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Trash or Treasure?: Issues Surrounding the Preservation of Post-World War II Vernacular Structures

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**Trash or Treasure?:
Issues Surrounding the Preservation of
Post-World War II Vernacular Structures**



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And now there's only one thing that I'd like to know.
Where did the Twentieth Century go?
I'd swear it was here just a minute ago.

-- Steve Goodman, *The Twentieth Century is Almost Over*

A. Introduction.

If asked to envision a building which is worthy of designation as a historic landmark, most members of the general public would mention the site of a monumentally history event such as Ford's Theater. Others may picture quaint cityscapes like those in Georgetown. It is likely that the term "historic preservation" would rarely cause a person to immediately call to mind a shopping center or suburban planned community. Yet these structures from the country's post-World War II period are currently the object of a growing number of preservation projects.

The issues surrounding preservation of post-World War II vernacular structures¹ are compelling, since the questions implicated are simultaneously similar to those in preservation generally while also unique to resources from the recent past. With structures dating from the 19th century, opponents of designation may argue that the building is not a pure example of a particular style, but they cannot reasonably argue that the building is not "historic." The situation is much different for resources from the recent past. Their very age makes many citizens and some preservationists alike skeptical that they are worthy of protection. It is common to hear the public refrain that, "That building is not historic because I remember when it was built!" Other common responses to attempts to preserve buildings from recent decades is that it is best they are demolished because they are so ugly. Are these complaints accurate? Are everyday structures from the past fifty years worthy of protection? The answer is yes – the age of a building alone should not dictate whether or not it is worthy of preservation. For if this were indeed the only criteria, many highly significant buildings would be summarily demolished before they reached that magic age at which they can qualify as antique. Current aesthetics and popular taste alone also should not

¹ "Vernacular" structures in the historic preservation context is defined by Richard Striner as "historic places that can teach us important things about the past without necessarily having links to historical events on the grand scale . . . the kinds of places that teach us significant things about the social and cultural history of other periods, including their patterns of everyday life." RICHARD STRINER, NATIONAL TRUST FOR HISTORIC PRESERVATION, PRESERVATION AND THE RECENT PAST, Information Booklet 69, at 4 (1993).

Thus, the buildings and resources which are the focus of this paper are not the buildings from the recent past which are immediately recognizable as architectural masterworks, such as Eero Saarinen's design for Dulles Airport near Washington, D.C. (which was included on the National Register of Historic Places a mere sixteen years

dictate which buildings are preserved; if this were the case, there would be no continuity to our preserved environment since tastes inevitably change. Given that this is the case, the key question becomes how to determine *which* resources from the recent past should be preserved for future generations

To address these issues, Parts B and C of this paper will proceed from a brief discussion of the history and rationale of historic preservation generally to a specific discussion of the issues implicated by preservation of resources from the recent past. Part D will survey local historic preservation ordinances in cities throughout the country to see how the issue of preservation of the recent past is currently being managed. Part E will address the fundamental question of why these resources should be protected, which will be illustrated through relevant case studies focusing on preservation of different resources in communities throughout the country, followed by an in-depth case study analysis of the treatment of the recent past in the Washington, D.C. metropolitan area specifically. Finally, Part F will address whether these resources *can* be protected, and will conclude with proposals for increasing the protection of the recent past.

B. The Backbone of Historical Preservation Law.

1. A Very Brief History of Historic Preservation.

The historic preservation movement is itself a relatively recent phenomenon. First emerging in the mid-1800's, early historic preservation was primarily concerned with the preservation of buildings and resources that represented patriotic American achievements or significant historical events.² The rationale behind preserving such resources was that “reminders of a common past can link us together in a national community.”³ The movement was entirely at the local and regional level as there was no national regulatory scheme in place.⁴

after its completion). Rather, this paper focuses on the more commonplace department store and suburban tract home, and the unique question of whether these resources can and should be preserved.

² See Christopher J. Duerksen & David Bonderman, *Preservation Law: Where It's Been, Where It's Going*, in A HANDBOOK ON HISTORIC PRESERVATION LAW 1 (Christopher J. Duerksen ed., 1983) (discussing the characteristics of early historic preservation law); see also Carol M. Rose, *Preservation and Community: New Directions in the Law of Historic Preservation*, 33 STAN. L. REV. 473, 479-80 (1981) (describing the first period of historic preservation as “the idea that historic preservation should seek to inspire the observer with a sense of patriotism.”). An example of this is the early efforts by Pamela Sue Cunningham to convince private citizens to contribute money to purchase, and thus preserve, historic Mount Vernon. *Id.*

³ Rose, *supra* note 2, at 482.

⁴ Duerksen & Bonderman, *supra* note 2, at 2.

It was almost the end of the nineteenth century before the United States government began its involvement in historic preservation by purchasing Civil War battlefield sites as memorials.⁵ This federal government activity led to the first major legal opinion in historic preservation law, *United States v. Gettysburg Electric Railway Co.*⁶ In this landmark decision, the Supreme Court found that the purchase of property for preservation purposes was a justifiable use of federal power, but did not reach the issue of whether the goal of preservation could be achieved through regulation or whether buildings and districts could be preserved on an aesthetic basis.⁷ From the time of the *Gettysburg* opinion until at least the mid-1950's, the focus and justification for historic preservation activities remained the protection of the sites of historic events,⁸ although cities began to adopt local historic preservation ordinances with more frequency beginning in the 1940's and 1950's.⁹ It was in the mid-1960's, however, that the historic preservation movement began in earnest. This is largely a result of increased federal interest in the issue of preserving the nation's past. In 1965, a very influential report entitled *With Heritage So Rich* was released.¹⁰ The report found that over half of the structure identified by a federal survey of historic buildings had been demolished. It further stated:

Out of the turbulence of building, tearing down, and rebuilding the face of America, more and more Americans have come to realize that as the future replaces the past, it destroys much of the physical evidence of the past. . . . If historic preservation is to be successful, it must go beyond saving bricks and mortar. . . . It must attempt to give a sense of orientation to our society, using structures and objects of the past to establish values of time and place.¹¹

⁵ *Id.*

⁶ 160 U.S. 668 (1896).

⁷ See Duerksen & Bonderman *supra* note 2, at 2 (describing the impact of *Gettysburg*).

⁸ See STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 2. See also Duerksen & Bonderman, *supra* note 2, at 5-6 (discussing the early years of historic preservation law in the United States and the types of structures which were preserved); Gregory A. Ashe, *Reflecting the Best of Our Aspirations: Protecting Modern and Post-Modern Architecture*, 15 CARDOZO ARTS & ENT. L.J. 69, 73 (1997) (same).

⁹ In 1936, New Orleans adopted a local historic preservation ordinance that remains largely in effect today. During World War II there was a noticeable decrease in local historic preservation activities, but a survey conducted in 1956 by what is today known as the American Planning Association found that a small number of additional cities had adopted ordinances that resembled the ordinances of New Orleans, Charleston, and San Antonio, all of which were adopted in the 1930s. These cities included Alexandria, Virginia (1946); Georgetown in Washington, D.C. (1950); Annapolis, Maryland (1951); and Nantucket, Massachusetts (1955) among others. See *id.* at 6.

¹⁰ See Duerksen & Bonderman, *supra* note 2, at 9.

¹¹ *Id.*

This report advised Congress to establish an Advisory Council on Historic Preservation to advise Congress and the President on historic preservation issues.¹² It also urged the creation of a National Register of Historic Places, which would be administered by the Department of the Interior.¹³ This report, then, was largely the impetus behind what later became the major federal law on historic preservation – The National Historic Preservation Act of 1966.

2. The National Historic Preservation Act and the National Register.

The enactment of the National Historic Preservation Act (“NHPA”)¹⁴ in 1966 was a major expansion of the categories of resources eligible for recognition as historic places by the federal government. The National Historic Landmarks Program had been in place for six years, but that program had only allowed for the possible acquisition by the federal government of resources that possessed historic significance of the highest order.¹⁵ In contrast, the NHPA created the much more comprehensive National Register of Historic Places, which was intended from the outset to include not only resources of national significance but also those sites that are significant on the regional or local level.¹⁶ This included the protection of so-called “vernacular” resources. In addition, the significance of a resource will vary by location; a building may be exceptionally significant because of its rarity in one city while due to its prevalence it would not qualify as exceptionally significant in another city or region.¹⁷

Although inclusion on the National Register can be extremely helpful as evidence of a resource’s significance, the Register is largely honorific and does not, in itself, offer a great deal of protection for the sites listed.¹⁸ However, because of that honorific value and the fact that local ordinances often mirror the

¹² *Id.*

¹³ *Id.*

¹⁴ 16 U.S.C. §470-470mm (2001).

¹⁵ See STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 5 (discussing the Historic Sites Act of 1935 and the subsequent creation of the National Historic Landmarks program).

¹⁶ See Richard Longstreth, *When the Present Becomes the Past*, in PAST MEETS FUTURE: SAVING AMERICA’S HISTORIC ENVIRONMENTS 213, 222 (Antoinette J. Lee ed., 1992) (“[P]roperties can be nominated when they possess exceptional significance at the *local level*. This provision can entail a broad spectrum of properties and can be quite inclusive.”). See also Susan Benjamin, *Underage Landmarks*, INLAND ARCHITECT, Jan./Feb. 1988, at 7; STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 5.

¹⁷ Benjamin, *supra* note 16, at 7.

¹⁸ Susan D. Bronson & Thomas C. Jester, *Conserving the Built Heritage of the Modern Era: Recent Developments and Ongoing Challenges*, APT BULLETIN 28-4, 1997, at 8 (describing the level of protection for buildings included on the National Register). Although local historic preservation ordinances largely dictate the level of protection given to historic buildings, the NHPA does impose some restrictions when action by federal agencies is involved. In

criteria of the NHPA,¹⁹ the extent to which the NHPA extends protection to recent buildings is a key factor supporting their protection at the local level.

B. Protection of Recent Resources Under the NHPA.

1. The Impact of the 50-Year Age Requirement in the National Register.

The NHPA authorized the Secretary of the Interior to expand and maintain a National Register of Historic Places, which was to be “composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.”²⁰ From the time of its initial establishment in 1966, the National Register was intended to be much more expansive and inclusive than the historic preservation laws that had existed previously.²¹ “The framers of the 1966 Act envisioned the National Register as a broad list of historic properties that reflected ‘the spirit and direction of the Nation.’”²²

At first impression, the National Register criteria may appear to be uninterested in protection of resources from the recent past. The National Register Criteria for Evaluation state that “[o]rdinarily . . . properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register.”²³ The justification for this requirement is that since the National Register listing is intended to identify only those resources which are truly significant and worthy of protection, the 50-year period is included as a guide “to assure historical perspective and avoid judgments based on current or

those cases, the agencies are obligated to assess the impact of their activities on the listed (and those eligible for listing) properties. The Advisory Council for Historic Preservation, an independent federal agency, works with the State Historical Preservation Office to determine whether the federal agencies proposed actions are appropriate and can recommend mitigation measures if they are found to be necessary. *Id.*

¹⁹ See Richard Longstreth, *Architectural History and the Practice of Historic Preservation in the United States*, undated, 327 (discussing the manner in which National Register criteria have been the model for inventories of historical resources conducted at the state and local level).

²⁰ 16 U.S.C. 470a(a).

²¹ See discussion *supra* note 16 and accompanying text.

²² MARCELLA SHERFY & W. RAY LUCE, U.S. DEP’T OF THE INTERIOR, GUIDELINES FOR EVALUATING AND NOMINATING PROPERTIES THAT HAVE ACHIEVED SIGNIFICANCE WITHIN THE PAST FIFTY YEARS, Revised edition, Preface (1998), available at <http://www.cr.nps.gov/nr/publications/bulletins/nrb22> (discussing the goals of the NHPA and the National Register).

²³ *Id.* at XIII.

recent popular trends.”²⁴ However, the guidelines for inclusion of more recent buildings are actually more far-reaching than they may initially appear.

One of the reasons why the National Register criteria are considered so inclusive is due to their flexibility.²⁵ Although resources that achieved significance in the past fifty years are generally eligible for inclusion on the Register, the Criteria Consideration G allows for inclusion of recent resources if they are of “exceptional importance” at the national, state, or local level.²⁶ In addition, recent resources also may be considered eligible for inclusion if they are determined to be “integral parts” of districts that do meet the criteria.²⁷ Together, these two exceptions provide a rather high degree of protection for resources of the recent past. The inclusiveness of the criteria is evidenced by the fact that, by 1994, 2,035 properties had been listed on the National Register under Criteria Consideration G.²⁸ Post-World War II resources are somewhat well-represented in those numbers, as 464 of the properties achieved significance since 1950, and 77 became significant after 1974.²⁹ Although many of these resources are included for their significance at the national level, fully one-third of them achieved significance at the community level.³⁰

2. How to Prove “Exceptional Importance.”

Although those who support preservation of the recent past are thankful for the flexibility of Criteria Consideration G, actual application of the “exceptional importance” test can be quite a difficult

²⁴ *Id.* at Preface. See Richard Longstreth, *The Significance of the Recent Past*, APT BULLETIN 23-2, 1991, at 13 (discussing the importance of historical perspective. “[O]ne cannot achieve a historical perspective of the present. Some passage of time is necessary to give that perspective clear focus so that, among other things, the salient factors contributing to the subject under examination can be identified and the subject itself can be considered with a sense of detachment.”).

²⁵ In addition to the exceptions to the 50-year period requirement discussed below, the National Register criteria are flexible in other regards as well. The Criteria do not ordinarily consider eligible for inclusion such properties as birthsites of historical figures, buildings used for religious persons, structures moved from their original locations, reconstructed buildings, or property that is primarily commemorative in nature. See SHERFY & LUCE, *supra* note 22, at XIII. However, these requirements are subject to exceptions, and Criteria Considerations A-F address those circumstances when these other ordinarily excluded resources may be included on the Register. *Id.*

²⁶ SHERFY & LUCE, *supra* note 22, at Preface (“[T]he National Register Criteria for Evaluation provided for the recognition of historic places that achieved significance within the past 50 years: a property of that vintage may be eligible if it is of *exceptional importance* at the national, State, or local level.” (emphasis in original)).

²⁷ *Id.* at XIII.

²⁸ *Id.* at Preface.

²⁹ *Id.*

³⁰ *Id.*

process. Part of the reason for this is that the term is never explicitly defined anywhere in the guidelines.

According to those who administer the National Register, this omission was quite intentional:

The criteria do not describe ‘exceptional,’ nor should they. Exceptional, by its own definition, cannot be fully catalogued or anticipated. It may reflect the extraordinary impact of a political or social event. It may apply to an entire category of resources so fragile that survivors of any age are unusual. It may be a function of the relative age of a community and its perceptions of old and new. It may be represented by a building or structure whose developmental or design value is quickly recognized as historically significant by the architectural or engineering profession. It may be reflected in a range of resources for which a community has an unusually strong associative attachment.³¹

Rather than defining the term, the GUIDELINES instead rely on a series of examples of resources that *do* qualify as exceptional, as well as a summary of what kind of resources would not. Included in the list of properties that are not exceptional are those that are “important solely for their contemporary impact and visibility,” as well as those “of only transient value or interest.”³² Again, this is to ensure that the properties listed on the National Register are historic and not mere fads.

So how can a recent resource prove that it is sufficiently “historical” and “exceptional” to be considered eligible for placement on the National Register? In the past, many the passage of time often stood in as a proxy for significance – if a building had been built in the 17th century, it was more likely to be a rarity.³³ In addition, old buildings carried with them a sort of badge of antiquity, since the public was accustomed to historic preservation working to save resources that were hundreds of years old. The rationale for preservation of resources from the recent past is based on a somewhat different logic. It is not the passage of time *per se* which makes a resource worthy of inclusion on the National Register. Instead, for example, it may be the rarity of this type of building in the particular region in which it is located, despite the fact that the building was constructed less than fifty years ago. To use another example, a deceptively generic neighborhood shopping center may be exceptionally significant if it is in fact the first example of such a center to be constructed in the outer perimeter of the city rather than the

³¹ *Id.* at I.

³² SHERFY & LUCE, *supra* note 22, at I. (“In nominating properties to the National Register, we should be settled in our belief that they will possess enduring value for their historical associations, appearance, or information potential.”)

more traditional downtown commercial district.³⁴ In this context, perhaps the best way is to conduct a comprehensive scholarly evaluation of the property to determine its historical context, significance to the community, and rarity.³⁵ Such an analysis will help to provide the necessary historical perspective to allow a dispassionate evaluation of the property. As Carol Shull, the former chief of registration for the National Register stated, “As people begin to document and understand, we’re able to evaluate [resources from the recent past] more reliably as historic places.”³⁶

In order to be included on the National Register, resources from the recent past must be identified by which of the four National Register criteria they meet and by the areas of significance for which they are being documented.³⁷ The four criterion are: (A) properties that “have made a significant contribution to the broad patterns of our history;” (B) properties “associated with the lives of persons significant in our past;” (C) architecturally significant properties; and (D) properties that “have yielded or may be likely to yield information important in prehistory or history.”³⁸ Most resources of the recent past are included on the list under Criterion A or C.³⁹ There are also twenty-nine enumerated areas of significance. For post-World War II resources, the largest number of listings are in the area of architecture, followed by social history, politics/government, commerce, transportation, and engineering.⁴⁰ In addition, buildings may often meet the requirements for inclusion based on their significance under more than one criterion and area of significance.⁴¹

a. Criterion A: Historical Significance.

A significant number of resources from the recent past are listed on the National Register because of their connection to exceptionally important historic events. The importance of these events is often at

³³ See Rebecca A. Shiffer, *The Recent Past*, CRM 18-08, 1995, at 3 (discussing the manner in which preservationists had previously relied on the passage of time to explain significance and to indicate what should be preserved).

³⁴ For a more detailed discussion of the shopping center used in this example, see Part E(2)(b) *infra*.

³⁵ See SHERFY & LUCE, *supra* note 22, at II-IV. For a discussion on the details of such a scholarly evaluation, see Part F(2)(c) *infra*.

³⁶ Benjamin, *supra* note 16, at 7.

³⁷ See Carol D. Shull & Beth L. Savage, *Trends in Recognizing Places for Significance in the Recent Past*, HISTORICAL PRESERVATION FORUM, Fall 1995, at 45 (cataloging the current areas of significance and the process by which resources are included on the National Register). See also SHERFY & LUCE, *supra* note 22, at X.

³⁸ SHERFY & LUCE, *supra* note 22, at X.

³⁹ *Id.*

⁴⁰ Shull & Savage, *supra* note 37, at 45.

the national level; however, some properties are instead included for their historical significance at the state or local level. Some examples of properties that have been listed under Criterion A are: Launch Complex 39 at the Kennedy Space Center (listed in the National Register in 1973, just four years after the Apollo 11 lunar landing);⁴² the Cold Spring Harbor Laboratory Historic District on Long Island, New York (which was listed in 1994 because of its connection to several Nobel Prize winners);⁴³ and the Monroe School in Topeka, Kansas (which was the school involved in the landmark 1954 Supreme Court desegregation decision *Brown v. Board of Education* and was listed in 1994).⁴⁴

While the historic nature of these qualities may have been clearly evident early on, there are also examples of lesser-known vernacular structures which can qualify for National Register listing under this criterion for their contribution to American social history. For example, as of 1995 there were twenty-four properties on the Register which were significant because of their connection to the Civil Rights movement.⁴⁵ On the city level, the Moulin Rouge Hotel in Las Vegas was listed in 1992 because of its contribution to the city's history.⁴⁶ The Moulin Rouge opened in 1955 and was the city's first interracial entertainment facility. It was also the site of a meeting of local members of the National Association for the Advancement of Colored People, community leaders and politicians, where an agreement was made that most Las Vegas hotel owners would end segregation on "The Strip" and the commercial district.⁴⁷

The National Register also recognizes those properties that are related to significant events in the movie, music, and television entertainment industries. The WFIL Studio in Philadelphia was remodeled in 1952 to accommodate the station's television studio. It was at that location that the popular television

⁴¹ See SHERFY & LUCE, *supra* note 22, at X (explaining that "[w]hile all properties must meet at least one of the National Register Criteria, many qualify for more than one.>").

⁴² Shull & Savage, *supra* note 37, at 45.

⁴³ *Id.* at 45-46.

⁴⁴ SHERFY & LUCE, *supra* note 22, at X.

⁴⁵ Shull & Savage, *supra* note 37, at 49.

⁴⁶ *See id.* at 50.

⁴⁷ *Id.*

show “American Bandstand” was filmed from 1952-1963.⁴⁸ The studio was listed in 1986 because of its significant contribution to American entertainment.⁴⁹

b. Criterion B: Association with Historic Individuals.

A small but growing number of properties from the post-World War II era have been included on the National Register due to their connection to individuals who have contributed to recent history. These individuals range from jazz and bebop musician Charlie Parker, whose rowhouse home in Manhattan from 1950-54 is included on the Register, to the birthplace of and early childhood home of former President Bill Clinton, who lived in the home from 1946-1950.⁵⁰ Although Criterion B is an important tool for the preservation of Post-World War II structures, the inquiry is by its nature limited to very small number of properties and does not implicate many of the issues raised by the preservation of recent resources generally.

c. Criterion C: Architecturally Significant Properties.

“As with the National Register as a whole, most listings with recent significance occur under Criterion C because the properties are important examples of a building type, architectural style, historic period, or method of construction.”⁵¹ Some of these are the works of master architects, such as Mies van der Rohe and Frank Lloyd Wright.⁵² The Register also includes lesser-known works, however, such as the “Lustron House” that was built in Chesterton, Indiana in 1950. This structure “is of exceptional importance at the local level as a rare and intact example of a significant manufactured housing type

⁴⁸ See *id.* at 51. The WFIL studio was one of the first designed specifically for the television medium. In addition, “American Bandstand” was noted as “having an overwhelming and sustained impact on the future of rock and roll music and on the popular culture of the Baby Boom generation.” *Id.*

⁴⁹ *Id.*

⁵⁰ See *id.* at 46 (discussing the inclusion on the National Register of the residences of several individuals representing a wide range of locations and professional fields). See also SHERFY & LUCE, *supra* note 22, at X (same).

⁵¹ *Id.* at 47.

⁵² See *id.* at 47-48. The works of Frank Lloyd Wright and his “Prairie School” of architecture represent the largest number of modern architectural works from a single architect or school in the post-World War II period. These include a multiple property listing in Iowa of Wright’s Usonian designs (built from 1945-1960 and listed in 1996) as well as his last major work, the Administration Hall/Hall of Justice complex of the Marin County Civic Center (built in 1960 and listed in 1991). *Id.*

employing an unusual building material.”⁵³ Because the National Register is flexible enough to consider architectural significance at the local level, Criterion C allows for significant protection of unique vernacular architectural resources.

d. Criterion D: Likelihood to Yield Information Concerning Prehistory or History.

The GUIDELINES indicate that it is extremely difficult to justify inclusion on the National Register under this criterion for sites that relate to activities of the past fifty years.⁵⁴ Since this Criterion largely applies to archeological sites pertaining to the recent past, it is also insufficient to cover any large amount of post-World War II vernacular structures. Thus, the most likely arguments for inclusion on the National Register for these types of structures are either their contribution to social history or their unique architectural merit.

3. What Does It Mean to be an “Integral Part” of a Historic District?

In addition to listing properties that are of exceptional importance, properties are also eligible for listing on the National Register if they are an “integral part” of a historic district that qualifies for National Register listing. Properties that qualify on this basis are not required to be individually eligible for listing or exceptionally important.⁵⁵ Instead, their nomination form must indicate how they qualify as integral parts of the district; this is done by providing evidence that the property dates from within the district’s defined period of significance and is associated with at least one area of the district’s defined areas of significance.⁵⁶

Property from the post-World War II era that is located in a historic district may be considered an integral part if “there is sufficient perspective to consider the properties as historic.”⁵⁷ This perspective is achieved by showing that:

⁵³ SHERFY & LUCE, *supra* note 22, at X. The Lustron House was built from white porcelain enameled steel panels which were attached to a steel framing system. These types of prefabricated homes were popular from the early 1900’s until the 1950’s. Many had considered such structures “the house of the future.” *Id.*

⁵⁴ *See id.* (stating that “[s]cholarly information sufficient to determine the comparative value of recent archeological sites tends to be very limited. It is especially difficult to determine what kinds of information can be derived from site remains as opposed to that available in written records, oral testimony, and photographs.”).

⁵⁵ *Id.* at VIII.

⁵⁶ *Id.*

⁵⁷ *Id.* The National Register requires the individual nominating the property to prove exceptional significance if the majority of the property in the historic district is less than fifty years of age and for recent buildings in the district that are nominated individually. *Id.*

- (a) the district's period of significance is justified as a discrete period with a defined beginning and end;
- (b) the character of the district's historic resources is clearly defined and assessed;
- (c) specific resources in the district are demonstrated to date from that discrete era; and
- (d) the majority of district properties are over 50 years old.⁵⁸

The type of historic district that the creators of the National Register had in mind when drafting the “integral part” requirement was one where the more recent properties share the same sort of architectural and historical significance as the older properties in the district. “[S]ome historic districts represent planned communities whose plan, layout of the streets and lots, and original construction of homes all began more than 50 years ago. Frequently, construction of buildings continued into the less-than-50-year period, with the later resources resulting from identical historical patterns . . . and representing a continuation of the planned community design.”⁵⁹ For this reason, the fact that a particular property in the district may be less than 50 years old is not a significant barrier if that property is located in a historic district.

However, there is one obstacle to the inclusion of recent resources using these criteria, and that is the fact the district must strictly define its period of significance.⁶⁰ This can prove a problem when the largest portion of the historic district developed, for example, in the 1920's yet there are interesting and historic properties that were also built there in the 1950's. It is highly likely that, when asked to define the period of significance for the overall historic district, it would extend only until the 1930's or 1940's. The buildings of the post-World War II era would be effectively frozen out from consideration as integral parts of the district, and would have to qualify individually as exceptionally important.⁶¹

In his article *Integrity and the Recent Past*, architectural historian Richard Longstreth identifies this problem and points to the example of Washington, D.C.'s Cleveland Park neighborhood as a real-life

⁵⁸ *Id.*

⁵⁹ SHERFY & LUCE, *supra* note 22, at VIII.

⁶⁰ *See id.*

example.⁶² In the mid-1980s, local preservationists led what was largely a highly successful campaign to designate and preserve the Cleveland Park neighborhood in Northwest D.C. as a historic district. “The precinct had taken shape as an upper-middle-class residential enclave during the nineteenth and early twentieth centuries; however, it also possesses a number of the city’s most distinguished examples of modernist houses and house additions – from the 1930s to the present.”⁶³ These modern buildings were determined to be noncontributing because they fell outside the defined period of significance for the district; thus, they were left without even the minimal degree of protection that inclusion on the National Register provides.⁶⁴ The result can be that the historic districts become frozen in a particular era, with no evidence of the area’s later evolution.⁶⁵ Although the National Register’s GUIDELINES also recognize the importance in ensuring that historic districts do not be “homogeneous [in] resources or significance,”⁶⁶ the very requirement of a defined period of significance often results in such homogeneity. Because of these considerations, although the “integral part” criteria do assist in the recognition of the value of recent resources, it is still a far from perfect solution.

D. Protection of Resources at the State and Local Level.

Although this article has thus far focused almost exclusively on protection of recent resources at the federal level, in actuality the majority of enforceable protection for historic properties comes from the state and local preservation ordinances.⁶⁷ Although inclusion on the National Register is beneficial, it is “not an ironclad guarantee against demolition.”⁶⁸ Even state landmark laws do not have a large effect,

⁶¹ See Richard Longstreth, *Integrity and the Recent Past*, in PRESERVING THE RECENT PAST 2 2-1 (Deborah Slaton & William G. Foulks eds., 2000) (discussing the fact that defined periods of significance, when applied rigidly, can leave important parts of the fabric of the district without inclusion on the Register).

⁶² See *id.*

⁶³ *Id.*

⁶⁴ See *id.* Professor Longstreth states that although the listings could be amended to extend the period of significance to cover the later buildings, it would be unusual for anyone to invest the time in such a process. In addition, even if someone attempted to amend the listing, many of the most recent examples still would not qualify as an integral part of the district under the current criteria. *Id.*

⁶⁵ For a further discussion of this topic, see Part E(1)(a)(1) *infra*.

⁶⁶ See SHERFY & LUCE, *supra* note 22, at VIII.

⁶⁷ See Ashe, *supra* note 8, at 81 (discussing the fact that generally only local ordinances have the power to prevent destruction or alteration of historic properties). See also Christopher J. Duerksen, *Local Preservation Law*, in A HANDBOOK ON HISTORIC PRESERVATION LAW 29 (Christopher J. Duerksen ed., 1983) (same).

⁶⁸ Duerksen, *supra* note 67, at 29.

since most do nothing more than authorize local action.⁶⁹ Therefore, the brunt of the responsibility for preservation of historic properties across the country depends on the particularities of the local laws. The precise structure of the laws will depend upon the attitude of the locality on issues such as government regulation and property rights.⁷⁰ Because there is so much variation across the country, a complete summary of local preservation law would exceed the scope of this article. Rather, the following is a brief survey of some local ordinances and the varying degrees to which they offer protection to properties from the recent past.

1. New York City, New York.

New York City is often praised for its comprehensive and highly protective laws on historic preservation,⁷¹ but the city's Landmark Law⁷² poses a serious barrier to modern structures. New York's expansive preservation law was in part motivated by the demolition of the city's Pennsylvania Station, which led many local preservationists to see the value in preserving buildings from the more recent past.⁷³ The law was intended to protect those properties that, despite "representing the finest architectural products of distinct periods in the history of the city, have been uprooted, notwithstanding the feasibility of [preservation]."⁷⁴ The law aims to preserve not only those buildings which are significant for their architectural contribution, but also those that represent the cultural, social, economical, or political history of New York.⁷⁵ The protection given to landmark properties are quite extensive; once designated, it is unlawful for anyone to demolish or make alterations to the landmark unless the eleven member

⁶⁹ See *id.* Even those states that have taken a more expansive view of historic preservation usually require only that the applicant for demolition or alteration file an environmental impact statement or that there be a waiting period between the filing of a notice to demolish and the actual act of demolition. *Id.*

⁷⁰ See *id.* at 31 (describing local preservation law as "a finely spun fabric of straightforward legal considerations similar to those found in zoning, interwoven with practical economic and political notions.").

⁷¹ See Ashe, *supra* note 8, at 84-85 (stating that as of 1994, over 1,000 properties had been designated as landmarks by New York City).

⁷² N.Y. City, N.Y., Admin. Code. tit. 25, §§ 25-301 to 25-321 (1994).

⁷³ See Longstreth, *Significance of the Recent Past*, *supra* note 24, at 14 (describing how the loss of Penn Station was "widely lamented" although the building was not a "'pioneering' example of modernism."). Penn Station was not a recent structure, but it did not date from the 17th or early 18th century – the time period that was the focus of most preservation efforts up to that time. For a discussion of the efforts to save the structure and the reaction to its loss, see LORRAINE B. DIEHL, *THE LATE, GREAT PENNSYLVANIA STATION* Chapter 15 (1987).

⁷⁴ N.Y. City, N.Y., Admin. Code § 25-301(a). See also Ashe, *supra* note 8, at 83.

⁷⁵ N.Y. City, N.Y., Admin. Code § 25-301(b). See also Ashe, *supra* note 8, at 83.

Landmarks Commission issues either a certificate of no effect, a certificate of appropriateness, or a notice to proceed.⁷⁶

Despite the strength of this protection, buildings of very recent vintage receive no protection whatsoever because of New York's definition of what qualifies as a landmark – the building must be at least thirty years old and, unlike the NHPA, there are no exceptions to this requirement.⁷⁷ “Because of this, there is often the incentive to developers to either demolish or alter a building shortly before the building's thirtieth birthday in order to avoid the risk of landmark designation.”⁷⁸ Obviously, then, despite the New York City's strong protective landmarks law, it is inadequate to provide sufficient protection to significant modern buildings which may be destroyed before they reach the age of eligibility.

2. Alexandria, Virginia.

Offering *considerably* less protection to modern buildings is the local preservation ordinance of Alexandria, Virginia.⁷⁹ Preservation law in Alexandria is primarily concerned with protecting its town historic districts – the Old and Historic Alexandria District⁸⁰ and the Parker-Gray District.⁸¹ A post-World War II structure that is located within one of these two districts would receive some protection, as the law would then require the owner to receive a certificate of appropriateness from the Preservation Review Board.⁸²

Modern properties that lie outside of these two districts are left utterly unprotected under Alexandria's landmark law, since buildings can only be placed on the preservation list if they are over

⁷⁶ N.Y. City, N.Y., Admin. Code § 25-305(a). *See also* Ashe, *supra* note 8, at 83. Violation of this provision is considered a misdemeanor offense that carries with it a penalty of not more than \$1000, imprisonment of not more than a year, or both. *Id.* Although owners can attempt to seek a certificate of appropriateness based on their current inability to obtain a reasonable rate of return on their property (defined as 6% per year), this procedure is very complex. *Id.*

⁷⁷ *See* Ashe, *supra* note 8, at 85 (explaining that the protection for modern buildings under New York City preservation law is inadequate because only buildings that are thirty years old are eligible for protection).

⁷⁸ *Id.*

⁷⁹ Alexandria, VA., Mun. Code § 10-101 (1992).

⁸⁰ *Id.* § 10-101. *See also* Ashe, *supra* note 8, at 89 (describing Alexandria's division of landmark districts).

⁸¹ Alexandria, VA., Mun. Code § 10-201. *See also* Ashe, *supra* note 8, at 89.

⁸² Alexandria, VA., Mun. Code § 10-103(A), 10-203(A). However, it is unlikely that any significant number of modern buildings would ever be built or approved in either district. *See* Ashe, *supra* note 8, at n161.

100 years old.⁸³ Thus, Alexandria’s post-World War II structures, not to mention any works from the early 1900s, are vulnerable to demolition and alteration at their owners’ whim.

3. San Francisco, California.

On the other end of the spectrum, San Francisco’s historic preservation law⁸⁴ is much more protective of resources from the recent past. In addition to preserving properties that are architectural landmarks, the goal of the law is also to “preserve and encourage a city with a varied architecture style, ‘reflecting different phases of its history.’”⁸⁵ This concern with avoiding inaccurate homogeneity is demonstrated by the fact that the ordinance’s definition of a landmark is very broad and flexible,⁸⁶ and there is no age limit for landmark designation.⁸⁷

Of course, part of the explanation for why San Francisco is able to have a much more inclusive and less rigid landmark definition is that the city as a whole is quite young, especially when compared to East Coast cities like New York. Still, the city has been in existence long enough to be a showcase for a variety of architectural styles and contributions to cultural and social history. It is also important to note that the flexibility of their preservation law has not stopped San Francisco from establishing a reputation as a beautiful and diverse city, as well as one of the more historic cities on the West Coast.

E. Why Should We Preserve These Resources?

1. Case Studies I: A Sampling of Local Activities Affecting Recent Resources.

Since local preservation ordinances vary greatly in their protection of resources from the recent past, it is not surprising that the survival and preservation of particular districts and historic properties is similarly varied. Some cities have used historic preservation laws in an innovative manner to fashion historic districts such as Philadelphia’s Society Hill, which represent an amalgamation of structures from the early 1900’s as well as modern architecture. Others, like Savannah, impose highly protective laws for

⁸³ Alexandria, VA., Mun. Code § 10-103. If listed, a certificate of appropriateness is required before any changes to the building can be made. *Id.* § 10-304(A).

⁸⁴ S.F., Cal., Mun. Code § 1001(a) (1996).

⁸⁵ Ashe, *supra* note 8, at 87 (quoting S.F., Cal., Mun. Code § 1000(d)).

⁸⁶ S.F., Cal., Mun. Code § 1004(a)(1). Rather than a definition, the ordinance stated that the Board of Supervisors may designate as a landmark an individual structure which has “a special character or special historical, architectural, or aesthetic interest or value . . .” *Id.*

⁸⁷ *See* Ashe, *supra* note 8, at 87-88 (describing San Francisco’s landmark law and concluding that it has the potential to protect modern buildings).

buildings constructed prior to the twentieth century but seem to give little appreciation for their post-World War II resources. Perhaps one of the most interesting issues presented by the preservation of the recent past is what amount of protection should be given to the cities like the Levittowns that sprouted as a result of America's mass suburbanization in the 1950's and 1960's; since one of the key characteristics of "suburban sprawl" is the sheer quantity of the housing tracts, do these homes need to be preserved? If so, how should preservation deal with issues like significance, rarity, and accuracy?

a. Preservation Issues for Modern Resources in a Historic District.

1.) Avoiding the Pitfalls of "Theming" and "Freezing."

Two primary pitfalls that many historic districts face are the problems of "theming" and freezing the district in place at a specific point in time. As Professor Longstreth wrote, "In this schema, history is not rich and complex, it is a litany of buzzwords, it is one or another 'theme.' . . . [P]reservation is at least in danger of becoming synonymous with theme park."⁸⁸ Theming results from an overzealous effort to imbue the neighborhood with a strong sense of continuity. If taken too far, this results in a district that presents a false sense of history. "What's left is not an accurate record of significant developments over time, but a one-time view of the place in idealized form – visually cohesive, carefully planned, and inauthentic."⁸⁹ For example, although the area included a commercial district that was developed in the 1950's, when it came time to designate a period of significance this era in time was excluded.

The idea of theming is closely related to the fear of freezing a historic district at a particular point in time. This is most obviously implicated when the historic districts analyze the issue of compatibility. If a district contains buildings from several different time periods, but the only compatible structures are those which replicate the features of the resources from the 17th century, this will mean that all new architecture will be imitate only one new style. The problem is worsened if the recent past is not included in the period of significance, since these recent resources are then vulnerable to demolition only to be replaced with imitative versions of the oldest buildings. "Loss of the recent past in an older historic district can . . . obscure a clear sense of what the past actually was, themed or not, presenting a false

⁸⁸ Richard Longstreth, *I Can't See It; I Don't Understand It; and It Doesn't Look Old To Me*, HISTORIC PRESERVATION FORUM, Fall 1995, at 13.

picture in either case. . . . Denying the recent past its place in older historic districts can not only rob them of their physical integrity, it can rob the preservation process of ‘its’ integrity.”⁹⁰ Successful preservation efforts will not exclude the recent past from protection, since doing so would compromise the accuracy of the district as a whole.

2.) Innovative Approach: Philadelphia’s Society Hill.⁹¹

To avoid the problems of artificial theming and freezing an environment at a certain point in time, the preservation activities in Philadelphia’s Society Hill Historic District have purposefully centered on the goal of a neighborhood that includes the preservation of historic townhouses from the eighteenth century fused with modernist architecture built in the 1960’s and 1970’s. This neighborhood went through major changes in one of the nation’s first and most influential preservation campaigns led by Edmund Bacon’s city planning office.⁹² Although the area was filled with numerous examples of authentic eighteenth and early nineteenth century homes, it was becoming rather run-down as a result of the middle- and upper-class residents leaving the city center to live in the newly formed suburbs.⁹³ Preservation was seen as a way of drawing these populations back to the city, as well as attracting tourist and commercial investment. The rejuvenation of Society Hill “became a catalyst for renewal of nineteenth-century neighborhoods to the west, the cumulative effect being an enormous and ongoing reinvestment in the urban core.”⁹⁴

Although this may sound typical of preservation efforts generally, Society Hill was unique because, in addition to renovating and preserving the existing properties, Bacon also sought out innovative and modern new construction. As Professor Longstreth wrote,

The objective was to demonstrate that contemporary design did not have to stand at odds with the past, that skilled architects could produce work that would complement the legacy of the colonial and early republican periods. This notion was diametrically opposed to prevailing views of

⁸⁹ Longstreth, *Integrity and the Recent Past*, *supra* note 61, at 2-4.

⁹⁰ *Id.* at 2-5.

⁹¹ For photographs of Philadelphia’s Society Hill Historic District, including the modernist infill buildings discussed below, see Appendix A.

⁹² See Longstreth, *Integrity and the Recent Past*, *supra* note 61, at 2-1 (describing how Bacon’s preservation efforts “became a much publicized and much heralded demonstration of how preserving a large segment of deteriorating vintage housing stock could serve as a primary agent in revitalizing cities.”).

⁹³ See *id.* at 2-2.

⁹⁴ *Id.*

the period, which held that infill in historic areas should never look “modern.”⁹⁵

Bacon and his preservation office held a competition for a planned complex of apartment towers and row houses that would be situated prominently in the district. The winner of this competition was noted Modernist architect I.M. Pei, whose work became the “symbolic centerpiece” of renovated Society Hill.⁹⁶ In addition to the new construction, the preservation also entailed the creation of new pedestrian walkways and recreational areas as well as the installation of new lamp posts and other street fixtures to harmonize the neighborhood.⁹⁷

In 1999, Society Hill was designated on Philadelphia’s Register of Historic Places. In selecting the district for inclusion, the Philadelphia Historic Commission emphasized not only the significance of the buildings from prior centuries, but also the development that occurred during the renovation during the 1960s and 1970s. Although preservationists today might disagree with some of the methods of urban renewal that Philadelphia’s city planning office implemented under Bacon’s leadership,⁹⁸ the development of Society Hill during that era is an important element of the city’s overall history. Thus, it is worthy of preservation on its own merits. “The purpose of preservation is not to second-guess the past, not to improve upon the past, and certainly not to judge the past on our own standards; it is to preserve the past on its own terms.”⁹⁹ The recent past is an important part of Philadelphia’s history; the renovation of the Society Hill neighborhood was worthy of preservation not only for the architectural significance of its modern buildings, but also for the contribution which Bacon’s development efforts made to the phenomenon of city planning and urban renewal.

b. Preservation Issues for Modern Resources Evaluated On Their Own Merits.

Unlike modern buildings in historic districts, the issue with structures from the recent past that are evaluated individually lie in proving their “worthiness” for preservation to both members of the general

⁹⁵ *Id.*

⁹⁶ *See id.* (describing the impact of I.M. Pei’s contribution by noting that individual owners later commissioned other Modern architects including Oskar Stonorov, Mitchell/Giurgola, and Louis Sauer to design structures for their properties in the district).

⁹⁷ *See id.*

⁹⁸ *See* Longstreth, *Integrity and the Past*, *supra* note 61, at 2-4 (noting that “the level of intervention in Society Hill was greater than [preservationists] might condone today.”).

public and the preservation community. Sometimes this task can be quite difficult. As will be discussed in Part F of this article, there are serious barriers to preservation of post-World War II vernacular structures. Commercial districts and the “typical suburban tract house” pose particularly thorny problems for preservation.

1.) Post-War Commercial District: Savannah’s Broughton Street.

Savannah, Georgia is a typical example of a city that zealously protects historic properties that date to previous centuries, yet fails to recognize the historic value of resources from the more recent past. Savannah, a city known for its sprawling mansions and quaint antiquity, is well-known tourist site because of its historic neighborhoods and quiet Southern charm. In fact, the city of Savannah was designated as a National Historic Landmark District in 1966 because of its “unique, well preserved city plan and historic building stock.”¹⁰⁰ Despite this admirable recognition for the worthiness of preservation, the logic did not extend toward protecting those portions of its downtown commercial district. This part of Savannah’s history, evidentially, was seen as disposable.

Broughton Street runs near the riverfront of Savannah, and served as the primary commercial district of the city from the late nineteenth century until the 1960s.¹⁰¹ Most of the buildings that are considered “historic” date from the earliest part of the nineteenth century; however, a large portion of the properties date from the post-World War II period.¹⁰² During the fifteen-year period following the war, downtown Savannah department stores battled for customers with the newly-emerging suburban shopping centers by constructing elaborate and expensive new stores on Broughton Street.¹⁰³ Professor Longstreth describes the new construction:

The new work stood in unabashed contrast to that of previous decades, but unlike the slightly later buildings at Society Hill, there was no

⁹⁹ *Id.* at 2-5.

¹⁰⁰ *Savannah National Historic District*, Historic Savannah Foundation, at http://www.historicsavannahfoundation.org/neighborhood_historic.htm (last visited April 7, 2003) (describing the historic elements of Savannah’s city plan, which was begun in 1733 by General Oglethorpe and is based on a series of public squares flanked by public buildings and large private lots).

¹⁰¹ See Longstreth, *Integrity and the Recent Past*, *supra* note 61, at 2-2 (describing the orientation of Broughton Street). After the 1960’s, the trend toward suburbanization and large shopping centers moved the center of retail activity to the peripheral of the city. *Id.*

¹⁰² *Id.*

¹⁰³ See *id.* (describing how the period from 1946-1960 marked the “culmination of Broughton Street’s development as the principle business district for Savannah and surrounding areas.”).

interest in harmonizing with the past. Indeed, the objective in Savannah and elsewhere coast to coast was to transform main street, to make it seem entirely new.¹⁰⁴

The pioneer in the reconstruction at Broughton Street was the Lerner Shops, a clothing store which opened its doors in a modern flagship store in 1946.¹⁰⁵ Following on Lerner's footsteps, major retail giant F.W. Woolworth opened a large new store on Broughton Street, which was soon followed by new construction by the R.H. Levy Company (1954) and J.C. Penney Company (1956-1960).¹⁰⁶ The downtown core retail area was soon to lose its customers to the new construction at the urban periphery, however. In fact, Penney's was the last major building constructed downtown for several decades.

Currently, the Broughton and River Street area of downtown Savannah is undergoing revitalization. Rather than large department stores, the area is now home to chain stores like Banana Republic and the Gap, as well as some smaller independent boutiques.¹⁰⁷ In addition, the Savannah rejuvenated waterfront area has become a frequent destination for Savannah tourists for its shopping and restaurant scene.¹⁰⁸ Much of the allure of the waterfront area, as well as Savannah generally, is the historic charm and well-preserved structures. Because the post-World War II vernacular structures such as Lerner's and Penney's were not included in the Historic District Designation, however, these structures

¹⁰⁴ *Id.*

¹⁰⁵ *See id.* (detailing how the new Lerner's store exuded newness, and included various technological advances such as air conditioning, fluorescent lighting, and a windowless upper section).

¹⁰⁶ *See id.* The Penney's store was one of the largest retail stores to be constructed in Savannah at that time, and Levy's, a prominent local retailer, competed with the new retail stores in its neighborhood by significantly expanding and remodeling its existing Broughton Street location. *Id.*

¹⁰⁷ *See* John Zebrowski, *Starbucks Coming To Downtown Savannah*, SAVANNAH MORNING NEWS ON THE WEB, Nov. 2, 1999 (detailing the ways in which the Starbucks Coffee chain's arrival on Broughton Street is changing downtown Savannah. To prepare for Starbucks' arrival, the owner of the old downtown building will be removing the fake Styrofoam columns that currently compose the buildings façade as part of the effort to restore the building to its original form. The owners of other nearby buildings also plan on installing new facades to draw chain retailers to the area.), at <http://www.savannahmorningnews.com/stories/110299/LOCstarbucks.shtml>; *see also* Tasha Gatlin, *Broughton Goes National*, SAVANNAH MORNING NEWS ON THE WEB, June 8, 2000 (describing the influx of national chain retailers like Banana Republic and Starbucks to Broughton Street. A local retailer was quoted as saying that "the trend is toward downtown again. . . . It's going to bring people downtown that normally don't shop downtown."), at <http://www.savannahmorningnews.com/exchange/stories/060800/PULcomingsoon.shtml>. The new development is raising some concern with preservationists like Roberta Brandes Gratz, who held a lecture in 1999 focusing on "Cities Back from the Edge: New Life for Downtown." *See* Kate Wiltrout, *Urban Critic Says Key to Vibrant Towns is Thinking Small*, SAVANNAH MORNING NEWS ON THE WEB, Sept. 30, 1999, at <http://www.savannahnow.com/stories/093099/LOCurban.shtml>. Ms. Brandes Gratz addressed the issues of the new chains stores on Broughton Street by saying that the chain stores on Broughton Street is not a bad thing, but that "[l]ocally owned businesses are the backbone of any main street." *Id.*

¹⁰⁸ For examples of the Savannah waterfront tourism industry, see Savannah Waterfront Association, *Savannah Waterfront Association Website*, at <http://www.savriverstreet.com> (last visited April 8, 2003).

are given little protection. When renovation and rejuvenation occurs, issues such as compatibility and preservation of the character of the original building are not major considerations for structures from the more recent past. In Savannah's case, the original design for many of the large department stores on Broughton Street has been largely, if not entirely, destroyed through recent renovation projects. The former Penney's store was renovated into an office building in the 1990's, resulting in a structure that bears little resemblance to the original store.¹⁰⁹ Although the renovation attempted to play up the building's historical elements, it did so in a way that was not true to the original design. This resulted in a sort of Disneyfied architecture," which both fails to please historical preservationists and can give a false impression of the history it is meant to represent. A 1998 proposal to renovate the former Lerner's store, prepared by the prestigious Savannah College of Art and Design, similarly fails to preserve the original character of the structure.¹¹⁰ With the influx of new tenants accompanying the revitalization of Broughton Street, it can only be assumed that the other 1950's-60's department stores will meet with a similar fate.

Savannah serves as a rich example of some of the major issues presented by preserving vernacular structures from the recent past. Individually, these buildings may not have a great deal of architectural value. Their historical value is limited to showing the failed attempts at a continued commercial presence within the city's boundaries. This may seem like a minor point, but in the larger context of Savannah's history, the battle between downtown and suburb commercialization may in fact play a very dramatic role in the way in which the city continued to develop throughout the remainder of the 20th century. If all the buildings representing this time in history are destroyed, there will be a gaping hole in the history of Savannah itself. However, this does not necessarily mean that every example of every era in history; there must be some way of selecting those examples worthy of preservation. If the rules on preservation are too stringent, there will be fewer attempts by businesses to attempt to relocate

¹⁰⁹ Professor Longstreth is highly disapproving of the changes made to the former Penney's building during the renovation. He describes it as "remodeled beyond all recognition . . . with the approval of the local preservation review board. Even worse the new scheme's historicizing exterior, developed in an attempt to 'fit in.' is such an unknowing and ungainly use of the classical language that it is difficult to believe it was done by anyone with training in architecture." Longstreth, *Integrity and the Recent Past*, *supra* note 61, at 2-3.

and revitalize downtown Savannah – and it is certainly not the goal of historic preservation to force the older areas of a city to serve as only museum sets rather than dynamic and vibrant elements of the city’s fabric.¹¹¹ For this reason, it is important to encourage academic research into the resources of the recent past to determine which structures are the most “worthy” of preservation, due to their architectural value *or* the important role they played in history (even at the local level).¹¹²

2.) Suburban Sprawl: The Levittowns.¹¹³

Of all the buildings constructed in the United States during the decades following World War II, perhaps the most prevalent and influential on the large scale is the suburban tract home. Due to their very prevalence and typicality, the issues surrounding preservation of these tract houses are quite unique to the post-World War II vernacular structure. Since there are so many suburban homes, are they really in need of protection? If so, to what degree should they be preserved? Due to the fact that one of the defining characteristics of the post war suburb was its sprawling nature, can the real character be adequately preserved if steps are taken to protect only the best representative example of the homes, or is their sheer scale the actual characteristic that must be preserved?

The movement of American society from its cities to the newly formed suburbs is one of the key sociological developments of the past half century. Immediately following the war, veterans and their families were deluged by messages in advertising and on the radio promising abundance and prosperity. Central among these promises was the development of new, affordable housing for every veteran. This dream of home ownership was so pervasive that a 1945 survey in the SATURDAY EVENING POST revealed that only 14 percent of the population would be satisfied living in an apartment or “used house.”¹¹⁴ The new market of home buyers was made up of a cross-section of the skilled working class, white-collar

¹¹⁰ *See id.* (discussing how the Savannah College of Art and Design took liberties with the Levy building’s façade, apparently believing that the 1950’s building was not “historic.”)

¹¹¹ The problem of how to encourage current use while preserving the artifacts of the past (both recent and otherwise) is a primary concern of historical preservationists in cities around the country. As a representative example of how the city of Milwaukee is dealing with this issue, see Whitney Gould, *Middle Road on Renovations is Hard to Find*, MILWAUKEE JOURNAL SENTINEL ONLINE, May 12, 2002, at <http://www.jsonline.com/news/metro/may02/42909.asp?showheadlines=all>.

¹¹² For a more in-depth analysis of this issue, see Part F(2)(c) *infra*.

¹¹³ For photographs showing Levittown and other examples of suburbanization, see Appendix B.

¹¹⁴ Gwendolyn Wright, *BUILDING THE DREAM: A SOCIAL HISTORY OF HOUSING IN AMERICA* (1983), at 253.

professionals, and second-generation immigrants.¹¹⁵ Using construction methods adapted from the public housing developments of the 1930's, developers designed modern homes to meet the needs of this new consumer group.

Some developers believed that the most cost-effective method of building homes was to construct them in a factory and then transport them to the housing site.¹¹⁶ The majority of the suburban developments in existence today, however, were designed using prefabricated communities rather than simply prefabricated homes. Developers like the Levitt & Sons, who constructed over 33,000 homes in Long Island and Bucks County, Pennsylvania alone,¹¹⁷ bought large and inexpensive land on the urban periphery and constructed 50 percent of the homes in nearby factories and 50 percent on-site. Although this method was a step away from the factory assembly line production employed in Lustron housing, it still emphasized efficiency and uniformity. A 1950 ARCHITECTURAL FORUM article commented on the process:

Levitt believes it is quicker and cheaper to apply the continuous principle of mass production by moving crews of men in standardized operations over the site than it is to move the house itself along a factory assembly line. This system, of course, depends on the most minute breakdown of site operations. Twenty-six major construction operations – starting with digging house footings and ending with painting – are further subdivided into simple standardized steps easily handled by a specially trained crew . . . It has been estimated that the average building worker spends 25 percent of his time figuring out what to do next. In the Levitt operation this percentage must be close to zero. Levitt had all the processes down to a science . . .¹¹⁸

The suburban development was successful, and veterans and other former urban renters began to move to the suburbs in droves.

¹¹⁵ See Rosalyn Baxandall & Elizabeth Ewen, PICTURE WINDOWS: HOW THE SUBURBS HAPPENED (2000), at 118.

¹¹⁶ See Baxandall & Ewen, *supra* note 115, at 120 (describing the methods of builders like the Lustron Corporation, which manufactured complete prefabricated five-room homes of welded steel and porcelain enamel. Factory built houses were also manufactured by the Pennurban Housing Corporation, which constructed almost 250 factory built homes in Syosset, Long Island; Bayville, Long Island; and Pleasantville, New York.). The designers of these homes did not think the factory construction necessarily meant that each home would be identical; rather, they believed that each home could be constructed within 90 hours and simultaneously given its own custom façade. Pennurban architect Albert Levy commented that, “You don’t have to have a dinkey façade on each one down the line.” *Id.* at 120-21.

¹¹⁷ See Longstreth, *The Extraordinary Post-War Suburb*, FORUM J., Fall 2000, at 18-19. See also Baxandall & Ewen, *supra* note 115, at 124-25 (describing the background and history of the Levitt & Sons development group).

¹¹⁸ *The Long Island Builders’ House*, ARCHITECTURAL FORUM, July 1950, at 91. See also Baxandall & Ewen, *supra* note 115, at 126.

Before the 1940's, the vast majority of the population had lived either in small towns or in large metropolitan cities. From the 1940's through the early 1960's, the population had shifted to new suburbs like the Levittowns located in New York and Pennsylvania.¹¹⁹ Many of these suburbs were designed and constructed by a single developer, resulting in a homogenous neighborhood of extremely similar homes. This "suburban sprawl" and its accompanying destruction of historic buildings and construction of cookie cutter homes and commercial structures was one of the primary motivators for the formation historic preservation movement.

Many preservationists saw and still see . . . suburbs as blights upon the landscape, with little or no redeeming social value. Some of these preservationists now find themselves struggling to understand that some of these same structures may be historic, and in some cases find themselves fighting to preserve the very developments they had sought to prevent.¹²⁰

The early preservationists' concerns about the homogenization of the American landscape were very real and to a great degree entirely justified. Suburbanization was not about beautifully intricate and unique homes; instead, it was largely about affordable homes that would allow a much greater percentage of the population to experience home ownership. Most of the homes were mass-produced and the scale did not allow for many frills or individual touches. The vast majority of the new homes were built in the ranch style, all on one floor and with a large picture window in the living room. "It is interesting that 'new world' ranches – with their suggestion of the rugged West and rejection of traditional New England lines for the western outdoorsy horizontal aesthetic – appealed to citified East Coasters."¹²¹ The homes in Levittown were heavily advertised in newspapers, and homeowners bought directly from Levitt's own

¹¹⁹ See *id.*, at 18-19 (discussing the various factors that converged after World War II to facilitate widespread suburbanization. These factors included: industrial decentralization (moving jobs to the urban periphery), swelling population, accumulated capital during the war, acute housing shortage due to the small amount of construction since the 1930's, and government incentives provided by the Federal Housing Administration and other groups to encourage new home construction and home ownership.).

¹²⁰ W. Ray Luce, *Kent State, White Castles and Subdivisions: Evaluating the Recent Past*, HISTORIC PRESERVATION FORUM, Fall 1995, at 36. See also Longstreth, *Extraordinary Post-War Suburb*, *supra* note 117, at 16-17 (stating that "preservation's rise as a national movement in the 1960's was in part predicated on the assumption that it was rescuing older residential areas that were far superior in design and character to the ostensibly 'tacky' suburbs then blanketing the countryside. How can the two now be considered on a more-or-less equal footing?").

¹²¹ *Id.* at 133.

sales department which eliminated the need for the real estate agent and his traditional fee.¹²² Architects of the day criticized the homes in Levittown and other suburbs as “small, squarish, built on one floor” and “basically as alike as Fords.”¹²³ Despite these criticisms, the towns were enormously popular and facilitated a dramatic shift in population to planned communities like Levittown.

Moving the clock forward fifty years, the suburban structures – those objects of derision and criticism when they were constructed – are now themselves being threatened by the changing tastes of the American culture. Homes that were shiny and new in the 1950’s are now considered antiques by some of the younger generations, who want their own shiny new homes. As a result, many of these suburban communities are being threatened by new development.¹²⁴ The arguments for preservation of at least some of these resources are strong. Given the enormous impact that suburbanization has had on American society in the past fifty years, shouldn’t there be some real effort made to preserve the original communities that led to this change? As Sandy Isenstadt wrote:

Even those not particularly fond of this first wave of postwar sprawl – with its assembly line production, cookie-cutter designs, and disregard for landscape – acknowledge its historical significance. Given that postwar suburban migration underpins perhaps the largest demographic shift in American history, it is easy to make a case for preserving a moment or two of this transforming time.

The problem is that although these homes are historically important on the large scale for their role in shaping suburban culture, each individual home is quite commonplace and not necessarily historical on its own merits. They are, instead, standardized and (at least today) plentiful.¹²⁵ Since one of their key characteristics is their very sprawling nature, it would not make a great deal of sense to preserve one or two of the best examples of the Levitt & Sons construction technique while allowing the

¹²² See *id.* at 137-38 (describing the manner in which the advertisements were somewhat misleading, showing drawings of single homes surrounded by lush grass and sidewalks with fully grown fruit trees on the front yard. In reality, the homes were situated close together, and the trees in the yard were tiny saplings rather than enormous oaks.) In a 1950 article in TIME magazine, Levitt responded that people who took the ads at face value were gullible – “the masses are asses.” *Id.*

¹²³ Baxandall & Ewen, *supra* note 115, at 132. See also Longstreth, *Extraordinary Post-War Suburb*, *supra* note 117, at 22 (relating that the author’s parents “said it was the undoing of civilization. I heard stories of residents who got lost while trying to find their houses.”).

¹²⁴ See Sandy Isenstadt, *Three Problems in Preserving the Postwar Landscape*, FORUM J., Spring 2001, at 41 (“There’s no small irony in seeing the beast that devoured so much of the built and unbuilt landscape now applying for protection from its own hungry offspring.”).

neighboring homes to be razed or remodeled beyond all recognition. Rather than individual landmarking, then, the best method to protect a suburb like Levittown would be to designate that portion of the city which is best preserved and demonstrates the most original elements of the planned community as a historical district.

Obviously this will meet with some resistance by community members who claim that the area is not historic. However, the preservation effort is aided by the fact that there has been and continues to be significant historical and academic research on the enormous historical impact of cities like Levittown.¹²⁶ For that reason, their historical contribution is evident and preservation is warranted. Current public opinion is not irrelevant, but it is vital that it not become the *only* consideration. Tastes change and time yields greater perspective. “[H]istoric resources should never be carelessly or complacently thrown away because of the changing cycles of taste.”¹²⁷ In twenty or thirty years, it will be important to be able to point to communities like Levittown to show how America has changed in the century.

2. Case Studies II: Preservation of Recent Resources in the Washington, D.C. Metropolitan Area.

Washington, D.C., one of the country’s major tourist destinations, is a city rich with cultural and historical resources. Many of these date from the earliest years of the nation’s history and are associated with world changing events, such Ford’s Theatre and the United States Capital Building. Other resources are significant on the local scale for their contribution to the history of the District of Columbia, such as the many fine homes in Georgetown and Capital Hill. Nestled amongst these landmark districts and sometimes standing just outside their borders are the structures representing the more recent history. While those structures having the most obvious architectural merit are most likely safe from destruction, the situation is more precarious for the vernacular buildings constructed in Washington during the post-War period. These buildings face the same risk of destruction as those in their counterpart cities of

¹²⁵ See Luce, *supra* note 119, at 38 (describing the difficulties presented by evaluating the historic nature of common building types.).

¹²⁶ Examples of such academic literature include: Rosalyn Baxandall & Elizabeth Ewen, *PICTURE WINDOWS HOW THE SUBURBS HAPPENED* (2000); Barbara M. Kelly, *EXPANDING THE AMERICAN DREAM: BUILDING AND REBUILDING LEVITTOWN* (1993); Robert Fishman, *BOURGEOIS UTOPIAS: THE RISE AND FALL OF SUBURBIA* (1987); Clifford Edward Clark, Jr., *THE AMERICAN FAMILY HOME* (1986); Kenneth Jackson, *CRABGRASS FRONTIER: THE*

Philadelphia, Savannah and Levittown – unless the public and the preservationists see the historical worth of these resources, they will lie outside the protection of the historic preservation system and will be vulnerable to destruction at the whims of the market. In the past decade or so, there has been a notable effort by some local preservationists, including the Art Deco Society of Washington, D.C. and Professor Richard Longstreth, to increase scholarly research about resources from the recent past, and to protect those buildings whose historical contribution at that local level makes them a valuable resource for future generations. These efforts have met with varying degrees of success. The following section will address the specific issues that have arisen with recent buildings in the Washington metropolitan area.

a. The District’s Approach.

As discussed in Part D of this paper, the methods of protecting resources from the more recent past can vary a great deal by city. Washington, D.C.’s approach is similar to that of San Francisco, since there is so specific age that a building must reach in order to be protected by the local landmark laws.¹²⁸ Rather, the buildings are evaluated using the same criteria as all other candidates for individual landmarking.¹²⁹ This approach allows for a greater degree of flexibility in extending protection to resources from the recent past. In actuality, however, these more recent buildings are often excluded from historic districts and denied landmark status because of their very age. Washington, D.C., despite its more expansive approach, is still grappling with the same issues as other cities – what is the best method to provide protection to important historical resources while ensuring that not *every* building that applies for landmark status receives it? It would not only be impractical to do so, but granting landmark status to all would stifle future development. Thus, the real question becomes where to draw the line.

In a strategy paper for the Art Deco Society of Washington, Richard Striner analyzed the unique issues facing historical preservation in Washington, D.C. The paper came to a somewhat dour end, with Striner concluding that “preservationists in Washington seem to be imminently trapped in the syndrome

SUBURBANIZATION OF THE UNITED STATES (1985); Gwendolyn Wright, BUILDING THE DREAM: A SOCIAL HISTORY OF HOUSING IN AMERICA (1981); as well as numerous academic articles.

¹²⁷ STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 7-8.

¹²⁸ Compare this approach to that of New York city, which has a strict 50-year age requirement with no exceptions for “exceptional” resources. *See* Part D(1) *infra*.

¹²⁹ DC Code, D.1, T.6, Ch.11 (2001).

of powerlessness . . . and the enduring debates in the city’s preservation movement are in many ways derived from this situation.”¹³⁰ Striner believes that allowing the business system to function on its own will not result in adequate preservation, since real estate is a valuable market and it is often more profitable to raze and rebuild a larger and more commercially efficient building than to renovate and update a historic structure.¹³¹ The strategies employed by historical preservationists in Washington have shifted from the “Nader’s raiders” approach of the 1970s to a more cooperative method in the 1980’s; this shift leads Striner to believe that the current state of preservation in Washington is perhaps too *nice*.¹³² This pessimistic assessment might not be accurate, however, since successes in preservation have indicated that the cooperative approach (if utilized properly) can result in both cultural and economic benefits to the city of Washington.

b. An Early Example: Cleveland Park Shop ‘n Park.¹³³

The question of whether more recent resources should be preserved is not a new issue for the District of Columbia. Indeed, one of the country’s first and most influential fights for preservation of a recent vernacular structure took place in the uptown neighborhood of Cleveland Park in Northwest D.C. Situated on the corner of Connecticut Avenue and Ordway Street is a small shopping center known as the Shop ‘n Park. The Shop ‘n Park was constructed in 1930, and was nationally hailed at the time as a “milestone in motor-age commercial architecture.”¹³⁴ The shopping center was revolutionary for its time because the stores were set back from the roadway, which allowed for a small parking lot. This lessened

¹³⁰ RICHARD STRINER, REFLECTIONS ON THE WORK OF HISTORIC PRESERVATION IN WASHINGTON, D.C., Art Deco Society of Washington, 6 (1990).

¹³¹ *See id.* at 6 (discussing the manner in which the real estate market offers incentives for short-term profits rather than long-term investment. “Short-term profits dictate maximum density and maximum immediate values per square foot. The strategy is to ‘fill up the zoning envelope’ – or expand the envelope – as fast as possible rather than build more moderate projects for long-term values and long-term quality of life.”).

¹³² *See id.* at 6-7 (“The question is whether preservationists today are too reliably *nice*, regardless of how their mission may be treated by developers. Are we becoming ‘pushovers?’”).

¹³³ For photographs showing the Shop ‘n Park, see Appendix C.

¹³⁴ STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 12. The design of the Shop ‘n Park adopted ideas from the California drive-in markets and tenant selection from planned communities like Shaker Heights in Cleveland. “By assimilating these lessons, and by integrating them in an entirely new way, the Park [‘n] Shop became the prototype for a new kind of facility – the planned neighborhood shopping center – and its urbanistic qualities were praised by such leading urban planners as Clarence Stein and Catherine Bauer.” *Id.*

traffic congestion on Connecticut Avenue and allowed customers easy access to the shopping center by the newly popular automobile.¹³⁵

In 1984 and 1985, the Cleveland Park Historical Society began a survey of the neighborhood as part of the necessary background for their plan to nominate the neighborhood as a historic district. There was little controversy surrounding the designation of the large majority of Cleveland Park. “

The broad and woodsy streets of Cleveland Park are a fantasyland of American Victorian and post-Victorian design. The rambling and fanciful houses are adorned with the decorative “gingerbread” and ornamental bric-a-brac which – today – give Americans instant delight.¹³⁶

However, problems arose when the historical society also sought to have large portions of the commercial district along Connecticut Avenue included in the historic district designation. The owners of the Shop ‘n Park sought to have their property removed from the district as part of their plans for demolition of the shopping center, setting off a huge debate over the merits of the structure as well as the more general questions of what kinds of buildings are worthy of preservation protection.¹³⁷

The District’s preservation ordinance is structured so that buildings in proposed historic districts are not given interim protection while the nomination is considered, but *individual* landmark buildings are protected as soon as the application is filed; thus, the historical society filed an emergency application to designate the Shop ‘n Park as an individual landmark.¹³⁸ The battle for public support moved to the newspapers. An attorney for the shopping center’s owners was quoted as saying, “‘we’re talking about a parking lot, or at least that is what they say is historic about it. It’s very clear that there is nothing architecturally significant about the property, so I guess the issue is that it is historic. We’re going to try

¹³⁵ *See id.* (discussing the manner in which the Park ‘n Shop “broke with prevailing orthodoxies of commercial site planning by giving up valuable sidewalk frontage.”).

¹³⁶ *Id.* The fact that there was little controversy surrounding the designation of Victorian housing is particularly interesting since for decades Victorian homes were criticized as “extravagantly gaudy, misproportioned, vulgar and even spooky,” yet are now regarded as charming and eminently worthy of preservation. *See id.* This change in aesthetic appreciation is one reason why current taste should not be the driving factor in deciding which resources from the recent past are preserved. For a more in-depth discussion of this issue, see Part F(1)(c) *infra*.

¹³⁷ *See id.*

¹³⁸ *Id.*

and show that it is not.”¹³⁹ As the fight continued, individual tenants in the shopping center had the leases terminated and the building began to deteriorate from neglect. This, of course, made it easier for the owners to argue that the property was an eyesore not worthy of protection. Preservationists responded with an aggressive campaign to inform the public about the historic qualities of the Shop ‘n Park, and also emphasized the dramatic increase in development that would result if the shopping center were demolished.¹⁴⁰

In the end, the preservationists were successful and public opinion shifted in their direction – mediation resulted in a procedural compromise, where the owner agreed to refrain from seeking a demolition permit if the preservationists withdrew the individual landmark nomination.¹⁴¹ Eventually, the Shop ‘n Park was considered for historic designation along with the rest of the Cleveland Park neighborhood, and the historic preservation review board voted unanimously to include the building in the new Cleveland Park Historic District.¹⁴² The preservation of the Cleveland Park Shop ‘n Park stands as one of the early victories for preservation of twentieth-century vernacular structures in Washington, D.C. A trip up Connecticut Avenue today reveals that the Shop ‘n Park (after changing owners) still stands at its original location, is still used for its original purpose, and is still a commercially successful enterprise.

The fight over the Shop ‘n Park demonstrates how, with proper research and information, preservationists and the general public alike can be brought together to fight for the protection of seemingly ordinary, perhaps even somewhat ugly, structures which are nonetheless important for their historical contribution to the city or commercial development more generally. If the Park ‘n Shop and other buildings like it were allowed to be summarily demolished because they were not the highest

¹³⁹ *Id.* The preservationists’ response to this argument was that “if such logic were routinely applied, the C&O Canal could be slighted as little more than a historic ditch.” Richard Striner, *Should These Buildings Be Saved? A Cultural Historian’s View*, Faculty Perspectives, 10 (undated).

¹⁴⁰ See STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 12 (“The commercial blocks were zoned for much higher building densities, and with the recent arrival of a subway station the commercial property owners were eagerly awaiting redevelopment.”). At the Mayor’s Agent hearing, one developer who had proposed an 11-story, 210,000 square foot building to replace the Shop ‘n Park responded to neighborhood objections by telling them that, “If you want quiet, then you go to the suburbs. . . . If you want to live in the city you have to take the good with the bad.” *Id.* at 13. Such statements did not help in the battle for public support!

¹⁴¹ *Id.*

¹⁴² See Striner, *Should These Buildings Be Saved?*, *supra* note 139, at 14.

density and most profit-enhancing structures possible for their sites, the community would lose a valuable piece of its history. One of the reasons why the Cleveland Park neighborhood remains a highly popular residential area is due not only to its charming Victorians and wooded streets, but also the small storefronts lining Connecticut Avenue. The Shop ‘n Park and its neighboring low-density commercial structures provide residents with a sense of history and a feeling of continuity. Glancing at the Shop ‘n Park, it is easy to imagine how Washington residents in earlier decades carried about their daily routines. It gives modern-day residents a sense of place, in a way that is much more real than any photograph could ever capture.

c. Destruction: the Governor Shepherd Apartments.¹⁴³

Despite the early preservation achievements surrounding the Cleveland Park Shop ‘n Park, not all efforts to preserve recent buildings in the Washington area have met with similar success. The demolition of the Governor Shepherd apartment house is a case where the arguments of the preservationists and historians for protection of the building were not strong enough to protect it. Although there were good points to be made for the landmark designation of this building, its eventual destruction shows that not all potentially historic buildings from the recent past are worthy of protection. Though it is difficult to draw the line, it must indeed be drawn at some point. To allow for progress, not every building that is significant in some minor way can be saved – and preservationists must recognize this point if they are to succeed in rallying public support for preservation of those buildings from the recent past that truly are significant.

The Governor Shepherd apartment building was built in 1938-1939, and in the mid-1980s there was a grassroots effort to secure landmark designation for the structure.¹⁴⁴ The building was designed by local architect Joseph Abel, who achieved some national recognition for integrating avant-garde design principles with practicality.

The thrust of the accusations had a familiar ring: the building was “ugly;” it was not a “pure” example of the International Style; Abel did “better” (that is, better-looking) buildings at that same time. Ignored were the significant place of this work in the emergence of modernism locally . . .

¹⁴³ For a photograph of the Governor Shepard apartment building, see Appendix C.

¹⁴⁴ Longstreth, *Present Becomes the Past*, *supra* note 16, at 215.

the ingeniousness of its plan, drawing from recent work abroad to provide an unusual degree of spaciousness in efficiency units; and the scheme as a benchmark in the maturing approach of its architect.¹⁴⁵

Professor Longstreth argues that the destruction of the Governor Shepherd resulted from historicity being ignored because of judgments about the aesthetic quality of the building.¹⁴⁶ Although this conclusion is doubtless true of some of the criticisms (such as the comment that the building is “ugly”), it is less accurate in regard to the idea that the Governor Shepherd was not the best example of the International Style. Those who argued for its preservation did not contend that the building was preservation-worthy because of any particular historical contribution other than its place in the development of modernism in Washington. If it is true that Abel created better examples of the style, and if, as Professor Longstreth himself characterizes it, this building is more of a “benchmark” in the development of Abel’s architectural style than an achievement in itself, perhaps it is proper that this building did not receive protection. Historical preservation will never be successful in saving every example of a particular style or every step in an architect’s development. Indeed, there are strong economic and even artistic reasons why such widespread preservation would in fact be disastrous, since it would freeze a community at a particular time and would not allow for continued innovation and development. Since a line must be drawn somewhere, perhaps it makes the most sense to draw it at the point where the building being evaluated is simply a cumulative example of a prevalent style, or an inferior example of an architectural movement. The distinction is not drawn along the lines of current aesthetic taste; rather, it is drawn based on evaluations of architects and historians who can properly evaluate which examples of a style are the most worthy of protection.¹⁴⁷ In this way, the goals of historic preservation are achieved and the public is not angered by the preservation of all at the expense of economic development.

¹⁴⁵ *Id.* at 216.

¹⁴⁶ *See id.* (“The past presented by [those arguing against designation] was not one founded on thorough research or a command of the particular subject; it was an assumed past, tinged heavily by personal taste.”).

¹⁴⁷ This is essentially the method used by the National Register criteria in deciding which properties from the past fifty years are eligible for inclusion. *See* SHERFY & LUCE, *supra* note 22, Historical Context (“In evaluating and justifying exceptional importance, it is especially critical to identify the properties in a geographic area that portray the same values or associations and determine those that best illustrate or represent the architectural, cultural, or historical value being considered.”). *But see* STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 5 (“At what point does our preoccupation with superlative qualities – the first, the last, the biggest, the fanciest, the oldest – blind us to other forms of significance?”).

d. Strong Protection: Fairfax County and Suburbanization.¹⁴⁸

The approach taken by Northern Virginia's Fairfax County goes to show that burgeoning population growth is not necessarily a barrier to preserving resources of the community's recent past. The population of this Washington, D.C. suburb has experienced an average increase of 88% per decade since World War II.¹⁴⁹ In the midst of this astonishing growth, however, has come a strong movement to preserve the county's history; notably, this includes a high level of protection for its resources dating from as recently as the 1960's. Fairfax County adopted the Heritage Resources Management Plan in 1988, which identified distinct time periods for research and analysis. These units began with the prehistoric Paleo-Indian cultures, and extended through Fairfax County's most recent history – including the rapid suburbanization and urban dominance following World War II.¹⁵⁰

The resources included in the suburbanization unit ranged from horse farms and commercial agriculture to industrial parks and shopping centers, as well as planned communities and paved highways, cooperative apartments, and military installations.

A subcategory of the study unit, perhaps unique to northern Virginia, is “colonialization” – the design influence of Mount Vernon and Williamsburg in both new construction and remodeling. Here, columns and cupolas were added to everything from 19th-century vernacular farmhouses to gas stations and high-rise office buildings. Architectural kitsch became architectural history as the visual character of much of the county was formed.¹⁵¹

Although there was some initial resistance on the part of some historians and preservationists on the inclusion of the recent past in the Heritage Plan, as the study has progressed there has been an increased awareness of the cultural and historical significance of these properties. They are now considered worthy of study and recording.¹⁵² One example of a resource from the recent past that is included in the study is the photographic survey of Hollis Hills, a planned community that was begun in

¹⁴⁸ For photographs showing the Fairfax County resources discussed in this section, see Appendix E.

¹⁴⁹ Bruce M. Kriviskey, *Saving the Suburban Sixties: Historic Preservation Planning in Fairfax County, Virginia*, CRM 18-08, 1995, at 6.

¹⁵⁰ *See id.* at 7 (discussing the details of the study units established by Fairfax County, which also included the tobacco plantation era, the Civil War, African-American culture during the restoration period following the war, and farming culture, among others.).

¹⁵¹ *Id.* at 7-8.

1940 and completed in the 1960's. The houses in Hollis Hills came in fourteen basic types, and the homebuyers could then make individual customizations to the type so long as it was compatible with the overall architectural and landscape design of the community.¹⁵³ This "new concept bridged the gap between custom and cookie-cutter design."¹⁵⁴ In its photographic survey, Fairfax County seeks to document all the basic themes and variations, which will result in a thorough record of this highly significant period of the County's history.

Despite the inclusive nature of Fairfax's Heritage Plan, it should be noted that the object of the study is primarily to prepare an inventory of the county's resources. Inclusion on the inventory does not carry with it automatic protection, although there are several which do appear in either the National Register or the local community historic district.¹⁵⁵ However, inclusion *is* taken into consideration in the county's zoning and planning practices,¹⁵⁶ which means that the resources from the recent past are afforded a higher level of protection than that given in communities which choose to ignore all buildings not considered old enough to be historic.

More protection is afforded to recent resources through its use of traditional historic preservation resources such as Historic Overlay Districts. The county has thirteen such districts, which are officially designated by the Board of Supervisors and are subject to design review as part of the zoning process.¹⁵⁷ The goal of these overlay districts is "to protect the architectural and environmental fabric of the center and to assure that future development is compatible with its existing architectural character."¹⁵⁸

The least traditional of these overlay districts is the Lake Anne Village Center of Reston, which was built in 1965 and was designated as a Fairfax County Historic Overlay District in 1983.¹⁵⁹ The Lake Anne Village Center, one of the first such village centers to be constructed, is designed with the

¹⁵² *Id.* at 8. Scholarly analysis and research into the recent past will often result in a deeper appreciation for the historic and cultural significance of recent resources. See Part F(2)(c), *infra*. See also notes 35-36, *supra*, and accompanying discussion.

¹⁵³ Kriviskey, *supra* note 149, at 8.

¹⁵⁴ *Id.*

¹⁵⁵ See *id.* (explaining the level of protection which inclusion on the inventory carries with it).

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ See Kriviskey, *supra* note 149, at 9 (including the author's note that this is perhaps the only designated historic district in the country that is subject to local design review where every element of it was built in the 1960's).

pedestrian in mind and is built around a mix of residences, offices and retail stores enhanced by man-made lakes and plazas.¹⁶⁰ The design of the Center is unique and highly planned, with each element designed to fit into the entire scheme.¹⁶¹ The unique challenge of preserving Lake Anne Center is that the buildings were designed in the 1960s as speculative commercial buildings and were only planned to last about 30 years; as a result, today parts of the buildings are wearing out and other elements are not well-placed to compete with huge suburban retail outlets or today's energy needs.¹⁶²

The combined protection given to recent resources by Fairfax County's Heritage Resources Management Plan and historic overlay districts will result in real protection for the historic and cultural contributions of the recent past. Preservation of the recent past is particularly important in a community that has experienced such monumental change since World War II. Future generations, who have grown up knowing only the suburban environment of Reston and other Fairfax County communities, could learn a great deal by studying the first steps toward suburbanization in the 1960s to get a complete sense of how their communities developed. If these intermediary steps were excluded, and the only objects in existence were the colonial and early-American structures dating from before the twentieth century and the big box retail giants that dot the suburban landscape today, the story of how Fairfax County has evolved into the community it is today would be incomplete.¹⁶³

F. Can These Resources Be Protected?

1. Barriers Facing Advocates of Preservation of Recent Resources.

Although many of these barriers to the preservation of historic resources have been alluded to in previous portions of this paper, the challenges facing advocates who seek to preserve resources from the recent past are in many ways unique to this area of historic preservation law. Although there are some

¹⁶⁰ *Id.* A WASHINGTON POST article from 1981 commented that, "No piece of Northern Virginia real estate was more praised and honored in the 1960's than Reston's Lake Anne Center." *Id.*

¹⁶¹ *See id.* (describing the plan of Lake Anne Center. "A 'J' shaped row of shops topped by apartments encloses the wide plaza and crowns the northern tip of the lake. The buildings share a common vocabulary of design and materials. . . . Concrete sculpture and, today, mature landscaping accent the plaza where moms with strollers enjoy the human scale.").

¹⁶² *See id.* at 10 (describing the tension between the design of Lake Anne Center's buildings and the needs of today's property owners. The owners are dealing with the problem to some degree by working with Reston's Design Review Board while projects are still in development to ease the burden of establishing proper compatibility).

who will dispute efforts to preserve such artifacts as a rowhouse from the early 18th century, those individuals would not be able to claim that the property in question was not “historic.” For preservationists seeking to protect the recent past, however, this is one of the frequently cited and often quite persuasive arguments against protection – “how can this building be historic?? I remember when it was built!” Responding to those questions with well-supported research and arguments which turn not on pure aesthetics but instead on history are key to increasing support for preservation of the recent past. To increase the likelihood of preservation, people must be made to see that history is a continuum; something does not simply become historic because it is old. Rather, its contribution to history can be verified once there is sufficient historical perspective to ensure that historical preservationists are not preserving simply trends but instead real and significant resources. This is the challenge facing advocates of preservationists of the recent past today.

a. Fight Within Historical Preservation Itself

In large part, the historical preservation movement of the 1960’s was a response to the suburbanization and other development pressures. Preservationists feared that the landscape of the earlier decades was being wiped clean in order to make way for these new wonders of modernism. Preservation was seen as a “movement to control urban sprawl, to restrain commercial vulgarity, to stop the dehumanizing onslaught of high-rise buildings, to guard against overbuilt highways and freeways, to ward off the clearance-by-obliteration that sometimes accompanies downtown revitalization.”¹⁶⁴ Thus, it is somewhat ironic that the same preservationists are now faced with the dilemma of arguing for protection of the buildings they fought against.¹⁶⁵ As time passes and more of these structures become threatened, more preservationists are beginning to see the value in ensuring that this time in the nation’s history is

¹⁶³ See Rose, *supra* note 2, at 490 (“If one looks at the architecture of a city and sees only the present, the feeling of character is missing.”).

¹⁶⁴ STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 6.

¹⁶⁵ See *id.* (stating that preserving buildings from recent past may “quickly elicit the response that buildings like these represent the antithesis of preservation values. ... And what a painfully awkward moment it can be when yesterday’s threat to American heritage takes its place in American heritage.”). See also Isenstadt, *supra* note 124, at 35 (“In many ways, the National Historic Preservation Act of 1966 was intended to protect precisely those characteristics that the 1950’s and 60’s had cast aside.”); Longstreth, *Present Becomes Past*, *supra* note 16, at 213 (“[T]he impetus for protecting large segments of the past also was bolstered by a dislike for work of the present: shopping malls and commercial strips, office and industrial parks, and the ever more ambitious roadways that served all of them.”).

adequately preserved; this is because, though the particular vernacular buildings may differ from the lovely townhouses and government buildings that were the focus of earlier preservation efforts, the rationale behind the preservation is the same. The preservation movement has changed its focus from preserving only the nationally historic buildings or those with exceptional architectural merit; instead, the value of preserving resources for their contribution to local history is well-recognized.¹⁶⁶

This history does not stop at World War II, but continues up to the present day. “History is a continuum and the recent past must be seen as part of an ongoing series of events, no matter how different they appear or in fact may be from those of previous eras.”¹⁶⁷ Professor Longstreth has written that one way to know where to draw the difficult line between past and present is to preserve those resources upon which we have sufficient perspective – which is not entirely a function of the passage of time.¹⁶⁸ “The issue is not when something becomes ‘historic,’ but instead when an adequate historical perspective can be gained on a particular kind of phenomenon. If the topic entails patterns or attitudes that are sufficiently different from those now common, it can be analyzed as a thing of the past. The threshold of historicity can differ with the work in question.” This is a difficult test to apply, since it can be just as tricky to determine when we have gained perspective as it is to determine if something is “historic.” However, the inquiry is assisted somewhat through the use of research and testimony by historians and preservationists, who inquire into the role the resource in question has played in the community.

For illustration purposes, imagine the following scenario. The local preservation review board is faced with a landmark application for a 1960’s drive-in restaurant. This particular design is not a rarity at the national level, but the restaurant is the only one of this quality that remains largely in its original form

¹⁶⁶ See SHERFY & LUCE, *supra* note 22, at I (discussing how the GUIDELINES specifically allow for inclusion of properties that are significant at the local level and provide communities with a sense of time and place). See also Rose, *supra* note 2, at 490 (stating that retention of architecture can “lend[] a certain stability and cultural continuity.”); Benjamin, *supra* note 16, at 7 (commenting that a building can be of exceptional significance in one community because of its rarity and not in another); Longstreth, *Present Becomes Past*, *supra* note 16, at 222 (observing that significance at the local level can be quite broad).

¹⁶⁷ Longstreth, *Integrity and the Recent Past*, *supra* note 61, at 2-1. For further discussion of the notion of history as a continuum, see Bradford Perkins, *Preserving the Landmarks of the Modern Movement*, ARCHITECTURAL RECORD, July 1981, at 110 (“Architecture, as is the case with all art, is a continuum. It does not develop in a straight line toward an ideal. ... No period – old or new – should be excluded from this continuum”).

¹⁶⁸ Longstreth, *Significance of the Recent Past*, *supra* note 24, at 13. See also STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 5 (adopting Longstreth’s theory of historical perspective as a way of determining how to draw the line between the past and the present).

in the region. A strong case for preservation can be made. The building is significant at the local level because of the story it tells about local culture in the 1960's. There is sufficient historical perspective because restaurants today are not built in the same form. It is likely that the restaurant would qualify for inclusion on the National Register.¹⁶⁹ Therefore, although preservationists may have been upset at the time that the restaurant was constructed, with adequate research they will likely become convinced of the drive-in restaurant's cultural and historical contributions and will concur that there is the necessary perspective to qualify the building as historic.¹⁷⁰

b. Resistance of the General Public.

In addition to battles amongst preservationists, the efforts to preserve vernacular structures from the recent past are often also accompanied by resistance and skepticism of the general public. In the initial phases of an effort to preserve such a resource, the newspapers and public hearings will often be full of comments by a skeptical public that the resource in question is not worthy of protection. “[A] general reaction of skepticism will greet almost any effort to save buildings from the recent past unless they clearly possess superlative qualities, either as exemplars of old-fashioned textbook history or exemplars of high art.”¹⁷¹ The public tends to view history as something that they read about in textbooks, not a shopping center that is part of their everyday lives. When something has become such a part of daily life, it can be difficult to convince the public of the significance of such a resource.

If the preservationists advocating protection of the recent past are unable to convince the public that the building is historic despite its youth, it is unlikely that the preservation efforts will be successful. It is important to have the public “on board” with preservation efforts, not only because it will make it more likely politically that the building will be preserved, but also because the general public is the intended beneficiary of historic preservation efforts. If historic preservation succeeds, the result is not conservation in a museum that is visited once or twice a year; rather, it results in a preserved landscape

¹⁶⁹ See notes 31-36 and accompanying text (discussing the criteria for inclusion on the National Register due to “exceptional importance.”)

¹⁷⁰ See Longstreth, *I Can't See It*, *supra* note 88, at 12 (“Part of the challenge is for preservationists to think less like critics and more like historians. Most preservationists are bad critics of the built environment, which they cast in simplistic terms, sometimes irresponsibly so. It's all or nothing: the development Godzilla versus the preservation Bambi.”).

that the public will interact with every day. For that reason, there is real danger if preservationists regard the public's opinion as irrelevant. This potential barrier, however, is actually less obtrusive than it may at first appear. The reason for this is that the initially skeptical public can become convinced of the need to preserve the recent past if it is properly educated and made aware of the importance of the resource in question. In many ways, the public can be easier to convince of the virtues of the recent past than many of the "old school" preservationists.

c. Taste Prejudice.

Perhaps the most difficult barrier to preservation of resources from the recent past is simple taste prejudice. A quick survey of the resources from the 1960's and 1970's reveals that many of these structures, particularly those in the International Style, do not accord with current notions of aesthetics.¹⁷² Richard Striner wrote: "Places from the recent past exist at a vulnerable point in the shifting cycles of taste. At certain times and for certain reasons, we Americans love the very old and the very quaint; we are also obsessed with the new. Anything in between may be branded out-moded."¹⁷³ Shifting tastes is the primary reason why so many buildings that were constructed in the recent past are currently threatened. This problem can be seen in many of the examples which have been discussed earlier in this paper: Savannah wanted only to preserve its antebellum mansions, and had little regard for the 1960's department stores on Broughton Street; current residents of Levittown continue the suburban trend of preferring modern additions and renovations to the original design of their suburban tract homes; developers in Cleveland Park claimed the Shop 'n Park was simply an ugly parking lot.

The issue of taste prejudice is also closely tied to the fight between historic preservationists. One of the sharpest criticisms of the preservation movement is that it really aesthetic snobbery masquerading as history.¹⁷⁴ For this reason, it is important that when resources from the recent past are evaluated for

¹⁷¹ STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 6.

¹⁷² For a discussion of the issues surrounding aesthetic acceptance of the International Style, see William C. Miller, *I'm Not Ugly . . . I Have International Flair*, FORUM J., Fall 2000, at 42.

¹⁷³ STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 6. See Shiffer, *supra* note 33, at 3 (Modernist buildings, suburbs, roadside structures, and missile silos do not easily fit the popular conception of 'old,' let alone 'historic.' They also defy the general understanding of 'aesthetically appealing,' which consciously and unconsciously drive many people's decisions about the worth of elements of the built environment.").

¹⁷⁴ See *id.* at 2 ("The exclusionist reverence for elite masterworks of architecture can rapidly degenerate into a form of artistic snobbery."). See also Chester Liebs, *Remember Our Not-So-Distant Past?*, HISTORIC PRESERVATION,

purposes of preservation, the analysis turns on whether the structure is truly historic and not whether or not it is pretty.

Among the most fundamental changes for which there is an urgent need is the expunging of taste, or current aesthetic predilections, as a force in decision making. . . . Preservation has long been affected by contemporary aesthetic concerns, and although there is nothing wrong with people working to protect things they find appealing, this sentiment must not supplant professional judgment. Tastes vary; tastes change. Historical significance, which embraces tangible no less than intangible realms, must provide the basis for consistent, even-handed, and professionally valid evaluation.

Aesthetics are not irrelevant; however, particularly with resources from the recent past, it is vitally important that they not be the driving criterion. The reason for this is quite simple. Not only is it inevitable that tastes change, but the resources from the post-World War II period represent the architectural styles that we have most recently abandoned.¹⁷⁵ They are therefore the most likely to appear as simply outdated. If preservationists do not look beyond their current belief that the buildings are ugly, they will miss their potential significance as a representation of the past for future generations. As Sandy Isenstadt wrote in her piece about the architecture of suburbanization, “Whatever our feelings about the postwar period, we are bound at the very least to consider how to weave it into the fabric of our nation’s architectural and urban heritage.”¹⁷⁶

2. Proposals to Ensure That Significant Resources from the Recent Past Receive Adequate Protection.

To ensure a complete record of the nation’s history, it is essential that preservation efforts allow for preservation of vernacular resources from the post-World War II period. If such resources are summarily excluded from preservation efforts, future generations will be left with a gaping hole in their cities’ history. The barriers to preservation of the recent past are difficult, but can be adequately addressed through a variety of methods of scholarship and dissemination of information. If the methods proposed below are implemented on the large scale, historical preservationists will make certain that the

Spring 1978, at 33 (referring to the “closeted fears of many preservationists that historic preservation is generating its own national look-a-like style – the very thing it was supposed to combat.”).

¹⁷⁵ See *id.* at 1 (“Preservationists will typically encounter more severe resistance in the form of taste prejudice when the issue is ‘yesterday’s’ architecture as opposed to more venerated forms of design.”).

¹⁷⁶ Isenstadt, *supra* note 124, at 42. .

buildings granted landmark protection are indeed significant despite their age, and the public will be satisfied that such preservation will enhance the continuity and character of their communities while allowing for future development and adaptation.

c. Encourage Local Preservation Groups to Eliminate Any Strict Cut-Off Date For Preservation Eligibility.

Local historic preservation ordinances should not include any strict cut-off date for preservation eligibility. The reason for this is that the historic nature of a resource depends on a variety of factors in addition to its age. If the system devised is more flexible, such as the ordinance in San Francisco or Washington, D.C., buildings that are truly worthy of preservation will not be automatically barred from preservation. Instead, the analysis will turn on criteria similar to that laid out by the National Register, such as: the cultural or historical significance of the resource at the local, regional or national level; the rarity of the resource; and whether there is sufficient historical perspective. The age of the resource in question will be one factor to consider in this analysis, particularly in terms of the rarity of this particular type of building, but age will not be determinative.¹⁷⁷

Though some might propose that inclusion of a very permissive cut-off date, such as ten years, would allow for the achievement of these goals while ensuring that the preservation board is not overwhelmed by applications, this is not necessary and would in fact be a step down a slippery path. Any strict cut-off date would be arbitrary and would be at once over- and under-inclusive.¹⁷⁸ Many buildings from the recent past which are not worthy of protection would still be eligible for inclusion and the fact that they meet the minimum criteria might actually be a factor which is given too much weight. At the same time, very recent yet highly significant buildings will be immediately ineligible. It would be dangerous to presume that such exceptionally important buildings would be safe from destruction even

¹⁷⁷ See Longstreth, *Significance of the Recent Past*, *supra* note 24, at 15 (“[R]ather than thinking about age in absolute terms, it can be more fruitful to concentrate on what a given work in that gray area of the recent past represents.”).

¹⁷⁸ See Longstreth, *Present Becomes Past*, *supra* note 16, at 224 (“The fundamental problem with any demarcation line – 100, 50, or fewer years – is that it encourages people to conceive history as something not linked to the present. The framework functions as a conceptual wedge.”).

without preservation; as New York’s ordinance has shown, a cut-off date of thirty years often results in the destruction of buildings immediately before they reach the magic date.¹⁷⁹

Along the same lines, periods of significance in historical districts should be broad enough to include valuable resources dating from several different eras. This method helps to combat the problem of “theming,” which creates an artificially frozen picture of the community at one point in history rather than demonstrating how it has evolved over time. “Under current practice, historic districts tend to become artificially homogenous over time, with many small pieces that are not of the ‘right’ period removed or altered beyond recognition. ... The collective result ... is that a whole era in the historic district’s past is being expunged, as if it never existed.”¹⁸⁰ Though this proposal may seem radical to some, it has been utilized in the past in areas like Philadelphia’s Society Hill, which included the modernist buildings constructed in the 1960’s alongside centuries-old architecture in its historic district designation.¹⁸¹ Another example is the inclusion of 1930’s vernacular commercial architecture in the Cleveland Park Historic District, which succeeded in completing the picture of Cleveland Park as an evolving and vibrant neighborhood – not one frozen in time.¹⁸²

d. Include Even the Most Recent Structures in Inventory Surveys of Resources.

Recently, major meetings of preservationists have identified the completion of comprehensive inventories as one of their top priorities.¹⁸³ This proposal encourages other localities to follow the lead of communities like Fairfax County, Virginia¹⁸⁴ to ensure that inventories of cultural and historic resources do not end at some arbitrary date in the past but instead extend up to the present day. This method has also been employed by the Rhode Island Historical Preservation Commission, which sets no time limits on the very detailed surveys it has been completing for several decades.¹⁸⁵ Such inventories can be an

¹⁷⁹ See note 78 *supra* and accompanying text for a discussion of the problems with New York City’s historic preservation ordinance.

¹⁸⁰ Longstreth, *Present Becomes Past*, *supra* note 16, at 222.

¹⁸¹ See notes 92-96 and accompanying text for a discussion of the period of significance in Philadelphia’s Society Hill Historic District.

¹⁸² See notes 139-140 and accompanying text for a discussion of the buildings included in the Cleveland Park Historic District.

¹⁸³ STRINER, PRESERVATION AND THE RECENT PAST, *supra* note 1, at 6.

¹⁸⁴ See notes 148-154 and accompanying text for a discussion of Fairfax County’s Heritage Resource Management Plan.

¹⁸⁵ Longstreth, *Present Becomes Past*, *supra* note 16, at 222.

important tool in historic preservation because they allow the community to be fully aware of even its most recent resources to ensure that they are given adequate protection.

e. Promote Scholarly Research on Post-World War II Vernacular Structures.

Scholarly research is perhaps the single-most important element in ensuring that resources from the recent past which are worthy of protection are preserved. Thorough and detailed research into the history of a structure, what makes it unique at the community level, and its degree of rarity today allows preservation advocates to support their arguments with solid facts showing significance. “When sound historiographic practices are adequately emphasized, the question of significance is seldom difficult to resolve.”¹⁸⁶ The GUIDELINES for the National Register state that “[a] case can more readily be presented and accepted for a property that has achieved significance within the past 50 years if the type of architecture of the historic circumstances with which the property is associated have been the object of scholarly evaluation.”¹⁸⁷ With every passing year, more historians are becoming interested in research of the post-World War II period, and the amount of scholarly research on these resources continues to grow. Such scholarly evaluation should be encouraged, since the growing interest in the recent past will give further credence to the arguments of preservationists that resources from this time period can be significant and worthy of preservation even if the buildings were built during the lifetime of current generations.

f. Increase Education of the General Public.

The scholarly research addressed above should be disseminated to the general public so that they can have a real sense of the historic nature of the vernacular buildings in their neighborhood. By increasing awareness, preservationists can rally public support and ensure that the community members who must interact with these buildings on a daily basis have an appreciation for why they are being preserved. The message should be that “through every indiscriminate act of demolition we erode the rich texture of our architectural environment, and older “new” buildings are an important part of that

¹⁸⁶ *Id.* at 218.

¹⁸⁷ SHERFY & LUCE, *supra* note 22, at III. The GUIDELINES also note that, “Journals of architectural history, social history, landscape architecture, landscaping, industrial archeology, and urban development offer solid scholarship on

environment.”¹⁸⁸ Such education activities might include community events and speeches on the resources in the neighborhood or historic walking tours on which the significance of various buildings is explained in an entertaining way. Other alternatives are easily understandable signs showing photographs of the neighborhood throughout various stages of history, or perhaps a locally sponsored exhibit at the library or town hall showcasing the notable buildings from the recent past. If a resource from the recent past is threatened with alteration or demolition, public support for the building’s preservation can be increased through letters to the local newspaper or distribution of pamphlets which detail the history and significance of the building. If the public can be made to appreciate the recent past before such threats occur, however, it is more likely that there will be a strong base of opposition to any efforts at demolition. Even without such threats, education and awareness of the public should be encouraged. Education provides a sense of continuity and relevance, helping the public to believe that they have a stake in their environment. This is, after all, one of the goals of historic preservation.

G. Conclusion.

The issues surrounding the preservation of vernacular resources from the recent past are not easy to resolve. When the line between the past and the present blurs, it can be difficult to accurately determine which resources are worthy of preservation and which might be simply unoriginal trends. For this reason, it is important to encourage scholarly research on the cultural and historical importance of buildings from the recent past, in order to preserve elements that will give future generations a sense of daily life as it existed in the late twentieth century. If historic preservation is to remain relevant, it must be flexible enough to protect resources dating from the post-World War II period. “Until now, cultural resource professionals have relied on the passage of time to explain that significance and to tell us what elements of the past are worthy of preservation. But more recent resources are already disappearing too rapidly to afford the luxury of allowing specified periods of time to pass before studying them. Time obliterates – often literally – as easily as it clarifies.”¹⁸⁹

many kinds of resources likely to be encountered. ... In short the application of scholarship – not popular social commentary – does not demand the presence of a published book.” *Id.*

¹⁸⁸ Benjamin, *supra* note 16, at 9.

¹⁸⁹ Shiffer, *supra* note 33, at 3.