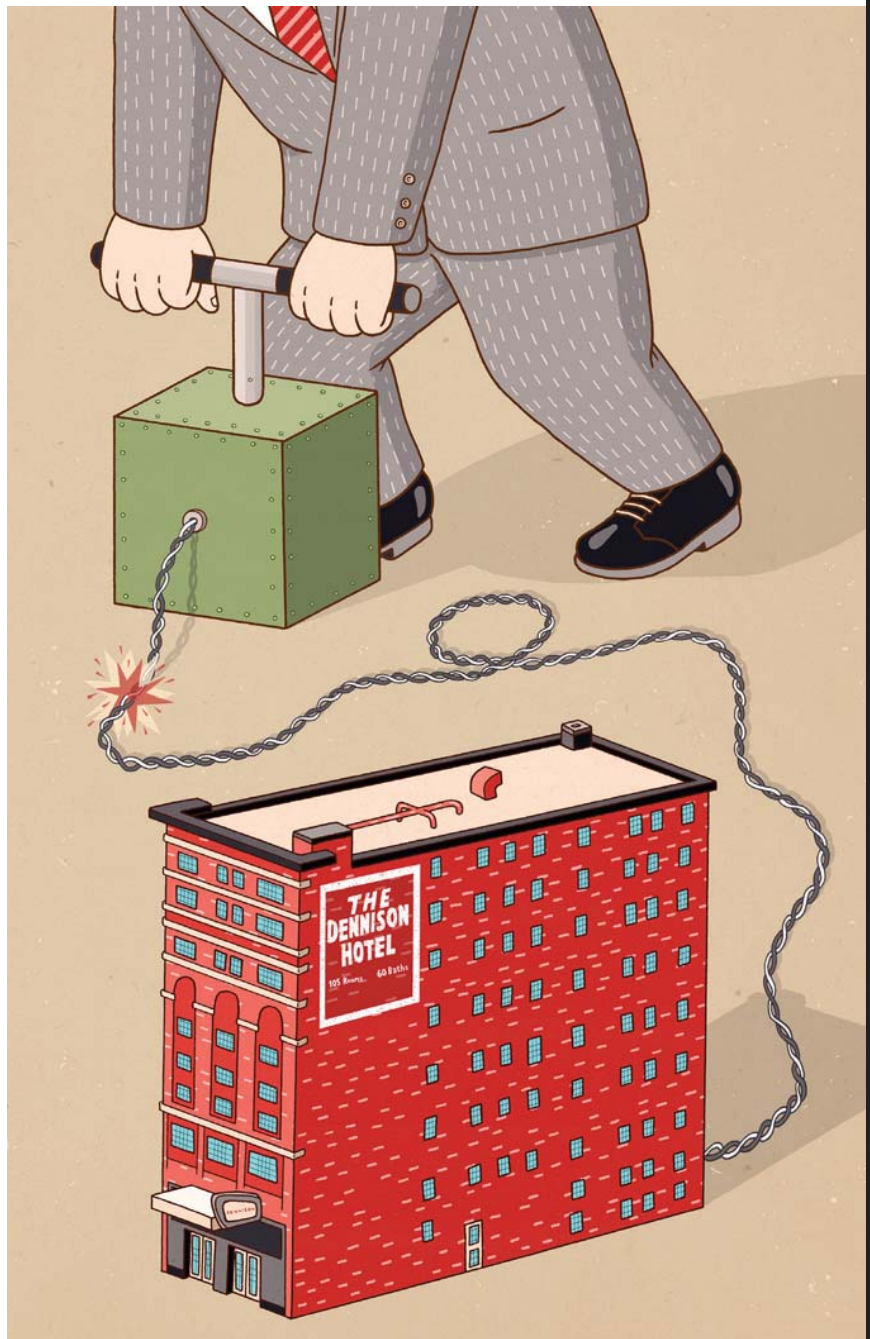


Historic Contortions

THE DENNISON HOTEL DEFIES DEMOLITION. FOR NOW.

THERE WAS, NATURALLY, A T-SHIRT INVOLVED: *Save the Dennison Hotel*, white on burgundy with a line drawing of the edifice and the year 1892 in large print. The suddenly hot May sun beat down on the T-shirt wearers, casting their shadows on the facade of the day's main protagonist: the Dennison, standing eight stories proud, if a bit shabby, on the east side of Main Street just north of Seventh. Some hundred-plus years before that, it was another story: The building was at the center of the city's Main Street manufacturing district. Samuel Hannaford's firm designed it in 1890 for G.B. Schulte Sons and Co.—an ironworks manufactory specializing in carriage parts—which operated there until 1930. In 1931, the building transitioned to part office-furniture supplier, part hotel, and in 1933 was rechristened the New Dennison Hotel—an affordable place to live, which it remained for decades.

But by May 24, 2016, the carriage-works and residents were long gone, replaced by a pack of people toting orange balloons and listening to preservation advocates declaiming on the sidewalk in front of the quarter-block of scaffolding obstructing the now-vacant building. In two days, a request for demolition was to be heard by the Historic Conservation Board, a city-appointed oversight group that must approve proposed changes to buildings in historic districts. The Joseph family (owners of many automobile dealerships and the real estate company known as Columbia REI,



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Eric Geiger State Farm Insurance
Eye Care Optical of Madeira / Apex Eye
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LLC) bought the building from 3CDC in 2013 to, in their lawyer's words, "protect their investment" of multiple, adjacent parking lots—effectively ending a plan to turn it into low-income housing for veterans. Now they want to tear it down. One slight problem: The Dennison is part of the Main Street Historic District, which means no such thing is going to happen without Columbia REI first proving to the HCB that operating or reusing the building in its current state causes such economic hardship that demolition is the only way forward. Further complicating their case, the Cincinnati Preservation Association and Cincinnati Preservation Collective have joined forces (and lawyered up, *and* brought balloons) to fight the case against demolition.

Thirty years ago, before national trends saw people migrating back to the urban core, before 3CDC was ever conceived, before Washington Park served cocktails next to a dog park, before the dilapidated Metropole Hotel was remade into the 21c Museum Hotel, before Ohio was a leading state in historic preservation tax credit incentives, before crumbling structures were regularly brought back to life in neighborhoods all across the city, demolition was at times the only way forward; hence all of that lovely surface parking. Now, thanks to incentives (such as tax credits) and the market's thirst for authentic buildings, the rule of the day is adaptive reuse. Which places the bar for a developer to prove they must tear a place down a hell of a lot higher.

→ **IN 1964, CINCINNATI'S FIRST HISTORIC** districts were legislated; a board of appointed volunteer experts was created to determine the appropriateness of proposed alterations to and demolitions of designated buildings. In 1980, an historic preservation ordinance was put on the city's books.

Like most things that took off in the '80s, people eventually realized, *Hmm, maybe we should rethink this.* Following extensive taskforce review, an updated ordinance was passed by city council in 2012, including a key and necessary revamp: no more gray area. As the code previously stood, there was room for the subjective

imposition of historic standards, even if a property had not actually been previously designated as historically significant.

"It was clear that to reduce risk to the city, make it more certain for property owners, and actually improve the effectiveness of the ordinance to preserve historic buildings, we needed to do a wholesale amendment to the ordinance, which we did, with significant community input and significant input from electeds," says Sean Suder, chair of the Graydon Head commercial real estate development group and legal counsel for the preservation cohort in the Dennison case. At the time of the 2012 ordinance, he was chief counsel for land use and planning for the City of Cincinnati, working closely on this review. "I think it's probably a model ordinance even today," he says. "There's no more sort of ad hoc uncertainty around administrative determinations about historic significance." (That said, Suder did not comment on the Dennison.)

Paul Muller, executive director of Cincinnati Preservation Association, agrees: "Preservation suffers from seeming to be subjective, so the changes that they put through moved it into a much more objective level, more defensible in the court system, something that balances people's rights and interests very well." Now, with provisions and processes clearly laid out—and historic designations a part of the zoning classification—building owners know exactly what standards they'll be held to prior to purchase.

The HCB got a makeover of its own in March 2013, cutting its number from nine to seven board members and adding an economist to its ranks of architects, historians, planners, and developers. The city manager's subsequent appointment of Shree Kulkarni to the board in August 2015 was met with some scrutiny by the preservation crowd. A developer, Kulkarni had given a total of \$8,300 to Mayor John Cranley's election campaign (including contributions from LLCs and his wife). These political ties led to some speculative chatter about the selection process, which only grew louder after Kulkarni denounced on Twitter the HCB's decision to deny demolition of the

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Davis Furniture Building in OTR. “Another example of how historic preservation, with no economic interest, is making economic decisions. Terrible result for developer,” he tweeted. On top of that, Kulkarni had been in a years-long battle with the HCB himself in an effort to demolish an historic property and replace it with a parking lot within an historic district on Fifth Street. He ultimately prevailed in court. (Kulkarni declined to comment for this story.)

Kevin Pape, the president of the Over-the-Rhine Foundation whose day job is in archaeology, sent a letter on the foundation’s behalf objecting to Kulkarni’s appointment. “We felt that Mr. Kulkarni was maybe not the best choice for that position,” he says. “There is more emphasis now on a balanced, reasoned, and educated understanding of the historic preservation

back when I was on the staff, the HCB was consulted about appointees to the board, and they would make recommendations to the city manager about who they thought would be complementary. I don’t think that happens anymore.”

Asked for a response, a spokesperson for the city manager’s office wrote: “Everyone is invited to submit their name or the name of someone they feel would make a quality candidate for a particular board. This includes City staff. You can actually visit the City’s website and submit your name for consideration.” (I did not.)

Sullebarger, for one, remains skeptical. “It is ironic that in light of the immense popularity of historic rehabs and the amount of investment in it, that the historic conservation program is receiving less support rather than more,” she says.

“IT’S BEEN PROVEN OVER AND OVER AND OVER AGAIN THAT HISTORIC PRESERVATION PAYS,” SAYS SULLEBARGER. “ALL YOU HAVE TO DO IS LOOK AROUND. IT’S STAGGERING.”

process than ever before. And it didn’t seem that he had that experience.” (Full disclosure: Pape has worked with me on a rehab project in Over-the-Rhine.)

But Pape also offers perspective on how operations have changed for the board as a whole, given the massive uptick in renovation around town. “There’s a lot more at stake. There’s simply much more activity, larger projects that are being undertaken across the city’s historic districts,” he says. “For many years, the HCB had a pretty relaxed agenda. Now it’s kind of a torrent. The challenges are more rigorous now than they’ve ever been. And we also have to keep in mind that it’s a volunteer board.”

Beth Sullebarger, an historic preservation consultant who spent five years working in the city’s historic conservation office, followed by a seven-year stint as executive director of Cincinnati Preservation Association and 11 years serving on the HCB, sees the issue as one of marginalization. “I think the HCB [now] seems to have a lot less status and participation in city government—I’m basing that on the fact that

→ **THE CENTRAL POINT OF CONTENTION** in the case is that Columbia REI has never tried to sell the building, or demonstrated an intention to reuse it. And trying to prove economic hardship—the only legal grounds for demolition besides a structural emergency—becomes much harder when you can’t show any real effort, especially when the other side has a whole set of numbers indicating a way forward.

In documents submitted to the city, Columbia REI stated it purchased the property because its prior proposed reuse (as low-income housing for veterans) “would have been damaging to their investment” (the surrounding parking lots), and that by purchasing the Dennison, it “would then be a part of the assemblage of the parcels in this block to facilitate a major development.” Urban Conservator Beth Johnson, who took the job in February and has more than 10 years of experience in the field, did not mince words in her report for the HCB: “It is unclear from the record if the applicant had any intention of reusing the building and therefore leads staff to conclude that

the purpose of buying the property was for demolition.” Add to that questions about the numbers and rental rates submitted by Columbia REI—and certain items, like a 2013 appraisal, not submitted at all—and the staff report found no justification within the law for demolition.

The Dennison hearings have rolled out in three stages so far. Each has started with a swearing in; the city lawyer who staffs the HCB issues the oath, and all who offer testimony must pledge to tell the truth—indicating, quickly, that this is not a standard community meeting. Stage one: April 18. The preservation case filings and Johnson’s staff report had recently dropped, so Columbia REI requested more time to prepare their case. Granted. Stage two: May 26. Columbia REI, represented by lawyers Fran Barrett and Timothy Burke, laid out its case for economic hardship. After more than four hours, the board adjourned; a member had to go teach a class (again, volunteers). Stage three: June 16. Decision day. Preservation presented its argument against a teardown. The tense vibe in council chambers that day was more typical of meetings concerning the termination of the streetcar, but with much more hammering of witnesses. That’s the other thing about it being a quasi-judicial hearing: Cross-examination is allowed, even of those just there to give their allotted two minutes of public comment.

At 3 p.m.—five hours after the meeting was called to order—the board broke to deliberate, reconvening just after 3:45. Judith Spraul-Schmidt, a longstanding historian on the board, moved to deny the application. She was seconded, and the vote was called. Kulkarni, hand over mouth, slouched back in his chair as the vote took place. It came down 3–2 to deny demolition (two members were absent), with Kulkarni and Tim Voss in the minority.

After the vote, a media scrum gathered to get Barrett’s response: “It was obviously a close decision. It was thoroughly debated. We’re of course very disappointed. The facts are the facts, they don’t change, and we’ve demonstrated that it’s not economically feasible to rehab and reoccupy this building.”

As he took questions, it quickly became clear that no one was going down easy here—the building or its owners. What’s

the next step? “We have a right to appeal, which we will to the Zoning Board of Appeals.” After that? “Further appeals go to the Court of Common Pleas.” From there they could go to the Ohio First District Court of Appeals, and even make a discretionary appeal to the Ohio Supreme Court.

Barrett’s tone sharpened when he was asked about the interested developers the preservation side included in its case: “There is no real interest by anybody in the building. If there had been, it would have happened over the past 25 years. That’s simply a nonstarter.” When asked what it would take for the Joseph family to put the building on the market to test that theory, Barrett stumbled momentarily, but quickly regained his footing: “There’s no need to put it on the market. It’s been acquired after being in a deteriorating condition for many years. Our client purchased the property to protect their investment... putting it on the market it would serve no purpose. Nobody is going to buy this building and fix it up. It’s not going to happen. That would be an exercise in futility.”

True, it’s just one building, one that a “Myth vs. Fact” handout distributed to the media by the Joseph family’s PR rep, Patrick Crowley, notes as an “eyesore” with “multiple impediments including: limited views; multitude of structural columns; absence of parking; and difficult floor plates.” So, at the end of the day, why the ruckus? Speaking generally about historic preservation, Sean Suder cites the whole being greater than the sum of its parts. Beth Johnson’s report puts forth a similar idea: “What makes a district significant are not its individual buildings, but the collection of the buildings as a whole.” There’s no forced praise of the building as a masterwork, but rather as an essential part of the block: “Each building in a historic district is as important as each other building within the district as they provide a cohesive collection.”

Muller concurs, saying, “that Main Street Historic District is shockingly intact. It has such continuity and integrity. It’s not always the most elaborate buildings that add to it. A very simple building in a district like that plays a very

important role. The Dennison plays even a bigger role, because it’s *big*. It looms over. It’s a really important anchor in the area because of its size.”

“It’s been proven over and over and over again that historic preservation pays,” says Sullebarger. “All you have to do is look around. It’s staggering.”

→ **MEANWHILE, ONE BLOCK EAST OF THE** Dennison, a new parking garage has opened, with apartments above coming soon. The streetcar has begun snaking its way through the city, right nearby. The demand—and rental rates—downtown shows no sign of waning. “It is not just OTR where preservation is driving economic development,” says Muller. “If you look at downtown, some of the largest investments being made in Cincinnati construction are historic buildings. A lot of national developers are coming to town and taking the biggest ones because they’ve run out in [other] cities.

“[The interest in demolishing the Dennison] represents the last iteration of an urban development approach that started in the ’50s—Urban Renewal—where people looked at ‘superblocks’ with no individual character, neighborhood association, or history,” he continues. “We lost a lot of our city and a lot of our character because of that. [Now we look at cities] another way, which talks about context—compatibility, character, place. So we really shouldn’t step backwards to this *Let’s tear it all down and hope that a Fortune 500 company comes along*. Because they’re not even doing that anymore; they’re getting cool places in [neighborhoods like] OTR.”

Crowley says the Joseph family sees it differently: “Their thought now is, the larger the footprint, the bigger the opportunity.”

On August 15, Columbia REI filed its appeal, which was set to be heard September 22. The preservation crew is looking forward too; Heritage Ohio is bringing its annual conference here this month. They praise the decision of the HCB, and are not letting up on this case. As for the Dennison, it stands, for now, shrouded in a large, black tarp, awaiting the arbiters of its fate. ☉

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