

My name is Kevin Dohn. I'm here to represent around 700 supporters of our petitions.

I'd like to start by clarifying that we are mostly just fighting to save 749 E Jefferson. Primarily because it's clear that the Clay St property is going to drop in order to fix the problems stemming from Rabbit Hole's trucking noise. It may not be fair or right, but Rabbit Hole's neighbors need relief from all their noise. I hope we'll be more cautious in the future before allowing growing industrial operations to take root in historic areas.

I. A response to Rabbit Hole's request to dismiss our petition

Regarding 749 East Jefferson, I know this commission is faced with juggling many facts and pressures with the decision before you today. But I hope, as you consider all of them, you'll keep in mind the most important thing: What is the intent of this law? What is the intent of this petition process?

It is to save historic treasures from demolition if sufficient public support exists.

This petition process exists as a way to objectively identify and measure such support.

And in fact we have found support well beyond the 200 required of this process. Our online and inked petitions have around 700 documented supporters. Of those, around 350 were inked signatures, and of those around 150 were from District 4.

But the law that guides this petition process is not without its flaws and ambiguities.

Rabbit Hole's lawyers have claimed that there are minute flaws in this petition. They are trying to find loopholes to have this petition entirely dismissed, and their demolition course unchanged, as if there were **no** public support of Landmarking at all. This is them saying they are not open to compromise with those this demolition affects. It's evident that they want nothing to do with saving this building, and they've been taking full advantage of the impression that everyone seems to cave under their pressure. Representing 700 supporters, I'm asking this commission to ensure this stops here.

So please, when you encounter an ambiguity in the law, please be sure to decide in favor with the intent of the law, not in favor of political or developer pressure. It's the only fair and reasonable way to address an ambiguity. And it's the only way these laws have merit.

That said, I'll happily address each of Rabbit Hole points:

I. Rabbit Hole Claims that "The Petition Is Not Supported By Enough Verified And Valid Signatures."

This is simply not true.

First, we needed 200 inked signatures with 101 being from District 4; and I recall that we had submitted around 350 signatures, with about 150 being from District 4. But here's the key: Landmarks explained to me that their office stops verifying signatures once they reach the required number. This means two things:

1. there are very likely more verifiable signatures on that petition.
2. it is Landmarks understanding that they, not Rabbit Hole, verifies signatures, otherwise they would not and should not have stopped verifying signatures at 101.

So it would be absurd to side with Rabbit Hole's claims without verifying the rest of those signatures.

Second, Rabbit hole claims that Jessi and Creighton live in Brooklyn. They do! They also live across the street from Rabbit Hole in the Church they own under the LLC they also own. They hold KY drivers licenses showing their Clay St address, they're registered to vote in KY - not NY - there is no requirement for primary residency in this law. Jessi and Creighton have submitted evidence going more in depth to all of this.

Jessi and Creighton reside dually in Brooklyn and Louisville. Their graphic design work allows them to do this; they're back and forth to be close to Creighton's family here in Louisville and swing hammers as they continue to renovate much of the Holy Goat themselves. It would be absurd to strike their signatures off this petition, as that would ignore the intent of the residency and proximity requirements: to prioritize the signatures of those most affected!

Same with Joyce. She owns the LLC that owns the building behind Rabbit Hole, where she maintains her art studio and at least one bedroom that she and her husband use when they prefer to reside in NULU.

Same with me. I reside at 181 William St but I own the LLC that owns 1600 Story Ave two blocks away in District 4, where my wife and I maintain a design office and a bedroom. This is where you'll find us residing when we want to get away from the chores and laundry associated with our home shared with children two blocks away.

I can't say it enough, please remember the intent of the law:

It is to save historic treasures from demolition if sufficient public support exists.

And the residency and proximity requirements are clearly there to ensure that signatures of those most affected are present and prioritized.

Yet Rabbit hole is trying to toss out perhaps the four most affected petitioners: Jessi, Creighton, Joyce, and myself!

II. Rabbit Hole claims "The Individual Landmark Petition Is Void Because It Seeks To Designate Two Different Structures Located On Two Separate, Unrelated Properties."

This really feels like a stretch but I'll address it.

If our petition seems to designate two different properties it's only because Rabbit Hole's "Intent to Demo" notice mentioned both properties in the same notice, so we submitted our response in kind. Upon submitting, Landmarks clarified verbally to us that the two properties would be handled separately through this process, and we were totally fine with that. It quickly became clear that 749 was the property to fight for anyways.

I hope it's obvious to you why this is not a valid reason to dismiss this petition.

III. Rabbit Hole claims that "The Petition fails to offer any research whatsoever showing that the two structures at issue are architecturally, historically, or culturally significant and possess integrity."

This is simply not true. Rabbit Hole missed our main point: What makes 749 E Jefferson a unique specimen of Italianate architecture in Louisville is its eight arched solid limestone window hoods, which also happen to be perfectly preserved. A quick drive around downtown will confirm this: within the petition we've even supplied a map showing where we drove among Louisville's densest Italianate commercial architecture to confirm this. On the streets highlighted - and likely beyond - you will find no other building like 749 E Jefferson, meaning yes, it is in fact - relative to our city - indeed unique.

That should address all of Rabbit Hole's points. Given the above, this petition still very much holds validity and we ask the Commission to consider our response, again, remembering the intent of the law in the face of any additional ambiguity:

The intent of this petition process is to save historic treasures from demolition if sufficient public support exists.

II. A response to Savannah's Draft Report

I'd like to start by applauding Savannah for building this body of research - it was beautiful to read. There was only so much history I could learn within the limited time I was given to both research and petition and maintain more than a full time job. In Savannah's report there was a history of occupancy for 749 E Jefferson. Here, I recognized many last names of past occupants - they are the last names of friends, local architects, and to my surprise even my own family. It was fascinating to hear their professions and imagine the role this building played within Louisville's wave of German immigration that brought many of our families here - mine and many of yours.

But I was disappointed to see the conclusion: it read as though this building is not worth saving simply because its decorative wood facade cornice is missing.

First, I assure you that anyone - including myself - who has renovated an Italianate design knows that those wood cornices regularly rot out: they're heavily exposed to weather and support box gutters that eventually leak, giving them a limited lifetime. For this reason, few similar cornices around the city are likely original. Mine at 1600 Story included. Yet all are relatively easy to replace - they're just wood applied to the face of the building!

Second, those cornices are only ONE defining element of the Italianate style. They are not THE defining element, *nor* are they the *most* defining element, mostly because decorative cornices are not exclusive to the Italianate Style: Federal Style cornices also include dentil molding, and Second Empire Style cornices are often confused with Italianate, as they also have brackets and dentils.

The most significant and unique treasure that 749 E Jefferson still holds - even if it had its wood cornice - is the eight decorative solid limestone arched window hoods:

The National Trust for Historic Preservation notes - in the link below - that “many Italianate windows will be rounded, rather than flat at the top”. Therefore, this is clearly a defining feature of Italianate design as well. But the fact that so few of Louisville’s Italianate storefronts have rounded windows stresses the importance of not losing any of the relative few defining examples it possesses.

<https://savingplaces.org/stories/what-is-italianate-architecture>

Consider also that:

- those arched masonry window hoods are much more expensive to replace if broken or missing, compared with a wood cornice.
- Those arched window hoods are spectacularly preserved.
- We have historic photos documenting the design of the original cornice, a blessing that greatly facilitates a cornice renovation!

I hope you can see why it would be absurd to demolish the rest of these more valuable details simply because this easily-restorable cornice is missing!

For all of these reasons, I urge you to decide in favor of Landmarking 749 E Jefferson. **Because it IS a historic treasure that has public support sufficient to Landmark.**

And this Landmarks Petition process exists for this very reason: ***to save historic treasures from demolition if sufficient public support exists.***

I want to also point out that this fight is about much more than this one building. your decision today will set a precedent for the rest of NULU and Louisville. Southern Tire just fetched \$5M. With NULU prices skyrocketing due to big developer interest, the majority of NULU’s historic properties are already at a similar risk of demolition due to there being so few Landmarks. And if - despite all of the public support and petition efforts - this committee decides to allow

demo of 749, then our Landmarks process and this very committee is not serving the purpose for which it was formed.

Developers will site this as a precedent to take more of our history away, and our historic structures will just fall faster. It won't happen tomorrow, it may not happen in 20 years, but it will happen just as it has in the central business district.

This doesn't need to happen. Let's landmark 749 E Jefferson then turn this conversation to a much more constructive one for everybody. There are solutions that can maintain the development this city desires without the loss of history:

III. Long term solutions

To void more instances this Rabbit Hole's, we hope to work with Legislators for at least two simple fixes:

1) We need to require "Intent to Demo" notices to be posted and publicized the same week that that "Intent to Demo" is communicated to the city.

It's clear that this demolition process has been awkward and more than inconvenient for all parties: Louisville's residents, Rabbit Hole, and city officials alike. This simple change would fix this; I'll explain:

We've been criticized for not petitioning sooner but we responded as soon as intent to demo was posted and publicized. So the better question is: why didn't Rabbit Hole post intent to demo notices sooner??? Why did they wait a year or two? Presumably because that was the timing the demolition laws gave them, just as this was the timing that it gave the petitioners.

If intent to demo were posted sooner, we would have petitioned sooner in kind. This would have been to everyone's benefit.

Again, We need to change the law to require "intent to demo" notices be posted and publicized the same week intent to demo is communicated to the city.

2) We need a way of incentivizing a partial protection - protection from destruction of masonry perhaps, with no other requirements.

Currently, our city's restoration requirements for Landmarked structures turns people off from landmarking their own structures. It's too imposing, and even if they want their properties protected, they opt not to. This is largely why we're all here today, trying to Landmark 749 retroactively.

We need to incentivize not waiting so late. It hurts everyone. Let's create an option for partial landmarking that simply preserves masonry from demolition. Everything else can be easily restored. But once the masonry is gone, it never seems to come back.

Let me show you what this progressive kind of preservation-respecting development could look like...



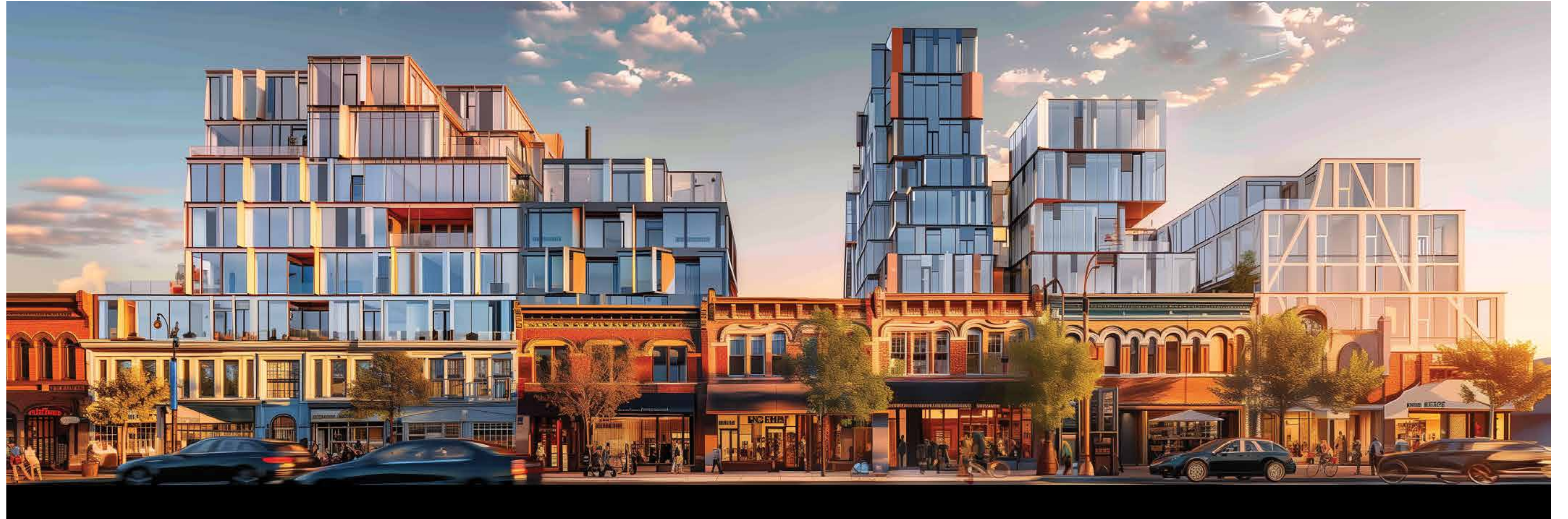
749 E Jefferson. 1960's or 70's



749 E Jefferson. 1951





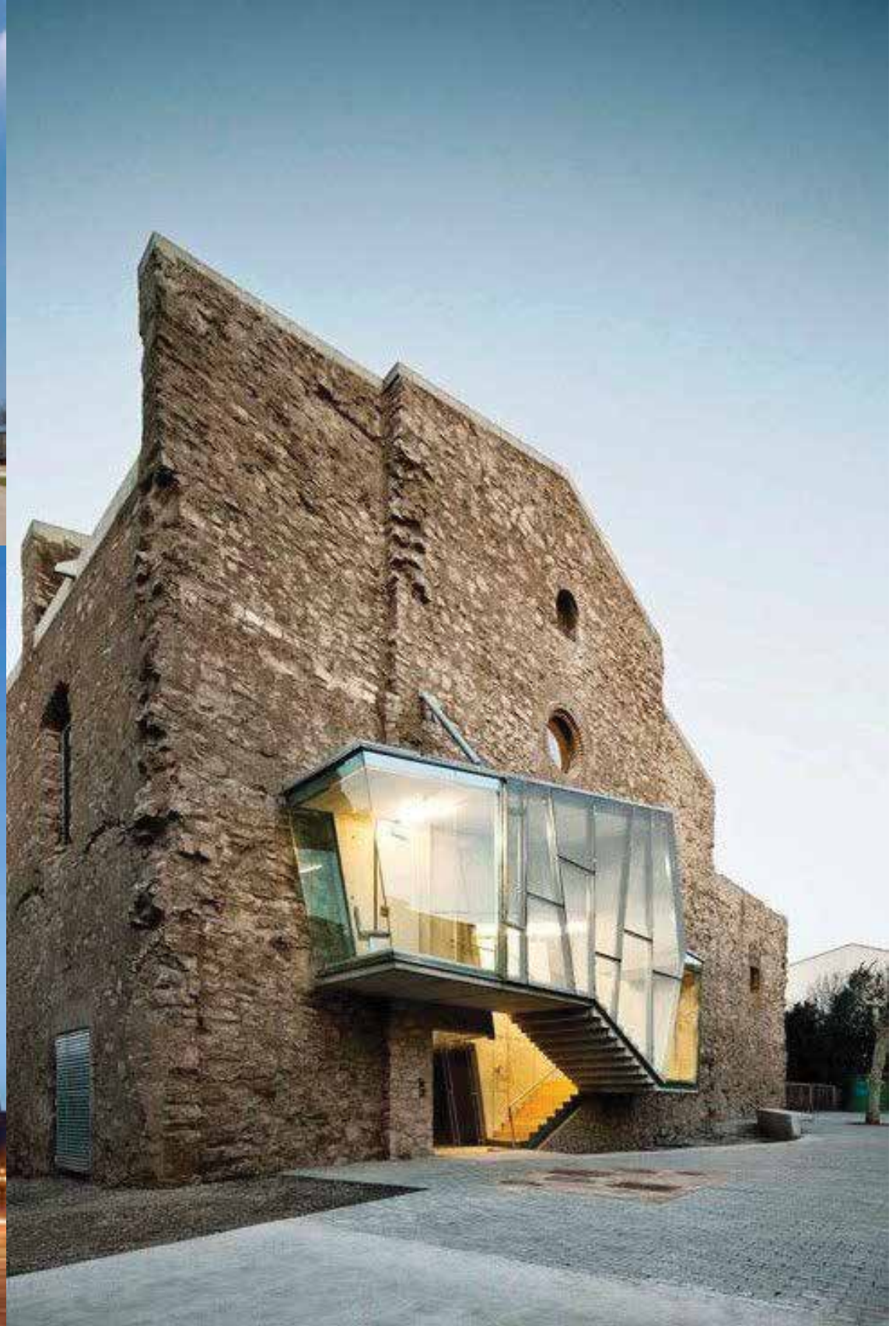








NOBULL





BOLD
MODERN
ITS FORM RELATES
TO ITS FUNCTION



IF RABBIT HOLE WERE A CAR



BOLD
MODERN
ITS FORM RELATES
TO ITS FUNCTION







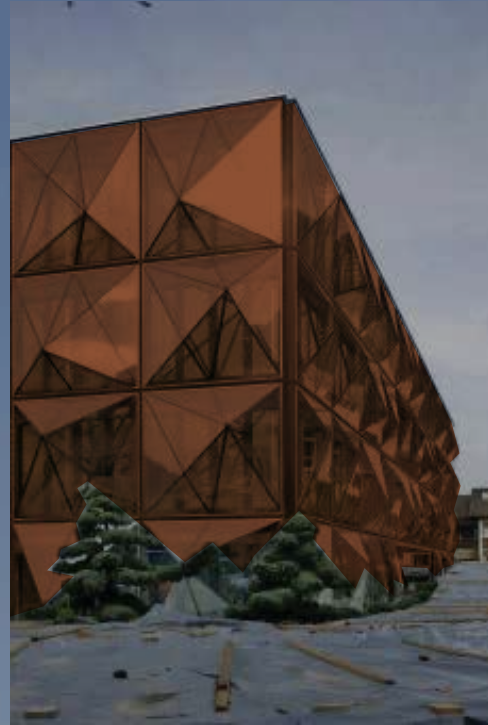


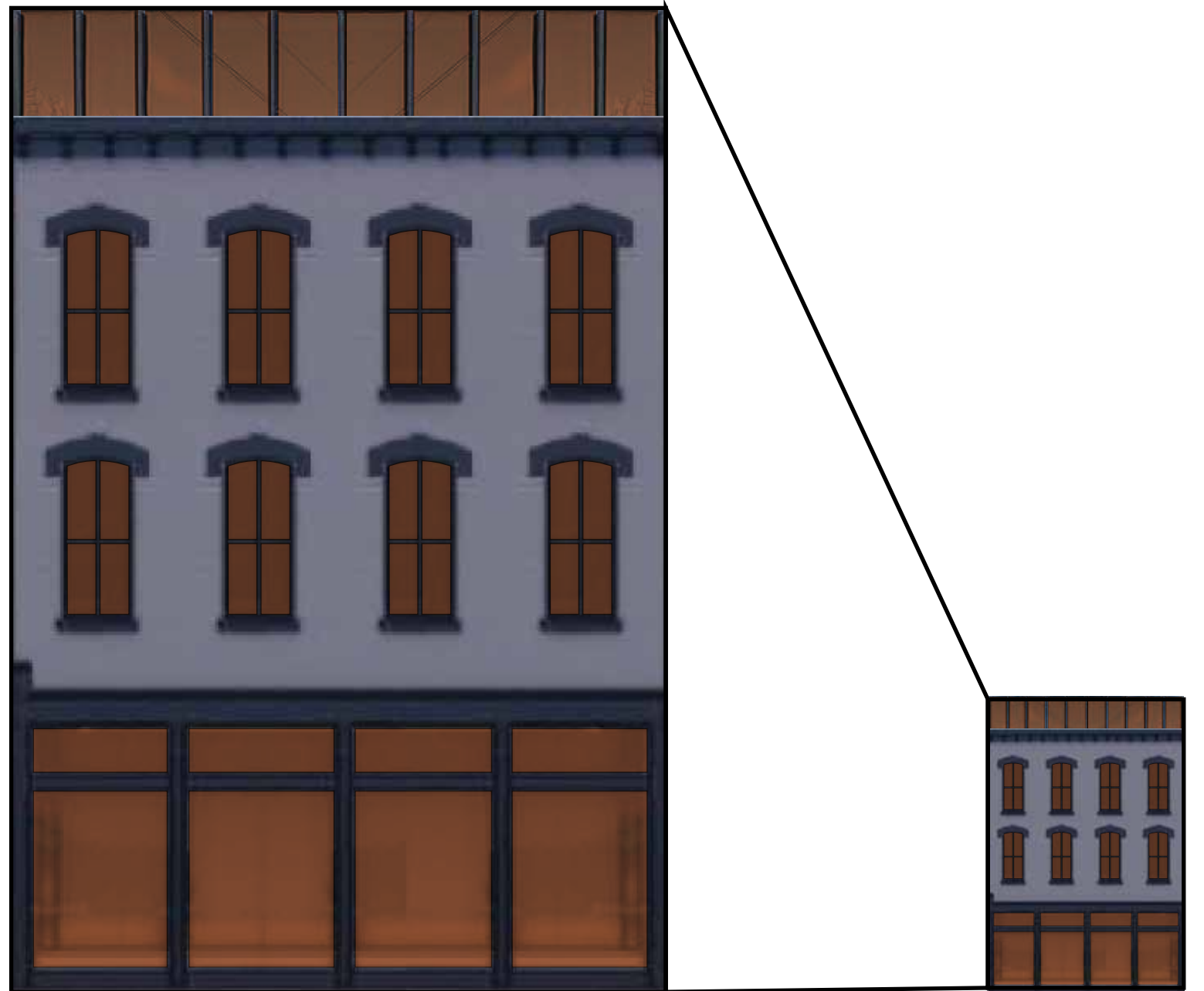








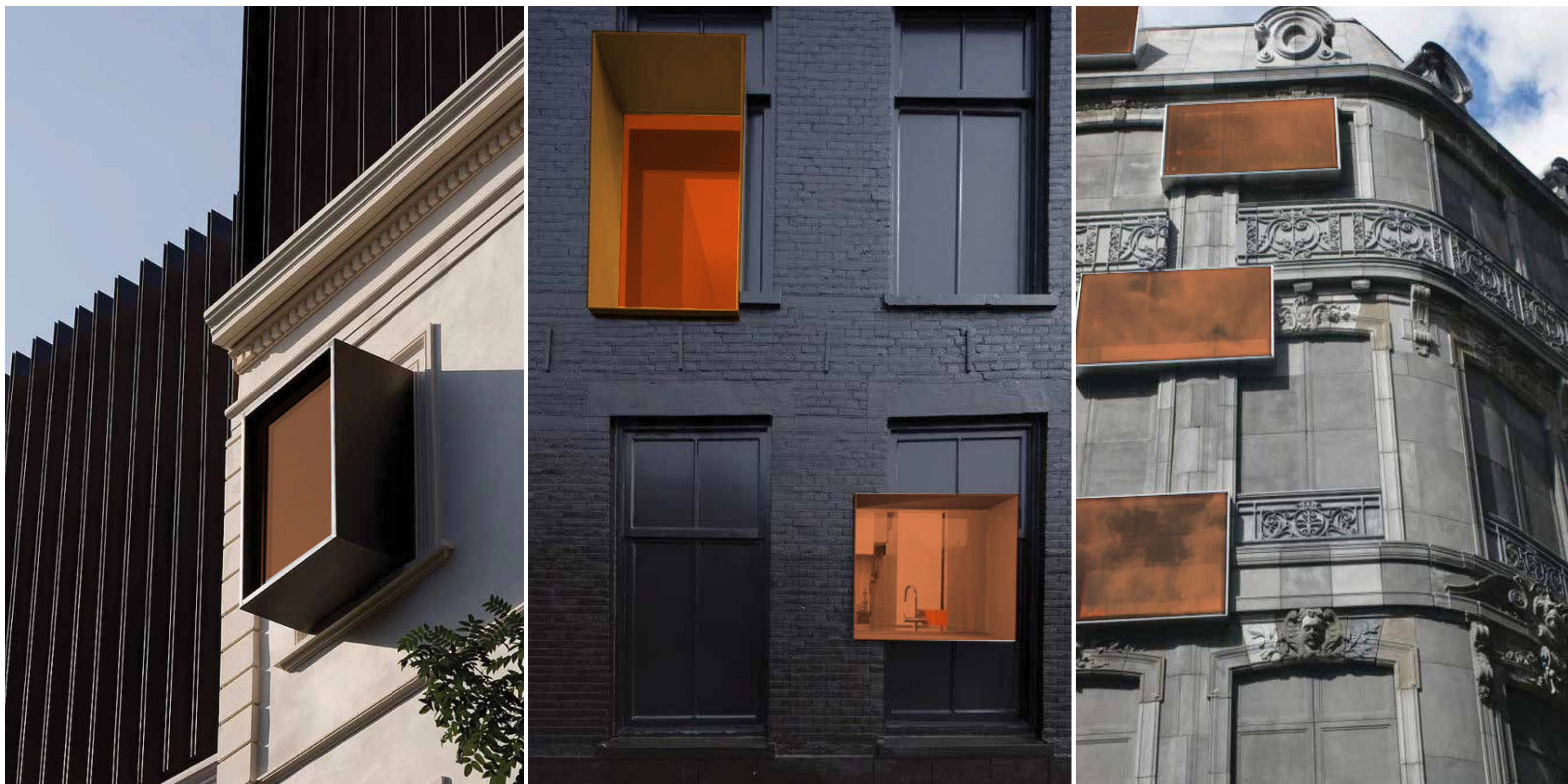




749 E Jefferson



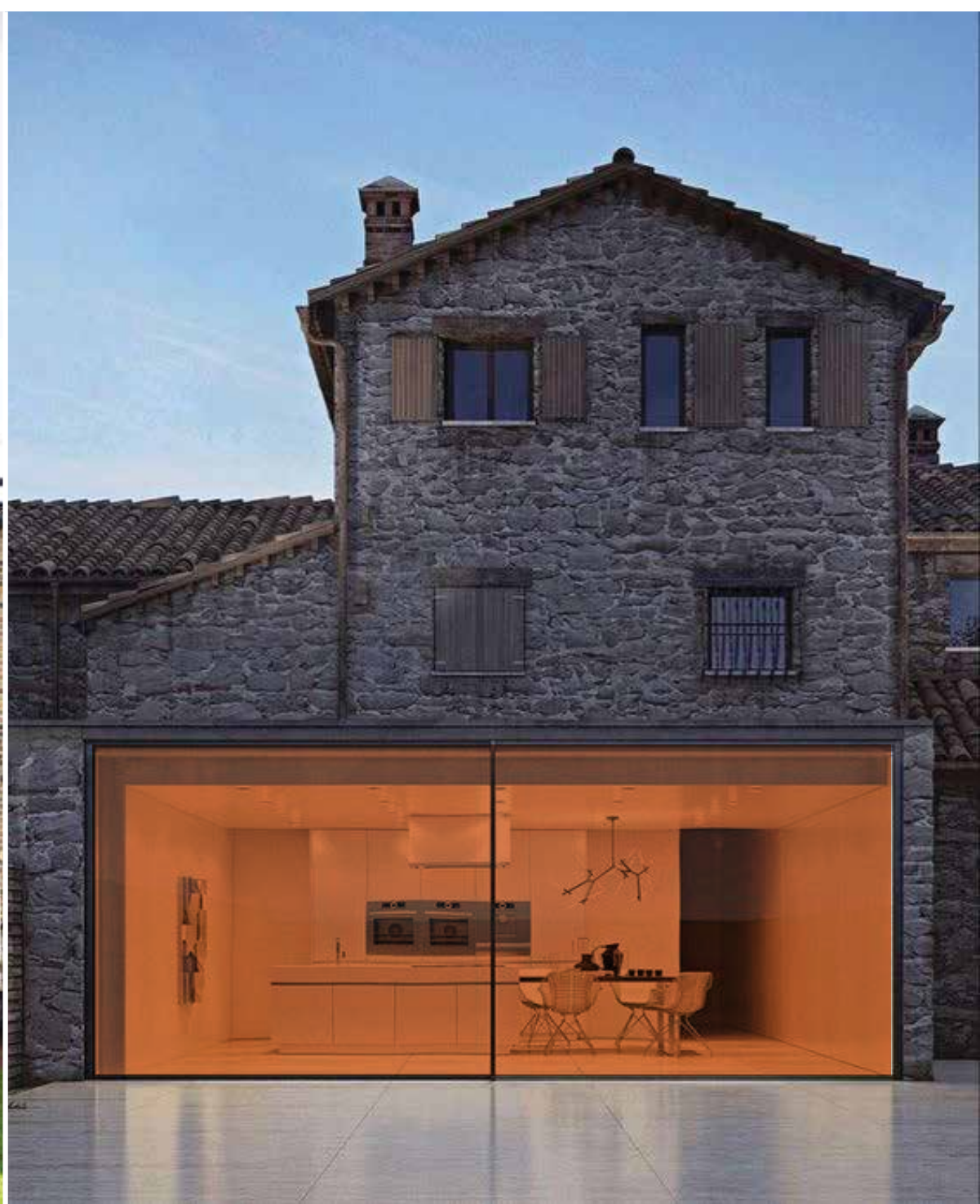
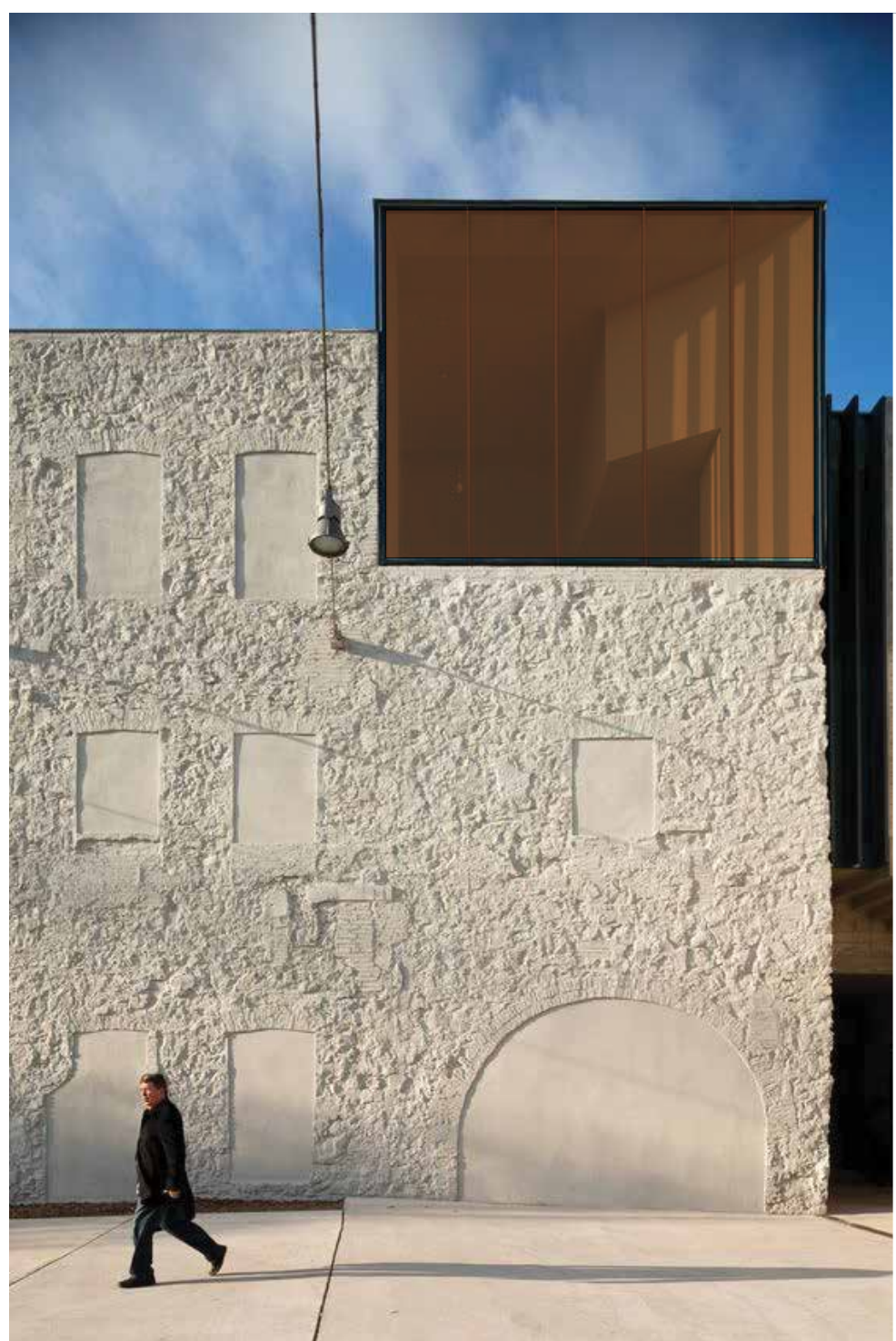






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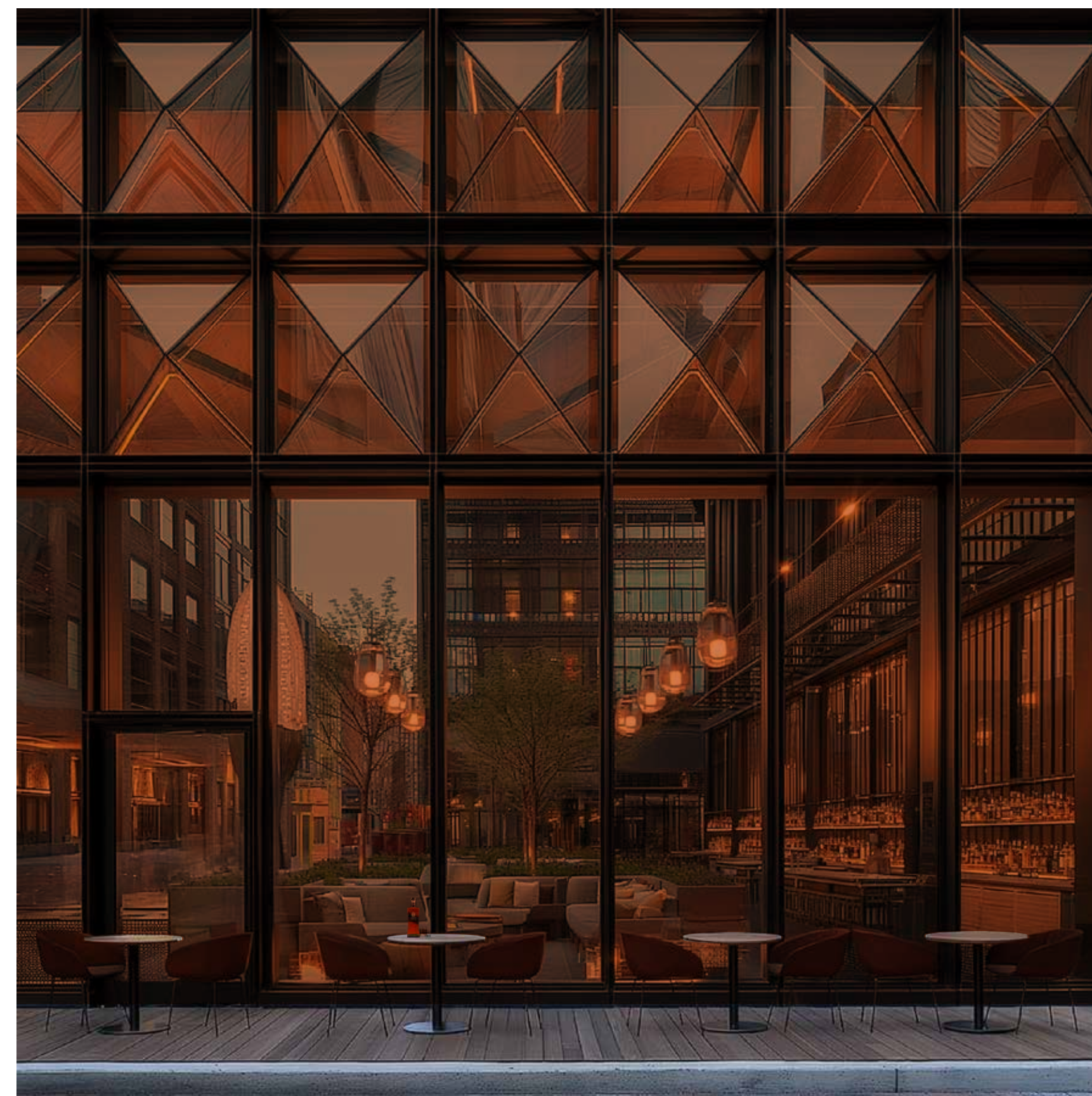
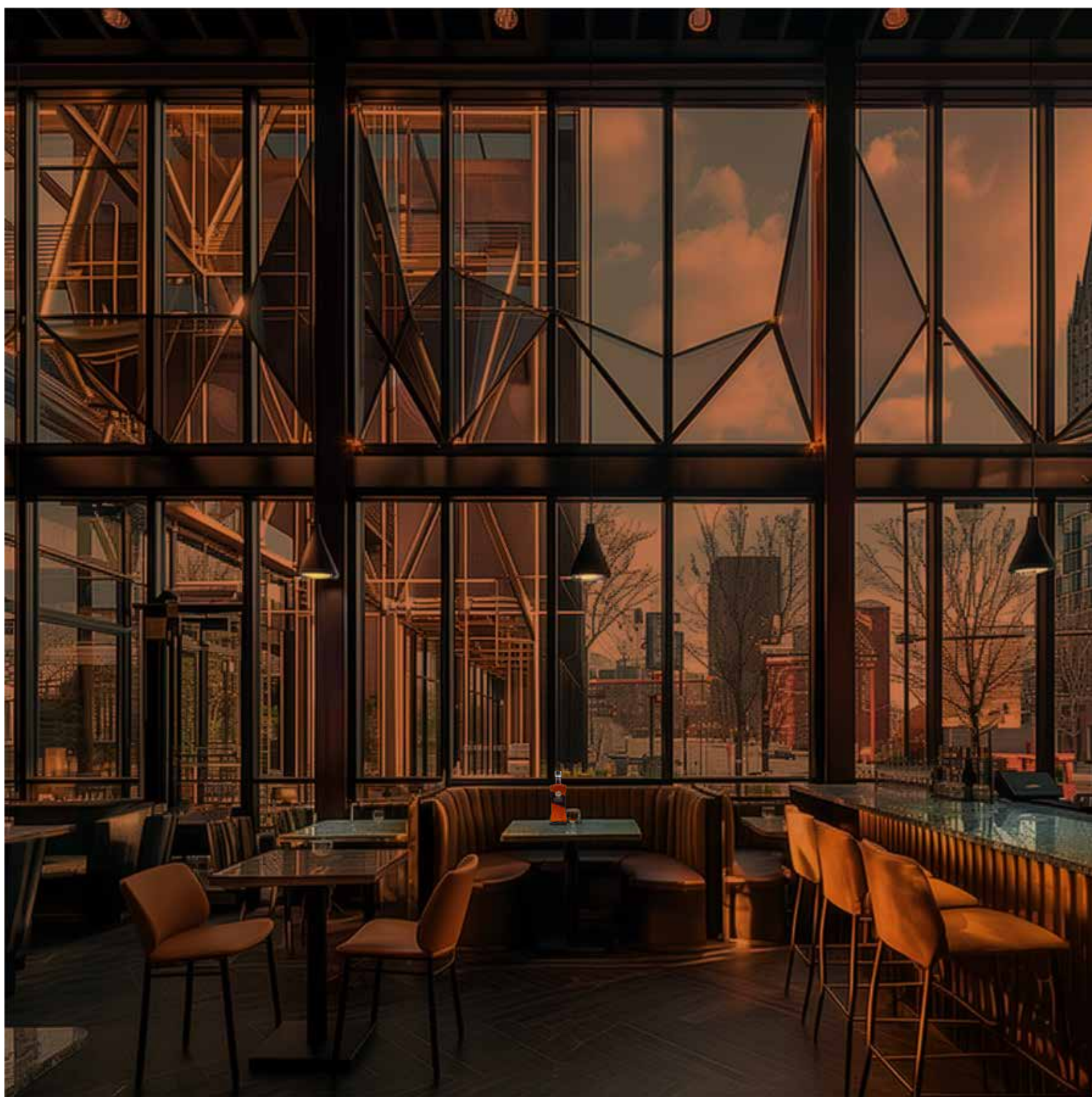


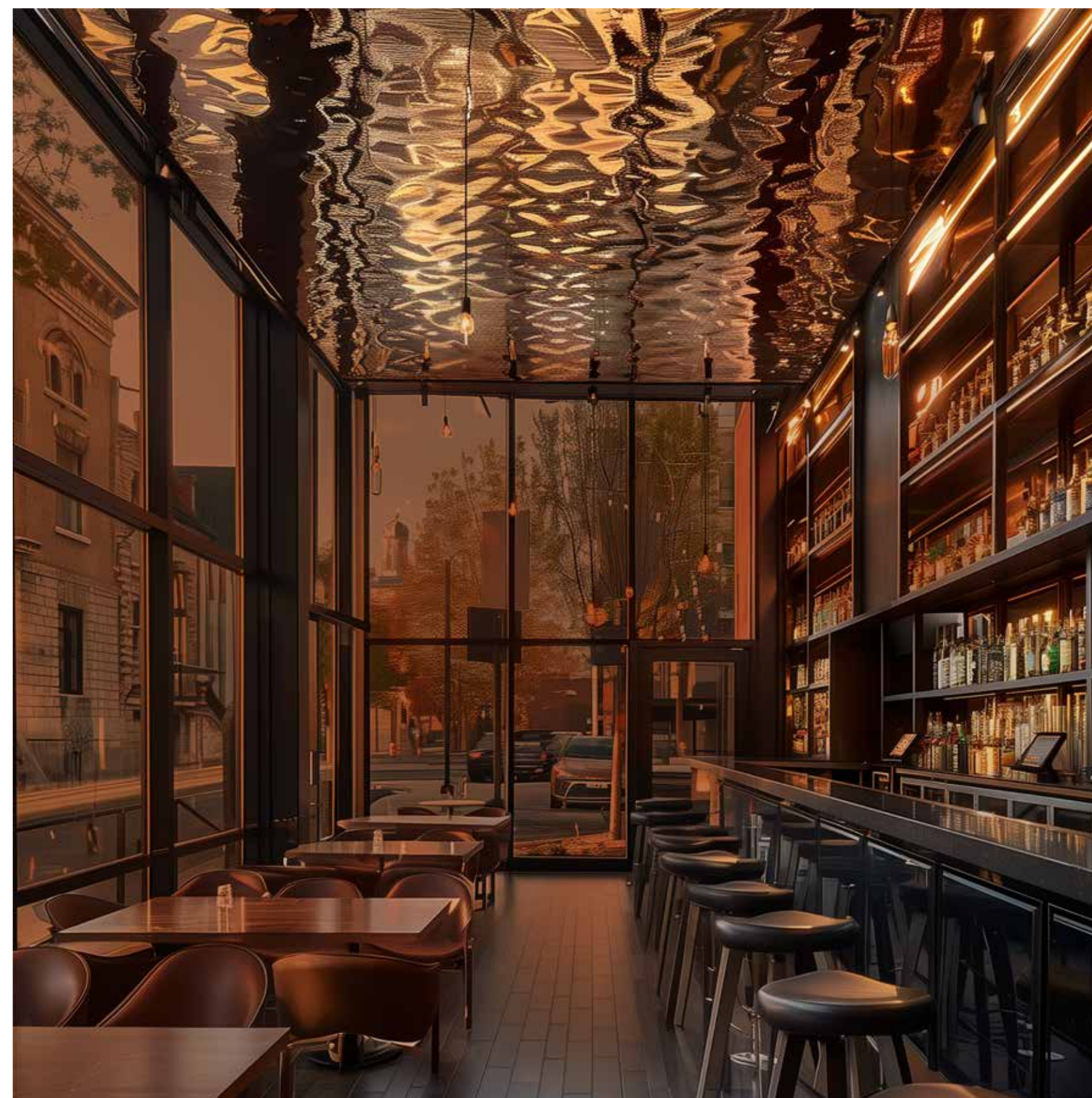
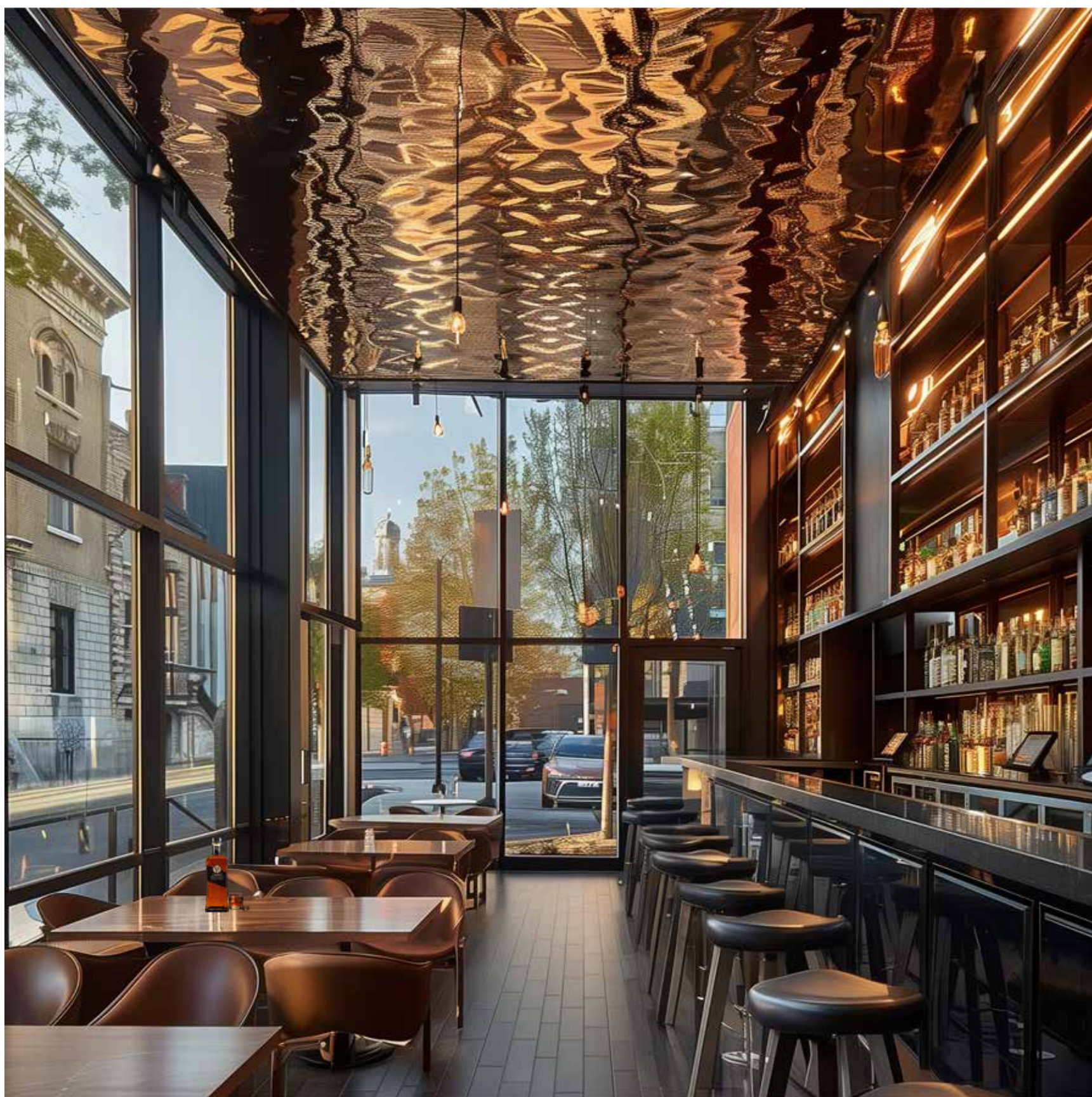












From: [Creighton Mershon](#)
To: [Darr, Savannah](#)
Cc: [Jessi Arrington](#)
Subject: RE: RH Letter of Objection to Petition Seeking Individual Landmark Designation
Date: Friday, September 13, 2024 11:44:54 AM
Attachments: [Screenshot 2024-09-13 at 11.10.52AM.png](#)
[Screenshot 2024-09-13 at 10.36.28AM.png](#)

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

Good morning, Savannah, I hope you are well!

We have been informed that Rabbit Hole is trying to claim that Jessi Arrington and I are not Metro Louisville residence and do not own the properties where we reside.

It is true that we move between Brooklyn and Louisville due to the nature of our work but the claims by Rabbit Hole are misleading and clearly cherry-picked, cropping out evidence that confirms our current life in Louisville (only showing the parts of our online/social profiles that say Brooklyn and leaving out the parts that confirm we also live and work in Louisville). **Jessi was just on the [local news](#), not in Brooklyn, but Louisville!**

That NY Post article is from 2017, before the Holy Goat construction was completed. We were solely residing at the Holy Goat starting in September of 2018 and we went back to dual residence in September of 2021.

We just spent the last 11 weeks residing at 220 S Clay. We are currently in Brooklyn because we are working on a design project at the Barclays Center. We will be back in residence at 220 S Clay September 27. We are the owners of 218, 220, and 222 S Clay Street. We pay our taxes in Kentucky, are registered to vote in Kentucky, and our car is registered in Kentucky.

We own both buildings in Louisville under Holy Goat LLC. To say we don't own the properties, and/or commercial owners can't reside in their mixed-use properties, is preposterous and shows that any evidence they present should be fact-checked and not taken at face value. We can of course provide the evidence (see attached) but it's almost comical that they think Googling "Holy Goat LLC owners" won't bring up our names.

This is bullying, disturbing, further proves they have no intention of being good neighbors, and why we are pushing back on their plans. We love being owners, residents, and caretakers in Nulu, and hope it's clear to the city that we have legitimate claims and rights to ask Rabbit Hole to take more consideration on what will most certainly be significant life- and historic-altering changes to our neighborhood.

I have attached our driver's licenses for residential proof, and other supporting documentation countering their shoddy evidence.

Many thanks for your time and work on this project,
Creighton Mershon

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Creighton Mershon
[The Holy Goat](#)

220 S. Clay Street
Louisville, KY 40202
917-704-6218

	
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Screenshot 2024-09-13 at 11.10.52 AM.png



Screenshot 2024-09-13 at 10.36.28 AM.png

