Steve Francis Shoots A Biting Missive To Protest Church Plan*

Houston Rockets star Steve Francis has thrown a jump ball into a bitter Galveston Island real-estate battle. Francis is charging that Saint Mary’s Cathedral, the oldest Catholic congregation in Texas, is pulling strings to destroy the character of his neighborhood by erecting a 10-story beach-front resort condominium building on 20th Street next-door to its church on Church Street.

“It appears that the church has worked to bypass the neighbors, to have its way whatever the neighbors think,” Mr. Francis wrote in a July 1 letter to the chairman of the Texas Historical Commission (THC). “I realize we may all be a bit paranoid at the moment, but I must tell you that those of us who believe in our system of government—and the governing process—feel that in this instance our rights—yes, it is not too strong a word—are being ignored by people who wish to serve their own interests at the expense of the community.”

The strong words from Mr. Francis have riled the congregation, which argues it needs the proceeds from the resort condominium building to finance renovations on its landmark church and support its ailing Catholic school.

But opponents charge that the proposed tower—whose height would exceed zoning restrictions by over 40 feet—is out of character with the rest of the over 550 historic landmarks and 1500 historic homes in Galveston.

And despite a public debate on the issue that has stretched back almost a year, many neighborhood residents and advocacy groups are arguing that the congregation has been working behind closed doors to gain the city’s approval for the project—a claim that the congregation dismissed as specious.

But that’s the gist of the letter that Mr. Francis, a five-year resident of 101 20th Street, which is across the street from the proposed building, wrote to John L. Nau, III, the chairman of the THC. The proposed project is located in the Silk Stocking District, one of the city’s three historic districts. Francis and his neighbors say that they were drawn to Galveston for its historical character, and they were drawn to that neighborhood because they thought that the designation of the district as historic would protect them from unwanted land uses inconsistent with that designation.

“That’s what else I hear on the street,” his letter continues. “That people have lost faith in the process—the governing process—because they believe ‘the fix is in.’ It’s a horrible phrase, but many of my neighbors are convinced it is true.”

It’s a characterization that Saint Mary’s Cathedral vigorously denies.

* This fictional article was adapted from Blair Golson, Peter Jennings Hops to Protest Synagogue Plan, N.Y. OBSERV. Aug. 11, 2003, at 1. Most of the text is directly quoted. Most of the names have been changed. Some of them are actual people but they have no involvement in this fictional dispute.
“We have conducted well over a dozen presentations; we have gone civic association meetings . . . we have briefed elected officials,” said the congregation’s attorney, Paul Easterwood—partner at Winstead Sechset & Minick, P.C.—one of the country’s most effective real-estate lawyers and counsel for institutions like the Houston Museum of Fine Arts and M.D. Anderson Cancer Center when they meet resistance to construction plans. “We have gone well beyond any requirement to at least make sure people are informed about what Saint Mary’s Cathedral is proposing, and why it’s proposing it.”

Saint Mary’s Cathedral’s neoclassical church on the corner of 20 th and Church Streets has been the congregation’s home since 1847. It was the first Catholic Church in Texas, and it survived the Great Storm of 1900. On September 8, 1900 a hurricane hit the island, killing 6,000 of its 38,000 residents and destroying one-third of the city.

Presently, the church and its “community house,” on the south side of 20 th Street, are home to its Catholic school and various cultural events. The community house, a non-landmark four-story building built in 1954, would be razed to make room for the 10-story resort condominium building. The bottom two stories would be used as a new community center, and the remaining 8 stories would be high-end condominiums, which would hit the market as sale units. The congregation plans to split the profits with the developer and use its share to finance ongoing renovations at the church and to support the school.

To date, the congregation has spent $5 million restoring the church, and much work remains: a new copper roof, grates and grillwork, glazing the Tiffany stained-glass windows and a complete overhaul of a parsonage townhouse directly south of the church on Church Street.

Mr. Easterwood said the congregation’s proposed 10-story building would provide an “economic engine” for the renovation work. To erect it, however, the congregation needs a zoning variance, because the 80-foot building would be over double the height allowed on that block.

In fact, this is a battle that Saint Mary’s Cathedral has been waging for more than 20 years. In 1983, it proposed erecting a 20-story tower that would cantilever directly above the existing church. It abandoned that plan in face of widespread public opposition. In 1995, the church proposed building an 18-story tower, but the Historical Commission dealt an early death blow to that plan, calling it equally unrealistic.

Then as now, most of the plan’s opponents object to the building because they say it’s grossly inappropriate for the historic block. But Marsh Davis, Executive Director of the Galveston Historical Foundation disagrees with that assessment, noting that the proposed building is close to the end of the block and near two relatively tall buildings (5 and 8 stories) that are already there.

“We thought it was a reasonable height and design,” said Davis. “It would have a minimal impact on the historic district, as it would be at the end of the block.”

Only the city’s Department of Planning and Community Development can grant a building variance. Also, because it is beach-
front development, the approval of the Texas Commission on Environmental Quality and the Texas General Land Office is needed. But before all that happens, the congregation must get an O.K. from the THC. When the THC takes up this matter in September, it will be the commission’s fourth public hearing on the matter. The church’s attorney, Mr. Easterwood, cites that fact along with about a dozen other meetings with community members as evidence of the church’s determination to give the public its fair say in the process.

But critics of the project, including elected officials and community-advocacy groups, note that Mr. Easterwood and the church began meeting privately with members of the THC about a year before they first publicly announced their plans. This fact has fueled speculation that the commission may have informally approved the project long ago.

“It’s incredibly frustrating when an advocacy group reviews a project and spends time and intelligence and energy to influence the process, only to discover that the project is already way down in the pipeline and a lot of the decisions have already been made—so all you’re managing to affect is the color of the paint,” said Charles Arial, executive director of the Historic Districts Council, which opposes the project. “That does not exactly inspire faith in the public process.”

Mr. Easterwood doesn’t dispute that he and the church participated in private meetings with the THC, but he and the commission both called those meetings “standard operating procedure” for an application of this nature.

“It’s in the nature of these things for an applicant to work very hard before putting its case before the public,” he said. “That requires a bit of time, and invariably a community can say, ‘Why didn’t you come to us sooner?’ The simple response to that is: How can we come before we know precisely what we want to say and what it’s going to look like?”

Craig Eiland, State Representative for Galveston County, who has been a vocal opponent of the project, said he sees a double standard in the city’s allowance of such private meetings.

“If a community group said, ‘So-and-so developer got to meet with the Mayor, and we’d like to do that,’ they’d look at you like you had two heads,” he said. “In a criminal case, if the defense attorney—or the district attorney—worked on that basis with the judge, it would be a constitutional outrage.”

Jim Blackburn, chair of the Galveston Bay Conservation and Preservation Association—an organization working to keep the Bay waterways and adjacent land areas suitable as a recreational and living environment—that opposes the project, said that while he believes the public has been given ample time to react to the project, he is beginning to wonder if those arguments haven’t been falling on deaf ears.

Since the church first publicly announced its intentions of seeking the variance, hundreds of neighborhood residents, elected officials, community-advocacy groups, and historic-preservation organizations have come out in vocal opposition to the plan.
Along with Mr. Francis, they include the historian Robert Caro, the former director of Moody Gardens Julie Smith, City Council member Joe Jaworski (who lives in the Island’s East End Historic District), State Senator Mike Jackson, the preservation groups Landmark Galveston and the Historic Districts Council, and hundreds of neighborhood residents.

In his letter, Mr. Francis wrote that many of his neighbors “believe that people over whom they have no influence have been working against the best interest of the neighborhood, even though the neighborhood is overwhelmingly opposed to the project.”

He proceeded to single out developer Art Vandelay, a St. Mary’s honorary trustee, as being a congregation member who is spoken of as trying to push the project through over the objections of concerned residents.

“Art Vandelay’s name comes up a lot,” Mr. Francis wrote. “He’s done a great deal for Galveston, but in this neighborhood these days I hear him discussed as a member of the church who wishes to have his way, and the church’s, no matter what the neighbors think.”

Mr. Vandelay, for his part, denied having any formal or informal involvement with the project aside from having once spoken in favor of the project at a meeting, and his spokesman, Howard Sutherland, took issue with Mr. Francis’ characterization of his actions.

“Art Vandelay is concerned about his neighbors’ opinions,” said Mr. Sutherland. “He sat in on three and a half hours of his neighbor’s opinions. He believes many of the neighbors think that the project is good for the community.”

Mr. Easterwood said that the community’s reservations have indeed made their impact on the congregation’s plans.

“This project was proposed in an excess of 20 stories, and that was cut down to 18 stories, and now it stands at 10 stories,” he said. “That is, over the longitudinal view, attributable to the fact that the community made its views known, and the Historical Commission reacted to it.”

The project does have its supporters. Aside from the congregation members themselves, they include Galveston Mayor, Roger “Bo” Quiroga, who originally opposed the project but reversed himself last month after reviewing updated building plans; the Galveston Landmark Conservancy, a prominent preservation group; and, according to the congregation, many residents citywide.

Still, even the plan’s supporters concede that the opposition has been well organized and has done a good job drafting some prominent Galvestonians into its cause. Mr. Cartwright, for example, whose award-winning documentary Land IS Power made issues like zoning and neighborhood preservation sexy, wrote a letter in February to the THC about his fear that the proposed building would set a dangerous precedent for the future of the city’s historic districts.

“If you walk along beach today, there are a number of low-rise religious buildings whose membership could, for the same reasons, request the same series of ‘waivers,’ ‘variances’ and ‘special permits,’” wrote Mr. Cartwright. “Setting a precedent is often only
the first step in changing existing rules and regulations.”