improperly terminate the Contract. Furthermore, the Association has encouraged other entities and people to contact the Seller and convince the Seller to terminate the Contract. Lastly, the Association has misstated Kingsley's rights under the Contract by stating Kingsley only has an option to purchase.

To the extent the Association has or continues to improperly assist and encourage the Seller to break the Contract through the Association's own acts and acts of others, and misstates Kingsley's rights under the Contract, the Association will be liable for tortious interference under Ohio law. *A & B-Abell Elevator Co. v. Columbus/Cent. Ohio Bldg. & Constr. Trades Council*, 73 Ohio St.3d 1, 14, 651 N.E.2d 1283 (1995) (finding wrongful conduct "when a person, without a privilege to do so, induces or otherwise purposely causes a third person not to enter into or continue a business relationship with another, or not to perform a contract with another.").

To avoid legal action, which itself is dependent on no damage occurring from the wrongful conduct already committed, the Association must do all of the following:

1. Immediately cease and desist from interfering with Kingsley's Contract and business relationship with the Seller of the Property under the Contract;
2. Immediately cease and desist from encouraging others to interfere with Kingsley's Contract and business relationship with the Seller of the Property under the Contract; and
3. Immediately cease and desist from misstating Kingsley's rights under the Contract.

If the Association decides not to comply with the above, Kingsley will promptly take all steps necessary to protect its rights, including filing a complaint to recover damages and prevent further harm.

Since you are now on notice of potential litigation, we demand that the Association take all necessary steps to preserve and not destroy, conceal, or alter all communications and documents relevant to this matter, including, without limitation, emails, text and self-destructing messages, social media posts, voicemails, records, files, and other data, wherever located and regardless of the format or media. Purposeful destruction of evidence could result in penalties, including legal sanctions.

This letter is not intended as a full recitation of the facts or a complete review of applicable law. Nothing contained in or omitted from this letter is or should be deemed to be a limitation, restriction, or waiver of any of Kingsley's rights or remedies, either at law or in equity. Kingsley expressly reserves all of its legal and equitable rights and remedies, including the right to seek injunctive relief and recover monetary damages.

Thank you for your prompt attention to this matter.

Sincerely,



Sonya Jindal Tork

CSH:rw1

cc: Christopher Houston