

**HISTORIC LANDMARK COMMISSION
JUNE 24, 2019
1711 E. OLTORF STREET
(FORMERLY) PRINCE OF PEACE LUTHERAN CHURCH
PROPERTY OWNERS' MATERIALS**

PROPERTY OWNERS' POSITION ON LANDMARK DESIGNATION

R. Moore Family Partners, LP and Callan Investments, the owners of the property located at 1711 E. Oltorf Street, Austin, Texas 78741 (the "Property") OPPOSE the designation of the Property as a historic landmark under the provisions of Section 25-2-352 of the Land Development Code of the City of Austin for the following reasons:

THE PROPERTY DOES NOT MEET THE HISTORIC DESIGNATION CRITERIA OF SECTION 252-2-352.

- A. The Property does not represent a period of significance at least 50 years ago.**
- B. The Property, as a whole, does not retain a high degree of integrity.**
- C. The Property does not satisfy two of the criteria required by the third mandatory subcategory of Section 25-2-352.**
 - 1. The Property is not architecturally significant.**
 - 2. The Property is not historically significant.**
 - 3. The Property does not have significant community value.**
- D. The presence of the window panes created by Octavio Medellin does not make the building appropriately a historic landmark.**
- E. The overall construction of the building on the Property does not present an example of historically relevant design or construction.**

ACQUISITION OF THE PROPERTY

R. Moore Family Partners, LP and Callan Investments (the "Owners") became interested in the Property after review of an offering by Service Realty in the summer of 2018 (the

“Offering”). A copy of the Offering is attached hereto as **Exhibit A**. The Offering listed the property as a “Redevelopment Site for Sale.” The Owners are longtime residents of Austin and have developed, both individually and collectively, multiple commercial properties throughout the City of Austin and its metropolitan area. In particular, the principals of R. Moore Family Partners, LP and Callan Investments currently operate several different commercial enterprises within District 3, which encompasses the Property. The Owners viewed the Property as a natural candidate for use in their type of commercial development activity.

After initial research and negotiations, the Owners agreed to buy the Property from Prince of Peace Evangelical Lutheran Church (the “Church”) pursuant to a Purchase Contract dated August 22, 2018 (the “Contract”). From the beginning of negotiations, the Church made it clear that the Etched glass windows and altar panels would be removed by the Church after closing and would be preserved or disposed of according to the Church’s desires. A copy of Exhibit B to the Contract setting out the terms for removal of the etched glass and altar panels is attached hereto as **Exhibit B**.

The sale of the Property was closed on December 13, 2018 and the Owners immediately took possession of the Property and began making plans for development. During the pre-development stage, the Owners approached the City to discuss the disposition of several protected trees on the site and as a part of that discussion delivered a mock-up of a site plan for the Property that included an automated car wash and a coffee shop (Starbucks was used as an example). Shortly after these discussions, the Owners received written notification that the Property was being placed on the agenda of the Historic Landmark Commission to consider its designation as a historic landmark. At no time prior to that notice did the Owners file any site plan application or permit application for demolition or removal of the buildings on the Property.

**PROPERTY OWNERS’ POSITION ON THE SUITABILITY OF THE
PROPERTY FOR HISTORIC LANDMARK DESIGNATION**

**THE PROPERTY DOES NOT MEET THE HISTORIC DESIGNATION
CRITERIA OF SECTION 25-2-352.**

The historic designation criteria for the City of Austin are set out in the provisions of Section 25-2-352 of the Land Development Code. The criteria are set out in subsection (A) in three categories that must be satisfied and the third category includes two alternative subcategories, the second of which requires that the subject property satisfy at least two of the five characteristics listed in that subcategory.

A. The Property does not represent a period of significance at least 50 years ago.

The first of the mandatory characteristics that the subject property must satisfy is set out in Section 25-2-352:

- (1) the property is at least 50 years old and represents a period of significance of at least 50 years ago, unless the property is of exceptional importance as defined by National Register Bulletin 2, National Park Service (1996); (emphasis provided)

The Owners do not contest that at least a portion of the Property is 50 years old. The original construction on the church began in 1955 and the initial addition of the fellowship hall was constructed in 1961. The second addition to the church, however, was not constructed until 1985. Neither of the additions to the church were designed by the original architect and, while they are of similar construction to the education building that was part of the original construction, they do not display any of the characteristics cited by Staff as establishing the architectural significance of the building. In fact, the additions were constructed without adherence to the original site plan prepared by the original architect for planned expansion of the Church. A copy of the preliminary site plan prepared by the original architect is attached hereto as **Exhibit C**. The statement by Staff that the additions do not adversely impact the historic character of the property is misleading since the construction of the additions, and indeed the construction of the original educational rooms attached to the sanctuary, are of unremarkable design and construction.

Regardless of the status of the additions, there is an additional requirement that the Property must also represent a period of significance of at least 50 years ago. The suggestion that this building was associated with Austin's postwar growth is, at best, tenuous. This building was constructed almost 10 years after the end of World War II and, other than the statement from Staff, the Owners can find no suggestion in the historical record that the construction of the building signaled any significant change in the City of Austin or the neighborhood. Neither is the association of the church with the Swedish Lutheran church a significant event in the City of Austin or the State of Texas. As stated in the Staff's recommendation, the Swedish Lutheran church had been represented in Austin for more than 80 years at the time of the construction of the church on the Property.

B. The Property, as a whole, does not retain a high degree of integrity.

The second mandatory characteristic is set out in Section 25-2-352(A)(2):

- (2) the property retains a high degree of integrity, as defined by the National Register of Historic Places, that clearly conveys its historical significance and does not include an addition or alteration which has significantly compromised its integrity;

The building on the Property includes two additions. As explained above, even though the first addition is within the historic period, the design and construction methods for both additions are not of the standard that the Staff cites as giving this building its historic significance. The additions, in fact, represent more than half of the total square footage of the existing structure. Attached hereto as **Exhibit D** is a diagram showing the total square footage of the original construction and each of the additions.

C. The Property does not satisfy two of the criteria required by the third mandatory subcategory of Section 25-2-352.

The third mandatory category is set out in Section 25-2-352(A)(3):

- (3) the property:
 - (a) is individually listed in the National Register of Historic Places; or is designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or National Historic Landmark; or
 - (b) demonstrates significance in at least two of the following categories:
 - (i) Architecture. The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; displays high artistic value in representing ethnic or folk art, architecture, or construction; represents a rare example of an architectural style in the city; serves as an outstanding example of the work of an architect, builder, or artisan who significantly contributed to the development of the city, state, or

nation; possess cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or represents an architectural curiosity or one-of-a-kind building. A property located within a local historic district is ineligible to be nominated for landmark designation under the criterion for architecture, unless it possesses exceptional significance or is representative of a separate period of significance.

- (ii) Historical Associations. The property has long-standing significant associations with person, groups, institutions, businesses, or events of historic importance which contributed significantly to the history of the city, state, or nation; or represents a significant portrayal of the cultural practices or the way of life of a definable group of people in a historic time.
- (iii) Archeology. The property has, or is expected to yield, significant data concerning the human history or prehistory of the region;
- (iv) Community Value. The property has a unique location, physical characteristic, or significant feature that contribute to the character, image, or cultural identity of the city, a neighborhood, or a particular group.
- (v) Landscape Feature. The property is a significant natural or designed landscape or landscape feature with artistic, aesthetic, cultural, or historical value to the city.

The Property is not listed on any of the national or state preservation lists described in subsection (a) and so the Property must satisfy at least two of the criteria in subsection (b) or be ineligible for designation as a historic landmark. Staff does not maintain that the Property satisfies the criteria set out in subsections (b)(iii) or (v) and the Owners agree. The Owners will address the remaining three criteria one at a time.

1. The Property is not architecturally significant.

The architectural significance criterion is set out in several different subparts. The Property does not satisfy any of them.

The first criterion is that the property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction. In this case, the only architectural style suggested is that of Mid-century Modern architecture. This is not so much a school or style of architecture as it is a description of a time. The Owners assert that the use of A frame construction in ecclesiastical buildings is not recognized as a characteristic of any recognized style of architecture. In fact, the discussion of the use of A frame construction in at least one book suggests that it was a cost saving measure initially introduced by Frank Lloyd Wright's First Unitarian Society Meeting House in Madison, Wisconsin, and became the most common design of churches in suburban neighborhoods during the 50's and 60's. *The Suburban Church: Modernism and Community in Postwar America*, Gretchen Buggeln. By the time the building on the Property was designed and constructed, the A frame church had become ubiquitous. While some examples, such as Wright's Meeting House, are soaring executions of a new idea, the A frame church is most often described as derivative or second rate.

The second possibility for providing architectural significance is that the property exemplifies technological innovation in design or construction. As pointed out above, the A frame construction movement was well established by the time the building was designed and constructed. Neither is the use of glulam rafters for support of the roof structure. Glulam construction had been employed since the 1930's and was considered standard building practice by the time the building on the Property was designed and constructed. See, *Glued Laminated Timber Comes to America*, by Eben Lehman, October 15, 2018, a copy of which is attached hereto as **Exhibit E**.

The third possibility is that the property displays high artistic value in representing ethnic or folk art, architecture, or construction. There is no suggestion that A frame construction or any of the architectural features of this building are representative of any ethnic group or a particular school

of folk art. In fact, the A frame church was utilized by many different denominations including Methodist, Baptist, Presbyterian and Unitarian.

Neither is this a rare example of an architectural style. There are many examples of A frame churches within the City of Austin as is pointed out in the historical materials prepared by John Jason Paul Haskins and submitted to the Historic Landmark Commission. In fact, the original architect, Eugene Wukasch, designed a much more distinguished example of an A frame church in the Windsor Park Presbyterian Church (now, Austin Mennonite) in 1960. A picture of this church is attached hereto as **Exhibit F**. The Austin Mennonite Church is much more suitable for designation as a historic landmark as it is a functioning portion of its neighborhood.

Further, while the Owners agree that Eugene Wukasch has contributed to the development of the City of Austin, this church is not an outstanding example of his work. One has only to compare Wukasch's work on the Austin Mennonite Church or the Gethsemane Lutheran Church to see that, when fully involved and adequately funded, Wukasch provided much more complete and refined examples of ecclesiastical construction. A picture of the Gethsemane Lutheran Church is attached hereto as **Exhibit G**.

Finally, this is not a utilitarian or vernacular structure, nor does it represent a one-of-a-kind building. As pointed out above, the A frame church is well represented in the City of Austin.

2. The Property is not historically significant.

In order to demonstrate historical significance, the statute provides that the property must have "long-standing significant associations with persons, groups, institutions, businesses, or events of historic importance." The mere fact that the church was one of the first buildings to be constructed east of the highway is not such a long-standing significant association with an event of historic importance. There is no suggestion in the historical record that this building led inexorably to the development of southeast Austin or of the neighborhood around it. Neither is there any indication that this building represents a significant portrayal of the cultural practices or the way of life of a definable group of people in a historic time. Other than the architect, Eugene Wukasch, there is no

historically important individual, group, institution or business that is associated with the church. Even Mr. Wukasch's involvement with the church is limited in time and ceased before the first addition that was done in 1961. This limited relationship cannot constitute a long-standing significant association, even if Mr. Wukasch qualifies as a person of historic importance.

3. The Property does not have significant community value.

The church on the Property failed because it could not establish a relationship with the surrounding community. It is located mid-block on a busy thoroughfare. It is not the focal point of any residential neighborhood and has no continuing ties to the ethnic or cultural groups in the neighborhood. Neither the Historic Background prepared by Mr. Haskins nor the Staff materials offer any support for the property qualifying under the community value criterion.

D. The presence of the window panes created by Octavio Medellin does not make the building appropriately a historic landmark.

There is a suggestion in the historic background materials provided by Mr. Haskins that the presence of Octavio Medellin designed glass panes in the narthex of the building is somehow significant to the designation of the Property as a historic landmark. First and foremost, the Owners do not have continuing ownership of the glass panes as is shown in Exhibit B, the conditions for removal of the glass panes under the terms of the Contract. Secondly, two of the original three panes designed by Medellin were destroyed through an act of vandalism in 2016. See, *Mid Century Modern Art Glass Needs Help*, by Ben Heimsath, March 02, 2016, a copy of which is attached hereto as Exhibit G. Since the panes have been replaced, to the extent the work by Medellin is significant, he was not responsible for creating the replacements. Finally, the architectural panes in the altar have already been removed by the Church and are no longer a part of the building.

E. The overall construction of the building on the Property does not present an example of historically relevant design or construction.

The owners have attached hereto as Exhibits I-1 through I-11 pictures of the current state of the outside of the building on the Property. As indicated

before, the A frame construction of the sanctuary represents a small portion of the overall footprint of the building. The design and construction of the educational rooms in the original construction and the two additions are neither historic nor significant in any sense.