



## Legislation Details (With Text)

<b>File #:</b>	O-233-21	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Approved	
<b>File created:</b>	4/16/2021	<b>In control:</b>		City Council	
<b>On agenda:</b>	4/27/2021	<b>Final action:</b>		4/27/2021	
<b>Title:</b>	Accepting the City Plan Commission's recommendation for local landmark designation for the Building known as the Rathbun Realty Company Building located at 331-333 N. Superior Street, in accordance with Toledo Municipal Code Section 1111.1002; and declaring an emergency.				

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: Agenda Review April 20, 2021, 3. Audio: City Council April 27, 2021

Date	Ver.	Action By	Action	Result
4/27/2021	1	City Council	Dispense with the rules of Council requiring...	Pass
4/27/2021	1	City Council	declare emergency	Pass
4/27/2021	1	City Council	passage	Pass

**Zoning & Planning Committee**

**Accepting the City Plan Commission's recommendation for local landmark designation for the Building known as the Rathbun Realty Company Building located at 331-333 N. Superior Street, in accordance with Toledo Municipal Code Section 1111.1002; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

This request is for the review of the landmark designation for the Rathbun Realty Company building. The City of Toledo currently has three locally designated historic districts; Old West End, Vistula, and Westmoreland. The City of Toledo has four other structures that have been locally designated in the last five years which are the Fiberglass Tower, Levis Square located at 200 and 435 North St. Clair Street, Commerce Paper Building located at 15, 25, 31, and 39 S. Ontario Street, and 443-447 10<sup>th</sup> Street in Downtown Toledo. This would be the fourth locally designated building in the City of Toledo. The applicant is seeking the designation in order to obtain state historic tax credits. They are also seeking to place the Rathbun Realty Company building on the National Register of Historic Places for its architectural significance so it will qualify for federal tax credits as well. The building is considered historically significant since it was constructed in 1917 and is over 100 years old. The applicant proposes to use the building for commercial uses on the first floor and residential units on the second and third floors.

The process for landmark designation outlined in the Toledo Municipal Code, Chapter 1111.1000 Historic Districts and Landmarks (Designation or Expansion), Section 1111.1104 Report Contents states the following:

The reports of the Plan Commission and City Historic District Commission, containing their written recommendations to the City Council, must include information about how the proposed historic district or

landmark, or expansion, is of special historical and architectural significance. The reports must include the following:

- A. whether the district or landmark proposed to be designated is listed on the National Register of Historic Places;
- B. whether the district or landmark proposed to be designated provides significant examples of architectural styles of the past; and
- C. a description of the district or landmark to serve as an informational resource. The description must include, but need not be limited to, the following:
  - 1. a geographic description including location and its relationship to the entire City;
  - 2. a description of the general land uses;
  - 3. a general description of the building conditions;
  - 4. a general description of the socio-economic characteristics;
  - 5. a description of existing developmental plans or programs within or including the historic district or landmark; and
  - 6. a list of neighborhood organizations within or serving the historic district or landmark.

The required information for this landmark designation is delineated below.

- A. Whether the district or landmark proposed to be designated is listed on the National Register of Historic Places;

The applicant is currently applying for designation on the National Register of Historic Places. The process takes significantly more time than the local designation and they are estimating a response from the Department of the Interior within the next six to twelve months.

- B. Whether the district or landmark proposed to be designated provides significant examples of architectural styles of the past;

Built in 1917, the building at 331-333 N. Superior Street was designed by architecture firm Mills, Rhine, Bellman, and Nordhoff for the Rathbun Realty Company who developed the property as a business venture for the robust economy in Toledo, Ohio. The building faces southeasterly and is supported by steel framing with glass, granite, and limestone facade. A new façade was created in 1928 by the same architecture firm. Flanked by four to six story masonry structures, only the front façade and rear elevation are visible. The exterior appearance has remained unchanged since 1928.

The front façade reveals an architecturally design with straight lines reflective of Art Deco styling on the first floor. The first floor is the product of the 1928 façade renovation and is faced in light gray Indiana limestone and features a wide, double-door entrance that is recessed and centered on the front of the building. Recessed black granite surrounds the main entrance with flanking black granite panels on both sides of the front door. There is evidence of a previous fire in the recessed entry and can be seen in the ceiling to include

the former transom window that is located above the main entrance. Once inside the first floor, a portion of the 1928 ribbed plaster ceiling was not damaged by the fire and remains intact.

Flanking the entryway is a wide, three part or tripartite showcase windows topped by a vertically-divided transom. The black granite surrounds each window group to include black granite is located on the lower portion of the base, extending to grade level and connecting the granite entry at grade level. Centered above each window is a large, flush-set marble roundel featuring several swirled patterns of blue-grey hues that are exhibited on a low bas relief carving of the Hart, Schaffner, & Marx clothing company's famous Trumpeter emblem.

The second and third stories are unchanged in form from the original construction dating back to 1916-1917. These floors are framed in limestone with large expanses of glass in a divided lite showcase, topped with lighted vertical transom lites above. Each story is divided into seven (7) individual large window units with a two-inch vertical metal support between each unit. The transom lites are divided vertically and are set in groups of four above each window unit. An extended paneled stone band separates the first and second floors while a larger paneled stone band separates the second and third story. A stone sill runs at the base of the third story windows while an identical paneled stone band separates the third story from the cornice.

At the angle of the building is a slightly protruding square of limestone blocks that rise at either side of the building and pierce the cornice with a culminating carved stone and scrolled coping that rises just above the roof-line. Above the third story is a projecting limestone cornice in the overhang. Atop the cornice is a recessed, inwardly sloping roof that is covered with red clay tiles shaped as an "S" that overlay onto the next tile. These tiles are capped by a horizontal ceramic coping. This tiled roof rises slightly above the main roof which is flat and slopes westerly toward the rear of the building. The main roof features a former elevator housing unit at the rear of the structure at the southwest corner of the roof.

The rear elevation is common brick pierced with three sets of paired windows with smaller lites above each pair on the two upper stories. The first floor rear elevation has three sets of smaller paired windows in its upper portion with a raised overhead delivery door and a single entry door at grade level. All windows have concrete slip sills.

The interior offers three large open spaces which could be the result of the past fire damage. The walls and ceilings are plastered and the floors are covered with a cementitious overlayment that is displaying moisture damage. The first and second levels are fully open from front to rear while the third floor has a row of vertical wood supports running down the center of the building. A series of boxed, plastered ceiling steel beams run the width of the first and second floors and approximately ten (10) feet on center. Between these beams and the wooden joists, this is how the upper floors and roof are supported. The elevator shaft and stairwell enclosures are located at the rear of the building in the southwest corner of each floor.

The Rathbun Realty owned and leased the structure from 1916 to 1974. The building opened in 1917 as the Isenberg Brothers Jewelers and Tailors under the proprietorship of Moses Isenberg. The firm occupied the building until 1928 when another firm of Hoffmann-Thomas, an exclusive men's clothing store, opened at this address. William Hoffman and Bernard Thomas was the dealer for the select and high quality Hart, Schaffner, & Marx clothing line that was founded in Chicago in 1887. Hart, Schaffner & Marx rapidly moved to establish a national market including this store in Toledo. The façade renovation from 1928 was due to the need to display the clothing and the relief carvings of on the Hart, Schaffner, & Marx logo on the exterior remain there today. The Hoffmann-Thomas firm operated at this location for nearly 30 years and closed in 1958 following the death of William Hoffmann. The Hoffmann-Thomas firm was succeeded by H.O. Nicholas Clothing Company, another well known clothing company in Toledo, for approximately another ten years.

C. a description of the district or landmark to serve as an informational resource. The description must include, but need not be limited to, the following:

1. a geographic description including location and its relationship to the entire City;

The subject property is a .106-acre site that is located in downtown Toledo, and is bounded by North Superior Street and Adams Street. The commercial building sits between two and shares a common wall with the building on the north and south side. The structure is located in the Downtown Overlay District, and is located within walking distance to other historical buildings such as the Valentine Theater.

2. a description of the general land uses;

The subject property is zoned Downtown Commercial (CD) and after the structure was no longer a retail clothing store, the structure operated as a commercial use and as a bookstore until 2009. Surrounding land uses include the Valentine Theater to the north, to the west are LaSalle Apartments and commercial buildings, and to the south and east are commercial storefronts and a parking garage.

3. a general description of the building conditions;

The history of the structure states it was used as either a jeweler or clothing retail store from 1916 to 1970's with additional retail uses until Leo's Bookstore opened in 1999 and closed in 2009. The details provided for the interior is that the building is structurally sound.

4. a general description of the socio-economic characteristics;

The future use of this structure is for commercial uses on the first floor with residential uses above where downtown Toledo has a high demand for housing at this time. Within a three block radius of the subject site, multiple commercial high rise buildings have been converted into residential uses. The LaSalle building was renovated into market rate apartments and additional buildings in the Downtown Overlay District have been converted to condos where the demand for housing is still on the rise.

Since ProMedica moved to the downtown waterfront, the downtown area will have an influx of new professionals looking to reside closer to their place of employment that provides amenities and entertainment. The renovation of Hensville in the Warehouse District, the construction of the Mud Hens Stadium and the Huntington Center to include multiple restaurants and bars that have been renovated in the last decade are increasing the draw to live in the downtown proper. The challenge will be to provide a full scale grocery store for those living in the core of the downtown area.

5. a description of existing developmental plans or programs within or including the historic district or landmark; and

The Toledo 20/20 Comprehensive Plan targets this site for Downtown Commercial uses. The Downtown Commercial land use category is intended to accommodate a broad range of uses to reflect the downtown's role as a commercial, government, cultural and entertainment center. Land uses are intended to be intense with high building coverage, large buildings, and buildings placed close together. The Downtown Overlay District Plan, adopted in 2017, also targets this site for downtown commercial uses. Additionally, the plan goes on to stress the need to develop more residential units to create a mass of housing and a concentration

of people to justify the development of convenience shopping.

6. a list of neighborhood organizations within or serving the historic district or landmark.

The Toledo City Historic Districts Commission is charged with the responsibility of being the historical conscience of the City and exists to help preserve and protect Toledo's historic resources. Toledo City Historic Districts Commission will have the authority to oversee any exterior changes to the Rathbun Realty Company building if it is designated as a local landmark. These powers are addressed in the Toledo Municipal Code, Chapter 1112 Review and Decision-Making Bodies, Section 1112.0102 City Historic District Commission, letter D states the following:

In addition to the duties of each Historic District Commission pursuant to Sec. 1112.0102, the City Historic District Commission shall:

1. designate landmark properties;
2. for designated landmark properties, develop appropriate standards and guidelines reflecting the landmark's historic and architectural significance;
3. hear, review, grant, deny and recommend modifications to proposals for Certificates of Appropriateness involving environmental changes to landmarked properties. Applications for Certificates of Appropriateness must be judged using adopted historic landmark standards and guidelines;
4. conduct a continuing survey of cultural resources in the City with the support of the Historic/Environmental Section, Department of Economic and Community Development;
5. advise the Mayor, the Department of Economic and Community Development and other local officials and make recommendations as to the protection of the City's cultural resources;
6. act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation;
7. review all proposed National Register nominations for properties within the City in a manner consistent with federal and state regulations, seeking expertise from disciplines not represented on the Commission as needed; and
8. notify the respective active neighborhood organization of any demolitions requiring City Historic District Commission review, which is in the respective Historic District. Notification must be given to the respective active neighborhood organization at least ten calendar days before the City Historic District Commission hearing.

The Toledo City Historic District Commission reviewed and voted to support the Landmark Designation for this site at their February 22, 2021 meeting. The property will then be under their review for any exterior modifications once the Plan Commission and City Council approve the request.

Staff supports designating the Rathbun Realty Company building as a local landmark because of its architectural significance, and the conversion to a residential use will allow the structure to remain a contributing building in the community. The significance of the building will be preserved and this designation

enhances the ability of the Toledo community to preserve a part of the City's history. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That "Landmark Designation" for the Building located at 331-333 N. Superior Street, in Toledo is hereby approved.

SECTION 2. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after passage. The reason for the emergency lies in the fact that same has had Public hearings and approval from the Historic District Commission, the Toledo Plan Commission and the City Council Zoning and Planning Committee and is necessary for the immediate preservation and property.

Vote on emergency clause: yeas 12, nays 0.

Passed: April 27, 2021 as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

April 28, 2021  
Wade Kapszukiewicz  
Mayor