

**BEFORE THE DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

**THIRD CHURCH OF CHRIST, SCIENTIST
ICG PROPERTIES, LLC
900-16 16TH STREET, N.W., WASHINGTON, D.C.**

LANDMARK DESIGNATION CASE No. 91-05

**PROPERTY OWNERS' STATEMENT IN
OPPOSITION TO LANDMARK DESIGNATION**

NOVEMBER 30, 2007

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**I.
INTRODUCTION**

A. Overview.

Third Church of Christ, Scientist ("Third Church") and ICG Properties, LLC, the owners of the property at 900-916 16th Street, N.W., submit this statement in opposition to the landmark application for the Third Church of Christ, Scientist and Christian Science Monitor buildings. The structures, which were deemed "non-contributing" to the recently expanded Sixteenth Street Historic District, do not meet the landmark designation criteria under the District's historic preservation law and regulations.

Because of the protections afforded by the expansion of the historic district, the Historic Preservation Review Board ("HPRB") will be able to appropriately control and enhance development on the Third Church site to ensure that it will be compatible with the character of historic Sixteenth Street, one of the most significant elements of the L'Enfant Plan and one of the most important and visited viewsheds leading to the White House. Third Church looks forward to working with the Historic Preservation Office, the Historic Preservation Review Board ("HPRB" or "Review Board"), interested organizations, and with its architect, The Kerns Group, to achieve a high quality replacement edifice that will both contribute to the character of the Sixteenth Street Historic District and meet the religious mission of the Third Church congregation.¹

¹The Kerns Group is one of the most noted ecclesiastical design studios in the country, with over 75 AIA awards for design excellence. Its principal, Tom Kerns, has just been presented the Noland Award, the highest honor bestowed on a Virginia architect by the State Chapter.

The existing Third Church and Christian Science Monitor buildings detract from this historic corridor and do not merit landmark status. Neither the landmark application, the supplemental information submitted by the applicant at the HPRB hearing on November 1, 2007, nor the rationale set forth in the HPRB staff report provides sufficient justification to grant such exceptional historic status to these buildings.

As described below, the properties do not meet the criteria required by 10A DCMR § 201 and designation of the church structure will result in the Third Church's inability to use the building in the most fundamental ways and in furtherance of its religious practices. The story of Third Church of Christ, Scientist for most of the 20th century is the membership's consistent effort to remain a downtown congregation. When it secured a building site at 16th and I streets, N.W. from The Mother Church in 1969, it was only a leasehold interest, which meant that ownership of the church building would revert to The Mother Church at the end of the ground lease in 2029. Last year, The Mother Church sold the land to ICG.

The congregation's only asset is its church building. In order to transform that asset into a meaningful religious structure, Third Church obtained an agreement with ICG that will result in a new house of worship on land to be owned by Third Church, as part of a larger redevelopment scheme on the site, both of which will be reviewed by this Board.

In the specific context of this landmark application, historic designation is, effectively, a constructive eviction of Third Church by consigning the membership to an edifice that no longer serves the membership's vision of itself as a downtown congregation, that cannot be operated efficiently or effectively as a stand-alone structure and whose on-going, foreseeable maintenance requirements will divert the membership's limited financial resources away from its religious mission. The applicant recognized this possibility in 1991, when Mr. Longstreth assured The

Mother Church and Third Church that "it is not our intention to save physical things if so doing necessitates the loss of the activities which give them life."²

Adaptive reuse, so often the *mantra* in preservation efforts, is not possible in a single-use building, such as this one, where the interior elements of the building are so rigidly tied to the exterior structure. Nor does the structure possess integrity of design or its physical context required for designation under 10A DCMR § 201.2.

B. Summary of Relevant Non-Debatable Facts.

The following relevant points concerning the property are virtually indisputable by any of the parties to this designation application:

1. Third Church is an independent local church responsible for its own governance, finances and activities. The Third Church membership designed, financed, constructed and has maintained the church building under its sole continuous ownership. Third Church has opposed the designation since the application was filed and continues to oppose it.

2. Third Church signed a contract with Araldo Cossutta, not I.M. Pei, in March 1967 to design a church structure. In January of 1970, Cossutta left the I.M. Pei firm and took the church project with him. See Response of Third Church to Staff Report at Exhibit A.

3. As far back as 1991, the applicant assured Third Church that it would not proceed with the landmark application if "sav[ing] physical things" would mean "the loss of the activities that give them life." See correspondence at Exhibit B.

4. The designation of the church's physical structure will mean the loss of the activities that give it life. There is no doubt that the designation and retention of the existing octagon structure would substantially interfere with the congregation's expression of religion, mission

²Longstreth letter to Lois Presson, October 4, 1991, attached as part of Exhibit B.

and activities. The monolithic exterior bearing walls, which are integral to the layout of the interior, severely restrict the congregation's ability to modify the sanctuary in any meaningful way to accommodate its religious practices. See Defining Third Church Religious Practices at Exhibit C and Memorandum of Robert Silman Associates, Structural Engineers, at Exhibit D.

5. By virtue of the nature of the poured concrete walls, moisture penetration has occurred causing continuing deterioration that is not reversible. As the concrete deteriorates, increased damage to the structure and exterior facades will occur. This damage cannot be corrected without significant patchwork repair that will visually detract from the somewhat smooth exterior concrete finish. See photographs of existing concrete deterioration at Exhibit E.

6. There are numerous other examples of buildings in Washington with the same architectural appearance as the Third Church building, many of which are designed by notable architects. These other buildings can better convey the architectural style of the period without having to inflict the extreme level of harm that the proposed landmark designation of the church will cause.

7. The Sixteenth Street Historic District and its embodiment of the L'Enfant Plan for the Nation's Capital is much more important and significant to the District, the nation and internationally than the preservation of a single building of questionable value that does not serve the needs of Third Church. This Board, by virtue of its review jurisdiction, has the authority to assure a much more favorable relationship of a replacement edifice on this site to the Sixteenth Street Historic District than presently exists.

8. The restrictions and obligations brought about by a designation will raise substantial issues under the Religious Freedom Restoration Act ("RFRA") and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). See Exhibit F.

9. The Advisory Neighborhood Commission for this area unanimously opposes the designation with detailed reasons included in its resolution. This Board must give "great weight" to the views of the Commission.

II.
THE BUILDINGS DO NOT MERIT LANDMARK STATUS
UNDER ANY OF THE DESIGNATION CRITERIA.

A. Sufficient Time Has Not Passed Since the Buildings' Construction to Allow Professional Evaluation in a Historical Context, as Required under D.C. Criterion 201.3.

While the District has not adopted the 50-year rule of the National Register of Historic Places, sufficient time still must have passed in order to allow professional and scholarly evaluation of the buildings. Under the Review Board's designation criteria,

[t]o qualify for designation, sufficient time shall have passed since they achieved significance or were constructed to permit professional evaluation of them in their historical context.

10A DCMR § 201.3 (2004).

In the current case, the buildings were only constructed 35 years ago and no historical context has been established to adequately evaluate their potential significance. The applicant's sole witness, Richard Longstreth, testified that "a comprehensive and detailed analysis of Modern religious architecture in the U.S. has yet to be written, or anything approaching it has yet to be written...." Nor has the Historic Preservation Office undertaken or otherwise funded any survey of Modern religious structures in the city. In fact, the only survey of Modern architecture conducted to date has been limited to Southwest Washington. Without more, it is impossible to accurately, professionally and responsibly evaluate the relative merit of the Third Church either in the context of Modern religious buildings or even Modern architecture generally in Washington.

This dearth of scholarship has, not surprisingly, generated the numerous contentious and seemingly unanswerable questions in this case. Is the building an example of Brutalist architecture, as the staff report suggests? Or is the architect, Araldo Cossutta, correct in disavowing its connection to Brutalism? Should we eschew architectural labels altogether and evaluate it in the broader context of Modern architecture generally, and compare it to the stellar – or even representative – examples that are relatively well known? Or is it better to rely on the contemporaneous architectural critiques, without the benefit of the test of time and historical context? Certainly, no one would designate the building now in the hope that the structure will prospectively meet the criteria once the proper historical context has been established.

The National Register Guidelines are instructive on the necessity for an accurate historic context, particularly for properties less than 50 years old.

All National Register nominations should be based upon an understanding of the historic context with which the nominated resource is related. Historic context refers to all of those historic circumstances and factors from which the property emerged. Knowledge of historic context permits us to understand the relative importance of the resource in question. Evaluating a property within its historic context ensures accuracy in understanding its role and in making comparisons among similar resources. As defined in Webster's dictionary, context is comprised of the "interrelated conditions in which something exists or occurs." An understanding of the context of a historic resource is based on knowledge of the time, historical theme, and geographical area with which the property is associated. This involves understanding, among other things, the social, political, economic, artistic, physical, architectural, or moral environment that accounted for the presence of, as well as the original and current nature of, the resource. Historic context will vary with resources. It may be as simple as sites associated with the lumber industry in a particular county in the late 19th century, or as complex as the development of a national railroad line which was created by one set of physical, political, and economic forces, yet had different economic, social, political, and architectural impacts on local communities and geographic areas. *A thorough understanding of historic contexts for resources that have achieved significance in the past 50 years is essential for their evaluation.* In evaluating and justifying exceptional importance, it is especially critical to identify the properties in a geographical area that portray the same values or associations and determine those that best illustrate or represent the architectural, cultural, or historical values being considered. Thus the first step in evaluating properties of

recent significance is to establish and describe the historic context applicable to the resource.

National Register Bulletin #22, *Guidelines for Evaluating and Nominating Properties That Have Achieved Significance Within the Past Fifty Years*, U.S. Department of Interior, National Park Service (rev'd. 1998), at 3 (emphasis added).³

Landmark questions are difficult enough even when the historic context does exist; it is impossible to designate a building without one. Its absence reduces the landmark process to a beauty contest, with results based on personal opinion and feeling instead of scholarship. On this basis alone, the application should be denied.

B. The Building Does Not Possess Sufficient Integrity to Convey the Qualities of the Architectural Style for Which it is Purportedly Significant, as Required Under Criterion 201.2.

The building fails the basic tenet of the Modernist movement that "form follows function," or Brutalism's credo of truth in materials, function and circulation.⁴ Cossutta allowed his artistic vision to take precedent over the needs of the congregation for an entrance on 16th Street, adequate lighting in the sanctuary/auditorium, and integrity of building materials and mechanical systems to allow practical, economical and feasible maintenance of the building. The concrete has aged poorly, as shown in the photographs attached as Exhibit E. The freeze-thaw cycle creates perpetual water penetration and related deterioration and spalling at the church, the roof leaks despite continuing maintenance efforts, and water damage is evident inside

³ While the District of Columbia has not adopted the National Register Bulletins as their own, the District of Columbia Historic Landmark and Historic District Protection Act and the D.C. Historic Preservation Regulations are intended to implement and be consistent with the programs of the National Historic Preservation Act, which includes the National Register. 10A DCMR §§ 100.3(d) and 106.5 (2004).

⁴ "Reynar Banham dubbed the school 'the New Brutalism', a movement which aimed, in his words, to 'make the whole conception of the building plain and comprehensible. No mystery, no romanticism, no obscurities about function and circulation.'" See *From Here to Modernity – Architects: Brutalism*, http://www.open2.net/modernity/4_15.htm.

the sanctuary. The application, the Staff Report and other supports of landmark designation point to the interior of the church building as a significant factor to justify landmark the exterior, which is not allowed by law and is beyond the jurisdiction of the Review Board.

Additionally, the basic design context originally intended was never achieved and has been significantly changed. The open area between the Monitor Building and the church was originally perceived as a walkway leading to the adjacent property (formerly a parking lot) to the West. This "plaza" area has been altered and leads to a narrow passage under a moisture-damaged overhang, which terminates and negates the openness intended. On the adjacent property to west, where the desired openness was envisioned, is now a large glass and steel tower that visually intrudes on the church and overwhelms the pedestrian along 16th Street – as well as anyone entering the inwardly facing doors to the church structure.

These changes from the original design intent clearly do not now present the "sufficient integrity" required by the overriding criteria of Section 201.2. The decision to designate or not must be based upon today's reality not the photographs presented by the applicant which were taken over 16 years ago. Current photographs are submitted as Exhibit G.

The late Avery Faulkner, FAIA, a leading Washington architect and former chairman of the AIA's Historic Resources Commission, prepared a comprehensive analysis of why the church and monitor structures should not be designated a landmark. Among other things, Mr. Faulkner believed that "the site as designed and constructed not only fails to carry out the architect's plan but is in conflict with the context of the area and the historical significance of 16th Street approaching Lafayette Square and the White House." A copy of his testimony, prepared in 1991 for a scheduled landmark designation hearing before the Review Board, is attached as Exhibit G. Mr. Faulkner concludes that "[n]either the Third Church of Christ, Scientist nor the Monitor

Office Building meet any of the written or theoretical criteria for designation as a District of Columbia landmark."

C. The Building Is Not a *Notable* Work of Araldo Cossutta or the I.M. Pei Firm.

Both the staff report and the landmark applicant invoke the names of the I.M. Pei firm and the building's architect, Araldo Cossutta, as *de facto* evidence that the building meets designation criterion (f).⁵ For example, the staff report states that

[t]here is no doubt that Cossutta is internationally prominent for his work—even if only for his work with the Pei firm.... For Cossutta's and the Pei firm's involvement in this project, the complex meets the Historic Preservation Review Board's designation criterion F....

HPRB Staff Recommendation on Landmark Application for the Third Church of Christ, Scientist ("HPRB Staff Report"), November 1, 2007, at 9.

Yet the designation criteria require more than just association with a recognized or leading architect. The building itself must be notable, not just the architect. Criterion (f) provides that buildings are eligible for designation if

they have been identified as *notable* works of craftsmen, artists, sculptors, architects, landscape architects, urban planners, engineers, builders, or developers whose works have influenced the evolution of their fields of endeavor, or are significant to the development of the District of Columbia or the nation....

10A DCMR § 201.1(f) (2004) (emphasis added).

This provision parallels the National Register of Historic Places Criterion C, which provides that a property may be eligible for the National Register if it represents the work of a

⁵ Mr. Cossutta has made clear on any number of occasions that he was the sole architect for the project and that the Pei firm acknowledged as much when Mr. Cossutta left that firm. See Traceries Report; see also Exhibit A. It is unclear, then, why the Staff Report, the applicant and others in the academic field continue to associate the Third Church complex as the work of I.M. Pei.

master.⁶ The National Register Guidelines caution, however, that a "property is not eligible as the work of a master ... simply because it was designed by a prominent architect. For example, *not every building designed by Frank Lloyd Wright is eligible under this portion of Criterion C....*" National Register Bulletin #15, *How to Apply the National Register Criteria for Evaluation*, U.S. Department of Interior, National Park Service (rev'd. 1997), 20 (emphasis added).

Similarly, the church building is not eligible for local landmark designation simply because it was designed by a notable architect, Araldo Cossutta, or the Pei firm. There is no discussion in the Staff Report as to why the Third Church in particular stands out among either Cossutta's or the Pei firm's other work. For example, while the Staff Report notes that the Denver Hilton Hotel is important as one of Cossutta's earliest works and for introducing the Pei firm to "plasticity" of concrete, there is no corresponding analysis of the Third Church. Staff Report, 7-8. There is only a description of the building's architectural characteristics and quotes from a 2003 *Washington Post* article describing why the writer/critic finds the design pleasing.

Third Church should be evaluated in the context of Cossutta's contemporaneous work on the addition to the Christian Science Center in Boston, which was a fully realized plan. In the case of the Third Church building in Washington, D.C., Cossutta's vision could not be fully realized because the requisite additional land was not available. It also fell short in meeting the desires of the congregation, which had wanted a 16th Street entrance. Based on the testimony of the applicant's own witness and HPO staff, if this building is considered the work of the Pei firm, it cannot be judged "notable" in light of that firm's seminal and ground-breaking designs

⁶ Criterion C of the National Register provides that "[p]roperties may be eligible for the National Register if they embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction." 10A DCMR § 202.2(c) (2004).

elsewhere, such as the East Wing of the National Gallery of Art, the National Center for Atmospheric Research, Society Hill Towers or the Municipal Administration Building in Dallas, or the addition to the Louvre in Paris. If it is deemed the work of Araldo Cossutta, the building clearly falls short of his other influential works, such as the Denver Hilton, the Green Earth Sciences Building at MIT, or L'Enfant Plaza, or the Christian Science Center in Boston.

D. The Building Likewise Does Not Embody the Distinguishing Characteristics of an Architectural Style That Is Significant to the Appearance and Development of the District or the Nation, as Purported under Criterion 201.1(d).

Dozens of other buildings throughout the city distinguish themselves as better examples of the Brutalist style of Modern architecture than the Third Church of Christ, Scientist. The federal buildings along Independence Avenue, for example, are far more significant to the appearance and development of Washington architecture, and have had a lasting influence on the design of Washington's modern office structures and other institutional buildings. International Square at 18th & I Streets or the University of the District of Columbia are two complexes whose design is easily traceable to their Brutalist predecessors both in Washington and elsewhere in the country. Neither the staff nor the landmark applicant offer any testimony as to how the design of the Third Church building has influenced the appearance or development of Washington.

In fact, according to the Staff Report, Brutalism was in fashion for only a very brief time. This is not surprising given the public's overwhelming rejection of it. Brutalism's most prominent critic, Charles, Prince of Wales, mourned that the cold "soulless" concrete of Modern architecture was no less damaging to post-war England than the bombs of the Luftwaffe.⁷

Another critic offered the following assessment:

⁷ In awarding Prince Charles the Vincent Scully Prize for Architecture in 2005, jury member Robert Stern discussed Prince Charles' rejection of Brutalism and described "the 1960s and '70s as architecture's 'teenage tantrum' phase.... 'Every new building had to be at the expense of its surroundings.'" Linda Hales, "Charles in Charge:

Back in the mid-1970s, to criticize Brutalism was to reveal yourself an artless rube. And there are still those entranced by it though even they admit that it is difficult to appreciate without years of indoctrination. Just as Mark Twain once said that Wagner's music was better than it sounded, Brutalism's defenders are left arguing that these buildings are better than they look.

Philip Murphy, "Brutalism Begone: Good Riddance to Beantown's City Hall," *City Journal*, January 31, 2007.

Whether the style is classified as Brutalism, engineered construction, or simply part of the larger Modernist movement, there is no question that concrete employed on the Third Church conveys a cold, uninviting, spiritless image, exactly the opposite of the message that the congregation wishes to project. Unless there is solid evidence of the overwhelming influence of this building on Washington architecture, and a proper historic context in which to evaluate it, Third Church should not bear the burden of preserving a building for the benefit of only a handful of critics.

E. Because of the Building's Peculiar Structural Configuration, Landmark Designation Will Immediately Eliminate any Possibility for Third Church to Adapt the Building for Current Use and the Free Exercise of its Form of Worship and Religious Practice, as Guaranteed by RFRA and RELUIPA.

The mere act of designating the church a landmark will have a devastating impact on the congregation's ability to practice its faith. The design standards and review process under the District's preservation law could "substantially burden" Third Church's religious exercise, even though the burden does not serve a "compelling interest" by the "least restrictive means." Under RLUIPA,

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution –

Scully Prize-Winning Prince Insists on Looking Back, Speaking Out," *Washington Post*, October 29, 2005, C2 (http://www.washingtonpost.com/wp-dyn/content/article/2005/10/28/AR2005102802151_pf.html).

- (A) is in the furtherance of a compelling governmental interest; and
- (B) is the least restrictive means of furthering that compelling government interest.

RLUIPA § 2(a)(1).

Third Church's worship depends on the ability to transform the existing edifice from a cold, foreboding, inward-looking structure to an open, warm and inviting church that welcomes members and the public and allows such fundamental needs as reasonably efficient economical heating, cooling and general maintenance (that does not require complex, expensive scaffolding to change a single light bulb) to be met. Given the peculiar structural configuration of the building, landmark designation will immediately eliminate any possibility for Third Church to adapt the building for its current needs.

The building does not have its own, independent HVAC system and cannot be retrofitted to provide one without incurring prohibitive costs, given the building's complex structural system. Third Church will be immediately burdened with a near-million dollar cost of a new system, and would be required to maintain, heat and cool a fossilized concrete structure that is much larger than what is needed. Depending on the final resolution development plans, retrofitting of an independent HVAC system may not be possible at all. See Exhibit D. Nor can the interior space be partitioned to meet the needs of the church given the nature of the concrete structure. It is an inflexible system that will be frozen in time by the simple act of landmark designation. In the process, the Board will *de facto* designate the interior, despite the limits of its jurisdiction to do so. RLUIPA was enacted to specifically protect religious institutions from such onerous burdens, as described in Exhibit F.

While well-meaning landmark supporters and preservationists may call for adaptive reuse as a solution to this dilemma, it simply is not achievable in this instance. "Adaptation" means

material modification. The nature of the church's poured-in-place concrete structure essentially renders the entire building an unalterable unit. It is just not possible to cut new windows in the concrete, remove walls or make any meaningful interior modifications. "Reuse" is defined by Merriam-Webster's dictionary as "to use again especially in a different way or after reclaiming or reprocessing." Here, a new use is not appropriate or viable – the church strongly desires to continue its 35-year presence on this site in a manner that serves its religious needs, and should not be forced to stay in an unworkable structure or move to another location.

III. CONCLUSION

Based on the foregoing, the Third Church of Christ, Scientist and Christian Science Monitor Building do not meet the criteria for historic landmark designation and should be denied inclusion in the D.C. Inventory of Historic Sites.

Respectfully submitted,

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ATTACHMENTS

<u>Description</u>	<u>Exhibit</u>
Third Church Response to HPRB Staff Report	A
Correspondence Between Third Church of Christ, Scientist and the Committee of 100 on the Federal City	B
Religious Practices of the Third Church of Christ, Scientist	C
Report of Robert Silman Associates, Structural Engineers	D
Photographs of Third Church Structure and Deteriorating Concrete	E
Implications of RFRA and RLUIPA	F
Proposed Testimony of Avery Faulkner in Opposition to Landmark Designation of Third Church of Christ, Scientist and Christian Science Monitor Building	G