THE ISSUES AND MANAGEMENT OF HISTORIC PRESERVATION

An Honors Fellow Thesis

by

HEATHER NICOLE SENGELMANN

Submitted to Honors and Undergraduate Research
Texas A&M University
in partial fulfillment of the requirements for the designation as

HONORS UNDERGRADUATE RESEARCH FELLOW

May 2012

Major: Environmental Design
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Historic preservation is a topic that is well known throughout the United States today and many people believe that they completely understand it in full. However, historic preservation is much more detailed and confusing than most people realize. This confusion has led to the research of issues and management of historic preservation projects and renovations. One must study all of the rules and regulations to truly understand the meaning of “historic preservation”. How does a building become important enough to be preserved? What are the qualifications a building must meet to undergo renovations instead of being demolished? After realizing there is not one specific answer to these questions, research has shown that in many cases there are not clear rules per building or project. Each is renovated under different circumstance and is sometimes left up to its own interpretation, whether law abiding or not. After exploring the process of renovating historic buildings and the dos and don’ts of each project, case studies of specific projects have helped gain further understanding and explanation of
special preservation situations. This project seeks to separate the rules that are always followed from the ones that can be left up to the interpretation of the renovators.
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CHAPTER I
INTRODUCTION

“The twentieth century was an era of unprecedented change. As a people, we realized we could accomplish virtually anything – and in shorter and shorter periods of time. In the twenty-first century the process of change was so rapid it was almost impossible to observe. That is why historic preservation has taken on such significance in recent decades.”

Historic preservation has been around since the 17th century, yet today it seems to have become a popular topic of conversation. There are many issues within the rules of preservation and in deciding which rules will be followed when it comes to individual buildings and projects. The purpose of this research is to better understand the different techniques of historic preservation as well as to figure out how the rules may be portrayed in a more understanding and uniform way.

Introduction to literature

An in depth literature review has provided an extensive background into the history of historic preservation as well as the language. The research has proved that there is much confusion in the standards of historic preservation. “The rapid expansion of the field of historic preservation is marked by a need for more precise definitions and terminology.”

While there are published rules, which architects, developers, and project managers must follow, many times they are up to much interpretation. It seems that each historic

This thesis follows the style of *Architectural Research Quarterly*.
The rise of historic preservation in America

Historic preservation has been on an exponential rise more recently, but the idea came to fruition centuries ago. The earliest preservation efforts in America started in the 19th century, but didn’t develop completely until the second half of the 20th century. In fact, rules and regulations are still developing and changing today.

The need for preservation usually starts at a local level. It has been coined as “an intensely ‘grass-roots’ movement”¹ and has seemed to progress through public interest since the year of 1976. “Historic preservation has played an increasingly important role in American society in recent decades. It has grown from an activity of a few dedicated individuals and organizations to become an activity engaged in, at some level, by millions of citizens.”¹ People have begun to see that these older buildings are irreplaceable and they even find it their social duty to preserve their heritage, “which [in our country] is deep and rich”.¹ Clem Labine wrote in 1979 that preservation is ‘un-American’. He says this because of that fact that when America was founded, its founding fathers wanted to leave their past behind and start new. Americans learned that when they ran out of land, they could simply pack up and move further West to new land. Anything that was on their new land, usually buildings from Native Americans, was unimportant and discarded or destroyed. It wasn’t until “cities seemed to be
changing overnight and people (especially in the West) started to advocate that the change be more planned. This was the beginning of preservation and ‘preservation of heritage’ which has become well known and well valued worldwide.”

The first successful act of preservation was to save Independence Hall from being demolished in 1816. Word of this effort began to spread, creating talk and inspiring activists to form groups. The Mount Vernon Ladies’ Association of the Union was founded in 1853 after the women gathered and decided that they wanted to save George and Martha Washington’s home, Mount Vernon. They were successful in their actions and became the first official preservation group in America. Women began to have a prominent role in preservation efforts. At this time, most preservation efforts that ended up successful did so because private individuals or groups, not the government, supported them. Only the elite and wealthy were concerned with preserving structures at this time. At this point it “it was widely felt that America did not have a culture worth preserving, and therefore only the surplus dollars of interested individuals could be applied to the purchase and preservation of important historic structures, because to the government they did not exist.” The trend at the time was to save landmarks because of their importance to our history. “Nineteenth and twentieth century organizations saved landmark buildings more for patriotic reasons than for their architectural ones.”

The government finally got involved in preservation efforts in 1872, when it established Yellowstone National Park. The park was the world’s first national park and became a
protected area, monitored by government officials. Next, “The Antiquities Act of 1906 established stiff penalties for destroying federally owned sites. Give the president authority to designate ‘historical landmarks, historic and prehistoric structures, and other objects of historic of scientific interest’ situated on federal lands, the act was the nation’s first historic preservation legislation.”¹

Established in 1933, The Historic American Buildings Survey (HABS) program documented historic structures. It was the first federal program of its kind and it increased the government’s role in historic preservation. After the government decided to become more involved, public and private sectored activist groups could finally work together. In 1949, the National Trust for Historic Preservation was created. It was semi-public and “created with the purpose of linking preservation efforts of the NPS and the federal governments with activities of the private sector.”¹ From the HABS program and the National Trust branched the National Register for Historic Places. It was created by the National Historic Preservation Act of 1966, which is said to be the most important preservation legislation to ever be passed by Congress. The National Register “encouraged the concept of locally regulated historic districts, authorized enabling legislation to fund preservation activities, encouraged the establishment of State Historic Preservation Offices (SHPOs), established an Advisory Council on Historic Preservation, and stipulated that federal preservation programs and policies would rely on the voluntary cooperation of owners of historic properties and not interfere with their private ownership rights.”¹ The Act resulted in a high increase of interest in historic
preservation. Involvement grew to a level that many people never imagined it could get
to. Historic preservation was now a fundamental part of the American culture and
society because of the National Historic Preservation Act of 1966.

Before the Act, most preservation activity revolved around landmarks that were
important to our nation’s founding and history. After the Act, people began to notice the
buildings that were being neglected or demolished, and they realized what we were
losing in those demolitions. Finally, people began to develop an interest in buildings for
their architectural significance. Historic districts became popular to establish, although it
remained difficult to do so. “Since the passage of the Act, preservation movement has
undergone significant changes. The act not only instituted structural changes in
preservation programs…but also changed the way preservation is conceived and who is
involved. Preservationists no longer focused on saving aged national landmarks as
museum pieces. Instead, entire areas were designated historic districts. Also, more recent
buildings were recognized for their historic importance.” 1

*Different ideas towards preservation*

Over the many years that preservation has been present in our culture, strong ideas and
opinions of historic preservation have formed. As most issues in society, there are two
sides to preservation; the parties who agree and the parties who disagree. Questions arise
like “Does preservation stand in the way of progress? Is it appropriate to establish new
restrictions on property owners? Who should determine what is historically
significant?" The problem found in this research is that there is not one specific answer to any of these questions. Much depends on the certain issue and story of that particular building or area sought to be preserved. While there are, of course, those parties that do not agree with historic preservation in general and think that everything should eventually be demolished and replaced by something better, this research is not considering their point of view because there are other issues at stake. This research is under the “belief that structures from another age can be eloquent vehicles for shelter and expression of contemporary life.” The problem this research uncovered is that there are conflicts and disagreements within those who believe strongly in historic preservation, which is a first-hand cause of the many issues and confusion of preservation efforts today. When people are supporting the same cause, but cannot agree on the same activities of that cause, it leads to problems. Today we see that “…preservationists bring many perspectives to the field. Some see their role primarily as saving old buildings, some as preserving a cultural heritage, some as fostering urban revitalization, and some as contributing to sustainability and an alternative approach to current development practices…For instance, some feel that historic structures should be kept in their original state or, if they have been altered, that they should be returned to their original condition. Others feel they should protect what remains of a structure’s significant historic character but that change also can and should be accommodated.”

There are many conflicts as to which answer is correct, and through this research, it has shown that there might not actually be a clear, correct answer. The one thing that seems to be a common agreement when it comes to those in support of historic preservation is
“change is inevitable and encouraged, but also welcome are the measures that prevent the demolition of significant buildings and places without public debate.”³
CHAPTER II

METHODS

The methods of research in this study are simple, but extensive. The research has been conducted using the methods of literature review and case studies.

Literature review

The literature review starts out broad, collecting much information from various sources. Some of the information applies directly to the research topic, while later it may become apparent that much of the information is too broad and although it is part of the data collection, it may be thrown out of the results. It has been put that literature review is a “survey of various sources…because of this quest for widely useful knowledge, the literature review is a very important part of the research process. It is essential not only at the beginning of the process, but throughout it.”

The process for generating a literature review was discovered through the help of the book Architectural Research Methods, written by Linda Groat and David Wang. Through the knowledge gained from that book as well as in a research methods class on Texas A&M University’s campus, conducted by Professor Mark Clayton, a thorough literature review was completed.
Case studies

To research deeper into the issues of historic preservation, individual case studies were performed on specific historic projects. By focusing on a single project, the problems, resolutions, codes, and rules followed or broken are better understood. Instead of looking at historic preservation as a whole, it is now broken down and shows a plethora of problems or issues. Each renovation and project faces different challenges than the next and by taking a closer look the more prevalent issues can be determined and studied further.
CHAPTER III
RESULTS

Historic districts

The establishment of historic districts became very popular after the National Historic Preservation Act of 1966 and has continued to grow in popularity ever since. It was in the research of historic districts that many of the unanswered questions and issues of historic preservation arose. There are many questionable actions in the development and implementation of historic preservation ordinances.

Reasons for establishment

Preservation of historic districts became popular when the public recognized that it is important to save more than just landmarks. The idea of urban renewal came about when it became known that the preservation of architectural was also preserving the composition of the entire community and their heritage. Historic preservation finally became a tool of community revitalization. 6

“There are five reasons to establish a historic district: (1) as protection of historic properties, (2) to control new development, (3) as a redevelopment incentive, (4) to stabilize or increase property values, and (5) to foster public relations and promotion.” 1 Communities tend to establish them for specific purposes that fall under points one and two; protection of historic properties and to control new development. The first historic
district to be established was in Charleston, South Carolina in 1931. There were proposed plans of a gas station to be constructed in the historic center of Charleston, which started the process of a zoning ordinance. There were also concerns with new citizens moving in and changing the houses in this area from their original architectural style. Because of these problems the public and planners in the area decided to propose an ordinance that “made it illegal to erect any ‘service or filling stations, automobile repair shops, factories, or other buildings or businesses which would detract from the architectural and historical setting.’ A board of architectural review was established that had authority to review exterior changes to buildings within the district and to issue ‘Certificates of Appropriateness’ if such changes were deemed acceptable.”

**Historic commissions and ordinances**

Once a historic district is formed, a historic commission is assembled and an ordinance is created. If a historic property owner wants to make changes to their house, building, or landmark, they must submit an appropriate proposal and the commissioners must review the case. The historic commission protects the structures in the district by determining whether the changes being made are appropriate for the building and if they continue to preserve the historic character of the area. The ordinance is created as a guideline and rulebook for the public. Property owners can consult the ordinance before submitting a proposal to see if their case follows the rules and if their proposed changes are likely to pass. There are proper steps to take when creating an ordinance. “First, its purpose should be to *promote the public welfare*… to benefit the general community, rather than
a group of individual property owners. Second, the means specified in the ordinance should be *rational*… Third, the provisions of the ordinance should be *fair* – that is, not unduly onerous or burdensome – and should apply equally to everyone within a specified group.”¹ The ordinance must also be able to stand on its own, even when owners are threatening it with legal questioning. Stubborn property owners may try to find loopholes in the ordinance to get around it and get what they want. It must be clear of what can and cannot be done in the area so that the owners will know how to gain approval when they apply for changes to their property.

The best way to go about avoiding conflict is for the historic commissioners to refer to the Secretary of the Interior’s Standards for Rehabilitation as a guide when developing the ordinance. Because commission members can often butt heads and disagree on what is right or wrong, or what is aesthetically pleasing in their district, the Secretary of the Interior’s Standards for Rehabilitation serves as a great starting point. Sometimes what is visually pleasing to one commissioner is a visual annoyance to another commissioner, and a resolution is never met. Instead of spending hours debating, they can review the Standards as well as previous cases in other districts to come to a conclusion about what is appropriate when it comes to design in their local area. Often times, the Standards are adopted as the main design guidelines and the commissioners will agree to adopt locally specific guidelines as well. The ordinance must also legally take precedence over other city ordinances. If changes are made to a property that have the approval from a different city agency, yet the property is in conflict with the historic district ordinance, it can only
be deemed illegal if the historic district ordinance has been stated in the law that is has precedence over any other city agency. If the historic district ordinance does have precedence, the property must obtain a Certificate of Appropriateness in order to make the proposed changes. The Certificate of Appropriateness usually controls the changes over the exterior of the property and demolition of historically designated structures. Sometimes it can also control the verdict on additions and repairs to a property.

After creating the ordinance, the historic commission of a district must make sure that it holds the power to deny proposals. In some instances, the commission may only advise or recommend what changes should be carried out. If that is the case, it is up to the commission to persuade the property owner to do what is right in the situation. If a powerful developer has purchased the property, they may not hold the same morals as an original property owner might hold, causing them to not take into consideration the ideas and recommendations of the commission. Therefore, it is very important that the commission have the legal right to deny a proposal.

*Concerns within historic districts*

Most proposals for changes to a property in a historic district are approved. Only a mere five percent require additional review or are out-right rejected. It is often those five percent that the media and public pick up on and get angry or confused about. This creates a problem because the citizens of the area begin to develop a negative idea of the approval process. This can lead to appeals of ordinances or hatred towards the
commission. The best way to avoid these problems is to educate the public about their historic district and promote the benefits of maintaining the district and the heritage of the area.

Another concern within historic districts is that preserving too much of one area can make its history static. When deciding to preserve an entire district, there are of course areas rich in history and architectural brilliance, but there may also be a block of structures that were not very significant to the period of time of which the area is striving to preserve. Those structures fall under the same ordinance as the historically important structures, making it difficult to update them, or even, if need be, to demolish them. One example of how a historic district ordinance could have changed America’s architectural history forever is apparent when looking at Oak Park, Illinois. In the early 1900’s Oak Park was a Chicago suburb filled with Victorian homes. Around 1910, in came Frank Lloyd Wright with his Prairie style homes, a complete contrast to the preexisting homes in the area. Now, Frank Lloyd Wright’s Prairie style is known around the world, yet if there had been a historic district ordinance in place at the time, these homes might have never existed. The commissions would have likely denied his request for such a drastic change of architectural style. The question that must be asked here is, could this still be happening today? Now that there are so many designated historic districts in the United States, are we as a country missing out on new and innovative architectural styles because our ordinances are too strict? We might be saving unimportant, uninspiring structures in districts because they fall in between blocks of culturally and historically
rich buildings. If we could get rid of the insignificant buildings, districts would open up land to be used to create new history.

**Legal framework**

The legal basis of historic preservation started with the idea that property owners should be able to do whatever it is they want to do with their property. Over the course of time, some laws had to be made to protect the land that was important historically. The government decided to step in only to protect the public from negative changes, but making it known that they did not always guarantee positive results.

**Supreme Court cases**

Prior to 1954, a historic structure was only protected under the aesthetics plus principle. This meant that a structure would be protected for its aesthetics or historic character only if it also meant it was protecting public safety, public welfare, or public health. In 1954, the case of Berman vs. Parker changed the aesthetics plus rule. This case established the principle that aesthetics alone (the appearance of a structure) is sufficient to justify government regulation… ‘It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean.”¹ This case was the beginning of the legal framework for regulations in historic preservation.

In 1978, another case was decided that has been described as a “landmark decision”. The case of Penn Central Transportation Company vs. City of New York gave legal reason to
historic preservation ordinances. In this case, the owner of the Grand Central Terminal in New York wanted to develop the property further, but the state felt that this would compromise the historical essence of the building. Many citizens protested the changes to the terminal, believing that the proposal would take away a landmark that was important to the life of the city. When the proposal was officially denied, the owner fought that he was losing value on his property and he wanted appropriate compensation from the government. The case went to Supreme Court and it was ruled that the government had the right to regulate private properties and that the government would also not have to pay the owner compensation. This “decision formed the legal basis for legislatures to grant cities the right to establish controls to which the owners of historic properties would be subject.”¹ This decision also raised many new questions and left property owners uneasy with the new concern of how far the government could go in limiting private property owner’s rights to their own property and development.⁸

“Churches sometimes argue that they serve a community and a religious purpose and need to retain the right to change their property and building to best address that need.”¹ The case of St. Bartholomew’s Episcopal Church is important because it resulted in historic preservation ordinances having control over religious organizations. The case came about because St. Bartholomew’s Church believed that if religious organizations were subject to the ordinances it was violating the First Amendment’s separation of church and state. This was ruled to be incorrect, but historic designation of religious properties is still the most disputed kind of property designation today. Churches are
very active against historic preservation, and because they are so vocal about it, it stirs up attention and causes much controversy.

_Historic district commissions_

Commissioners in historic districts have approval over most of the decisions made about a historic structure. They can approve or deny modifications, additions, and demolitions. Some commissions can even approve a proposal for a new building in a designated historic district.

Sometimes historic district commissions are met with opposition. Many city agencies do not want them to be formed for fear of losing power and authority. Often times, historic districts take precedence over other city agencies. Some city officials do not want commissions to be created because it might mean more work for them. Universities often ignore historic district commissions, causing the cost of creating a district around a University to be too high and not worth it. Commissions are also resisted by some owners of the property in the area because they do not want to be told what to do with their land. All of these cases of opposition create problems for commissions. Without the support of their district they are open to many problems, including corruption.

When commissions start to allow approvals through litigation, bad decisions concerning historic preservation might be made in the community. It has become common for developers to threaten commissions with lawsuits if they do not approve the proposal
quickly. Knowing that their government might not be able to supply them with the full protection they need, the commission might pass a proposal more quickly than they should have. This can result in not all of the details being reviewed, which might mean that something got passed that would not follow the ordinance. Sometimes the city council might support a project that the historic district commission does not. Both the council and the commission are most likely advised by the same city attorney, causing a conflict of interest, and corruption in the process. “Decisions that are made between attorneys behind closed doors often lead to very poor decisions for the community.”

**Historic property designation**

The designation of a historic property is a very important process for preservationists and the historic structure. Many factors play into the approval, leaving the decision up to the interpretation of the National Register of Historic Places. Criteria has been established with the intention of helping the state and local governments evaluate the property before the documentation is sent to the National Park Service, which will make a decision within 45 days.9

**Significance**

“A structure’s significance is based on two primary factors: historical or cultural importance and architectural value.”1 If both fields are met by a historic property it enhances its overall significance rating. The use of a significance thermometer can help determine the level of significance of a specific historic structure. The lowest rating of
the thermometer is age significance, followed by style significance, the significance of the structure being unaltered, and topping it off with the highest rating of significance labeled as historical. Using this example, the more levels of significance the structure can meet, the more likely it is to be approved by the National Park Service and listed in the National Register of Historic Places.

*The fifty-year-old rule*

“Often, historic designation is given to a building largely on the basis of age, but age is relative and, by definition, constantly changing.” The most commonly accepted criterion for judging the age significance of a structure is the fifty-year-rule. If a building is fifty years or older, it can be considered for listing in the National Register. This rule has been in place since the establishment of the National Register, but it has more recently been reconsidered. Today, newer properties have proven to be historically important and many preservationists want them to be listed in the register before they are fifty years old to protect them from deterioration or alteration. Today, a limited number of properties that are less than fifty years old have been listed in the National Register, only because they have been deemed extraordinarily important.

*Majestic Theatre*

The Majestic Theatre is located on Houston Street in downtown San Antonio, Texas. The theatre was first opened by Karl Hoblitzelle and the Interstate Theatre Corporation on June 14th, 1929. It was designed by Chicago-native architect John Eberson. Eberson
had designed many of the “Majestic” theatres for Hoblitzelle, all in his trademark Atmospheric style. It took eleven months and $3 million dollars to build. The San Antonio Majestic Theatre was the second largest ornate Atmospheric style theatre in the country and the most popular movie theatre in San Antonio from the 1930s all the way to up the 1960s. With its tiered balconies, sidewalls of a Spanish village, and a deep blue sky with stars painted in precise replicas of constellations, the Majestic was a site to see and attracted people from all over the state.

With the growth in the popularity of television and the changes in current technology, the Majestic lost revenue and was forced to close on December 31, 1974. The very next year it was listed on the National Register of Historic Places, one of the biggest honors a structure can receive, which started the formation of the Majestic Foundation to save and restore the theatre.

Remodeling occurred in the early 1980s, but it unfortunately did not fall under one of the five types of intervention on a historic property (preservation, restoration, reconstruction, rehabilitation and conservation) and many of the original décor and details were removed. It was closed again in 1988 when the Las Casas non-profit organization became dedicated to its preservation and restoration. From 1988 to 1989, the Majestic Theatre underwent complete restoration. Restoration of a structure refers to the steps to return a building to its condition at a specific time in its history. Usually the building is returned to a time period of which is had a large influence on the surrounding areas and
culture. Las Casas and the City of San Antonio spent $4.5 million on the restoration. The City of San Antonio approved the proposed changes and pushed for the theatre to be returned to its original state because it was such an important timepiece in the history of the city. Local artists were trained to carry out restoration tasks in the same way that they would have been done in the 1920s. The preservationists brought the theatre up to date in terms of technical aspects. “Architectural ornamentation was cleaned, repaired and repainted in the original vibrant colors; replicas were created as necessary.” Parts of the theatre also went through the rehabilitation process; the process of preserving the structure’s historical and architectural elements while allowing the property to be used for different purposes to create compatibility with the new environment. New construction was carried out where the old structure was no longer safe, new sound-enhancement systems were constructed, and the basement underwent adaptive reuse to create 20,000 square feet of new usable space.

In 1993, the theatre was recognized as a National Historic Landmark. In 1996, another adaptive reuse project occurred in the Majestic Theatre. After acquiring space from the adjoining Little Brady Building, the stage was expanded from twenty-seven feet deep to forty feet deep. This rehabilitation allowed the theatre to become home to larger productions that could not previously fit on the small stage. This project brought in millions of dollars in revenue to the theatre and had a strong positive economic impact on the city. Today, there are still many restorations that the Majestic Foundation would like to carry out on the theatre. Funding has not yet become available, but when it does,
there will be restoration on the plasterwork in the upper balcony, as well as the addition of 375 new seats.\textsuperscript{14}

The restoration and rehabilitation of the Majestic Theatre had a positive impact on the revitalization of downtown San Antonio. Through the study of this particular case, it became evident that if a structure has backing from a foundation, as well as funding from that foundation or the city, more changes and proposals are likely to be passed. The theatre has been an “example of successful public, private, and non-profit cooperation”\textsuperscript{16} and will remain an important historic structure to the city for years to come. Because the theatre has so much support and recognition in the city, it is more likely to be kept in good condition and safe to the public. Cases of preservation like this one are important because they prove that publicity of historic structures and support from foundations are important factors in the preservation of buildings.
CHAPTER IV

CONCLUSION

Recurring problems in historic preservation

The recurring problems that this research has found include the different standards that historic properties are held to in different settings, districts, or states. Research of the National Register has also brought forth problems in the criteria for significance of a historic property, specifically the age factor.

Ordinance argument

Ordinances have proven to be very confusing to the public, which is one of the main reasons that the public has trouble understanding historic preservation. A property owner must research their district’s ordinance before proposing a plan to the historic commission. If the public is not educated on the rules of their area, it makes proposing changes a difficult and frustrating task. As mentioned earlier in this research, the media and public usually only pick up on the negative aspects of the ordinances in the district. When one citizen’s proposal gets denied because they failed to meet standards of the ordinance, the public gets angry and upset that the commissioners have so much power. If the public were more educated on the proposals that are passed in their area, they would not be so upset about the few proposals that are denied. Public education is something that every historic district, as well as preservationist group, needs to focus on.

“Preservationists should always let the community know which area and structures they
consider historically significant and how they best can be protected. Education should be a primary goal of historic preservation. How can the public know what is important if that information has not been disseminated? Historic home tours or neighborhood surveys are particularly useful in educating citizens.”

Another problem that stems from the commission has to do with the establishment of ordinances. Ordinances are supposed to be established based on the Secretary of the Interior’s Standards for Rehabilitation. Once the initial standards are in place, the commissioners may also agree to adopt local standards that they see fit for their district. Depending on how conservative the commission board is, the local standards might be too loose or too specific. Once the ordinance is passed, the district will follow its rules and approval of proposals will be based on what the commission decided. Years later, a new board of commissioners will be in place and a proposal might come up that many of the commissioners agree with. The commission can face problems with the ordinance being too specific in this case and not allowing the commission to pass the proposal that they see fit. Therefore, adoption of local standards seems like a simple and fair idea at the time of the establishment of the ordinance, yet when the commission has changed and they no longer agree with rules set by the past ordinance and commission it can cause problems for the district. Leaving the establishment of the ordinance to a small group of commissioners to represent the whole of a district can be troublesome, especially when the commissioners can't even agree on what they find aesthetically pleasing.
Another problem that historic commissions must face is how they deal with threats from developers hoping to acquire land in their district. The developers can threaten them with lawsuits to get them to pass proposals more quickly, which can result in the commissioners looking them over carelessly and approving changes that are not in the best interests of the community. Historic commissions must always remember to keep the historic district and structures in their best interest and to not let the pushy, commanding land developers walk all over them to get their way. If the commission approves something that changes a historic structure to where it may become unrecognizable, they will not only regret their decision, but may be involved with changing the character of the entire district.

The fifty-year-rule argument

Having the fifty-year-rule in place is supposed to make it easier to define buildings as historic, but when that rule is bent and broken, it makes it more difficult and confusing. Over the past decade, the National Register has bent its rules and allowed the listings of buildings that were not yet fifty years old at the time. This can be very frustrating for preservationists because they might be focusing on buildings that already meet the standards, while wishing they could work on preserving a building that is especially significant historically, but not yet fifty years old. If other young structures are becoming eligible for listing, it is not fair to the preservationists who were following the rules and not pushing their young structures. They might not have enough funding to push for a younger building, because they were simply following the rules and not trying to get
ahead of the game. If the National Register wants to bend the rules for some preservation
groups and some special buildings, they should allow all structures to apply for listing
early as well. If the National Register continues on this track and does not reconsider the
fifty-year rule, they will face much controversy in the near future.

**Consistency in historic preservation**

While there are many recurring problems in historic preservation, the results have shown
that there is also much consistency. Some of the consistent areas that translate well to the
public include the National Register of Historic Place’s criteria and checklist. The
National Register has done a good job in educating the different state governments on
the correct ways to register a structure to be approved for listing. Besides the problems
with the fifty-year rule, the National Register is very consistent with their other criteria
for the listing of a historic structure.

Historic preservation has also become an important part of American culture, and more
and more people are becoming interested in it. Preservation has been said to boost the
economy in the past decade. Tourism has become the third largest industry in Texas, and
part of that industry includes heritage tourism. “It make good economic sense to save –
and share – our unique historic resources with travelers who want to learn about the
Lone Star State.”17
Overall, historic preservation has a positive influence on many aspects of American culture today. If preservationist can straighten out all the laws that cause problems and controversy, historic preservation will become even greater and more appreciated than it already is. It is important to save and respect the heritage of our country. By educating the public we can keep the commissioners accountable as well as beautify our historic districts and revitalize our communities.
NOTES


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