

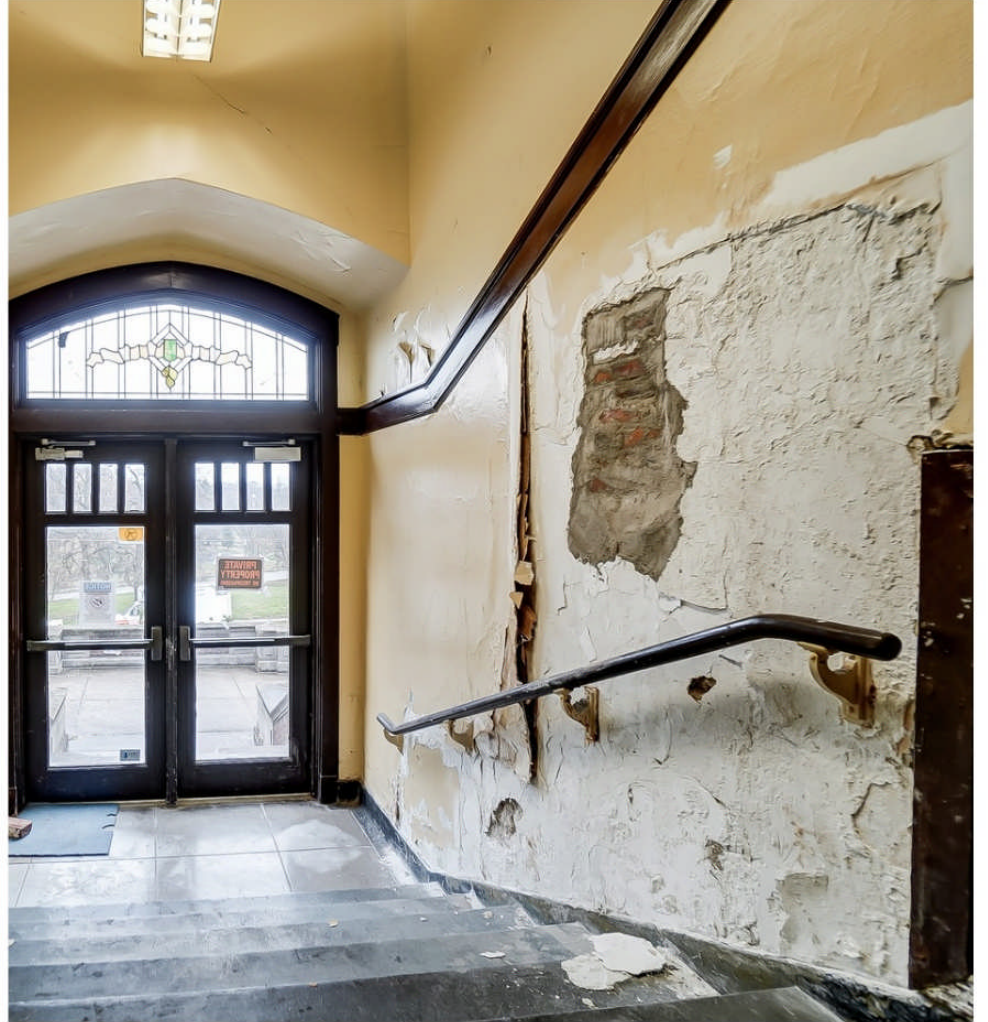
3060 Durrell
**Opposition to Proposed Designation
as Local Historical Landmark**

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KINGSLEY + CO.
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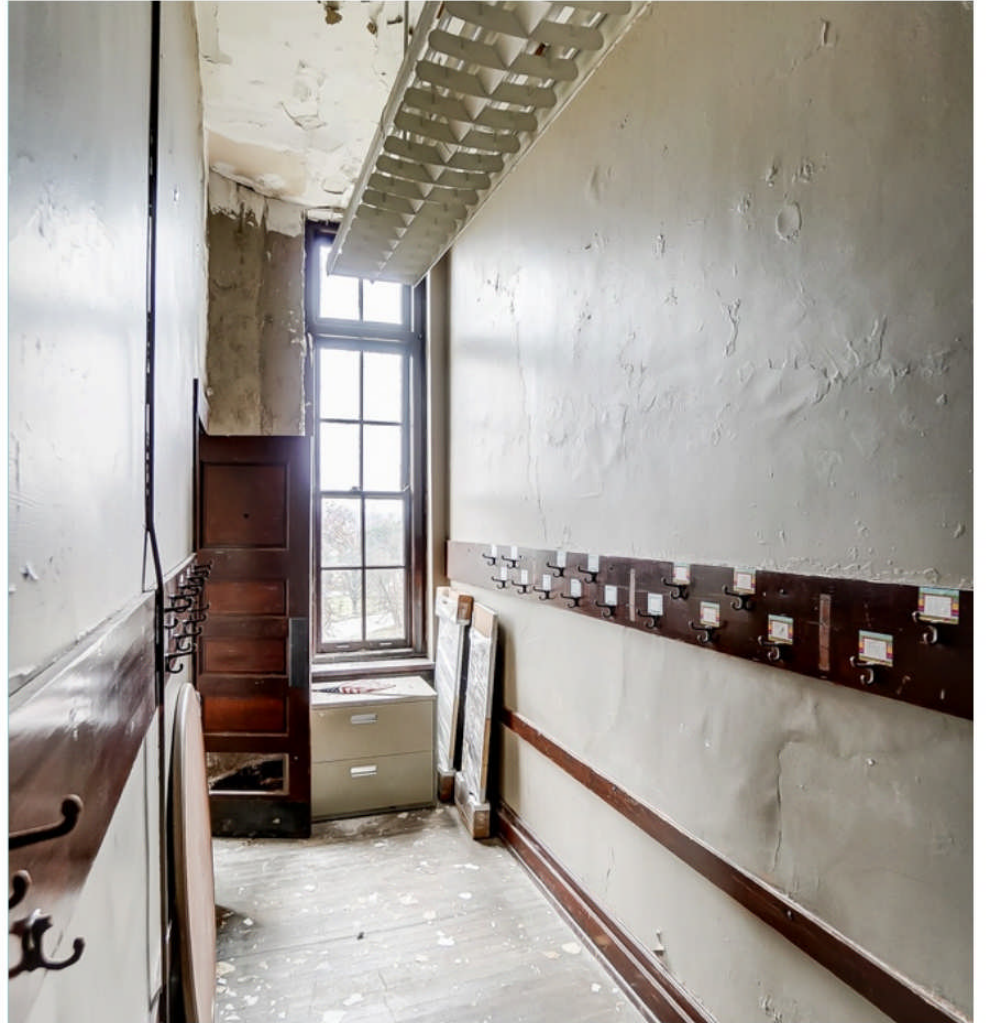


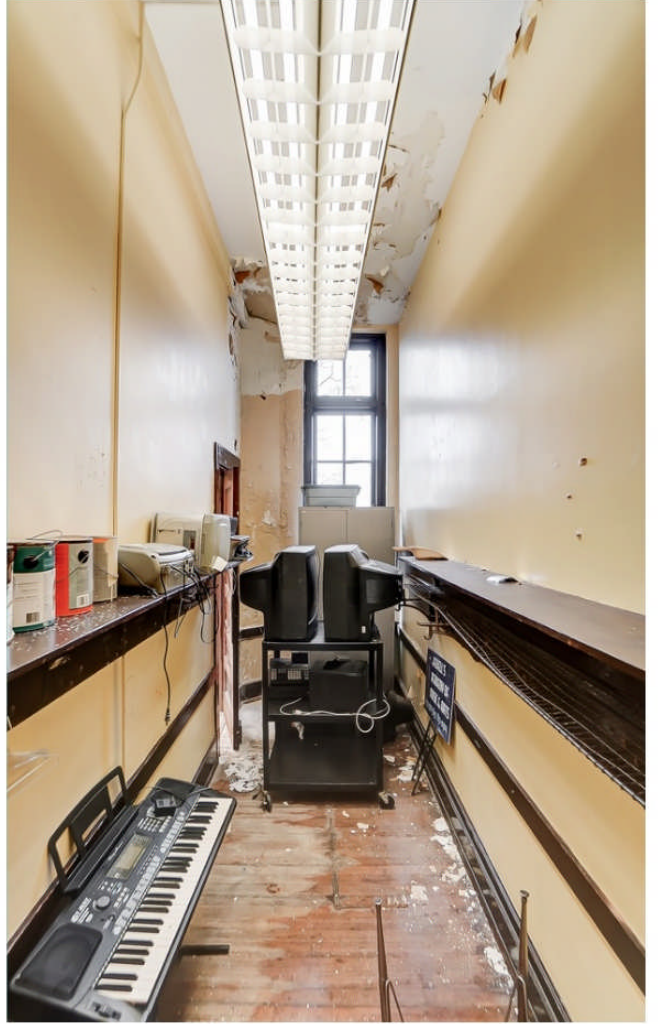






















Kingsley's Legal Interest in 3060 Durrell & Commitment to Developing Mixed-Income (Including Equitable & Affordable) Housing for Cincinnati's Historically Underserved Communities

- Kingsley under contract to purchase 3060 Durrell since June 2022
 - Current property owner (Christ Temple Full Gospel Baptist Church) opposed to Proposed Designation (Exhibits B & C)
 - Designation would result in an unconstitutional taking of property
- Kingsley proposed redevelopment (Exhibit A)
 - Approximately 300 new housing units
 - Critically needed equitable, affordable, mixed-income housing for City and Evanston community
 - Facilitates reinvestment, revitalization, and economic development into City and Evanston community without displacement while retaining economically diverse neighborhood and facilitating African American participation and minority contractor involvement in alignment with the 2019-2029 Evanston Work Plan
 - Activates a currently blighted and uninhabitable property that is threat to public safety, health, and welfare
 - Compatible with (i) CZC Historic Preservation Rules, (ii) Overall Purposes of CZC (see CZC § 1400-03(d), (f); 1435(b), (d), and (e)), (iii) Plan Cincinnati, and (iv) Evanston Work Plans
- No attempts to designate as local historic landmark until now
 - 20 years ago - identified as excellent redevelopment opportunity in City-approved, publicly available work plans
 - 10 years ago - publicly auctioned off to another private developer
 - Evanston Community Council voted to rezone 3060 Durrell as planned-unit development (PUD)

CZC § 1435-07-2-B(c): Kingsley Redevelopment Consistent with Plan Cincinnati & Primary/Overriding Goals of City-approved Evanston Work Plans

- Per CZC § 1435-07-2-B(c), in determining whether to approve/disapprove Proposed Designation, the Planning Commission shall consider: **(i)** the relationship of proposed designation to comprehensive plans of City and community in which proposed Historic Landmark located; **(ii)** the effect of proposed designation on surrounding areas and economic development plans of City; and **(iii)** such other planning and historic preservation considerations as may be relevant to the proposed designation.
- Proposed Designation inconsistent/incompatible with Plan Cincinnati's Live Goal 3 as it will prevent Kingsley's proposed redevelopment, which achieves Plan Cincinnati's Live Goal 3. Plan Cincinnati's Live Goal 3 provides the following:
 - Provides full spectrum of housing options, improves housing quality and affordability, provides "quality healthy housing for all income levels" and distributes "housing that is affordable throughout the City"
 - Creates "mixed-income developments that will result in more economically diverse neighborhoods"
- Proposed Designation inconsistent/incompatible with Evanston Work Plans primary/overriding goals ("Goal 1" & "Goal 2")
 - Kingsley proposed redevelopment directly on point with Evanston Work Plans "Goal 1" and "Goal 2"
 - Relevant points from the Evanston Work Plans:
 - "Mixed-use, mix-income" development with "Mix of affordable and market rate housing"
 - "Create[s] a sustainable, mixed income neighborhood without displacement"
 - Addresses "growing concerns of Gentrification and its negative effects on the community"
 - Addresses "need to aggressively push to retain affordable housing"
 - Facilitates "African American participation" and "minority contractor involvement in all construction projects"

Proposed Development Compatible with Specific Purposes of CZC Historic Preservation Rules & Overall Purposes of CZC

- Proposed development will:
 - (i) stabilize and increase property values (CZC § 1435-03(d));
 - (ii) strengthen the local economy (CZC § 1435-03(e));
 - (iii) enhance the city's attractions to current and prospective residents, businesses and tourists (CZC § 1435-03(f));
 - (iv) facilitate reinvestment in and revitalization of certain districts and neighborhoods (CZC § 1435-03(i)); and
 - (v) facilitate and encourage economic development (CZC § 1435-03(j))

Proposed Designation Incompatible with Specific Purposes of CZC Historic Preservation Rules & Overall Purposes of CZC

- Proposed Designation would act as a threat to public health, safety, and welfare (CZC § 1435-03(b))
 - Per architect, “myriad of hazards linked with the existing uses and occupancy violations attributed to the lack of building safety systems.” “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.” (Exhibit H)
 - “Crumbling structure” (Exhibits C & G)
 - Unstable foundation, interior rotting, extensive water damage, mold and lead (Exhibits B & C)
 - Materials falling from building with concrete slab nearly crushing child (Exhibits B & C)
 - “Asbestos-containing materials” report (floors, insulation, doors, roof, vents, pipes, walls and ceilings) (Exhibit I)

Proposed Designation Incompatible with Specific Purposes of CZC Historic Preservation Rules & Overall Purposes of CZC

- Inhibits reinvestment, revitalization, economic development, private investment and new housing for **all segments** of community (CZC § 1435-03 and CZC § 1400-03)
- Per architect, adaptive reuse “poses extreme impossibilities” and prohibitively expensive (Exhibit H)
 - Asbestos abatement cost = approx. \$1,573,623 (Exhibit I)
 - Extensive water damage and broken radiant heating repair costs = approx. \$500,000 - \$1M (Exhibit C)
 - Cost of renovation = approx. \$400-500 per sq. ft.
- Per architect, renovation incompatible with City’s and Evanton’s housing needs (“total number of dwellings possible is limited to a range of 22 apartments”) (Exhibit H)
- Per architect, "restructuring would not be permitted by the State Historic Preservation Office under Section 106 reviews." (Exhibit H)
- Ohio historic tax credits not available for redevelopment
 - Per Cincinnati Preservation Association (CPA) statement, Ohio law H.B. 45 “**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**”, which will “**exacerbate the severe shortage that Cincinnati already faces**” and prevent “**equitable development**” necessary for “**retaining an economically diverse population**” in the City’s changing neighborhoods

Other Developers Cannot Repurpose the Existing Structure AND offer Mixed-Income/Affordable Housing

- Redevelopment of building as is would not result in a use consistent with the City's and Evanston's plans
- Would result in very expensive housing
- Despite CPA's tortious interference with Kingsley's contract, CPA and other developers who have never been inside or inspected building or conducted any due diligence as Kingsley has over the course of entire year, have not provided any credible evidence that 3060 Durrell can be repurposed to provide for approximately 300 mixed-income, affordable housing units
 - Per Cincinnati Preservation Association (CPA) statement, Ohio law H.B. 45 “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”, which will “exacerbate the severe shortage that Cincinnati already faces” and prevent “equitable development” necessary for “retaining an economically diverse population” in the City's changing neighborhoods

“Historic Significance”: Does Not Meet CZC § 1435-07-1 Criterion 1

- In order to qualify under CZC § 1435-07-01(a)(1), the CPA must show that 3060 Durrell has an “[a]ssociation with events that have made a significant contribution to the broad patterns of our history”
- Per the Department of the Interior's guidelines on designation of Historical Places :
 - The “property **must have an important association** within the associated context.”
 - A “mere association with historic events or trends is not enough ... the **property’s specific association** must be considered as well.”
 - A “building historically in commercial use must be shown to have been significant in commercial history.”
 - See How to Apply the National Register Criteria for Evaluation (1995), p. 12 (emphasis added).
 - Example: "A railroad station that served as the focus of a community's transportation system and commerce" *Id.*
- 3060 Durrell is not associated with “events that have made significant contribution to broad patterns of our history.”
 - There is no evidence that the building is important within the Progressive Era, or the City Beautiful movement.
 - There is no evidence that it bears any significance in educational history.

“Historic Significance”: Does Not Meet CZC § 1435-07-1 Criterion 1

- 3060 Durrell’s former use as a school has no bearing on qualification as Jacobethan Revival Style architecture
- Proposed designation reinforces urban inequality City Beautiful movement and Progressive Era unsuccessfully sought to alleviate by prioritizing aesthetics and utopian ideals over the mixed-income/affordable housing needs of City and Evanston
- Designations not sought for other buildings referenced by CPA associated with City Beautiful movement and Progressive Era:
 - Corryville’s Schiel School (demolished for private developer’s residential development);
 - Avondale’s Samuel Ach Junior High (racially segregated; scene of protests resulting from racial tensions generated by dislocation from urban renewal projects; demolished after Cincinnati Board of Education studied comparative cost of renovation and new construction) (Exhibit F);
 - Other existing structures CPA claims are examples of Jacobethan Revival Style architecture: Roosevelt School; McKinley School Addition; Central Fairmount School
- Historic designations not approved by Historic Conservation Board for other historically black buildings and churches
 - 1556 John St. in West End (historic black church and focal point for civil rights activity including visits from Dr. Martin Luther King, Jr.; built as Hebrew Synagogue in 1865 and home of Revelation Baptist Church; demolished after Church decided to sell dilapidated building to FC Cincinnati in what some have called the “latest iteration of gentrification” after FC Cincinnati provided fair and acceptable offer that allowed Church to move to another location)

“Historic Significance”: Does Not Meet CZC § 1435-07-1 Criterion 3 & Does Not Qualify under CZC § 1435-01-H3

- To qualify under CZC § 1435-07-1(a)(3), the Planning Commission must find that 3060 Durrell “[e]mbodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction”
- CZC § 1435-01-H3: "Historic Significance" means: (a) the attributes or characteristics of a district, site or structure that possess **integrity of** location, design, setting, **materials, workmanship, feeling** and association; (b) a district, site or structure that is associated with events that have made a contribution to the broad patterns of our history; (c) a district, site or structure that is associated with the lives of persons significant in the past; (d) a district, site or structure that embodies the distinctive characteristics of a type, period or method of construction; (e) a district, site or structure that represents a significant and distinguishable entity whose components may lack individual distinction; or (f) a district, site or structure that has yielded, or may be likely to yield, information important in prehistory or history.

“Historic Significance”: Does Not Meet CZC § 1435-07-1 Criterion 3 & Does Not Qualify under CZC § 1435-01-H3

- Not “significant”
 - Not architecturally significant building and not designed by Samuel Hannaford (designed 7 years after his death)
 - Numerous examples of Jacobethan school and non-school structures remaining in City
- Not “well-preserved”; does not possess integrity of materials, workmanship or feeling
 - CPA Historic Designation Report and photos inaccurate and misleading (Exhibits C & G)
 - “**Crumbling structure**” (Exhibits C & G)
 - Materials falling from building with concrete slab nearly crushing child (Exhibits B & C)
 - Unstable foundation, interior rotting, extensive water damage, mold and lead (Exhibits B & C)
 - “**Asbestos-containing materials**” report (floors, insulation, doors, roof, vents, pipes, walls and ceilings) (Exhibit I)
 - Opinion of historic architecture firm, Berardi+: Adaptive reuse “**poses extreme impossibilities**” and “**restructuring would not be permitted by the State Historic Preservation Office under Section 106 reviews**” (Exhibit H)
 - Building has been modified over time (e.g., installation of an elevator)