# HISTORIC LANDMARK COMMISSION
## APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
## JUNE 28, 2021
## C14H-2004-0008
## MITCHELL-ROBERTSON BUILDING
## 909 CONGRESS AVENUE

### PROPOSAL

Review of a plan to deconstruct, store, and re-erect ca. 1882 historic building façade.

### PROJECT SPECIFICATIONS

Catalog and store, then re-erect the historic building façades of the Grandberry Building, Mitchell-Robertson Building, and the building at 911 Congress Ave. as part of a redevelopment project at a later date. In conjunction with proposed additions, deconstruction and reconstruction of these façades has received approval from the Historic Landmark Commission on three separate occasions: September 25, 2006 (for 907 and 909 Congress Ave. only), January 26, 2015 (pending development of more detailed plans for treatment of the three façades), and June 25, 2018. See Prior Commission Action below.

On March 24, 2021, the Building Standards Commission (BSC) issued an order requiring that conditions be remedied within 90 days or imposing fines on the property owner. The BSC orders are uploaded as backup to this meeting for reference. In discussion at the April 24, 2021 meeting, Commissioners suggested that the applicant determine if scaffolding erected for purposes of documenting and dismantling the façades would suffice for compliance with the BSC orders. The orders do not mention stabilization or bracing as options, and Code Department staff have confirmed that scaffolding would be insufficient to meet the requirements. Instead, the orders require repairs to fully remedy the violations, which include cracks and openings in exterior walls, roof and drainage issues, and missing windows, among other concerns.

Per the applicant, stabilization and repair of the buildings in place is not technically feasible due to the extent of deterioration, including mortar loss, shear failures and racking, and the inability to adequately shore the façades following demolition of masonry party walls that provide lateral support. While the Mitchell-Robertson Building is in relatively better condition than the other two buildings, two independent structural engineering letters have determined that the façade cannot be braced during construction. A 2014 letter, not included in previous packets, cites the tie backs as indication of shear failure that would prevent safely bracing the masonry.

The proposed scope of work entails developing a detailed plan for deconstruction and reconstruction of the historic façades, including as an initial phase: review of existing documentation, visual and non-destructive analysis of building materials and assemblies, structural evaluation, and development of a finalized scope of work and sequence of implementation. Laser scanning has been performed, and analysis of the resulting point cloud is underway. Deconstruction will be done by hand and treated much like an archeological investigation, with specific conditions and hidden elements documented as work progresses. This information will inform preparation of reconstruction drawings and specifications.

The applicant proposes to place a restrictive covenant on the property requiring reconstruction within three years. While the City agrees to this approach, the specific language of the covenant must be reviewed by the Law Department.

### ARCHITECTURE

Two-part commercial block between another historic-age building and the Grandberry Building, which is also a historic landmark. The building is boarded at the street level. At the second floor, the Mitchell-Robertson Building has one-over-one windows and corbelled brickwork at the cornice.

### STANDARDS FOR REVIEW

The City of Austin's Historic Design Standards (March 2021) are based on the Secretary of the Interior's Standards for Rehabilitation and are used to evaluate projects at historic landmarks. The Historic Design Standards indicate that if any aspect of a proposed project is not covered by the design standards, the Secretary of the Interior's Standards for the Treatment of Historic Properties shall be used. In certain circumstances, use of the treatments other than rehabilitation may be proposed. This project proposes to apply the Standards for Reconstruction, recognizing that this is a path of last resort:

*1) Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.*

The applicant asserts that it is not possible to preserve and restore the building in place, and therefore reconstruction is required to prevent a gap within the historic streetscape of Congress Avenue.

*2) Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.*
The project benefits from the fact that the building is currently extant, even if in deteriorated condition with some missing elements. Thorough documentation of the existing buildings preceding and as part of the deconstruction process will form the basis of reconstruction.

*3) Reconstruction will include measures to preserve any remaining historic materials, features and spatial relationships.*
Details regarding the extent to which building assemblies can be removed and reinstalled intact will be developed during further project planning. The intent is to reuse as much historic fabric as possible, including materials salvaged from portions of the buildings that will not be reconstructed.

*4) Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.*
Through archival research and thorough documentation, sufficient details will be available to ensure accurate reconstruction.

*5) A reconstruction will be clearly identified as a contemporary re-creation.*
Interpretive signage will be developed in consultation with the Historic Landmark Commission.

*6) Designs that were never executed historically will not be constructed.*
Not applicable.

While deconstruction and reconstruction of a historic landmark is not a recommended treatment, intensive intervention is necessitated in this case due to major, longstanding conditions. The proposed scope of work entails sufficient care to document, dismantle, store, and re-erect the buildings using original materials to the greatest extent feasible.

## PRIOR COMMISSION ACTION

**2004:** The Mitchell-Robertson Building was designated as a historic landmark. According to occupancy history in the landmark file, the upper level of the building was vacant beginning in 1953. Between 1962 and 1968, the entire building sat vacant. Photography labs by three different names occupied the first floor of the building between 1969 and 1994. The building has remained vacant since that time. Restoration of the storefront and construction of an additional two stories as a rooftop addition was contemplated in 2004, as evidenced by an elevation drawing in the landmark file.

**2006:** Per correspondence from staff, the Historic Landmark Commission on September 25, 2006 **approved a Certificate of Appropriateness (COA) to dismantle and reconstruct the façades** of 907 and 909 Congress Ave., requesting greater setback of upper level additions to further distinguish them from the historic façades.

**2010:** Wallace Dalton acquired the building.

**2013:** The Code Compliance Department issued a notice of violation for failure to maintain a vacant structure in clean, safe, secure, and sanitary condition (see staff report link below).

**2014:** The Commission voted to pursue potential demolition by neglect cases at their February 14, 2014 meeting. The list included 907, 909, and 911 Congress Ave. The staff report shows the façades in much the same condition as they are today. See also draft meeting minutes (approved minutes are not posted). Updates on further progress in remedying site conditions and proposing a rehabilitation plan for the buildings were postponed repeatedly, through January 2015.

The COA Review Committee heard an update on restoration efforts at the buildings at their June 9, 2014 meeting. See the agenda and a structural letter provided as backup that indicates none of the three buildings can safely be braced in place during future construction.

**2015:** On January 26, the Commission heard a request to deconstruct and rebuild the front walls of 907, 909, and 911 Congress Ave. and voted unanimously to **approve the COA**, with the condition that the applicant follow the specification manual drafted in 2010 for the 911 Congress Ave. and with a referral of the completed plan set to the COA Review Committee. See the staff report, specifications, and minutes.

The February 2015 meeting was cancelled. The Commission postponed further consideration of the case at specially called and regular meetings in March, but the case does not appear on the April agenda.

**2018:** Restoration of the façades does not appear again until the COA Review Committee agendas in February and March of 2018. See the application, plans, and scope of work included as backup for the February meeting; the 2014 structural report was again provided.

At the June 25, 2018 meeting, **the Commission approved deconstruction and reconstruction of the façades**, with a request that the applicant communicate where the façades are stored. See the staff report and minutes, plus extensive backup including 2006 correspondence (above), architectural proposal, renderings of the restored façades, specifications manual, 2014 structural report (above), and a timeline and bid proposals for associated new construction.

**2021:** With pending action from the Building and Standards Commission (BSC), the proposal to deconstruct and reconstruct the façades resurfaced. On March 8, 2021, Architectural Review Committee (ARC) members requested the applicant consider stabilization of building façades in place rather than removal and reconstruction; provide a detailed condition assessment or other analysis of the buildings' conditions; and pay particular attention to keeping the corbelled brickwork on the Mitchell-Robertson Building intact. Committee members expressed concern regarding having the buildings down for an indefinite period prior to the redevelopment.

On March 24, 2021, BSC issued an order requiring that conditions be remedied within 90 days or imposing fines on the property owner. That timeline expired on June 22, 2021.

At the April 12, 2021 meeting of the ARC, the committee members indicated a need for more documentation and desire to explore every alternative to demolition before agreeing to that approach. The timeline imposed by the BSC is of concern in terms of the ability to take the proper care in moving forward.

The Commission postponed the case at both the March 22 and April 26 meetings and has requested the applicant consider and present alternatives to demolition.

On May 24, 2021, the Commission voted to advise the applicant that 907 Congress Ave. should be reconstructed in its original configuration, 909 Congress Ave. should be preserved as it stands today, and 911 Congress Ave. may be demolished. The Commission also directed that specific remedies for failure to reconstruct the façades should be detailed in the proposed covenant and, further, that tax exemptions received should be matched and placed in a trust.

## TAX EXEMPTION

Per City Code § 11-1-28, a property that is rezoned to remove historic landmark designation is subject to additional tax equal to the amount of the partial ad valorem tax exemption for historic properties received over a maximum of five taxable years. The Mitchell-Robertson Building has failed annual landmark inspections in three of the past five years. The owner did not file a required affidavit in 2018 (the affidavit requirement has since been repealed), and verification with the Travis Central Appraisal District would be necessary to determine if the property owner filed an application and received the exemption in 2019. The property was ineligible to receive the partial ad valorem tax exemption for historic properties in the other years.

The Commission approved the following inspection results:

2021: Fail
2020: Fail
2019: Pass
2018: Not listed
2017: Fail

## STAFF RECOMMENDATION

Approve the application for a Certificate of Appropriateness for deconstruction; require regular submission of deliverables specified in the scope of work to Historic Preservation Office staff and the Historic Landmark Commission, with ongoing consultation as work progresses; and request finalization and execution of restrictive covenants regarding the reconstruction timeline before physical work commences.

## LOCATION MAP

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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 220 '

**NOTIFICATIONS**

CASE#: C14H-2004-0008

LOCATION: 909 CONGRESS AVE

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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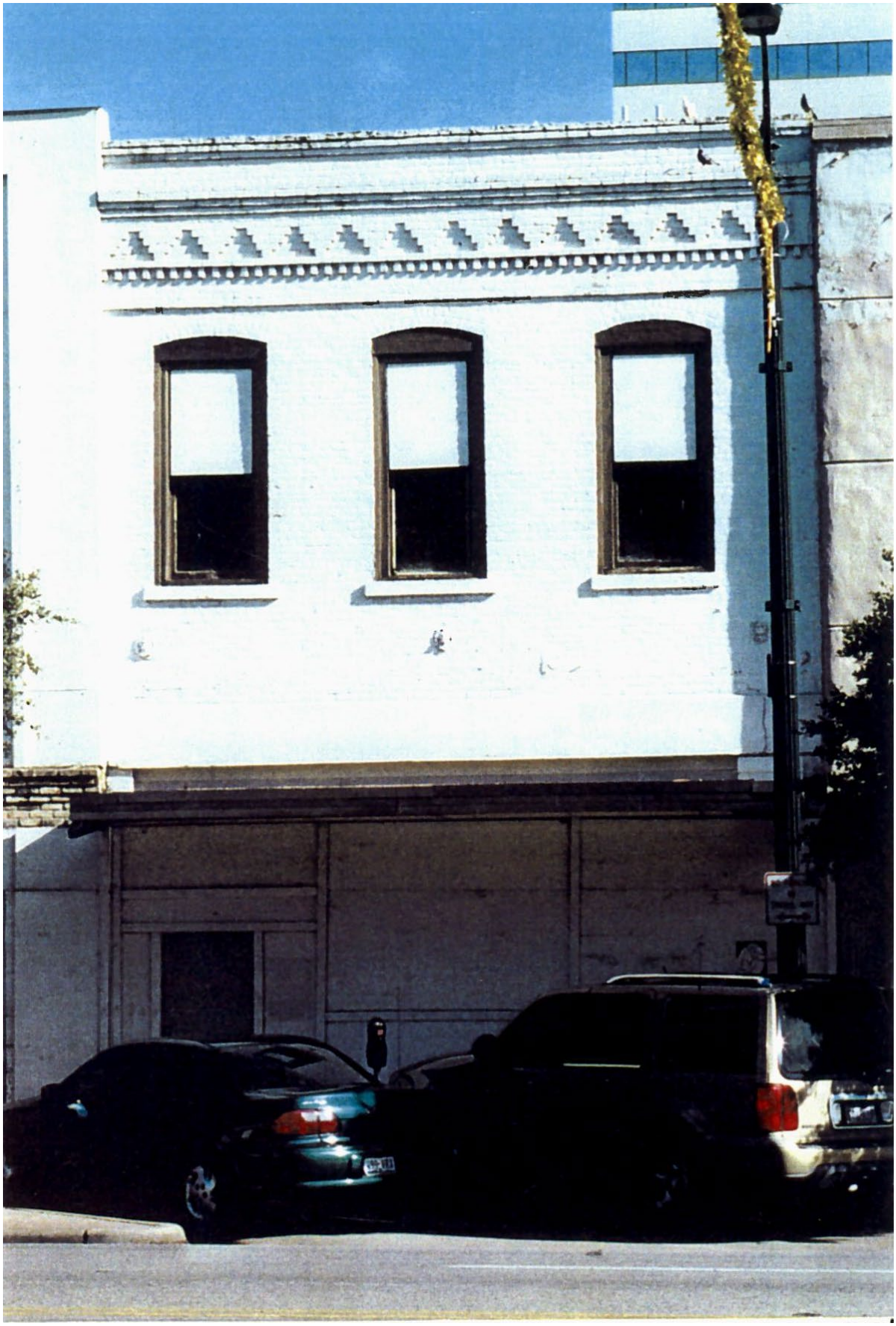
## PROPERTY INFORMATION

*Photos*

*Historic photograph of 911 Congress Ave. (John B. Vaught Hardware Co.), 909 Congress Ave., and 907 Congress Ave. (Texas State Optical), Historic Preservation Office files, no date.*

*909 Congress Ave. (building to the left of Texas State Optical sign), National Register nomination for Congress Avenue Historic District, February 1978.*



*909 Congress Ave., historic landmark nomination, 2004.*

*909 Congress Avenue, Historic Preservation Office staff, historic landmark inspections, 2020-2021.*

*Current condition of 909 Congress Ave. façade, Historic Preservation Office staff, May 2021.*

*Interior of 909 Congress Ave. storefront, Historic Preservation Office staff, May 2021.*