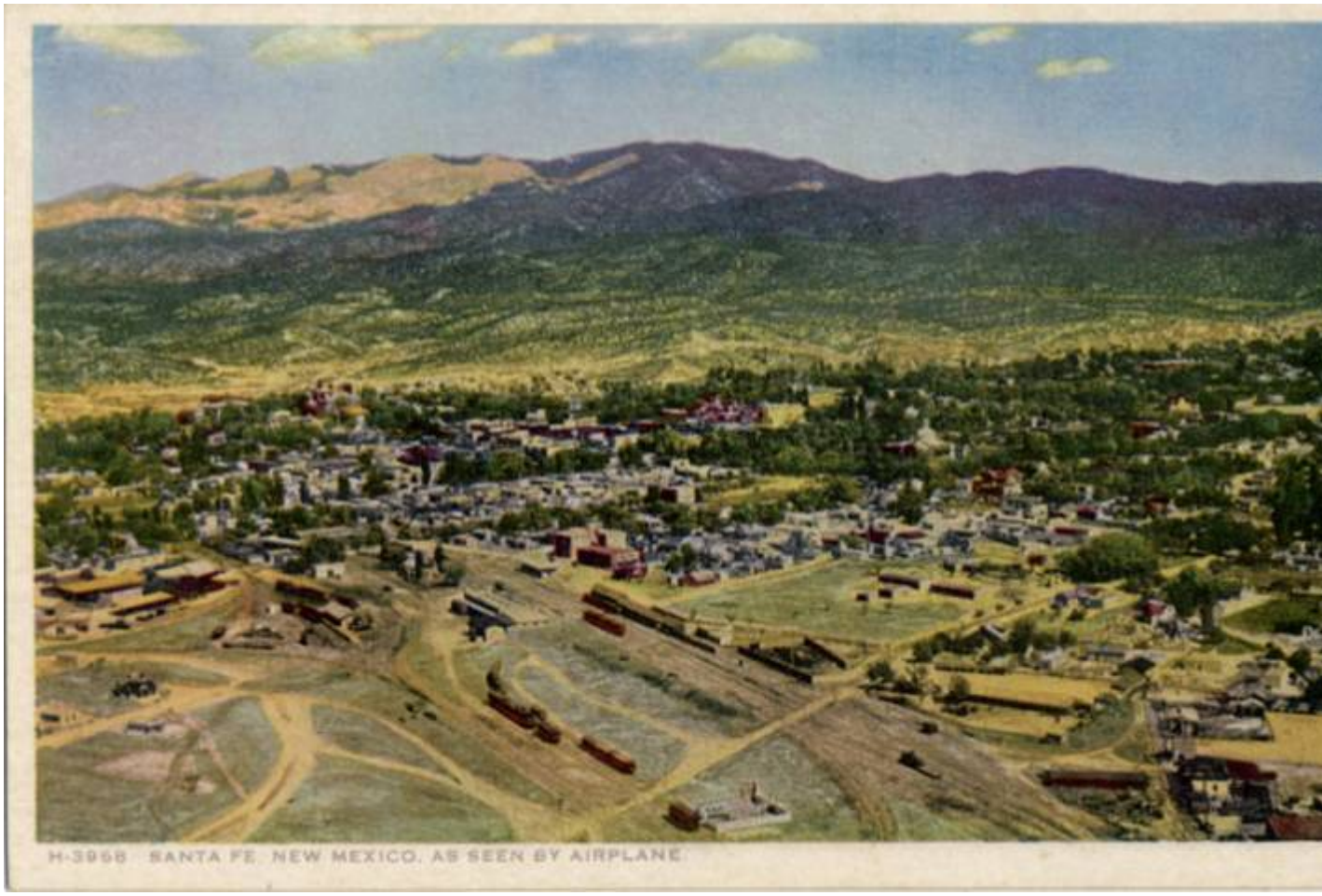
A SENSE OF TIME AND PLACE: HISTORIC PRESERVATION IN SANTA FE (Part 4)

Description



Part 4: The Battle for a Preservation Ordinance

The Santa Fe Planning Board recommended architectural controls for Santa Fe as early as 1912, but no controls were enacted into law, and every individual continued to have the right to build in whatever style they wished throughout the first half of the twentieth century. For the most part, private property owners as well as those responsible for civic buildings had eventually been persuaded of the superiority of the historic style and voluntarily chose to build in harmony with the cityâ??s traditional architecture. The decade of the 1950s, however, witnessed new challenges to the preservation of Santa Feâ??s historic character, precipitated by the arrival of modernism in New Mexico. As a result, members of the community began to agitate for legal controls over the preservation of Santa Feâ??s character.

A proposed ordinance that would â??restrict and control the type of architecture within the cityâ?• was presented to the planning commission in July 1956, but was turned down â??as against the best interests of Santa Fe.â?•[1] A group of architects protested that â??such controls would stifle initiative and imagination within the architectural fraternity and might confine construction to monotonously repetitive styles conforming to the

accepted â??Santa Fe styleâ?? of architecture.â?•[2] Proponents of architectural controls did not relent, however, and in November Mayor Leo T. Murphy asked the planning commission to turn their immediate attention to â??the preparation of an ordinance that would create architectural controls in Santa Fe.â?•[3]

The International News Service reported on the ensuing controversy, in language reminiscent of the same polarized views that characterized Santa Fe at the turn of the twentieth century:

> Santa Fe, the ancient city of dirty old adobe walls and narrow dirt streets, has long attracted tourists interested in history, romance and an atmosphere which can best be described as â??charming.â?? But there are many who think it ridiculous to keep bumpy streets and antiquated systems. There are many who object to the adobe-type house, where brick would be more utilitarian. These believers in â??progressâ?? point out that with just a little bit of work Santa Fe could be made into just as nice a town as, say, Albuquerque. The believers in â??charmâ?? fight the â??progressivesâ?? on every front. Every time an old tree comes down, or a historic house is demolished, this particular segment of Santa Fe comes to life with indignant vigor.â?•[4]

The architects who formed the primary opposition were led by David Gebhard, then Director of the Roswell Museum. According to the *New Mexican*, he presented two primary objections: first, that it â??is presumptuous,â?¦ totalitarian in spirit, for any group of citizens â?¦ to set itself up in judgment on such an individual matter as architectural expressionâ?•; and second, that â??there have been few, if any, significant or lasting forms produced when the designerâ??s creative ability has been stifled by burdensome style restrictions.â?•[5] Against this heroic libertarian philosophy, reminiscent of fictional architect Howard Roark in Ayn Randâ??s *The Fountainhead*, the *New Mexican* responded: â??Architecture cannot claim such a private nature; it is public artâ?¦ Thus group judgment is important to a community which relies upon a distinctive quality for its sustenance, and whose residents appear on the surface to desire authority over the appearance of structures within the community.â?•[6]

A proposed ordinance was presented to the planning commission in December. The ordinance, drafted by a committee chaired by Planning Commissioner Lyle Teutsch Jr., would have made it unlawful to â??construct, alter, repair, or to commence the construction or alteration of a building or structureâ?• without first receiving approval from a five member â??Architectural Review Commission.â?•[7] The purpose of such review was to â??preserve the harmony in outward appearance of buildings.â?• However, as pointed out by architect John Conron the proposed ordinance lacked any standards to be followed; in addition, City Attorney Samuel Z. Montoya opined that the draft was â??legally insufficient.â?•[8] Ultimately, the planning commission, on motion of commissioner Oliver La Farge, voted to recommend that the city council adopt an ordinance â??substantiallyâ?• like the one proposed. The solitary dissent was by architect Kenneth Clark.

Two weeks later, the city council considered the proposed ordinance and appointed a study committee of three council members (Orlando Fernandez, Ray Smith, and Pat Hollis) to work with city attorney Montoya to address legal deficiencies in the original proposal, which Montoya described as the ordinanceâ??s unlawful limits on the Mayorâ??s appointment powers, and the fact that the ordinance â??does not set up any architectural standards for guidance.â?•[9]

The following month, the committee reported back with the recommendations that the ordinance be revised by the city planning commission â??for inclusion in the ordinance of certain standards that could be used in the application of the ordinance and that historic styles be defined,â?• and that the commission â??should also consider the problem of historical areas in the city and the overall design of such areas.â?•[10]

Architect John Gaw Meem at this point proposed an alternative to the architectural control ordinance which, he worried, â??might lead to â??bootlegâ?? evasion as has happened in other cases of what he called â??prohibitive measures.â??â?•[11] His alternative proposal was for an ordinance that â??would create historical areas in which no alterations of exterior appearances would be permitted until passed upon by a competent authority.â?• Meemâ??s view was that â??these areas should not be confined solely to historical sites but should combine the historical with the aesthetic qualities of the section,â?• citing as examples the areas around the Plaza, around Canyon Road, and around the Barrio del Analco. As had past preservationists, Meem noted the â??fugitiveâ?• assets of Santa Fe including the â??medieval street pattern in the city with narrow winding streets that date from the 17th Century.â?• Meem also stressed the handmade, vernacular, even â??curiously shabbyâ?• character of the city, and â??advocated strongly the preservation of the atmosphere and architecture that â??we are in danger of losing.â?? He called it â??a gentle type of architectureâ?? that is unique and indigenous and that is well worth retaining.â?•[12]

Meanwhile, a subcommittee of the planning commission was at work revising the proposed ordinance to meet the legal objections raised by city attorney Montoya. This subcommittee, named the â??Committee on Preservation of Santa Feâ??s Character,â?• was headed by Oliver La Farge; other members included local architect and preservationist Irene Von Horvath and planning commission chair A.R. Millington.

This subcommittee redrafted the ordinance to add style standards as required by the city attorney.[13] The subcommittee also prepared an accompanying report setting forth the arguments in the ordinanceâ??s favor. In language reminiscent of the 1912 planning board report, the authors wrote:

> An essential part of a Master Plan for Santa Fe is the provision of effective means to protect, enhance and get full value from the sites, streets and areas that still preserve Santa Feâ??s long and colorful history or authentically exhibit the unique character that sets this city apart from all others, as it has evolved through the centuries. The very fact that a Committee on Preservation of the Santa Fe Character exists emphasizes the fact that city planning includes such apparent intangibles as the appearance, local flavor, special character and historic quality of a community, as well as the more obvious matters such as traffic flow, zoning, parks conveniences, and efficiency. In Santa Fe, the apparent intangibles are by no means really intangible. Santa Fe is internationally famous because it is of an age that is unequalled in North America and because it has retained up to now much of the unusual character derived from that age, and from its exceptional cultural history of Spanish, Indian and varied Anglo-American influencesâ?¦ We have a heritage of value to the whole nation, not merely to ourselves, a special quality that is both asset and a responsibility.[14]

Other cities including New Orleans, Philadelphia, Georgetown, Santa Barbara, and Monterey had placed historic areas under control, the authors noted, but â??none of these cities can boast the combination of age, history and mingled cultures that have made Santa Fe what it isâ??and is in acute danger of ceasing to be.â?• To forestall this danger, the subcommittee recommended placing historic and characteristic areas under â??immediate control.â?• Buildings within these areas, â??would be regulated as to design, color and style in an effort to preserve the historic buildings and to retain the characteristic atmosphere within the â??Hâ?? areas. New construction would be required to have approval from a board of review, and major exterior remodeling of existing buildings within the area also would need prior approval of the board.â?• The report emphasized that it was not just individual buildings, but the character of the historic districts that was at stake, including the streetscape:

> In discussing preservation of the old, we give a good deal of attention to streets, because the character of Santa Fe cannot be preserved merely by saving isolated fine or historic buildings. We must think in

> terms of areas, which extend along the streets, although there are also isolated buildings worth saving.[15]

The subcommittee presented its report to the planning commission in late March. The next day, the Old Santa Fe Association (OSFA) met and adopted a resolution approving of the ordinance.[16] Meem, however, continued to voice objections. Meemâ??s primary concern was the geographic extent of any controls, which had been extended by the subcommittee to include areas beyond the blocks surrounding the Plaza, Canyon Road, and the Barrio Analco sector. He was in favor of protecting certain monuments or areas, but not when extended to cover virtually the whole city. Though he extolled the traditional forms of architecture in Santa Fe and was of the opinion that â??we should keep that tradition throughout the whole town,â?• his belief was that this tradition must â??arise through public opinion and not through coercive action.â?•[17]

Thus, a key question was not just whether to enact controls, but â??what should and what should not constitute areas of historic or characteristic significance within the city limits.â?•[18] Meem was apparently of the opinion that it should be limited to the three areas he had identified. The subcommittee, on the other hand, wanted to protect a larger area, encompassing all of downtown and much of the historic east side. Even so, as La Farge pointed out in his weekly column in the *New Mexican*, it was erroneous to contend that the ordinance would cover most or even half of Santa Fe; rather, the ordinance would put â??only about a quarter of the existing city, the oldest, most fully developed part, under control.â?•[19]

The planning commission held a hearing on April 11, 1957, to consider the proposed ordinance. As had been the case leading up to the hearing, the principal opposition to the ordinance was from architects asserting the inviolable rights of private property, as reported by the *New Mexican*:

> The principal objections to the proposed ordinance came from several Santa Fe architects. Robert Plettenberg said the ordinance â??encroaches on freedom of designâ?? and expressed the opinion that it would lead to â??conformity.â?? He stressed that an individual should be permitted to have the sort of house that suited his particular needs and his own aesthetic aspirations. John Conron raised the question of whether such a control was permissible under the constitutionâ?¦. Kenneth Clark, a member of the commission and an architect, said he â??prefers no ordinanceâ?? and said the designer is â??secondaryâ?? in importance to the wish and spirit of the person who wishes to have a building constructed.[20]

Despite the continued opposition of architects, the *New Mexican* reported that â??the great majority favored the creation of the ordinance.â?• Meem presented OSFAâ??s resolution in favor of the ordinance, and â??told the meeting that the principal of historic zoning is vital to Santa Fe.â?•

A special meeting of the city council and the planning commission was scheduled to further study the proposed ordinance. The matter then languished. In September, the *New Mexican* lamented that the proposed architectural controls and historic zoning ordinance â??was given approval by the planning commission, but for several months the matter has been bogged down in the City Council. The community has had such a measure under study for more than a year now, and it is about time that something is put down in black and white and tried out.â?•[21] Finally, in October, the city council scheduled a â??protest meetingâ?• to â??give the citizens of Santa Fe an opportunity to air its views concerning the proposed â??historic districtâ?? ordinance.â?•[22] The architects, organized as the â??Southwestern Design Councilâ?• whose purpose was to promote â??good design,â?• immediately issued a statement expressing its â??unanimous and firm oppositionâ?• to the ordinance, stating:

> While the Council recognizes the sincere need to solve the many and varied problems of urban planning and architecture in the Southwest, it strongly feels that any suggested solution should not violate the essential freedom of expression and creativity of our American Society.â?• [23]

However, some members of the Southwestern Design Council who had been listed in the statement as sponsors subsequently repudiated the Councilâ??s position, saying that â??they favor the ordinance aimed at protecting Santa Feâ??s distinctive â??style.â??â?•[24] And Oliver La Farge responded to the Councilâ??s statement in his column, noting first that â??it is proposed to exercise control over only certain ancient sections of the city, not even all of those that were occupied in 1800. It adds up to about a quarter of the present city, and less than an eighth of what Santa Fe is to be become. Considering that real sentiment for much wider controls exist, this is a very large concession.â?• Unfortunately, he continued,

> the spirit of compromise is not in some people. That body impressively named The Southwestern Design Council has registered its â??unanimous and firm oppositionâ?? to the present ordinance, thus putting us on notice that there is strong sentiment against the measure in both Roswell and Albuquerque. The spokesman for the Council, Dr. Gebhard of the Roswell Museum and Art Center, has been issuing blasts against Santa Fe style architecture for some years in a sort of long-range war, and I have the impression that the mere thought that there are still adobe buildings in the state makes him foam at the mouth.[25]

The ordinance was presented to the city council on October 30, 1957. Following what La Farge described as â??mutual friendliness on both sides of the debate,â?• the ordinance was passed and became law.[26] La Farge acknowledged that the ordinance was imperfect, noting that â??[s]everal speakers pointed out that the ordinance lacks positive means of saving historic or beautiful buildings from destruction.â?• The ordinance cannot do this, he continued, â??because the city has no funds with which to buy or restore houses.â?•[27] La Farge hoped that the Old Santa Fe Association would take up this important task, by purchasing especially important buildings or assisting others in repair or maintenance.

One of the opponents of the ordinance, landscape historian J.B. Jackson, conceded that, though he had not changed his opinion, he was â??now inclined to think in view of the evident desire of Santa Fe for some sort of control that there are grounds for much optimism in the action of the City Council.â?•[28] In particular, he found hope in the fact that Santa Fe, like other â??progressive and responsible American cities,â?• was â??determined to try to regulate its own growth and those developments which it believes are against the best interests of the community.â?• Here, Jackson appears to have parted ways with the architects who extolled the freedom of the architect and property owner over the interests of the public.

The conflict between architects and preservationists over the ordinance did not go away, however. Three years later, the *New Mexico Architect* magazine published articles by John Conron and Irene von Horvath presenting their opposing views. Conron wrote that â??this ordinance can be classed under the â??look-alikeâ?? type of architectural control laws; that is, it sets up a series of faÃ§ade standards to which all new work must conform.â?• In his opinion, he continued, â??the only thing that such an ordinance can guarantee is that Santa Feâ??s architecture will become a mockery and a lie. New construction will be forced to masquerade in century-old costumes, with no distinction made between genuinely old edifices and recent imitation.â?• Instead of controls, the â??proper approach to Santa Feâ??s architecture should be based squarely upon twentieth century technology though at the same time considering carefully what the Cityâ??s past offers as a starting point.â?• Only this â??fundamentally honest approach will give us the new architectural environment which all cities need and which answer the functions of today and reflect the technology of todayâ??an architecture which looks proudly towards

tomorrow and not timidly at yesterday.â?•[29]

In response, Irene von Horvath wrote that the intention of the ordinance was to save â??only a portion of the present city, a community developed in rambling harmony with the mountains around it, scaled to human beings, as unpredictable, slow-moving and imperfect as they are.â?• There was a need to maintain Santa Feâ??s established character, while allowing vacant areas to be filled in â??in harmony within an already established framework.â?• The ordinance, she continued, was an effort to protect â??the emotional and visual qualities which comprise the spirit of Santa Feâ?• for future generations. â??We can think of ourselves as pioneers on whose groundwork future generations will rely,â?• she wrote. â??Even if only the minutest fraction of the population of the future should need the human touch, the handmade look, the adventure available in such a place as Santa Fe, this city would have been worth the effort of saving for them.â?•[30]

As anticipated, the ordinance was almost immediately challenged in court. That challenge was ultimately heard by the New Mexico Supreme Court which upheld the ordinance, writing:

> Santa Fe is known throughout the whole country for its historic features and culture. Many of our laws have their origin in that early culture. It must be obvious that the general welfare of the community and of the State is enhanced thereby. Bearing in mind all these factors, we hold that regulation of â?¦ the construction or alteration of buildings within the historic area of Santa Fe, as a part of the preservation of the â??Old Santa Fe Styleâ?• of architecture, is a valid exercise of the police power granted to the city.[31]

John Gaw Meem, despite his early misgivings, became a strong supporter of the ordinance. When asked why the Old Santa Fe Association had to struggle so hard to preserve Santa Feâ??s architectural heritage, he responded:

> Well, of course, the principal one has been literally ignorance, I should say people just not knowing, not realizing that theyâ??ve got something valuable. Then there has been the commercial element represented partly by the Chamber of Commerce rather innocently. Their main objective being to try to bring in all the business they could, not realizing that it had to be done with discrimination and very carefully. The general apathy or general indifference which again I think is due to ignorance. Then lately, of course, as you know, thereâ??s been some opposition to the Old Santa Fe Association from the younger architects who feel that the championing of the Historical Zoning Ordinance by the Old Santa Fe Association makes them disapprove of the Old Santa Fe Association because they feel that the Historical Zoning Ordinance in turn limits the potentialities of their possibilities of expression architecturally. So they are against it. [I] think they donâ??t quite realize that the Historical Zoning Ordinance covers only a small area of Santa Fe, the historical area, and that it is legitimate to preserve that area and to put restrictions on the styles of architecture, just as restrictions have been placed on so many areas of cities in the United States in the pastâ?¦ They of course tie their objection to the use of permanent materials that might resemble adobe or reflect the traditional forms. And the movement of opposition gains a certain strength from the fact that they presumably are expressing the modern point of view, but I feel so strongly that here in Santa Fe we architects should recognize that this is a very exceptional town that has inherited a type of architecture that has come to us for a thousands of years, is absolutely native to America, as no other architecture is, and that is worth preserving.[32]

The drafters of the 1957 ordinance knew full well that it was imperfect and expected that it would need to be modified over time; as von Horvath put it, the ordinance â??should continue to be revised whenever improvements are needed to keep it a living element in preserving the character of our city.â?• But they also had

reason to be justifiably proud of the ordinance that they crafted and guided into law. When Samual Z. Montoya died in 1996, his daughter said that of all of his achievements, which included service as city councilor, city attorney, assistant district attorney, state district judge and justice of the New Mexico Supreme Court, he was â??proudest of an ordinance he coauthored that created Santa Feâ??s Historic Zoning Ordinance.â?•

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[1] â??Uniform Code Rejected,â?• *Alamogordo Daily*, July 31, 1956.

[2] â??Architectural Controls Not Confining,*â?•* *Santa Fe New Mexican*, October 28, 1956.

[3] â??Single Protest Filed Against Zoning Plans,â?• *Santa Fe New Mexican*, November 9, 1956.

[4] â??Santa Fe Facing Appearance Fight,â?• *Republican Courier (Ohio*), November 23, 1956.

[5] â??A Different Breed,â?• *Santa Fe New Mexican*, December 17, 1956.

[6] â??A Different Breed,â?• *Santa Fe New Mexican*, December 17, 1956.

[7] â??Architectural Controls Get Partial Nod,â?• *Santa Fe New* Mexican, December 21, 1956.

[8] Ibid.

[9] â??Council Gets Architectural Control Plan,â?• *Santa Fe New* Mexican, January 10, 1957.

[10] â??Limits Set For Paving District 10,â?• *Santa Fe New* Mexican, February 14, 1957.

[11]â??Architectural Plan Offered To Chamber,â?• *Santa Fe New Mexican*, March 4, 1957.

[12] Ibid.

[13] City attorney Montoya likely also drafted the â??general purposeâ?• section, including the language regarding the preservation of property values. At the time the ordinance was enacted, the law was unsettled as to whether a municipality had the authority to enact restrictions on private property rights based solely on aesthetic considerations. Earlier judicial decisions had found that â??aesthetic considerations were a matter of luxury and indulgence rather than necessity,â?• and therefore not properly within the cityâ??s power to regulate without compensation. Sheldon Elliot Steinbacht, â??Aesthetic Zoning: Property Values and the Judicial Decision Process,â?• 35 *Mo. L. Rev*. (1970), 178. The first state court decision upholding regulations of exterior architecture, issued in 1955, based its ruling on the grounds that â??the preservation of property values was a legitimate ground for the exercise of the police power.â?•Ibid., citing to *State ex rel. Saveland Park Holding Corp. v. Wieland*, 269 Wis. 262, 69 N.W.2d 217 (1955), *cert. denied*, 350 U.S. 841 (1955). It is highly likely that city attorney Montoya expressly included the preservation of property values in the statement of purpose precisely in order to come under the umbrella of this just-issued ruling and help protect the ordinance against legal challenge.

Next: Part 5: The Core Historic District

[14] Quoted in â??Proposal for â??Historic Zoneâ?? To Be Aired April 11th,â?• *Santa Fe New Mexican*, March 31, 1957.

[15] Ibid.

[16] â??Old Santa Fe Group Divided, But Backs Historic Zoning,â?• *Santa Fe New Mexican*, March 24, 1957.

[17] Ibid.

[18] â??Historic Zoning,â?• *Santa Fe New Mexican*, March 24, 1957.

[19] Oliver La Farge, â??If You Have Tears, Youâ??ve Missed Cue; La Villa Far From Becoming Ghost City,â?• *Santa Fe New* Mexican, April 7, 1957.

[20] â??Architecture Plan For City Is Favored,â?• *Santa Fe New* Mexican, April 12, 1957.

[21] â??Back To Work,â?• *Santa Fe New* Mexican, September 3, 1957.

[22] â??City Council To Hear Protests On â??Historicalâ?? Ordinance,â?• *Santa Fe New* Mexican, October 25, 1957.

[23] â??â??Historicalâ?? Ordinance Hit By Design Council,â?• *Santa Fe New* Mexican, October 25, 1957.

[24] â??Historical Zone Plan Gets Support; Open Forum Slated,â?• *Santa Fe New* Mexican, October 27, 1957.

[25] Oliver La Farge, â??Writer Sees Ordinance As Last Chance For Santa Fe to Stay â??City Differentâ??,â?• *Santa Fe New Mexican*, October 27, 1957.

[26] Oliver La Farge, â??Lack of Bitterness At Historic Zoning Hearing Credit to Citizens,â?• *Santa Fe New Mexican*, November 3, 1957.

[27] Ibid.

[28] John B. Jackson, letter to the editor, *Santa Fe New Mexican*, November 6, 1957.

[29] John P. Conron, â??An Architectural Ordinance for Santa Fe? no!,â?• *New Mexico Architect*, November-December 1960, 12-16.

[30]Irene von Horvath, â??An Architectural Ordinance for Santa Fe? yes!,â?• *New Mexico Architect*, November-December 1960, 13-14.

[31]*City of Santa Fe v. Gamble-Skogmo, Inc*., 73 N.M. 410, 416 (1964).

[32] John Gaw Meem, interview by Sylvia Loomis, December 3, 1964, https://www.aaa.si.edu/collections/interviews/oral-history-interview-john-gaw-meem-12968.