



MEMORANDUM

TO: Mayor and Council

FROM: Gregory I. Guernsey, AICP
Director
Planning and Zoning Department

DATE: April 20, 2017

SUBJECT: Appeal of a decision by the Historic Landmark Commission to release the demolition permits for 1207 and 1209 W. 22 ½ Street
HDP-2016-0468 and HDP-2016-0469

The above-referenced appeal is scheduled for public hearing before the City Council on May 11, 2017. The appellant is appealing a decision by the Historic Landmark Commission on July 28, 2016 to release the demolition permits for two ca. 1929-1930 multi-family structures in the West Campus neighborhood. The Historic Landmark Commission voted 7-0 to release the permits upon completion of a City of Austin Documentation Package, with two commissioners off the dais at the time of the vote. Staff also recommended release of the permit.

The appellant filed a timely appeal of that decision to the Planning Commission, which was heard on February 14, 2017. The Planning Commission voted 8-1 to deny the appeal with 1 abstention and 3 commissioners absent.

Staff contends that the Historic Landmark Commission acted properly and considered all relevant evidence in making their unanimous decision to release the demolition permits, and that there is no reasonable justification for overturning that decision.

If you need additional information, please contact Steve Sadowsky, Historic Preservation Officer, at 974-6454, or steve.sadowsky@austintexas.gov.

Gregory I. Guernsey, AICP
Director

PLANNING AND ZONING DEPARTMENT

cc: Elaine Hart, Interim City Manager
Burt Lumbreras, Assistant City Manager

HISTORIC LANDMARK COMMISSION
JULY 25, 2016
DEMOLITION AND RELOCATION PERMITS
HDP-2016-0468 AND HDP-2016-0469
1207 W. 22½ STREET AND 1209 W. 22½ STREET

PROPOSAL

Demolish twin four-plexes built as single-family houses in 1929-1930.

ARCHITECTURE

Each current four-plex is a one-story, U-plan, stuccoed frame house with a central courtyard facing the street; single and triple 1:1 fenestration. It is not clear when the stucco exterior was applied to these houses, i.e., whether it is original – the 1935 Sanborn map does not reference the stucco, but the 1961 map does.

RESEARCH

Larry B. Shaw, a local real estate agent, built each of these identical houses in 1919-1930. Shaw and his wife, Vera, lived at 1207 W. 22½ Street from around 1936 to around 1970, with a brief period in the late 1930s and early 1940s, when they lived at 1209 W. 22½ Street. Around 1936, the Shaws converted the originally single-family houses into duplexes, and later into more apartments. Their tenants included many students over the years, as well as clerks in various state departments, salesman, office workers, and junior professors and teaching assistants at the University of Texas.

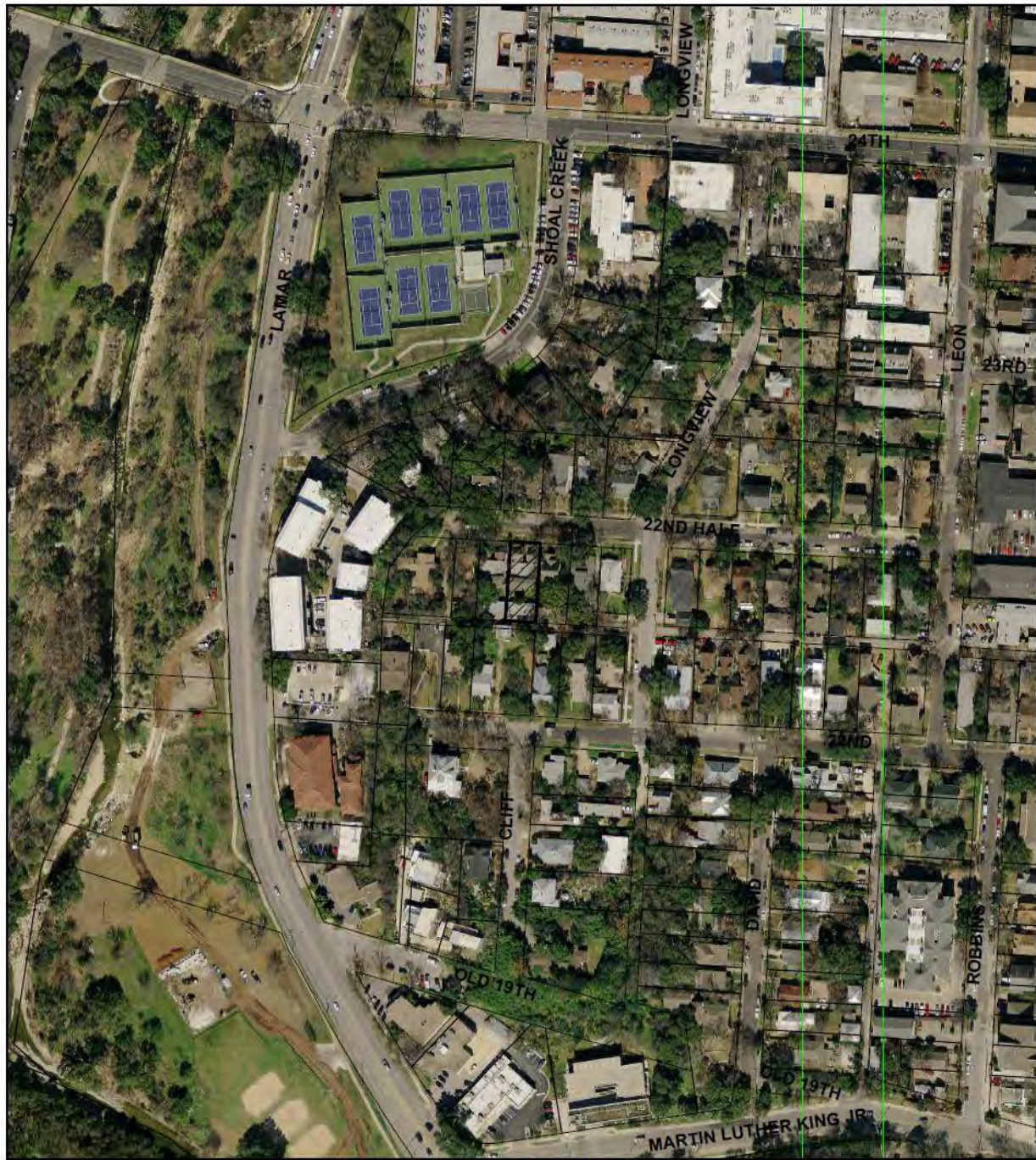
STAFF COMMENTS




The houses are listed in the Comprehensive Cultural Resources Survey (1984) but without a priority for research.

STAFF RECOMMENDATION

Encourage rehabilitation and adaptive re-use rather than demolition. This area of West Campus is still very residential with many older one-story homes still used as single family residences or duplexes, a relatively low density, and it retains the feel of the old neighborhood when it was an area of houses occupied by professors and others associated with the University of Texas. It would be very unfortunate to lose these twin four-plexes, as they represent a popular style of their time, and are part of the historic fabric and character of this neighborhood. However, staff cannot say that either of these houses qualify as a historic landmark, so if the applicant is dead-set on demolishing them, then staff must recommend release of the permits upon the completion of a City of Austin Documentation Package, consisting of photographs of each elevation, a dimensioned sketch plan, and a narrative history, for archiving at the Austin History Center.

LOCATION MAP



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 208'

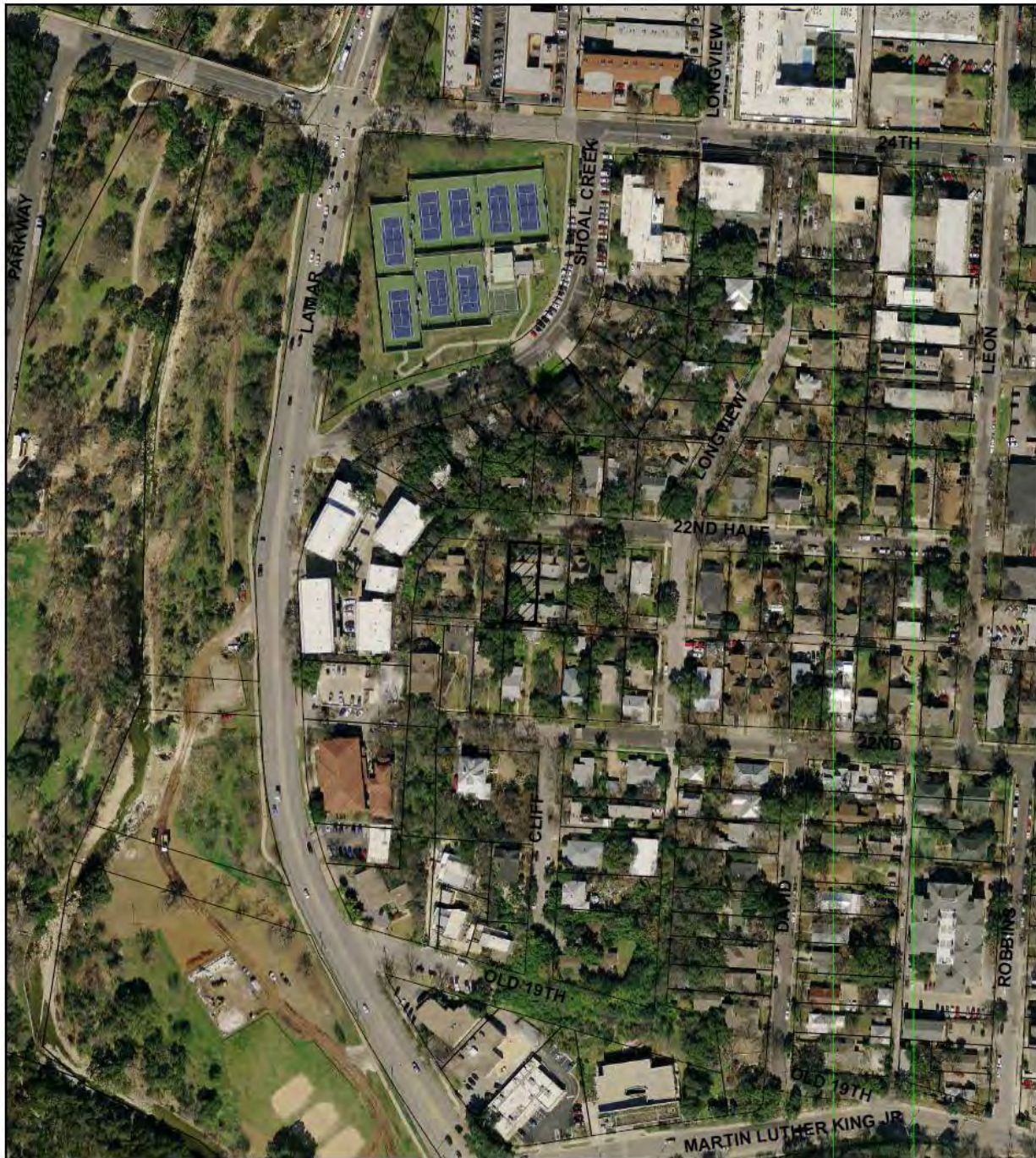
NOTIFICATIONS

CASE#: HDP-2016-0468
1207 W 22ND 1/2 STREET

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.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





1" = 208'



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: HDP-2016-0469
1209 W 22ND 1/2 STREET

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1207 W. 22½ Street
ca. 1929



OCCUPANCY HISTORY 1207 W. 22½ Street

City Directory Research, Austin History Center
By City Historic Preservation Office
July, 2016

1992	A:	Vacant
	B:	Kate Bonnickson, renter Student
	C:	Tripp H. Taylor, renter No occupation listed
1985-86	A:	Karla K. Eoff, renter Office secretary, Robert S. Karotkin, general insurance, 2607 Thomas Drive.
	B:	Toni Kanistaro, renter Student NOTE: The directory indicates that Toni Kanistaro was a new resident at this address.
	C:	Vacant
1981	A:	Duncan Finch, renter Employed by the Capitol Oyster Bar (not listed in the alphabetical section of the directory). NOTE: The directory indicates that Duncan Fitch was a new resident at this address.

- B: William and Vicki L. Hamelin, renters
No occupation listed
NOTE: The directory indicates that William and Vicki L. Hamelin were new residents at this address.
- 1977 A: Gary D. Scott, renter
Student
B: Michael Quinn, renter
Clerk, Discount Records, 2310 Guadalupe Street.
NOTE: The directory indicates that Michael Quinn was a new resident at this address.
C: Alan Jochimsen, renter
Student
- 1973 Vacant – all of the apartments.
- 1968 A: Larry B. and Vera Shaw, owners
Retired
B: George Kunzel, renter
Teaching assistant, University of Texas
C: Victor Schill, renter
Student
- 1965 A: Larry B. and Vera Shaw, owners
Retired
B: Manfred O. and Gisela Triesch, renters
Student
C: Ronald F. Teutsch, renter
Student
- 1962 A: Larry B. and Vera Shaw, owners
No occupation listed
B: Vacant
C: Vacant
- 1959 A: Larry B. and Vera Shaw, owners
Real estate salesman
B: Vacant
C: Hubert L., Jr. and Elizabeth A. Minton, renters
Hubert: Student
Elizabeth: Receptionist, C.L. Reeves Construction, 708 S. Lamar Boulevard.
NOTE: The alphabetical section of the directory shows Elizabeth Minton at 2306 Longview Street.
- 1955 A: Larry B. and Vera Shaw, owners
Real estate salesman
B: Vacant
C: Vacant
- 1952 Larry B. and Vera Shaw, owners
No occupation listed

George E. Ellis, renter

	Student, University of Texas
1949	Larry B. and Vera Shaw, owners Real estate (office at the house)
	Nell Faulkner, renter Employed by the State Health Department
1947	Larry B. and Vera Shaw, owners Real estate agent (office at the house)
	Ethelyn Hogg, renter Clerk, State Health Department
	Oliver L. and Billie Norman, renters Engineer
1944-45	Larry B. and Vera Shaw, owners Real estate (office at the house)
	Ethelyn Hogg, renter Widow, Gilbert Hogg No occupation listed
	Oliver L. and Sarah Norman, renters U.S. Navy
1941	Ralph J. and Thelma A. Bollman, renters Ralph: No occupation listed Thelma: Tutor, University of Texas
	Rael N. Papich, renter Student, University of Texas
	John J. and Katherine Costley, renters Inspector, Austin-Travis County Health Department NOTE: The address is listed as 1107 W. 22½ Street.
1939	William J. and Josephine Goode, renters Student, University of Texas
	Larry B. Shaw, owner No occupation listed NOTE: The address is listed as 1107 W. 22½ Street.
1937	Larry B. Shaw, owner No occupation listed
	Robert C. and Katherine Stokes, renters Inspector Also listed is Robert C. Stokes, Jr., a student at the University of Texas. NOTE: The address is listed as 1107 W. 22½ Street.
1935	R. Patton and Leota Lightfoot, renters

No occupation listed

NOTE: Larry B. and Adelaide Shaw are listed at 1319 Meriden Lane; he was in the real estate business.

NOTE: The address is listed as 1107 W. 22½ Street.

1932-33 Edwin B. and Annie L. Snead, renters

No occupation listed

NOTE: The address is listed as 1107 W. 22½ Street.

1930-31 William R., Jr. and Elizabeth B. Long, renters

William: Clerk, American National Bank, 601-05 Congress Avenue.

Elizabeth: Pianist, Physical Training for Women, University of Texas.

NOTE: The address is listed as 1107 W. 22½ Street.

1929 The address is not listed in the directory.

NOTE: William R. Long, Jr. is listed at the home of his parents, William R. and Emily Long, at 814 W. 23rd Street. William R. Long, Jr. had no occupation listed; his father was an auditor at the University of Texas.

BIOGRAPHICAL NOTES

Larry B. and Vera Shaw (ca. 1936 – ca. 1938, and ca. 1943 – ca. 1970)

The 1940 U.S. Census shows L.B. and Vera Shaw as the renters of an apartment at the house next door at 1109 W. 22½ Street. L.B. Shaw was 48, had been born in Connecticut, and was a rubber goods salesman. Vera Shaw was 39, had been born in Texas, and had no occupation listed.

MRS. VERA C. SHAW

Mrs. Vera C. Shaw, of 1207 West 22½ St. died in a local hospital Tuesday. She was a member of Hyde Park Baptist Church.

Funeral will be at 1 p.m. Wednesday at Cook Funeral Home with Dr. Ralph Smith officiating. Burial will be in Austin Memorial Park.

Survivors include her husband, Larry B. Shaw of Austin; two sisters, Mrs. Navarro Cox of Nacogdoches and Mrs. Clifton Warcup of Houston; two brothers, John Ingram of San Antonio and Jack Ingram of Texarkana.

Obituary of Vera Shaw
Austin American, January 7, 1970

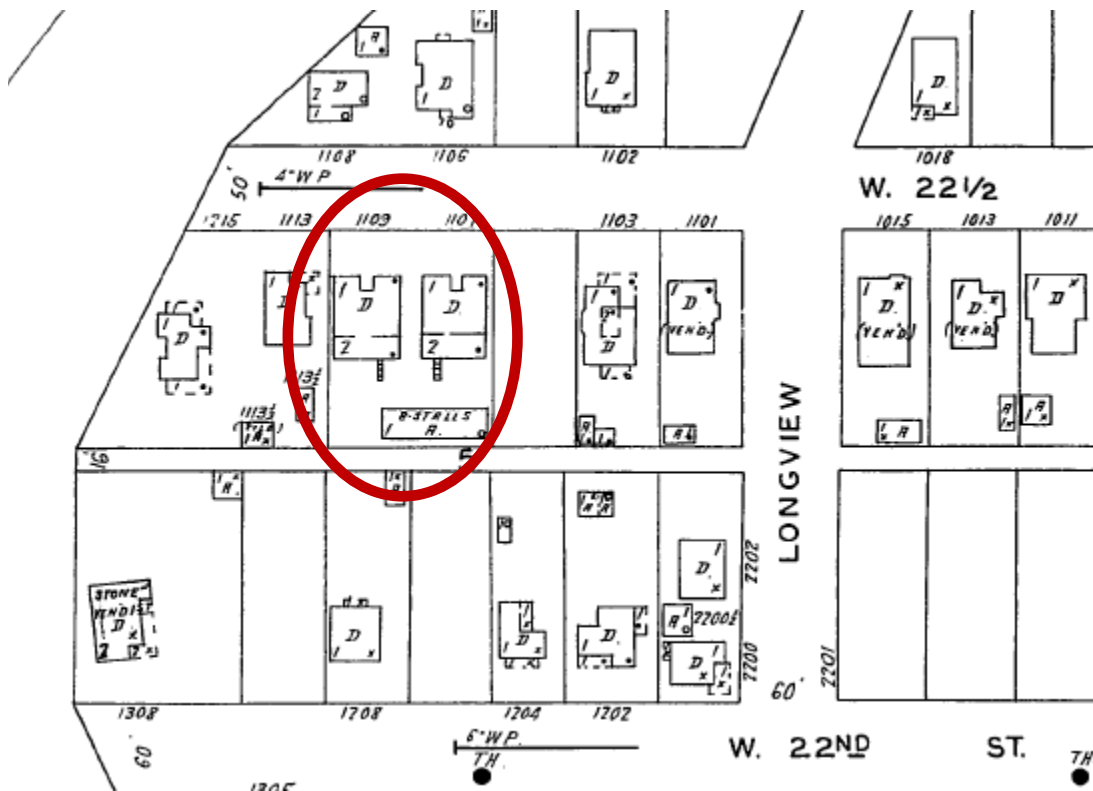
LARRY B. SHAW

Larry B. Shaw, 84, of 1001 Braker Lane, died Thursday in a local hospital. Shaw had been a resident of Austin since 1919, was a member of the Hyde Park Baptist Church, and was an Army veteran.

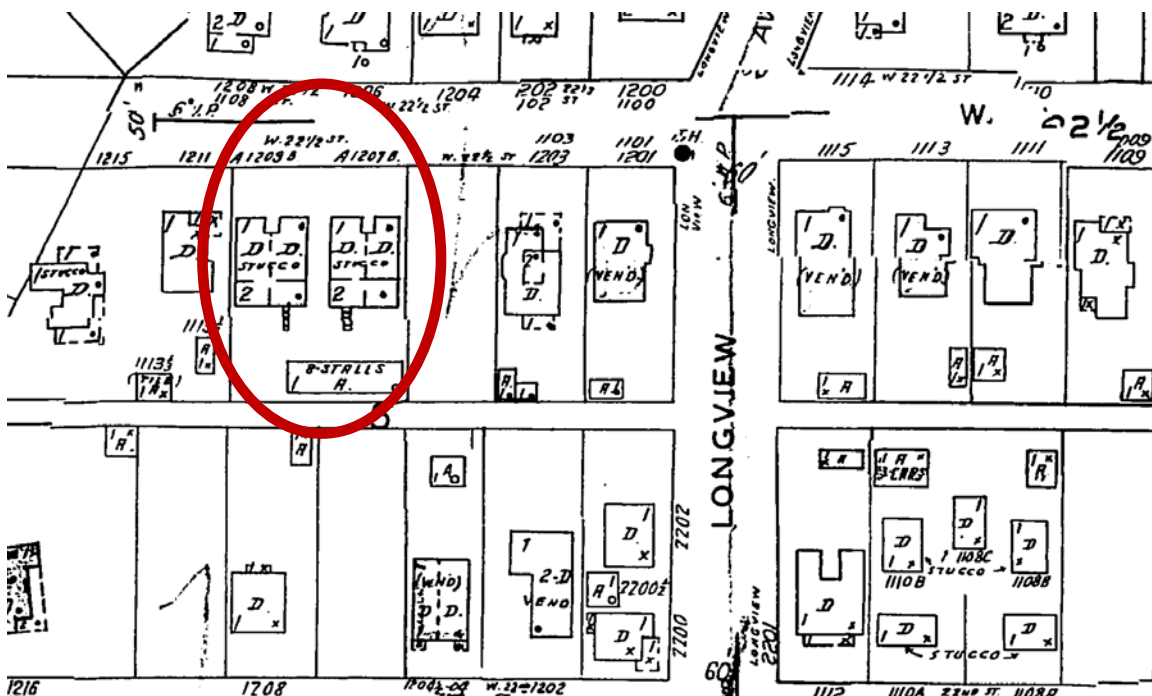
Funeral will be at 11 a.m. Friday at Weed-Corley Funeral Home, with Dr. Ralph Smith officiating. Burial will be in Austin Memorial Park.

Pallbearers will be Rodney Montague, Bob Ed Shotwell, Rolland Boucher, Ben Teston, Harvey J. Mayton, Charlie Watt, Walter Simms and Carl McEachern.

Obituary of Larry B. Shaw
Austin American, October 1, 1973



The 1935 Sanborn map shows the twin houses with their former addresses of 1107 and 1109 W. 22½ Street. The houses are shown as single-family dwellings.



The 1961 Sanborn map shows the twin houses divided into apartments with stucco exteriors, and their current addresses.

Unless the plumbing is done in strict accordance with City Ordinances, do not turn on the water.

PERMIT FOR WATER SERVICE Austin, Texas

No. A 2748 SEC 47

M. L. B. Shaw Address 1207 W. 22 $\frac{1}{2}$

Plumber R. E. Howell Size of Tap $\frac{1}{2}$ Date 9-24-29

Foreman's Report.

Date of Connection 9/27/29

Size of Tap Made $\frac{3}{4}$

Size Service Made $\frac{3}{4}$

Size Main Tapped 4" S

From Front Prop. Line to Curb Cock 9'

" " " 32'

Location of Meter at curb

Type of Box lock

Depth of Main in St. 2'

" " Service Line 18"

From Curb Cock to Tap on Main 7'

Checked by Engr. Dept. 11-30-29

INDEXED 30F

No. Fittings	Size	Union	Plug	Tee	Stop	Box	Lid	Valves	Req. No.
1	Curb Cock	5/8" 9/16"							
1	Elbow	9/16"							
1	St. Elbow	3/4"							
1	Bushing	3/4"							
1	Reducer	3/4"							
1	Pipe	3/4"							
1	Cap	3/4"							
1	Union	3/4"							
1	Plug	3/4"							
1	Tee	3/4"							
1	Stop	3/4"							
1	Box	3/4"							
1	Lid	3/4"							
1	Valves	3/4"							
									1472

Foreman's Signature Baranov

Water service permit to Larry B. Shaw for this address (1929)

1209 W. 22½ Street
ca. 1929



OCCUPANCY HISTORY 1209 W. 22½ Street

City Directory Research, Austin History Center
By City Historic Preservation Office
July, 2016

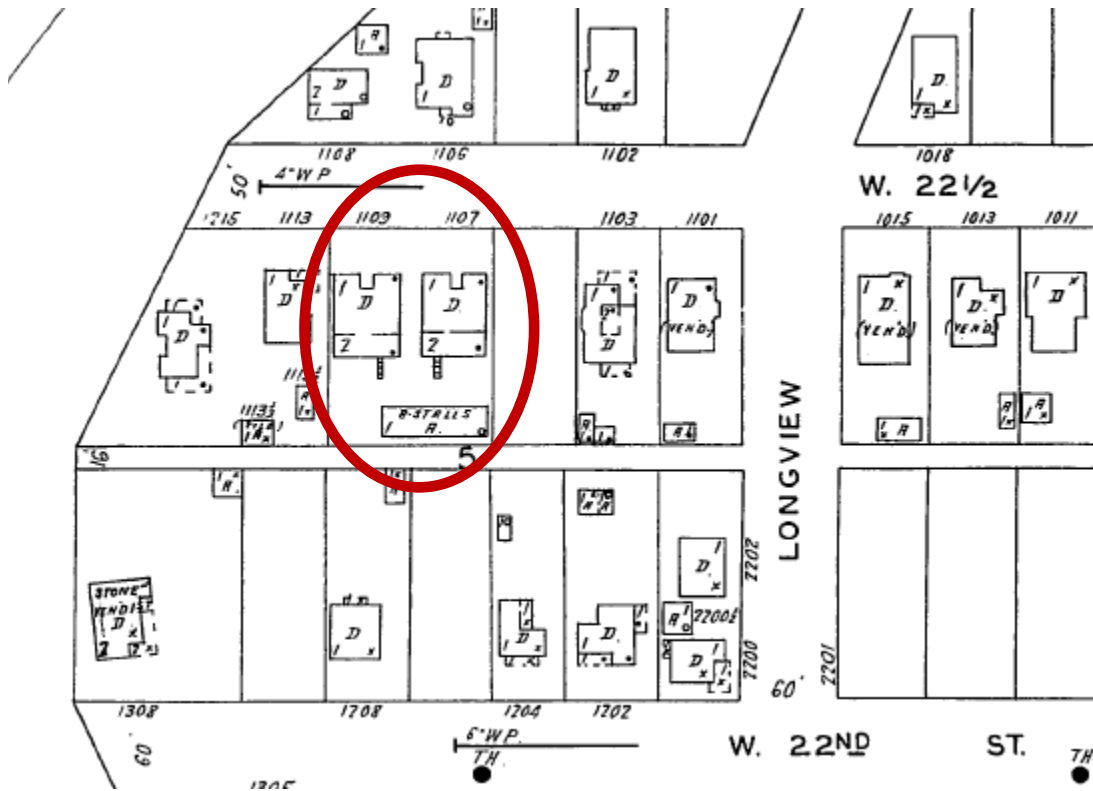
1992	A:	Velma Guzman, renter No occupation listed NOTE: The directory indicates that Velma Guzman was a new resident at this address.
	B:	Vacant
	C:	Kirk D. Hoffman, renter No occupation listed NOTE: The directory indicates that Kirk D. Hoffman was a new resident at this address.
1985-86	A:	Vacant
	B:	Virginia Holland, renter No occupation listed NOTE: The directory indicates that Virginia Holland was a new resident at this address.
	C:	P. Glimm, renter No occupation listed NOTE: The directory indicates that P. Glimm was a new resident at this address.
	D:	Vacant

1981	No return for any of the apartments.
1977	Joe Teutsch, renter Student
1973	Vacant – all of the apartments.
1968	A: Richard N. and Anne Wilton, renters Assistant professor, University of Texas B: Vacant C: Vernon Stribling, renter City policeman
1965	A: Kris K. and Rita Moore, renters Engineer, Tracor B: C. Wallie and Bobby Hooser, renters Student C: Elizabeth D. Bush, renter Clerk, City Health Department
1962	C: Lynn and Ruth Allen, renters Student NOTE: There are no listings for apartments “A” and “B”.
1959	A: Dawes Chillman, renter Student B: Billy H. and Sylvia E. McClendon, renters Student C: Jeremiah and Martha Rhodes, renters Student
1955	A: Thomas Hayes, renter Student B: Henry A. and Gaynell Murphy, renters Henry: Examiner, Texas Insurance Checking Office, Commodore Perry Hotel, 812 Brazos Street. Gaynell: Typist, Texas Insurance Checking Office, Commodore Perry Hotel, 812 Brazos Street. C: Wilford W. and Viola Rathke, renters Delivery man, Superior Dairies, 600 E. 1 st Street.
1952	William C. and Cathleen Dickey, renters U.S. Air Force
1949	Nettie Kirchoff, renter No occupation listed
1947	Myrtle Nunnellee, renter No occupation listed
1944-45	Ruth Albrecht, renter Nurse

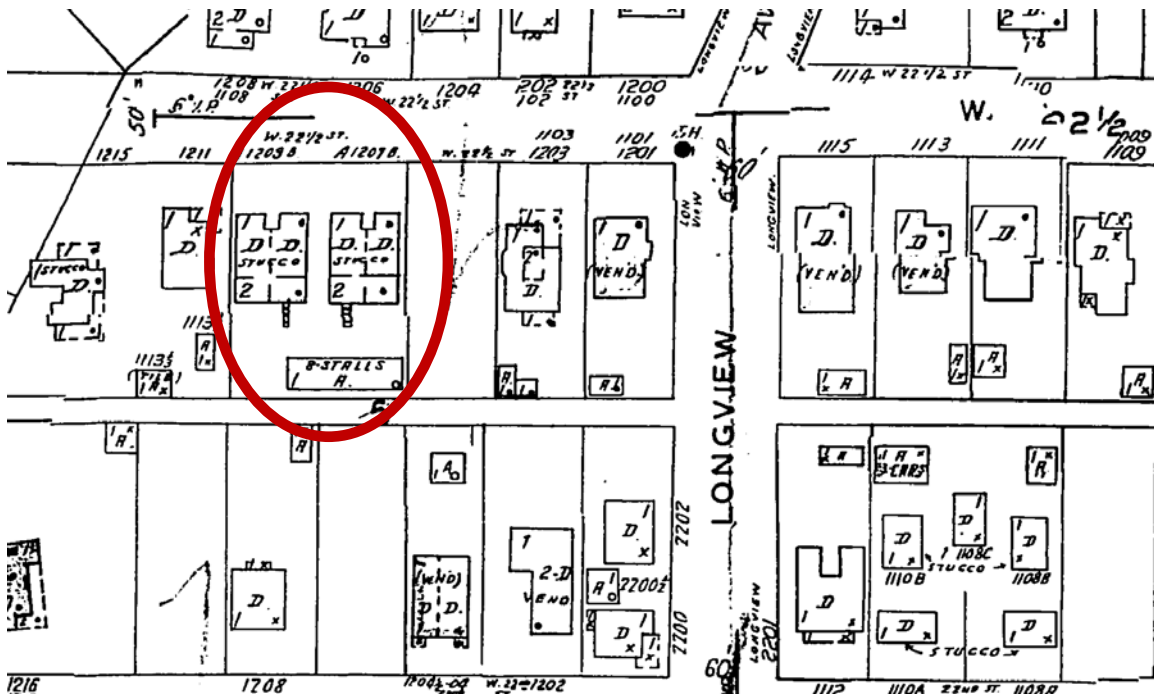
- Michael and Ruth Coyle, renters
U.S. Army
- 1941 Larry B. and Vera Shaw, owners
Real estate
½: Alfred Schweizer, renter
Manager, Blue Bird Package Store, liquors, 221 Congress Avenue and
407½ E. 6th Street.
NOTE: The address is listed as 1109 W. 22½ Street.
- 1939 Leroy L. and Tony L. Mueller, renters
Salesman
- Robert J. and Dorothy Simons, renters
Physician
NOTE: Larry B. Shaw is listed at 1107 W. 22½ Street (now 1207). He had no
wife listed and no occupation shown.
NOTE: The address is listed as 1109 W. 22½ Street.
- 1937 Thomas B. and Beatrice Thompson, renters
Head inspector, U.S. Department of Interior, National Park Service
- James C. and Nellie Holmes, renters
No occupation listed
- Frank P. and Bobbie Wood, renters
No occupation listed
NOTE: The address is listed as 1109 W. 22½ Street.
- 1935 Neal E. and Mary Guy, renters
No occupation listed
- William A. and Gertrude Follansbee, renters
No occupation listed
NOTE: The address is listed as 1109 W. 22½ Street.
- 1932-33 Ray L. and Gertrude Martin, renters
Assistant instructor, University of Texas
- August H. and Mary K. Meyer, renters
Clerk, State Board of Insurance Commissioners
NOTE: The address is listed as 1109 W. 22½ Street.
- 1930-31 Heber and Ruth Henry, renters
Assistant State Attorney General
NOTE: The address is listed as 1109 W. 22½ Street.
- 1929 The address is not listed in the directory.
NOTE: Heber and Ruth Henry are not listed in the directory.

BIOGRAPHICAL NOTES

For biographical information, see the notes for 1207 W. 22½ Street.



The 1935 Sanborn map shows the twin houses with their former addresses of 1107 and 1109 W. 22½ Street. The houses are shown as single family dwellings.



The 1961 Sanborn map shows the twin houses divided into apartments with stucco exteriors, and their current addresses.

Unless the Plumbing is done in strict accordance with City Ordinances, do not turn on the water.

PERMIT FOR WATER SERVICE

AUSTIN, TEXAS

No. 1507

M. *L. B. Shaw*

Address *1209 W. 22 1/2*

Plumber *Brydson*

Size of Tap *1/2*

Date *1-20-33*

(Down Main)

Foreman's Report

Date of Connection *1/21/33*
 Size of Tap Made *3/4*
 Size Service Made *3/4*
 Size Main Tapped *4"*
 From Front Prop. Line to Curb Cock *8'6"*
 From *W* Prop. Line to Curb Cock *3'4"*
 Location of Meter *at curb*
 Type of Box *lock*
 Depth of Main in St. *20"*
 Depth of Service Line *18"*
 From Curb Cock to Tap on Main *6'6"*
 Checked by Engr. Dept. *3-6-33 J.C.F.*

No. Fittings	Size.
1 Curb Cock	<i>5/8"</i>
1 Elbow	<i>3/4"</i>
1 St. Elbow	<i>3/4"</i>
1 Busting	<i>3/4" x 1/2"</i>
1 Reducer	<i>3/4" x 1/2"</i>
1 Pipe	<i>3/4"</i>
1 Comp.	<i>3/4" x 1/2"</i>
Nipples	
Union	
Plug	
Tee	
1 Stop	<i>for an emergency</i>
1 Box	<i>for box</i>
1 Lid	<i>1</i>
Valves	

957

Foreman's Signature

Brydson

INDEXED

Water service permit to Larry B. Shaw for this address (1933)

WEST UNIVERSITY NEIGHBORHOOD ASSOCIATION (WUNA)

APPEAL OF TWO CERTIFICATIONS OF DEMOLITION

1207 & 1209 West 22 ½ Street, Austin 78705

HISTORICAL CASE NUMBER: HDP-2016-0468 AND HDP-2016-0469

REVIEW CASE NUMBER: PR-2016 AND PR-2016-075545

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Objections to Staff Recommendation Report

We have several objections as to the form of the Historical Preservation Office's report to the Historical Landmark Commission regarding 1207 West 22 ½ St. and 1209 West 22 ½ Street. First, the staff combined two properties into one report and essentially used only two references: a 1935 map and City Directory obtained at the Austin History Center. The City Directory Research is reviewing old telephone books. This research assumes everyone who lived on the two properties had a telephone in the 1930's. The Historical Office's decision to release the demolition permit was based on one map and old phone books. There was no reference to the Criteria for Historical Designation.

The Historical Preservation Office's one-page report contains several errors, which mirrors the concerns identified in the February 2017 City Auditor's Report. Specifically, the Audit Report found that staff does not provide justifications for administrative approvals, and such justifications are not documented. The approval of these two demolition permits, which were administrative approvals, was put on the consensus docket without any justification or documentation, other than a map and a listing of the tenant from the City of Austin Directory. A Public Information Request yielded no additional information. (See Exhibit - L).

The report states that the permits cover a "twin four-plexes" built as single-family houses in 1929-1930. The two properties are not four-plexes: 1207 is a four-plex and 1209 is a tri-plex. Additionally, each structure is not one story; both dwellings are two stories, with stairs on the back-end of each house. This error occurred because the staff did not conduct a visual inspection of the houses. The finding that each structure is a single-family dwelling is an example of the Audit Reports concerns that "inspections are only done for a subset of properties and are not consistently documented." These two dwelling were obviously not part of a subset of properties that are inspected.

The report states that the houses were built in 1929-1930. With no research and using the 1920 Sanford map, it's clear that in 1920, West 22 ½ Street did not exist beyond Rio Grande Street, five blocks away from these dwellings. The report provided a February 1929 water permit for 1207 West 22 ½. Based on the deeds, L.B. Shaw bought the property in February 1930 (See Deed Register and Deed – Exhibit B).

The report further states "it would be unfortunate to lose these twin four-plexes, as they represent a popular style of their time, and are part of the historical fabric and character of this neighborhood when it was an area occupied by professors and others associated with the University of Texas." With appropriate research, the Historical Preservation Office would have discovered that within two blocks of these houses, at

least four professors own their homes, one current employee owns his house, and four/five retired employees still own homes in this area.

The report sadly concluded that “staff cannot say that either of these houses qualify as a historical landmark, so if the applicant is dead-set on demolishing them, then staff must recommend release of the permits ...” This conclusion is in direct conflict with the City of Austin’s ordinances §§ 25-2-352 and 25-2-355. The Historical Preservation Commission, relying on the Historical Preservation Office, “shall consider the criteria established in Section 25-2-352 (Historical Designation Criteria), which requires the Historical Preservation Office to review “all applications for total demolition of buildings over 40 years old. In this case, there was no review

In this case, the Historical Preservation Office failed to mention any of the Criteria required to be considered a historical property. There was no documentation provided, even after a Public Information Request was filed for information supporting the Reports conclusion. (See Exhibit-L). The staff report recommending demolition was required to consider the Criteria established by the City’s ordinance and report it to the Historical Landmark Commission to review and vote. The report never mentioned any of the Criteria required to accept or reject a property as a historical landmark.

Sadly, the report admitted that the staff could not “*say that either of these houses qualify as a historical landmark.*” This conclusion does not provide any information on how the demolition application meets the House Code requirements. The report also fails to address any of the Historical Designation Criteria and explain how the subject properties does or do not meet the required Criteria. In order to issue a demolition permit, the Historical Preservation Office must apply each Criteria to each house and determine if the property meets the Criteria. In this case, the Criteria were never applied.

The Historical Preservation Office’s goal is to preserve historical landmarks not to say they don’t know if a structure is historical! The simple conclusion of the February 2017 Audit report applies to this appeal: “The Planning and Zoning Department is not effectively administering the historic preservation program, which may prevent the program from achieving its objectives.”

The Audit Report reiterated that the COA’s overall goal of “historic preservation program is to protect and *enhance neighborhoods*, buildings, and *sites that reflect elements of Austin’s cultural, social, political, and architectural history.*” The Audit Report found that the Planning and Zoning Department was “not effectively administering the historical preservation program.”

WUNA is requesting that the Land Development Board reject the demolition permit on the basis that the Historical Preservation Office failed to apply any of the

Historical Criteria and failed to document the historical status of the dwellings. Second, as discussed below, WUNA believed that the structures are historical and has provided support that both dwellings meet the City of Austin's definition of a historical landmark.

The COA's and National Register Requirements for Historical Landmark

The City's Historical Designation Criteria contained three major Criteria and a property must meet two of the three following Criteria. Specifically, §25-2-352 requires the following:

1. The property must be 50 years old and represents a period of significance of at least 50 years old;
2. The property retains a high degree of integrity, as defined by the National Register of Historical Places, that clearly conveys its historical significance and does not include an addition or alternation which significantly compromised its integrity; and
3. The property is individually listed in the National Register of Historical places... or demonstrates significance in at least two of the following categories:
 - a. Architecture. The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction. There are seven sub-categories that will be address below.
 - b. Historical Associations. The property has long-standing significant associations with person, groups, *institutions*, businesses ... which contribute significantly to the history of the city, state, or nation ...
 - c. Archeology.
 - d. Community Value. The property has a unique location, physical characteristics, or significant feature that contributes to the character, image, or cultural identify of the city, a neighborhood, or a particular group.
 - e. Landscape Feature.

WUNA believes that the two properties on West 22 ½ meet or exceed the Historical Designation Criteria required by City ordinance. Specifically, the two dwellings meet the following:

1. The property is at least 50 years old and represents a period of significance of at least 50 years old. §25-2-352 (A)(1)
2. The property retains a high degree of integrity, as defined by the National Register of Historical Places. . §25-2-352 (A)(2), and
3. The property demonstrates significance in at least two of the following categories. §25-2-352 (A)(3)(b)(i), (ii), and (iv)
 - a. Architecture. The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction. There are sub-categories that will be address below.
 - b. Historical Associations. The property has long-standing significant associations with person, groups, and institutions, businesses that contribute significantly to the history of the city, state, or nation ...
 - d. Community Value. The property has a unique location, physical characteristics, or significant feature that contributes to the character, image, or cultural identify of the city, a neighborhood, or a particular group.

Both Dwellings Meet Requirements for Historical Landmark Designation

In order to understand the Criteria set by the City of Austin, WUNA reviewed the Manual for State Historical Preservation Review Board by the US Department of Interior. This reference describes the Board's role in identifying historical property. (See Exhibit - D for the Manual).

I. Property is at least 50 years old and represents a period of significance

To determine whether the property was at least 50 years old and represents a period of significance of at least 50 years, we reviewed the Deed to 1207 & 1209 and believe they were bought in February 1930. The early 1930 Sanborn map shows that

the houses were built as a duplex with *stucco* exterior and a courtyard facing the street. (See Early 1930 Map – Exhibit-A). The question was did 1207 & 1209 West 22 ½ Street retain a high degree of integrity and represent a period of significance of at least 50 years.

The question remains whether the dwellings represent a period of significance of at least 50 years old. WUNA has two basis for believing that the 1930s, the period the two dwellings were build, was a period of significance.

During 1921 and 1940, the WUNA area had a major housing development boom. The 1920 Travis County Platt map shows that 22 ½ Street were being divided into lots. By the early 1930s, the Sanborn map shows with the exception of two parcels, all lots from Leon St. to the end of West 22 ½ were developed. The Central Austin Combined Neighborhood Plan documents the period between 1910-1940 as significance. As early as the 1920, the University of Texas has had a significant influence on this neighborhood. In addition to identifying thriving businesses in this area, the Neighborhood Plan documents the education connection between the University and this area. Beginning around 1910, this area saw the residence at 1216 W. 22nd street being a family home to Robert H. Cuyler, a cement contractor. His father, Robert Sr., was a UT Professor of Geology. In 1910, James Miller, a proprietor of Capital City Diary built a house at 1305 West 22nd Street and sold the house to Oliver & Jacoba Radkey. Dr. Radkey was a Professor or Russian. Other notable professors are listed on page 38 of the CACNP Report (See Exhibit-J).

Besides the notable collection of former University of Texas faculty, a number of University staff called West University home. These include librarians, editors, secretaries, and the first women physician in Austin who worked at the University. Other merchants, businessmen and the Adams Extract Vanilla Factory made the West University are their home during the 1920 through the 1940.

The growth experience in the West University area was being experience by all the neighborhoods surrounding the University of Texas. (See CACNP, pp. 21-29). Many of the homes in the areas surrounding the University are duplexes or some form of multi-family. This type of construction included the Spanish Eclectic style.

Second, WUNA believes that a review of the Architectural Styles Guides and Dictionary recognizes the example of the type of architecture style these two properties represent. In “A Field Guide to American Homes,” by Virginia and Lee McAlester, a resource recognized by the National Historical Preservation, the styles of the dwelling is considered Spanish Eclectic style that was popular between 1915-1940, the same time period many of these style homes were being build in the neighborhood surrounding the University. The Spanish Eclectic style home was built in the southwest states, particularly Arizona, Florida, Texas, and California (See Field Guide to American Homes, Exhibit-I).

A rare coincidence is the fact that there are TWO other houses at the end of this street, which may be considered Spanish Eclectic. More detailed information will be provided below. It is important to note that finding these houses across the street from each other that were built in the same period is more evidence that the owners were trying to develop housing for the thriving University, all using the popular style of that time.

II. Properties Retains a High Degree of Integrity, as defined by the National Register of Historical Places

Historical Integrity as defined by the National Register of Historical Places is: the ability of a property to convey its significance. The National Register criteria recognize seven aspects or qualities that, in various combinations, define integrity. Integrity is a quality that applies to location, design, setting, materials, workmanship, feeling, and association. In terms of architectural design, integrity means that a building must still possess the attributes, scale, decoration, etc., from its Period of Significance, that is from either (1) the period in which it was conceived and built, or (2) the period in which it was adapted to a later style which has validity in its own right as an expression of historical character. The question of whether or not a building possesses integrity is a question of degree of alteration. For a building to possess integrity, its principal features must be sufficiently intact for its historical identity to be apparent. (See Manual, pp.12-13).

Both 1207 & 1209 maintain integrity and its excellent location to serve University faculty, students and staff. Their design, setting, materials (stucco) workmanship and feel of the house are completely in line with the Spanish Eclectic. The white house across the street clearly shares its tile roof, court yard, 1:1 fenestration, decorative vents, and flared house edgings, all of which are part of the Spanish Eclectic. The third house, green, across the next door also had 1:1 fenestration, and originally had spiraled columns beside the entryway and red tile roofs. It currently has a curved window with decorative vents. (See Field Guide to American Houses, p. 423 and pictures of 1207, 1206, 1208, and 1209- Exhibit- C). 1207 & 1209 W. 22 ½ Street principal features are sufficiently intact for its historical identity to be apparent. They represent a unique example of Spanish Eclectic applied to a modest building. This style applied to a modest house is so rare because houses of this type have been demolished.

III. The property demonstrates significance in at least two of the seven categories listed in (A)(3)(a)(i). We will address three categories:

- a. Architecture. §25-2-352 (A)(3)(b)(i)
- b. Historical Associations. §25-2-352 (A)(3)(b)(ii)
- d. Community Value. §25-2-352 (A)(3)(b)(iv)

A. Architecture. § 25-2-352 (A)(3)(b)(i)

The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction.

1. The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction.

The properties retain a high degree of Spanish Colonial Revival or as is known as Spanish Eclectic. It was built during the period that Spanish Eclectic was popular, 1915-1940 and had some of the characteristics such as the 1:1 fenestration, decorative vents, tile roof, and stucco. It could arguably that certain features go back to the Mission building period of 1890-1920. The properties also share a flared edge on each side of the house. (See Field Guide to American Houses, Exhibit-I, pp.427, 429).

The identifying features of a Spanish Eclectic houses is low-pitched roof, usually with little or no eave overhand; red tile roof, and stucco wall surface with an asymmetrical façade. Although carved doors are typical of Spanish architecture, these were more common on high-style Spanish Eclectic houses such as 1208 West 22 ½ Street. Many of these homes have at least one large focal window that is commonly triple-arched. Although a triple-arched window is not present at 1207 & 1209 W. 22 ½ St., both houses have a triple-pane casement window as a focal point. (See Field Guide to American Houses, Exhibit-I).

2. The property represents a rare example of an architectural style in the city. As Austin had grown, many homes around the University area have been demolished. Since the Spanish Eclectic period ended in the 1940s, many of the home being built from 1915-1940 were close to the University or close to the center of town. Research for this Appeal has shown that two side-by-side stucco Spanish Eclectic multifamily dwellings are rare. We have provided example of the Spanish Eclectic homes that still exist in the North University Neighborhood Association, and Travis Heights. (See Exhibit-K). Two other homes on Palma Plaza, in the Enfield area, have been demolished. Both the Palma Plaza homes represented a multi-family dwelling, stucco exterior, and curved windows. It will be almost impossible to find two side-by-side, Spanish Colonial Revival homes with a U-shaped courtyard.

3. The property possesses cultural, historical, or architectural value as particularly fine or unique example of a utilitarian or vernacular structure. The pair of houses on 22 1/2 Street is an excellent example of the early 20th-century vernacular architecture in Austin's West Campus neighborhood. They reflect the adaptation of national taste to local conditions, in a modest scale and in a duplex form suited for the neighborhood's college-oriented population.

Since the 1960s, historic preservation activities have focused increasingly on the importance of vernacular architecture and cultural landscapes. From a vernacular perspective, individual buildings gain significance as part of a streetscape and a neighborhood that is cohesive in scale and feeling. The cohesiveness of the architecture is accorded significance that is not dependent on associations with prominent residents or significant events. Groups such as the Cultural Landscapes Foundation and the Vernacular Architecture Forum have emerged to document and advocate for more modest architecture.

The Manual outlining the National Park Service standards for National Register listings has a good answer with respect to the importance of vernacular architecture:

12. What are the criteria for listing vernacular architecture?

Vernacular architecture is important because it reflects significant patterns of life in particular regions. Criterion C, which includes historic resources "that embody the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction," is often applied to regional types, periods, and styles of vernacular resources. Such native resources are increasingly recognized as vital parts of the variety of American culture, especially as they become more scarce. Vernacular resources may convey a sense of historically common, but now rare or nonexistent, lifestyles or design patterns. Frequently the historic patterns and architectural features associated with vernacular construction reflect a major component of an area's culture. **Such resources might be modest in scale and simple in design and craftsmanship, yet are as legitimately historic as any other Register listing.** [Emphasis added].

Our dwellings on 22 1/2 street are an excellent example of vernacular architecture in the University's west campus. Both dwelling were created to house faculty, staff, and students in a cohesive neighborhood landscape that the dwellings contributed to without interference that most multi-family dwellings create in a neighborhood. More importantly, the dwellings shared an architecture style with two houses across the street.

B. Historical Associations. § 25-2-352 (A)(b)(ii)

The property has long-standing significant associations with person, groups, institutions, businesses ... that contribute significantly to the history of the city, state, or nation ...

The Manual outlining the National Park Service standards for National Register listing has a good answer with respect to the definition of local significance:

“association refers to the direct connection between the property and the area of significance for which it is nominated. For a property to be significant for an association with an institution or an individual, the individual should have lived, worked, or been on the premises during the period in which the person accomplished the activities for which the individual is considered significant. Period of significance refers to the span of time during which significant events and activities occurred.

The historical association is the cultural practices at the time the dwellings were built. The quality of integrity, which the property is linked, is important because it was a period of providing families and students housing close to the University. It contributed to and continues to contribute to maintaining a family-like neighborhood environment in the only remaining neighborhood west of the University. An old example that still thrives in our community today, Eeyore’s Birthday Celebration, which attends by students, neighborhood families and the greater Austin Community.

The cultural practices of the West University area was to live and work among people who were associated with the University. In addition to the Central Austin Combined Neighborhood Plan, the Historical Preservation Office’s research on City directories shows University faculty, staff, and students occupied both dwelling. The dwelling contributed significantly to a time period where work and home were close and you see your neighbor at work. This historical association is similar to Vernacular Vernacular architecture -- it reflects significant patterns of life in particular regions. These dwelling contributed to life style of walking to work, seeing your neighbors, and being able to afford to live west of the University. This represents a significant portrayal of the cultural practice of the University community and reflects a way of life of a definable group of people during a historical time within the University community and near by businessmen such as employees of Capital City Dairy and Adams Extract Company, located on 22 and San Gabriela, the border to the West University Community.

C. Community Value. § 25-2-352 (A)(b)(iv)

The property has a unique location, physical characteristics, or significant features that contributed to the character, image, or cultural identity of the city, or neighborhood, or a particular group.

The dwellings have a unique location in the WUNA neighborhood. They are at the end of West 22 ½ Street, a dead end that has one set of stairs leading down to Lamar and another set leading to Shoal Creek. The house is part of an intact streetscape that has maintained its integrity since the 1940s. All house have the same set back, most are one-story buildings and were built individually. The subject dwellings have the same Spanish Eclectic style that two other homes on the same block, for a total of four homes of the same style. The street has old oak trees and other native trees, and all the building is approximately the same scale. The subject dwellings contribute to the neighborhood feel that has an urban planning aspect to the whole street that is only two blocks long.

When the Central Austin Neighborhood Plan began work years in April 2002. In recognition of the importance of the University to all central Austin neighborhoods, Austin City Counsel passed a resolution instructing the Neighborhood Planning staff to engage students and four business organizations, all associated with the University. The planning team included at least one student representative from each of the seven neighborhoods represented. All neighborhoods surrounding the University acknowledged that these neighborhoods are fluid in nature, with professors, students, staff, and homeowners sharing the same resources and space. However, their number one goal was to “Preserve the integrity and character of the single-family neighborhood.”

The subject dwellings were once home to a single family and were built to reflect that life style. Throughout time and without property building permits, additions were added, without disrupting the integrity of the neighborhood. Both structures represent a cultural identity that is very important to the City and particularly important to the University community. The structures are a contributing member of the character and identify of this neighborhood and allow for the fluidity that started in the 1930 to exist today.

As the Historical Preservation Office report stated “It would be unfortunate to lose these twin four-plexes, (sic) as they represent a popular style of their time, and are part of the historical fabric and character of this neighborhood.

Conclusion

In conclusion, the WUNAs request that the Land Development Board deny the demolitions permits for 1207 and 1209 West 22 ½ Street. Both these structures have historical significance and are a contributing to the character and cultural of this neighborhood. Additionally, the structures are a rare example of two side-by-side stucco Spanish Eclectic architecture that sits across the street from two other structures of the same style and period. These properties should be declared Historical. They are truly part of the historical fabric and character of this neighborhood.

Olivia B. Ruiz

Attorney at Law

1115 West 22 ½ Street
Austin, Texas 78705

(512) 477-4422
Fax (512) 233-2622

August 5, 2012

(Steve.Sadowsky@austintexas.gov)

Mr. Steve Sadowsky

Director

Historical Preservation Division

City of Austin Planning and Zoning Department

Austin, Texas 78701

NOTICE OF APPEAL
1207 & 1029 WEST 22 ½ STREET, AUSTIN, TX 78705
“ACTION ON A CERTIFICATION OF DEMOLITION OR REMOVAL”
JULY 25, 2016 AGENDA ITEM NO. D.18-1
HISTORIC LANDMARK COMMISSION

Dear Mr. Sadowsky:

Thank you for returning my call on Wednesday, August 3, 2016. I reviewed the City of Austin Ordinance regarding Appeals of a commission's action and realized that the appeal time was 14 days and not 60 days. Therefore, I ask that you consider this letter, along with my telephone conversation with you, as my notice to appeal the Historical Commission's July 25, 2016 decision regarding the above-mentioned properties. I am an interested person as defined by the Land Development Code because I live and own a home within 500 feet of the subject property

My neighborhood association, West University Neighborhood Association, will meet on September 7, 2016 to discuss this matter. For now, please consider this also an appeal by the West University Neighborhood Association. The West University Neighborhood Association (WANA) is a registered neighborhood organization as defined by the Land Development Code and has its boundaries within 500 feet of the proposed development.

Under Article 7 of the Land Development Code, § 25-1-133, the following information is required:

1. I am the appellant and my name and number are listed above. The WANA connection is currently me. If necessary, I will update this information after our September 7, 2016, meeting.
2. The name of the applicant is Bennett Consulting.

Mr. Steve Sadowsky
Notice of Appeal
HDP-2016-0468
July 5, 2016

3. The decision being appealed is the COA's staff recommendation to allow the demolition of twin ca. 1929-1930 houses now used as four-plexes, and to encourage rehabilitation and adaptive re-use, but release the permit upon completion of a City of Austin Documentation Package.

4. The date the Commission approved the staff recommendation on the Consensus Agenda was July 25, 2016.

5. My status as an interested party is that I own a home within 500 feet of the development. WUNA's is an interested party because their boundary is within 500 feet of the development.

6. The following are the reasons why we do not believe the decision complies with the requirements of the Land Development Title:

- A. The complete block of 1200 West 22 ½ has historical significance since all the houses on that block are close to 100 years old or older.
- B. The COA's staff research failed to disclose many important people who lived in the two above-mentioned structures. Additional research is need to establish that people other than students, clerks in various state departments, office workers, and junior professor lived in these structures.
- C. Since the houses are listed in the 1984 Comprehensive Cultural Resources Survey, more comprehensive studies of the buildings and its occupants are needed to confirm that the structures and/or its occupants may comply with historical preservation guidelines.

I request that this appeal be filed today, August 5, 2016, in order to comply with the 14-day requirement to file an appeal. Thank you.

Sincerely,



Olivia B. Ruiz

Cc: Kalan Contreras: Kalan.Contreras@austintexas.gov
WANA Group List

TO
Z

E. HI 7	E. HI 27	E. HI 47	E. HI 67	E. HI 87	E. HI 107	E. HI 127	E. HI 147
J. JO 9	J. JO 29	J. JO 49	J. JO 69	J. JO 89	J. JO 109	J. JO 129	J. JO 149
K. LM 11	K. LM 31	K. LM 51	K. LM 71	K. LM 91	K. LM 111	K. LM 131	K. LM 151
N. PO 13	N. PO 33	N. PO 53	N. PO 73	N. PO 93	N. PO 113	N. PO 133	N. PO 153
R. S 15	R. S 35	R. S 55	R. S 75	R. S 95	R. S 115	R. S 135	R. S 155
T. UV 17	T. UV 37	T. UV 57	T. UV 77	T. UV 97	T. UV 117	T. UV 137	T. UV 157
W. YZ 19	W. YZ 39	W. YZ 59	W. YZ 79	W. YZ 99	W. YZ 119	W. YZ 139	W. YZ 159

TO FIND NAMES BY THIS INDEX TABLE { Find FIRST LETTER or FIRST TWO LETTERS of SURNAME, printed in alphabetical order at top of Column Divi-
NAME, and figures following indicate page on which name should be found. Treat first principal word of Association

NAME OF GRANTEE	NAME OF GRANTOR	NATURE OF INSTRUMENT	DATE	
			Year	Month
Shaw	L.B.	Okestenfield Develop	1929	July
Do.	et al Fromme Mtr. Co	Rel. Judg	"	"
Skog	Martha	R. F. Galbreath	"	"
Shippi	Madeline R. Skalter & Benson	Eth	"	Aug
Shipwash	Lucille et al B. F. Lansing et al	Deed	"	Spt
Slaughter	Lomis	Texas Bank and Trust Co.	"	Oct
Shaw	L.B.	P. J. Lawless	1930	Feb
Shurr	L. V.	City of Austin	"	Apr
Shelby	L. E.	Felix E. Smith	"	Ma
Shooter	Mary R.	Henrietta Hampe	"	"
Shipp	Madeline R. R. W. Shipp	Deed	"	Jul
Slaughter	Lomis et al Texas Bk & Trust Co.	Eth	"	Sep
Shipley	R. Mrs.	Otis L. Bush Adm'r	"	Nov
Shields	Lear	Milton L. Morris et al	"	Dec
Shelby	L. E. et al	Merle Shelby	"	"
Shelby	Merle	L. E. Shelby et al	"	"

1/1/1927 - 12/31/1930

David C. Gracy

THE STATE OF TEXAS

COUNTY OF TRAVIS

#

#

BEFORE ME, the undersigned authority, on this day personally appeared Ida Von DeWall a feme sole, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 18th day of February A. D. 1930.

David C. Gracy

(Notary Seal)

Notary Public, Travis County, Texas.

Filed for Record February 18, 1930 at 3:00 P.M. Recorded February 18, 1930 at 4:00 P.M.

THE STATE OF TEXAS #

County of Travis # KNOW ALL MEN BY THESE PRESENTS:- That I, P.J. Lawless, a singleman, of the County of Travis, State of Texas, for and in consideration of the sum of One Thousand Two Hundred and Fifty (\$1250) Dollars, to me cash in hand paid by L.B. Shaw and wife, Adelaide L. Shaw, the receipt of which is hereby acknowledged, have GRANTED, SOLD and CONVEYED and by these presents do GRANT, SELL and CONVEY unto the said L.B. Shaw and Adelaide L. Shaw, of Travis County, Texas, all that certain lot, tract or parcel of land lying and being situated in the City of Austin, Travis County, Texas, to-wit:

Lot No. Eleven (11) Division "B", in the P.J. Lawless Addition to the City of Austin, said lot having a frontage of fifty feet and running back one-hundred and thirty feet to an alley.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said L.B. Shaw and Adelaide L. Shaw, their heirs and assigns, forever; and I do hereby bind myself, my heirs, executors and administrators, to warrant and forever defend, all and singular the said premises unto the said L.B. Shaw and Adelaide L. Shaw, their heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

IN TESTIMONY WHEREOF witness my hand this the 18th. day of February, A.D. 1930.

P.J. Lawless

THE STATE OF TEXAS #

County of Travis # Before me, the undersigned authority, on this day personally appeared P.J. Lawless, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 18th. day of February, A.D. 1930.

(Notary Seal)

Allye B. Becker

Notary Public with in and for Travis County, Texas.

Filed for record 18 Feb. 1930 at 12:45 P.M. Recorded 19 Feb. 1930 at 1:20 P.M.

THE STATE OF TEXAS #

County of Travis # KNOW ALL MEN BY THESE PRESENTS: That we, Frank Campbell, and wife, Mattie Mae Campbell, of the aforesaid County and State, for and in consideration of Two Thousand and Ten (\$2010) Dollars paid and to be paid by Rufus H. Smith and wife, Kate Smith, as hereinafter stated, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and Con-



1207 W. 22 1/2





1207 + 1209
w. 22 1/2 St



1209 W. 22 1/2





1206,1207,1208, and 1209 West 22 1/2 St. 000006
1206, 1207, 1208, 1209 West 22 1/2 St. Cont.



1206,1207,1208, and 1209 West 22 1/2 St. 000007
1206, 1207, 1208, 1209 West 22 1/2 St. Cont.



1206, 1207, 1208, 1209 West 22 1/2 St. Cont.

1209 W 22nd 1/2 St
Austin, Texas
[View on Google Maps](#)

close x



1208 W. 22 1/2 St
patio
tile roof



Side Plank of 1208 W 22 1/2



Image capture: Apr 2014 © 2017 Google

Austin, Texas

Street View - Apr 2014



- 1206 W. 22 1/2 St
- originally had tile roof
 - originally had spiral column on each side of entry way



1206, 1207, 1208, 1209 West 22 1/2 St. Cont.