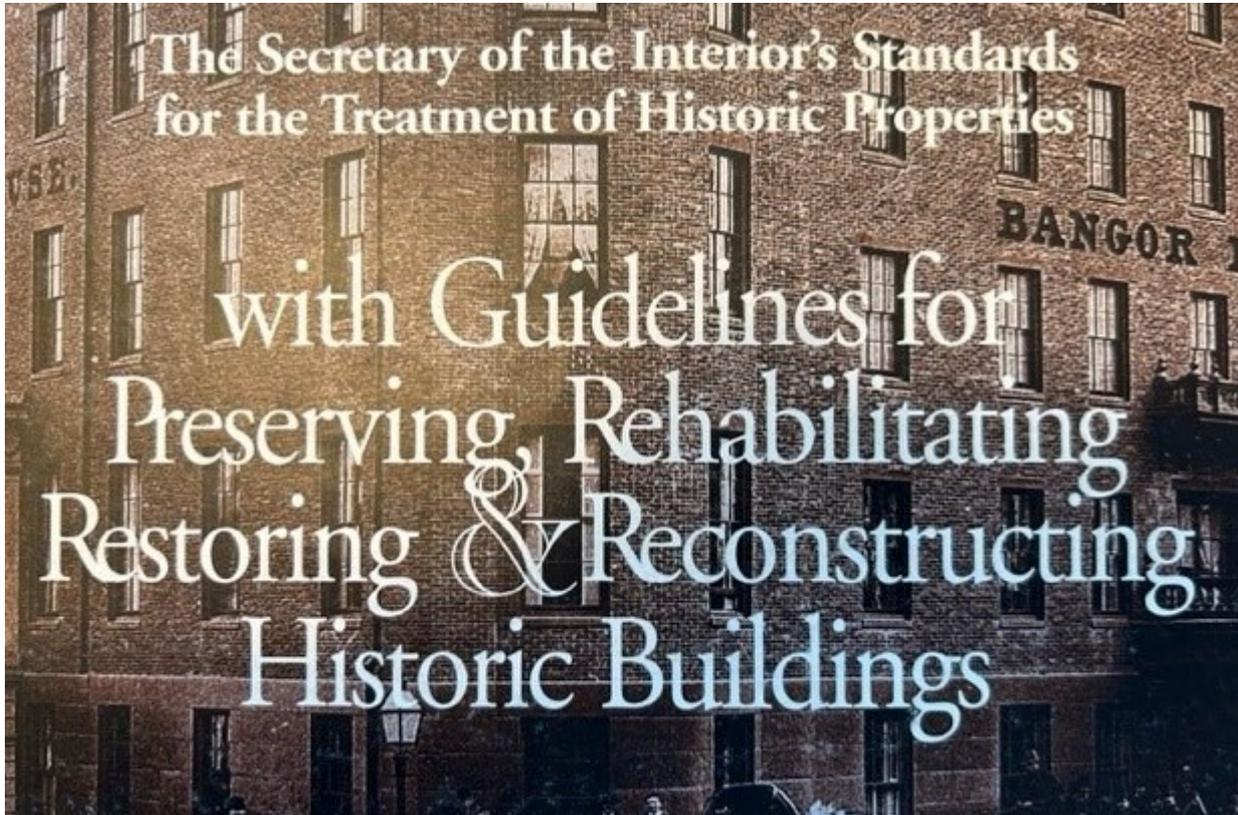


A SENSE OF TIME AND PLACE: HISTORIC PRESERVATION IN SANTA FE (Part 7)

Description



Part 7: The Addition of Preservation Standards

The historic ordinance as enacted in 1957 recognized as one of its purposes the "continued existence and preservation of historical areas and buildings."^[1] However, unlike the style standards, the ordinance's preservation standards were very weak, providing only:

The Historical Style Committee shall judge any proposed alteration "for harmony with adjacent buildings, preservation of historical and characteristic qualities, and conformity to the Old Santa Fe Style. In the case of an application to raze a structure, judgment shall be made on the basis of its historical importance, importance as an example of Old Santa Fe Style, and actual physical condition of the structure."^[2]

It was not until 1992 that the ordinance was amended to add a number of much more specific preservation standards to protect existing historic structures. These amendments adopt, with some slight modifications, the general framework established under federal law for preservation of historic sites and structures.

Under the ordinance, historic structures as those that are "approximately fifty years or older." This is consistent with the criteria for listing in the National Register of Historic Places, which provide that, unless of

exceptional importance, “properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register.”^[3] Similarly, federal regulations governing historic districts provide that “ordinarily buildings that have been built within the past 50 years shall not be considered to contribute to the significance of a district unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.”^[4]

The ordinance differentiates historic structures into four categories – landmark, significant, contributing, and noncontributing. The designation of “landmark” applies to historic structures located outside the historic district boundaries. Structures that are “significant” have historic importance in their own right, whereas the designations of “contributing” and “noncontributing” depend on the degree to which the structure contributes to the character of the historic district in which it is located. The definitions applicable to each of these status categories are similar to the federal regulations governing individual historic properties (the National Register “Criteria for Evaluation”), and separate federal regulations governing properties within historic districts (“Historic Preservation Certifications Under the Internal Revenue Code”), as can be seen from the following chart:

National Register Criteria for Evaluation ^[5]	National Historic Preservation Certifications ^[6]	Santa Fe Historic Ordinance
<p>“The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and (a) That are associated with events that have made a significant contribution to the broad patterns of our history; or (b) That are associated with the lives of persons significant in our past; or (c) That 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; or (d) That have yielded, or may be likely to yield, information important in prehistory or history.”</p>		<p>A “significant structure” is: “A structure located in a historic district that is approximately fifty years old or older, and that embodies distinctive characteristics of a type, period or method of construction. For a structure to be designated as significant, it must retain a high level of historic integrity. A structure may be designated as significant: (A) for its association with events or persons that are important on a local, regional, national or global level; or (B) if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.”</p>

• A contributing building, site, structure or object adds to the historical or traditional cultural associations, historic architectural qualities, or archeological values for which a property is significant because: it was present during the period of significance, relates to the documented significance of the property, and possesses historical integrity or is capable of yielding important information about the period; or it independently meets the National Register criteria. •

• A building contributing to the historic significance of a district is one which by location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development. •

A contributing structure is: • A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains. •

• A non-contributing building, site structure, or object does not add to the historic architectural qualities, historical or traditional cultural associations, or archeological values for which a property is significant because: it was not present during the period of significance or does not relate to the documented significance of the property; or due to alterations, disturbances, additions, or other changes, it no longer possesses historical integrity or is incapable of yielding important information about the period; or it does not independently meet the National Register criteria. •

• A building not contributing to the historic significance of a district is one which does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, feeling and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost. •

A noncontributing structure is: • A structure, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H district. •

The amendments also adopt the specific federal preservation standards found in *The Secretary of the Interior's Standards for the Treatment of Historic Properties*. These standards establish nationally recognized criteria for determining the appropriate changes to historic buildings and sites and are considered the definitive source for appropriate building intervention strategies.^[7] There are ten federal standards for preservation (i.e., the maintenance of a property without significant alteration) and ten federal standards for rehabilitation (i.e., adapting historic buildings for a new use). Most of these standards are very similar, but there are some subtle differences. Rehabilitation is the appropriate term when the property will be added to or altered, and thus the most applicable to almost all projects that come before the historic review board.

The amendments take language from both of these sets of standards. These provisions are scattered throughout the ordinance, however, and it is therefore not immediately obvious how these standards have been incorporated into the ordinance or what language changes have been made. A comparison chart showing where each federal standard is found in the ordinance helps to show the overlap:

Secretary of the Interior's Standards for Preservation[8]

Preservation Standard 1:
A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

Preservation Standard 2:
The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

Preservation Standard 3:
Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

Secretary of the Interior's Standards for Rehabilitation[9]

Rehabilitation Standard 1:
A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

Rehabilitation Standard 2:
The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

Rehabilitation Standard 3:
Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Santa Fe Historic Ordinance

SFCC Â§ 14-5.2(C)(1):
Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a structure [are to] be preserved. SFCC Â§ 14-5.2(B) Buildings and structures in the historic district shall be preserved against decay and deterioration.

SFCC Â§ 14-5.2(D)(1):
The status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited.

SFCC Â§ 14-5.2(C)(1)(a):
Each structure[is] to be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings, shall not be undertaken.

Preservation Standard 4: Changes to a property that have acquired historic significance in their own right will be retained and preserved.

Preservation Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Preservation Standard 6: The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.

Rehabilitation Standard 4: Changes to a property that have acquired historic significance in their own right will be retained and preserved.

Rehabilitation Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Rehabilitation Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in composition, design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

SFCC § 14-5.2(C)(1)(b): Changes to structures that have acquired historic significance in their own right shall be retained and preserved, recognizing that most structures change over time.

SFCC § 14-5.2(C)(1)(c): Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure [will] be preserved.

SFCC § 14-5.2(D)(5)(b): For all facades of significant, contributing and landmark structures, architectural features, finishes, and details other than doors and windows shall be repaired rather than replaced. In the event replacement is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Replacement or duplication of missing features shall be substantiated by documentation, physical or pictorial evidence.

SFCC § 14-5.2(D)(5)(a): For all facades of significant and landmark structures, and for the primary facades of contributing structures: (i) Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original.

SFCC § 14-5.2(D)(6) The existing roof styles and materials shall be maintained or replaced in kind if necessary.

Preservation Standard 7:
Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Preservation Standard 8:
Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Rehabilitation Standard 7:
Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Rehabilitation Standard 8:
Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Rehabilitation Standard 9:
New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Rehabilitation Standard 10:
New additions and related or adjacent construction will be undertaken in such a manner that, if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.

SFCC Â§ 14-5.2(D)(7): The surface cleaning of structures, when undertaken, shall employ the gentlest means possible. Chemical or physical treatment, such as sandblasting, that causes damage to historic materials, is not permitted.

SFCC Â§ 14-5.2(D)(8): Discovery of archeological resources made during the historic districts review process shall be referred to the archaeological review committee.

SFCC Â§ 14-5.2(D)(2): Additions shall have similar materials, architectural treatments and styles, features, and details as the existing structure, but shall not duplicate those of the existing structure in a manner that will make the addition indistinguishable from the old.

SFCC Â§ 14-5.2(C)(1)(d): New additions and related or adjacent construction [will] be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.

As this comparison demonstrates, all of the Department of the Interior Standards are incorporated, in most instances more or less verbatim, into the historic ordinance. This is important because the Standards are generally regarded as representing current best practices in the area of historic preservation and rehabilitation. This is also important because it means that authoritative interpretations of the Standards, such as are found in guidance manuals issued by the Department of the Interior, can also be consulted to guide the interpretation of the preservation standards set forth in the historic ordinance.

Some of the specific preservation standards set forth in the ordinance hinge on whether the proposed alterations or additions are on the structure's "primary facades(s)." The ordinance defines a "primary facade" as "one or more principal faces or elevations of a building with features that define the character of the building's architecture. This definition does not explicitly include public visibility as a necessary feature of a primary facade; however, the very word "facade" refers to the "face" of a building. It is reasonable, then, to interpret "primary facade" to refer to the public face of the building where the main entrance would be expected to be found, unless the circumstances indicate that another elevation has been given special architectural treatment to distinguish it as dominant. This interpretation is consistent with federal preservation policy, which provides:

Generally speaking, preservation of historic buildings inherently implies minimal change to primary or "public" elevations and, of course, interior features as well. Exterior features that distinguish one historic building or row of buildings and which can be seen from a public right of way, such as a street or sidewalk, are most likely to be the most significant. Because significant materials and features should be preserved, not damaged or hidden, the first place to consider placing a new addition is in a location where the least amount of historic material and character-defining features will be lost. In most cases, this will be on a secondary side or rear elevation.^[10]

Importantly, the ordinance's preservation standards are intended not simply to protect and preserve individual structures, but also to preserve and protect each historic district as a whole. The very definition of a "contributing" structure is one that "helps to establish and maintain the character of [the] historic district." And the ordinance prohibits any alterations that would cause a structure to lose its status "i.e., would result in the structure no longer helping to establish and maintain the character of the district."^[11] Because Santa Fe's historic districts are characterized in large part by humble, vernacular buildings that lack architectural distinction, such buildings are primary contributors to the character of these districts and the qualities inherent in such buildings must be preserved. Thus, for example, altering a simple, vernacular building that helps establish the character of the core historic district into a more elaborate, architect-driven residence, even if done in Santa Fe Style, could be prohibited under this provision of the ordinance. This policy of protecting the vernacular is consistent with the federal regulations which protect historic districts "that represent a significant and distinguishable entity" even where the components "may lack individual distinction."^[12] In addition, the other unique qualities that characterize each of the five historic districts, as summarized in Parts [5](#) and [6](#), must also be considered and conserved whenever alterations or additions are contemplated.

While the preservation standards adopted in 1992 closely track federal preservation standards, there are two notable differences. First, any additions or alterations must not only adhere to the specific preservation requirements set forth in the chart above, but they must also conform to the general style standards for each historical district.^[13] This differs from the federal standards, under which "a new addition to a historic building that meets the Standards can be any architectural style—traditional, contemporary or a simplified version of the historic building," provided that it preserves significant historic materials, features and form, and is compatible with and subordinate to the historic building.^[14] The reason for the difference is clear: whereas these federal regulations are designed to protect the individual historic building, the purpose of Santa Fe's historic ordinance

is to protect the historic character of the entire district, which can only be done if all additions, just as with other new construction, comport with the defined styles. This policy is consistent with the federal regulations governing historic districts, which recognize that a district is not eligible for the National Register "if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment."¹⁵

Second, unlike the National Register of Historic Places, which requires that historic significance be associated with a discrete, defined period of time, Santa Fe's ordinance makes no reference to such "periods of significance." Instead, Santa Fe's ordinance permits any property within the historic districts to be considered worthy of protection once it reaches fifty years of age, provided that it contributes to the district's character and has integrity. This makes sense as Santa Fe experiences its history as continuous, not static. The character of even the core historic district is not strictly limited to that supplied by the most ancient buildings that predate the twentieth century. These buildings were supplemented in the late nineteenth century with a number of buildings in styles than in vogue elsewhere in the United States, which add an element of eclecticism and historical interest. While there were good reasons for opposing continued buildings in these styles, which would have eventually overwhelmed the older traditional architecture, now the opposite is true, and removing or altering these buildings representing other architectural traditions would eradicate important material artifacts of the city's history that constitute a component of its historic character. The ordinance offers protection of such "nonconforming structures" when they are recognized in the state or federal historic registers or have special "architectural or historic interest."¹⁶ Certainly, this would include important nonconforming buildings such as the Federal Courthouse, the St. Francis Cathedral, and the Scottish Rite Temple, as well as distinguished examples of residential construction in imported styles.

In addition to these nonconforming structures, the historic districts have always been renewed with compatible new construction. Edgar Lee Hewett recognized that the character of Santa Fe in 1916 included new residences "built on the historic lines." Such buildings were not true hand-made adobe houses, but instead designed to appear as such in the "revival" styles. Such residences continued to be constructed over the next several decades, further contributing to the character of the district. Buildings constructed since 1957 pursuant to the dictates of the historic ordinance up to the present day have also contributed to the character of the districts as they now exist. Santa Fe's ordinance thus avoids trapping its historic districts into a tightly defined period of significance, and instead opts to recognize compatible development that respects and maintains each district's design language and historic sense of time and place.

The ordinance takes into account the need to modify these mandates under appropriate circumstances by providing a procedure for granting exceptions. The three criteria that must be met are that the proposed alterations or new construction (1) do not damage the character of the district; (2) are required to prevent a hardship to the applicant or an injury to the public welfare; and (3) strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts."¹⁷ As the language indicates, this important provision is intended to prevent the rules governing historic preservation having the perverse effect of making the district unlivable for the very people whose families created the character that is to be preserved.

With the addition of these preservation standards in 1992, Santa Fe's historic ordinance was nearly complete. Subsequent revisions of significance were the addition of height and streetscape standards (SFCC Â§ 14-5.2(D)(9)), which emphasize that new construction must harmonize with the streetscape in proportion and massing in order to preserve the streetscape's "historic and characteristic visual qualities"; and the incorporation of style standards for projects undertaken by state entities in the historic districts, which reaffirm that the "dominating effect" of buildings in the historic districts is to be "that of adobe construction."¹⁸ SFCC Â§ 14-5.2(M)(3)(a) and (N)(3)(a).

In its mature form, the historic ordinance protects and preserves Santa Fe's five designated historic districts through two prongs. First, the ordinance regulates new construction through style standards that are intended to ensure that new construction harmonizes with the historic character that defines each district. Second, the ordinance regulates the maintenance of historic structures and any alterations or additions to such structures, consistent with best practices governing rehabilitation and preservation as set forth in the Department of the Interior's standards. Thus, the ordinance (albeit in patchwork and often confusing fashion) has achieved the goals first fought for in the Campaign of 1912-1913 of preserving Santa Fe's existing historic streets and structures and perpetuating regional forms of architecture in new construction. But now as then, these goals continue to be the subject of debate and controversy. The question remains: why preservation?

Next: [Part 8: Why Preservation?](#)

[1] Santa Fe Ord. No. 1957-18, Section 2.

[2] Santa Fe Ord. No. 1957-18, Section 7.

[3] 36 CFR Â§60.4.

[4] 36 CFR Â§ 67.5.

[5] 36 CFR Â§ 60.4.

[6] 36 CFR Â§ 67.5.

[7] Norman Tyler et al., *Historic Preservation: An Introduction to its History, Principles, and Practice*, 3rd Ed. (New York: W.W. Norton & Co., 2009), 150, 202.

[8] 36 CFR Â§ 68.3(a).

[9] 36 CFR Â§ 68.3(b).

[10] *NPS Preservation Brief 14: New Exterior Additions to Historic Buildings: Preservation Concerns*, <https://www.nps.gov/tps/how-to-preserve/briefs/14-exterior-additions.htm>, 3.

[11] SFCC Â§ 14-5.2(D)(1)(A).

[12] 36 CFR Â§ 60.4; *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* (U.S. Government Printing Office, 1991), 5.

[13] SFCC Â§ 14-5.2(C)(3) and (4).

[14] *NPS Preservation Brief 14: New Exterior Additions to Historic Buildings: Preservation Concerns*, <https://www.nps.gov/tps/how-to-preserve/briefs/14-exterior-additions.htm>, 7.

[15] *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*, 46.

[16] SFCC Â§ 14-5.2(A)(6).

[17] SFCC Â§ 14-5.2(C)(5).