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### In Defense of Preservation

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# In Defense of Preservation

Eric W. Allison  
Dorothy Minor  
Anthony C. Wood  
Jeffrey A. Kroessler, Moderator

The Gotham History Festival  
CUNY Graduate School  
October 6, 2001

Dedicated to the memory of

Dorothy M. Minor

## Introduction

This is the transcript of a panel from the first (and to date only) Gotham History Festival, held at the CUNY Graduate Center in October 2001. As a historian and longtime preservationist, I came to realize that few individuals wore both hats simultaneously. I also noticed that only rarely did conferences on local history, planning history, or urban history include discussions of historic preservation. Further, some academics were opposed to preservation in principle, linking it with such slippery concepts as gentrification, affordable housing, and cultural hegemony, even where such arguments had little connection to the realities of preservation. For those reasons I organized this panel, bringing together individuals who had extensive knowledge and experience in the field.

Although thirteen years have passed, this discussion still resonates. Indeed, the arguments and examples in this discussion remain relevant, and that the preservation community continues to address many of the same issues we were confronting then. Then as now, the designation process involves more than simply evaluating sites on the merits. If that were so, then St. Savior's Church, the 1840s country Gothic chapel by Richard Upjohn, would still be standing on its original site in Maspeth instead of dismantled and awaiting reconstruction somewhere, and 2 Columbus Circle would have had a public hearing. There are many more examples from across the five boroughs. At every step of the landmarking process, political and economic interests intrude, and along the way all sorts of irrelevant arguments against preservation – and preservationists – distract from the central question: is this site worthy of designation?

What is encouraging is that preservation is no longer a bastard child of land use regulation in New York City. While a few backward-looking individuals may dream of the nullification of the landmarks law, the vast majority of New Yorkers recognize the value of designation, and actually want more landmarks and historic districts. The Landmarks Preservation Commission is bombarded with requests for designation. The problem during the recent period of feverish development is that the LPC did not act on many of those requests, not that designations were being imposed on an unwilling public.

The participants in this session remained deeply involved in preservation in the intervening years. In 2006, Anthony C. Wood, Eric W. Allison, and I (with others) organized the Citizen's Emergency Committee to Preserve Preservation to address the shortcomings of the Landmarks Preservation Commission. Tony completed his well-received book, *Preserving New York: Winning the Right to Protect a City's Landmarks* (Routledge, 2008). Eric received his Ph.D. in Urban Planning and Historic Preservation at Columbia University and founded Pratt Institute's graduate program in historic preservation; with Lauren Peters he published *Historic Preservation and the Livable City* (2011). Sadly, Dorothy Minor passed away in the autumn of 2008. To the end, she remained active, serving on the preservation, planning, streetscapes, and legal committees of the Municipal Art Society, teaching preservation law at Pace University, and contributing to Columbia University's graduate preservation program. Her knowledge, experience, and dedication served the preservation community well. She is sorely missed.

Jeffrey A. Kroessler  
April 2014

## Participants

Eric W. Allison, founder and coordinator of the graduate program in historic preservation at Pratt Institute; former President of the Historic Districts Council; Ph.D. in Planning and Preservation from Columbia University; co-founder of the Citizens Emergency Committee to Preserve Preservation; a former homeowner in the Fort Greene Historic District, he is the only panelist with experience in trying to restore a historic house. He is the author with Lauren Peters of *Historic Preservation and the Livable City* (2011).

Jeffrey A. Kroessler, long-time board member of the Historic Districts Council and member of the Preservation Committee of the Municipal Art Society, and co-founder of the Citizens Emergency Committee to Preserve Preservation; author of *The Greater New York Sports Chronology* (2009), *New York, Year by Year* (2002), *Lighting the Way: a Centennial History of the Queens Borough Public Library, 1896-1996* (1996), and *Historic Preservation in Queens* (1990). He is an oral historian and librarian at John Jay College of Criminal Justice.

Dorothy Minor, former Counsel for the New York Landmarks Preservation Commission; Professor of Preservation Law, Pace University; faculty member, Preservation Program, Columbia University. She worked on the St. Bartholomew's case, which went to the United States Supreme Court, and before she was even with the Landmarks Commission she worked on the briefs for the Penn Central case, both of which were defining legal moments in the history of preservation.

Anthony C. Wood, Executive Director of the Ittleson Foundation; Chair Emeritus, Historic Districts Council; founder, New York Preservation Archive Project; former President, Preservation League of New York State; co-founder of the Citizens Emergency Committee to Preserve Preservation; author of *Preserving New York: Winning the Right to Protect a City's Landmarks* (2008).

## In Defense of Preservation

Jeffrey Kroessler

Why at a history conference on New York City do we find it necessary to offer a panel entitled, “In Defense of Preservation”? Perhaps because not everyone agrees that preservation is a good thing for the City of New York, or that preservation has any intrinsic benefits, or that preservation is where the city, its communities, and its residents ought to invest their resources. Academics have launched several provocative arguments against preservation, and this discussion will address some of those and lay out a defense of the obvious.

Several academics, architects, and critics have suggested that preservation prevents good architecture, that the heavy hand of the past prevents architects from being truly creative in an innovative and praiseworthy way. Others have argued that preservation runs counter to the spirit of New York City, which is always tearing down and rebuilding itself, reinventing itself anew; that it is the new in New York City which really gives the city its spirit and its character. Some historians have suggested that preservation is an elitist plot by an old and fading establishment trying to hold on to cultural and economic power in the face of immigrants, or in the face of the lower classes, or in the face of anyone who doesn't share their values. Preservation thus is an attempt by the establishment to overlay the city with their values. And finally, some academics have argued that historic preservation preserves the wrong history, that we never get it right in terms of whose history we are preserving, that we leave out people whose history should be included, that historic preservation is by definition exclusive rather than inclusive. I hope that this session will dissect some of those arguments, perhaps tossing them to the ground and trampling them underfoot, but at the very least offer an alternative vision of how preservation fits into the City of New York.

Dorothy Minor

I would like to address the question from the legal angle, obviously, and look at some of the issues that I think can be identified as having a broader context. Just to remind everybody, we've had the New York City landmarks law for over thirty-five years, and at this point I think it's pretty much taken for granted. It may be grumbled about in some of its specific applications, but we count on it being there, and even some of its critics still think it is appropriately there to handle major problems when they arise. New York City has one of the most effective local laws in the country, and there are two reasons for this.

The first reason stems from some of the specific provisions in the law, by creating an expert commission, with architects, landscape architects, historians, a realtor, a planner, and residents from throughout the city. The law created a body to which the reviewing courts had to defer. The result was a series of excellent decisions, through both its designation provisions and also its review provisions for change. Here it's not just the alteration, demolition, and new construction provisions, but the fact that the Commission has the hardship procedures also under its jurisdiction. What that foresees is that the landmarks law, following designation, is meant to provide the forum by which you are to

resolve problems. And it is recognized that a building designated today or an area which may not have economic problems, designation is for the long term, and problems may arise in the future. So part of the very point of the law is to set up a procedure whereby orderly change can happen on a regular basis through appropriateness reviews, and hardship can be dealt with in a forum where if the commission in fact determines hardship it can produce a plan that can try to save the building or recommend condemnation by the city. There's an actual procedure in place to deal with a major problem. Luckily, this procedure has been relevant only a few times, but it is still very important that it is there within the law. It's not just a constitutional safety valve; it's our way of knowing that in the future we'll have a public forum, where the public can participate in addressing this kind of problem.

The second reason that the law is so effective in New York City is because we have had some of the most excellent court decisions in the country, from the lowest level of the trial courts all the way up to the United States Supreme Court. And on the whole, the courts have upheld the designations in all cases, the regulatory decisions in most cases, and of course the Penn Central decision actually reviewed the provisions in the law and gave a kind of stamp of approval to the way the law was set out and the issues it addressed. It has provided a kind of validation of the law, which then became a model other jurisdictions looked to across the country. When the law was passed in 1965, it was one of a few landmark laws in the country; it is now one of some 2,000 such statutes across the United States. And clearly the court decisions coming out of New York have helped give reassurance to other jurisdictions. This in itself makes the law a very important place to examine what historic preservation can do within the legal framework.

There are three aspects I want to look at in particular. One is to look at the historic context of the middle 1960s, which we now tend to forget, when the New York City law was passed. The second is to examine specific language in some of the court decisions, showing how they reflect support for the landmarks law and its program. And thirdly, to discuss briefly how this fine-grained review done by the historic preservation laws have gone on to become influential in the appreciation of the aesthetics, on a far greater basis beyond historic preservation.

First, looking to the context. We should all be very familiar with language regularly quoted from the United States Supreme Court's *Berman v. Parker* decision in 1954, and it arises out of upholding a condemnation provision for slum clearance, ironically enough, in which a person with an intact building felt that his property should not be taken in condemnation. The Supreme Court opinion used language that has become a regular reference in terms of the importance of aesthetics. The court said that the values of the police power, i.e. the power "to regulate to promote the health, safety, and general welfare" – historic preservation is under the general welfare provisions – "the values represented are spiritual as well as physical, aesthetic as well as monetary. It is within the domain of the legislature to determine that the community shall be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled." This is a very critical point, because until then there was a lot of concern that aesthetics was too much a matter of taste, that it was a very subjective area, and in fact all of the early preservation laws, and in fact probably still to this day, tend to have findings that the economic base, tourism, those aspects in the community, are part of what the historic

preservation law is going to advance. A few of them will admit that they are advancing a more beautiful community for all the citizens.

Following *Berman v. Parker*, enabling legislation was passed. In 1956, New York State passed the Bard Act, which authorized enactment of local preservation laws. The Fifties and Sixties, as we periodically remember, represented a major urban renewal period, with transportation projects which tore out the hearts of many downtowns. In addition we should remember that those decades also were a period when people had the time and the money to go to Europe, and came back talking about how Europe continued to use their historic buildings. Obviously in New York we talk about the loss of Penn Station (1963) and the loss of the Brokaw Mansion (1965). But the critical point that I look to is the report that was done by a committee, partly made up of congressmen, partly made up of preservation architects, representatives from the National Trust, published as *With Heritage So Rich* [United States Conference of Mayors, Random House, 1966]. The findings and recommendations of this committee are particularly important, because what they called for was developing a program to encourage federal, state, and local governments, private agencies and individuals, “to preserve communities, areas, structures, sites, and objects significant to architectural, cultural, social, economic, political, and military history, and which contribute to the quality and meaning of American life” – a very important phrase that I’ll refer to later. In the report they talked about a groundswell that was becoming “a great wave of interest and support, and as part of the evolutionary process which began a century or more ago with the first movements to preserve important sites and structures, that this process has involved many dedicated public servants, individuals, groups, scholars, and experts.” This section concluded by saying, “in accordance with this increasing desire to make historic preservation a living part of our community life and development, the committee recommends certain new programs be described in this report, along with enlargement and enhancement of existing programs that will broaden and deepen the scope of national historic preservation activity.”

So it does indeed come up with a series of proposals that lead to major legislation. The 1966 Historic Preservation Act created the advisory council, enlarging the National Register. The same year a transportation act passed that required the federal government to look at the impact of the use of federal monies on historic properties and parks. But among the things I think are important in terms of understanding where preservation got its great momentum, was in the report’s conclusion. It contended that “the pace of urbanization is accelerating, and the threat to our environmental heritage is mounting. It will take more than the sounding of periodic alarms to stem the tide. The United States is a nation of people on the move, and yet the results of this regular move is a feeling of rootlessness combined with a longing for those landmarks of the past that give us a sense of stability and belonging. If the preservation movement is to be successful it must go beyond saving bricks and mortar. It must go beyond saving occasional historic houses and opening museums. It must be more than a cult of antiquarians. It must do more than revere a few precious national shrines. 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. This means a reorientation of outlook and effort in several ways.”

To accomplish that, they first suggest “the movement must recognize the importance of architecture, design, and aesthetics, as well as historic and cultural values.



Those who treasure a building for its pleasing appearance or local sentiment do not find it less important because it lacks ‘proper historic credentials.’ Secondly, the new historic preservation must look beyond the individual building and concern itself with historic and architecturally valued areas and districts which contain a specific meaning for the community.” It then concludes that thirdly, there is a need for increased study, and economic incentives must be provided. In sum, “if we wish to have a future with greater meaning, we must concern ourselves not only with the historic highlights, but we must be concerned with the total heritage of the nation and all that is worth preserving from our past as a living part of the present.” In its final call to arms, this report lays out a program of action, and the degree to which many of the proposals were implemented promptly was important. In its dealing with local issues all it could do, of course, was recommend that local laws should in fact move forward, and hopefully, with the help of economic incentives and grants, they would find there could be successful programs on the local level without offending the constitutional constraints resulting from the over-regulation of private property.

In 1965 we got this report, and we got the law in 1966. In the middle Seventies there was the Mayer case down in the Vieux Carre (Mayer v. New Orleans, 1975), talking about the *tout ensemble*, language coming out of a Louisiana designation case from 1941 (New Orleans v. Pergament), and a phrase that has been adopted nationally, this concept of a *tout ensemble*. So you see this move into aesthetics coming out of the Sixties and Seventies.

In New York City, the 1965 law allowed the designation of individual landmarks and historic districts, and the 1973 amendment provided for designating scenic landmarks and interiors. One of its most important aspects, mainly forgotten today, is that it authorized the commission to continue to hold hearings and designate. The original law had allowed a period for hearings and designation, and then a three-year moratorium when the commission could not act to bring forward new proposals. Instead, the commission now was allowed to hold continual action. This was a reinforcement that the law was moving forward and becoming accepted as part of everyday life.

With this background, I’d like to look at some of the language from court decisions, showing how the commission’s work has been very strongly supported by the courts. There was a challenge to the designation of the Ethical Culture Meeting House, designated in 1974, and the lower court found that there was nothing of special or extraordinary – and that was the kind of language that was used, “extraordinary architectural significance” – in the meeting house, that it was just an example of Art Nouveau, and you could almost hear the judge saying, “Whatever that is.” In addition, he said no special history happened here; it was just the history of the Ethical Culture Society. On appeal, the Appellate Division reversed in 1979, ruling that first of all, the judge was supposed to defer to this body of experts. But the judge also used language that I’m particularly fond of, in terms of the assessment of what should be designated, what kinds of things the commission should be addressing themselves to. Speaking for the unanimous court, the judge said: “if the preservation of landmarks were limited to only that which has extraordinary distinction, or enjoys popular appeal, much of what is rare and precious in our architectural and historical heritage would soon disappear. It is the function of the Landmarks Preservation Commission to insure the continued existence of these landmarks which lack the widespread appeal to preserve themselves.”

The next case in which I would find the same kind of broad support for the concepts for the preservation of heritage is the Russo case, which involved the Brady Building, where Mathew Brady had his studio in the early 1850s; he was there for about five or six years. It was designated around 1990, and the trial court sustained the designation in 1992. The particular language that interests me in this case is, first of all, the recognition that the designation does have an economic impact on the owner, but that the cost to the public is larger. Justice Moskowitz said: “There is also little doubt that the landmarking of 359 Broadway aggrieves the owner and prevents development of the site. However, the indiscriminate destruction and defacement of historically and architecturally significant properties, similarly aggrieves the inhabitants of this city, depriving us of links to our own history and the lives of those who have come before us.” I think it’s very interesting that the judge put herself in with this group – “us” and “our,” not just “the city,” “you,” and “them.”

The final point regarding judges and the New York City law, specifically, has to do with the fact that the courts in New York State have been incredibly helpful in addressing what could be seen as glitches in the law. One case where this occurred was the case of the Marymount School, which was an application to build an addition on the roof. The Commission found this addition for this gymnasium to be inappropriate in terms of the appropriateness criteria, but it then went forward and under hardship made a preliminary finding that the designation did indeed interfere with the ability of the school to carry out its purposes in the building, that this was a needed for an educational program, that proper team sports had to be provided. So the Commission made this finding based on a test that came out of a series of court decisions and not just out of the landmarks language itself. There was this missing provision or concept in the landmarks law. When the neighbors challenged this, the judge responded that Marymount “appears to have fallen into one of the many interstices in the landmarks law. The courts have been attempting to assist the commission to resolve these areas not covered by the legislation for years.” First of all this recognized the role the courts have played in trying to make sure the law was interpreted as constitutional, by providing through common law, and judicial interpretation, for these interstices, as the court said. But the court also recognized that what had developed was an area where the courts really were not going to be the helpful forum, that properly the decisions to be made were those to be made by the commission. The decision said: “To hold that the courts, which have limited expertise in such a specialized field, should pass ob initio upon the efficacy and adequacy of alterations, which must be aesthetically integrated with the neighboring structures, would be improper when the legislative intent to the contrary is clear.” This assistance has been very important in terms of the role the courts have played in New York.

The final example, of course, is the most important, and resulted from the Supreme Court decision in Penn Central. Here I would like to look at two parts. As many people vaguely know, in the lower court in the Grand Central case Judge Staypole ruled against the Commission, found there was a taking as a result of the Commission’s denial for a tower above the building. In 1975 the Appellate Division reversed in a 3-2 decision, and said that the defendants, i.e. the City of New York and the Landmarks Commission, at the appellate level have thus far repelled a direct frontal attack on the constitutionality of the New York City Landmarks Preservation law: “In applying it to a given factual situation, the majority of us now feel that the time for its full implementation has

arrived.” Further in the opinion, the court said: “Though fraught with trouble, the preservation of landmarks in urban areas is of special importance. Great cities have always been havens for educational and cultural activities. New York’s rich history is reflective of the great deal of time, money and talent invested in building its own architectural heritage. Structures such as the Brooklyn Bridge, the Metropolitan Museum of Art, the New York Public Library, Grand Central Terminal, are important and irreplaceable components of the special uniqueness of New York City. We have already witnessed the demise of the old Metropolitan Opera House and the original Pennsylvania Station. Stripped of its remaining historically unique structures, New York City would be indistinguishable from any other large metropolis.” Here is a recognition by the court of the importance in terms of the identity of the city that arises from the protections under these laws.

But it is the Supreme Court that put preservation in the larger context, which is where it should indeed be recognized, specifically its role in terms of the very quality of life. Not just saving individual buildings, not just saving areas, but that what arises from preservation addresses the quality of life of these communities. With Justice Brennan writing for a 6-3 majority in 1978, upholding first of all the constitutionality of the landmarks law, and then the constitutionality of the denial of the permit for the building of the tower over the terminal, the decision begins: “Over the past fifty years all fifty states and over 500 municipalities have enacted laws to encourage or require the preservation of buildings and areas with historic or aesthetic importance. These nationwide legislative efforts have been precipitated by two concerns. The first is recognition that in recent years large numbers of historic structures, landmarks, and areas have been destroyed without adequate consideration of either the values represented therein, or the possibility of preserving the destroyed properties for use in economically productive ways. The second is a widely shared belief that structures with special historic, cultural, and architectural significance enhance the quality of life for all. Not only do these buildings and their workmanship represent the lessons of the past and embody precious features of our heritage, they serve as examples of quality for today.” And then the opinion quotes an author quoting Bob Stipe down in North Carolina [speaking at a 1971 Conference on Preservation Law]: “Historic conservation is but one aspect of the much larger problem, basically an environmental one, of enhancing or perhaps developing for the first time the quality of life for people.” So in the key Supreme Court decision we find the importance of historic preservation in this much wider context than it is sometimes thought of, the day to day activity of reviewing permits for minor work, for additions, possibly for demolition and new construction. But the whole context in which it is to operate is that of the larger quality of life issues.

Finally, the very last point is the fact that because landmarks regulation – and this review on this ongoing basis is in effect fine-grained, as opposed to zoning resolution reviews, which address only gross-grained, in a much larger context – the whole role of aesthetics has been focused on much more, and not just in terms of historic preservation. The validation of aesthetics as a valid form of regulation has in fact, as many architects have told me, validated their work, outside of any preservation context; that aesthetics is now much more recognized in terms of their dealing with their clients, and in terms of their discussions among themselves. This is a spillover effect, in large part a consequence of the role that historic preservation has played within this city and within this country.

In conclusion, *With Heritage So Rich* called attention to aesthetics and not just historic significance, historic districts and not just individual buildings, and the whole importance of education in providing experts to decide such matters. And each of these areas has indeed received attention and has moved forward in a very significant way. Some of the report's other hopes, specifically in terms of grants, have not been realized, but historic preservation is now so pervasive that we now quibble and grumble over individual decisions and forget that 35 years ago the very context which we now take for granted was not in place to this validated degree.

Anthony C. Wood

I'm reminded a little of the situation in the mid- to late-Fifties when the Municipal Art Society had a radio show that addressed the topic of historic preservation. It strikes me that today's topic is one you might have expected more back then than now after, as Dorothy has pointed out, decades of successful work in historic preservation. And the medium of radio also rings true, since the bulk of our audience will be outside this room, as was the case in that radio studio.

One can't think about those shows without also thinking about the climate we're in at the moment, in recent weeks in the city, which continues a theme I've contemplated over the last few years, which is: the importance of preservation and the importance of landmarks has only been underscored by a series of tragic events in recent years. The old bridge in Mostar that the Bosnian-Croat gunners singled out for destruction, consciously to make a statement; the mosque in India that was destroyed by Hindu militants, consciously to make a statement; the Buddhas of Bamiyan, consciously singled out by the Taliban, to make a statement; and the World Trade Center (not a designated landmark but certainly a landmark), singled out to make a statement. All of those statements were an attack on the human spirit and the sense of cultural identity. All of that in my mind underscores the importance of those types of places and those landmarks, in how we look at ourselves, our culture, and indeed the human spirit that is so important to society. So if anything, those events underscore the importance of historic preservation, of efforts to recognize and consciously identify and protect sites of symbolic value. And not only symbolic value of the capital "L" landmarks but also the broader range of sites that some of Dorothy's remarks and certainly the preservation community have been engaging. If you look also at the history of historic preservation, it has been losses, or the threats of losses, that have helped people wake up and realize what was at stake in historic preservation, in cultural preservation. I would imagine that as time goes on, recent events are going to help us wake up to the importance of protecting the places we really care about, protecting them from all sorts of potential danger.

I want to take on some of the questions that frame the conversation today, some of those academic criticisms of historic preservation that have evolved. I'd like to think, thinking kindly for the moment, that those academic criticisms stem from a lack of understanding about the history and practice of historic preservation. And that's actually understandable, though not excusable, because there's really been so little written about the history of preservation, getting the story down of how the law actually evolved, how the preservation movement has evolved, and how preservation is actually practiced, how decisions have been made, and the context for all that. I hope more and more of that

material will be captured, so as people turn to this subject academically they'll have perhaps a few more facts to go on and not merely bring to bear pre-existing attitudes that they then impose on the history of the preservation movement.

The first question is the notion that preservation is a tool of the establishment or of elites to maintain control. I suppose you could look at what has happened in certain circumstances through a very odd lens and try to come up with a story line that supported that, but I suggest that what we should do – and we don't have time to take an exhaustive romp through the history of preservation – is look into the history of the movement just a little bit to suggest that this theory just doesn't stand up when you look at how preservation came into being and how it's been practiced in the years since we had the passage of the law. Preservation instincts in New York go quite a ways back. As many people know, 1895 was when the American Scenic and Historic Preservation Society was founded, which was one of the earliest groups. In 1923 a park commissioner actually proposed some sort of law to prevent destruction of landmarks, which was rather early.

But if you want to take a thread and follow it backwards to the passage of the law and the actions that led to it, my research takes it back to the early '40s, the effort of the Municipal Art Society and Eli Jacques Kahn, working with Talbot Hamlin to come up with a list of old buildings in Manhattan built in 1865 or earlier and worthy of preservation. That effort was basically a reaction to Robert Moses. It was the reaction by a number of individuals and civic leaders, people concerned with the city, to Moses's pursuing the destruction of Castle Clinton for no rational reason, that it was an ego trip of his and that the laws and the whole way the city functioned at that time did not provide any way to stop him (though ultimately they did succeed in stopping him from removing Castle Clinton). But I think it was a sense of frustration that the power structure, in essence, wasn't able to respond to rational arguments that you didn't need to tear this place down in order to achieve the larger policy goals that Moses wanted. So it was actually out of a feeling of a lack of power that citizens started to focus on the need for some sort of legal process to save things that people cared about. In a sense, it was people who were disenfranchised from the power structure that led to this early desire to come up with a process to avoid this type of thing happening again.

The work that began toward that process in the early Forties was obviously sidetracked by Pearl Harbor, which turned the attention of New Yorkers away from all other issues, including landmark preservation. But in the early Fifties, a period also when people were beginning to sense the loss of historic fabric, the loss of control of a city that they love, the Municipal Art Society dusted off the work from the previous decade, put a committee together, and basically started working to build momentum to somehow protect the buildings one cared about. A strategy evolved, where first you had to identify what you cared about. There began a process of listing buildings, taking that list from the Forties, beefing it up, making it a whole engagement process for people to identify what they might care about, and using that list, that raw material, to then educate people as to why it was important, through exhibits, through tours, through radio shows, and the like. That indeed began to build up momentum, which takes us up to 1956 and the Bard Act. This was the act passed in Albany that granted New York City the authority to enact a landmarks law. And just an interesting footnote on that, Albert Bard, the man behind that act and who drafted it, as early as 1938 had advanced a similar idea in the form of an amendment to the New York State constitution, but that went nowhere. What was

missing between the 1930s and the 1960s was the *Berman v. Parker* decision in 1954, which opened up the issue and provided Albert Bard – a wonderful gentleman who for decades had been beating his head intellectually against the wall wanting aesthetics to be something the government could get involved in and regulate – his opening.

At the same time, though, that you had a movement in civic community groups like the Municipal Art Society, talking about this, you had a grass roots version. If you want to look at the history from the MAS perspective, it was the civic voices of New York coming together behind it. But at the same time you also had this grass roots movement coming out of Brooklyn Heights and Greenwich Village, of neighborhoods once again feeling un-empowered, concerned that their neighborhood was evolving in ways and by forces that they couldn't control, that they didn't have a voice in, indiscriminately destroying a place that was special to them. You saw that in Brooklyn Heights and you saw it in Greenwich Village. Those communities, independently and ultimately slightly together, became articulate voices and campaigners for a vehicle to somehow get for citizens a voice in shaping the future of their city, making determinations, conscious determinations of what the future of our city would look like.

Once again, you don't have preservation resulting from a sense of power; the landmarks law was not something that came out of a top-down decision by someone in a dusty room in City Hall saying "we've got to have a landmarks law." Quite the contrary, it was citizens, organizations from the non-profit sector, the citizen-activist sector basically dragging government into this arena and finally getting a response.

It's interesting to note that there's always been a constituency for the landmarks law. When you think about it, how many laws do we have on the books that really are there because citizens asked for them? I can think of the pooper-scooper law; I think that law had a real, organized constituency. But otherwise I can't come up with too many. So once again this shows broad support. At the hearings in front of the City Council on the law in 1964, 84 people testified in support of the law, five in opposition. One of the council members said at the time, "We haven't had as much interest in any subject since the sales tax." Once again, this demonstrates the popular support for historic preservation, that this was a bottom-up phenomenon. Once again, those who think this was some sort of nefarious tool that was inflicted on our lives because of powerful people wanting to make things happen, that's not quite the historical experience.

And even after the landmarks law came into existence and passed in 1965, there was, as Dorothy referenced, the 1973 amendment. My appreciation of that amendment was also that that was not an amendment that came out of the Landmarks Preservation Commission eagerly seeking power and wanting to take over the world. Not the case. Once again it was government being dragged to make the law stronger by citizen involvement, by forces outside of government, outside of the Landmarks Commission, pushing to change the process to make it stronger and to give the Landmarks Commission greater authority. It wasn't a matter of the power structure trying to run rampant; it was the citizenry, the people of New York, saying we need a law that can do more; we have to remove the handicap of how it functions; we have to give it the ability to designate interiors. That was once again something that came from the bottom up.

If you then move away from the story of how the law came into being and how it evolved, and you just look at how the law's been used, and how things ultimately move through the preservation process, the landmarks law, because it's part of government, is

not something that's controlled by academics. There's a political dimension to it. Whatever the Landmarks Commission does, which is indeed and has been proven by the courts to be something out of merit, there is however another layer that is part of the process. Whatever the Landmarks Commission does must be validated by a political body, a purely political body. When the Landmarks Commission makes a decision they must be justified by what the landmarks law lays out as criteria. The designation moves to the next level, which used to be the Board of Estimate and now is the City Council, where they don't have to justify the position they take the way the Commission does. A cynical person could say it's a purely political decision. This means, ultimately, that there has to be a constituency for the action that the Landmarks Commission is taking. If they are moving forward a proposed historic district, there needs to be backing for that district. Once again that tends to be backing from the grassroots up, from local community people who went to the Landmarks Commission and helped convince the Commission they should focus on this area, helped convince the Commission to put resources into it, helped the Commission to see and understand the importance of that area, and ultimately gave the Commission the sense that if the Commission, based on its professional judgments, felt that this equaled what a historic district required, that there was a political voice to support that decision as it entered the political process. It suggests to me that the landmarks law is a vehicle that has allowed neighborhoods, many of them disenfranchised neighborhoods, to advance issues they care about. To me, the whole notion that this is an elitist plot goes against the experience in history that has led us to where we are today.

Another issue is the notion that if you have a city that is all-consumed with thinking about preserving its past, then you have a dead city, a city whose prime has past. When that argument was advanced a few years ago about New York City, some of us in preservation found it remarkable that anyone could think that New York was consumed with preserving its past. The people at this table might be consumed and obsessed with preserving its past, but to suggest that New York City's psychic energy is overly focused on that would not jibe with anybody's reading of the power structure at present in New York, or the psyche of the city. But preservation is actually a creative act. It's a sign of a city able to choose what it wants to save. It's kind of a higher form of intelligence when it comes to planning your future and looking at what type of city you want.

I think also that no one could suggest, if they look at the facts, that New York City was anywhere near the danger zone of the frozen hand of the past limiting the ability for us to continue and shape wonderful new contributions in architecture. If you look at the number of landmarked sites, the number of historic districts, the number of properties affected, you're looking at very low percentages of the entire City of New York. There's great and ample space for wonderful new architecture. When Herbert Muschamp, the architecture critic of the *New York Times*, says architecture is dead and preservation killed it, you kind of roll your eyes. Look at First Avenue. Hmmm, that's not protected by historic preservation, they could build some really neat modern architecture over there. And what do we get? Not really neat modern architecture. What about Second Avenue, that's not covered by historic preservation. What's wrong there? And the list just grows and grows and grows. I have been in conversations with architects where they have actually said that working within a historic district, working within the confines of the landmarks law actually has led them to a more creative process and to more interesting

design. So at least some inside the profession feel differently about the dead hand of the past.

Looking at the reality of historic preservation and how it's been applied in New York City, you do not find a city that's frozen or obsessed with its past. Some of us think we would be doing a better job of focusing on our future if there was a little more focus on learning from the past and having a sense of what went on before and actually being a little more conscientious about what we wanted to take forward. So I don't think we have to worry about the pendulum being out of control.

One other argument is the question of criticizing what it is that we have been preserving, again, from an academic stance. Looking at the record of the Landmarks Commission, looking at all the buildings that have been designated and what hasn't been designated, and then sitting back in an academic setting, they tease out the kind of buildings that have been designated and ask what that tells us about the mentality of the Commission and what it cares about. And once more, that type of analysis reflects a lack of an appreciation for how the process works. Looking at what was designated doesn't reflect, ideally, what the Landmarks Commission thinks was important. What it shows is what the Landmarks Commission felt was important and what they felt they could get protected, specifically because of this political dimension of the law. For years the Landmarks Commission had other concerns. In the early days of the Commission, the number one concern, appropriately, was the preservation of the landmarks law. It was a new law, and there wasn't the wonderful legal language that Dorothy has quoted that has evolved through case law. And you had people who had worked extremely hard, some of them for many, many years, to get a landmarks law. It's hard to remember decades later that it was among the earliest laws of the many that have come forward. But you had an untested law, an untried law, hard fought, hard won, and many buildings had been lost before we had the law. The number one choice then had to be preserving the law – not a particular building. So certain decisions were guided by the choice of avoiding the chance of a legal action.

There is a row on Madison Avenue where identical buildings were split because the owner of one parcel was going to sue, so they took it out of the proposed historic district. Now academically, looking back, if you don't know that history, you will have a very hard time understanding what this says about what the Commission cared about architecturally. But that was a mindset that governed the Commission for many years, which ultimately changed and shifted as the law was upheld and we got the wonderful language suggesting that indeed we didn't have to worry so much about the law.

The potential for legal challenges ironically helped some of the early work, as did the political dimension. You might look at the number of buildings designated in Queens, or the lack of buildings designated in Queens and say, "Oh, this reflects a lack of interest on the part of the Landmarks Commission in the rich history of Queens because they're all focused on Manhattan, and that's wicked and awful." What it also might tell you if you knew the facts was that you couldn't get a building designated and upheld politically in Queens without the support of the borough president, and the borough presidents over time have not had a great interest or willingness to support landmark designations, though people have worked hard to change that attitude. Unless you understood that context you would look at the record and just say to the Landmarks Commission, "Shame on you that you didn't really pay attention to Queens."



What is needed to help inform a real academic understanding of the landmarks Preservation Commission is a better sense of the record, understanding more about what actually happened in the process that got us the law, how the law has been used over time. Appreciating that context is not going to eliminate all such criticisms, but it will better inform people about what really happened, and, I hope, refine the type of analysis that is going on. At the moment, a lot of the academic, if you will, attacks on preservation are basically providing an academic gloss or overlay to attacks that are being brought by other sectors. Many in the real estate community have not come to appreciate the economic value of historic preservation, and basically see it as just another obstacle that has to be pushed out of the way for them to move forward. In sum, if you take the time to look at the history, and I would urge more in the academic community to do so, a different picture of preservation comes into focus.

Eric Allison

I did come to preservation in much the way that Tony discussed, the way many people did. I started out working in a community group in my own neighborhood, without thinking much about preservation as a theme in itself, as an end. I inevitably got involved in preservation issues because in a historic district regulated by the Landmarks Commission such matters come up all the time, and I discovered a passion for it. I'd always had a passion for history, and that led me down the slippery slope of preservation advocacy and the lack of a home life.

I'm going to tackle one of the criticisms of preservation not mentioned yet, namely that preservation is often used as an anti-development tool. I'm going to attack that argument by embracing it. I think that using preservation as an anti-development tool is actually perfectly respectable and defensible. It affirms one of the quotes Dorothy used from *With Heritage So Rich*, that preservation is about preserving the quality and meaning of American life.

My own research and interest beyond the specifics of historic preservation here in New York City are in what's caused the livable cities movement, which first came to popular attention with Jane Jacobs's *The Death and Life of Great American Cities* in 1961. The livable cities concept is very simple. Cities can only exist if people want to live and work in them, and people only want to work and live in places that are nice to live in. People were not moving extensively into Beirut during the Lebanese civil war; people today are not moving to places like Khartoum or Kabul, because these are not places anyone wants to live who doesn't have to live there. The same applies to New York City. In fact, that's what was happening to the city in the Fifties and Sixties, when there was a tremendous moving out of people who had alternatives, leaving behind the people who had no alternatives. By any measure, the city became a less than livable place. Anybody who lived in New York in the Sixties and Seventies remembers a city where the film "Escape From New York" (1981) was not that odd a concept in terms of where it might go. Ridley Scott's "Blade Runner" (1982) did look like where New York or Los Angeles could be in another twenty or thirty years. So the livable cities movement was about trying to correct that, making cities where people wanted to live and work.

What has that to do with historic preservation? Preservation is a land use tool; we tend to forget that. The legal underpinnings of preservation are in land use. *Berman v.*

Parker was a land use decision. The Penn Central decision is today cited in other land use decisions outside of preservation, including the recent wetlands case in Rhode Island (*Palazzolo v. Rhode Island*). Here was a case over wetlands and development where the Supreme Court of the United States was citing a preservation case, Penn Central, as one of the precedents. So let's look at preservation in the context of land use, which is what we have to do if we're going to discuss using it for anti-development purposes, and livable cities purposes.

Let me take three neighborhoods as examples: Bayside in Queens, Douglaston Manor in Queens, and the Upper East Side. Bayside is a residential neighborhood, largely developed in the 1920s. It is full of revival homes typical of that period, colonial revival, Tudor, some older styles that can be called Victorian, like Queen Anne. There are quite a few very nice houses; celebrities like W.C. Fields lived in Bayside, back when Hollywood was actually in New York City and places like the Astoria Studios were where the major studios operated. The problem in Bayside was that the zoning for this area of single-family homes allowed the construction of essentially mini-apartment houses, two- and four-family dwellings, the kind you see all over the city. They look basically like a shoebox. Baysiders became interested in historic preservation as an anti-development tool. Their problem really wasn't historic preservation; it was inappropriate zoning. The zoning did not mandate single-family homes, hence it allowed these inappropriate constructions. When one or two of them went up on a block of single-family homes, all of a sudden it was no longer the single-family neighborhood homeowners had invested in. It no longer felt like the same quiet, tree-shaded street, because it wasn't. People started moving out, more of these intrusions went in, and pretty soon you had an area that looked like any other built up area of Queens.

Douglaston is not far from Bayside, and to the non-architecturally educated eye it looks fairly similar. Douglaston sits on a point sticking out into Long Island Sound, surrounded by water on three sides, with the Long Island Railroad the other boundary. It is quite extraordinary. It's from an earlier period, a railroad suburb from the first decade of the last century. They had appropriate zoning. They were zoned for single-family houses. So one would think that absent historic significance or anything else, Douglaston was a community that could survive as it was, that it could remain livable, that it could remain an oasis in the city, the kind of place where people would want to live and bring up their children. But their problem was that not all the houses were built to the full size that the zoning allowed; some occupied double-size lots. That's something you really can't correct with zoning, even with contextual zoning, a tool we frequently use today to try to preserve neighborhood character. There were houses that for one reason or another did not fill the full zoning envelope. Developers began coming in, buying up these structures, knocking them down, and building to the full extent of the lot. Now, this would not be terrible, except that this was a neighborhood of all kinds of revival styles, absolutely beautiful upper middle-class houses. What were developers putting up? They were putting up the largest, cheapest thing they could that would appeal to a random buyer at the price they were asking. They were basically putting up boxes, the kind of boxes you see in Florida, what I call quasi-Mediterranean- Spanish-Arabian, no particular design, with pink stucco walls in a neighborhood primarily made up of white stucco and clapboard. The neighborhood character was under threat. It would soon become a

neighborhood that would look like any other neighborhood, instead of looking like Douglaston.

Fortunately, the area had sufficient historical significance to merit designation. It is a historic neighborhood, typifying the history of railroad suburbs; it has buildings by important architects of the period. The residents organized and convinced the Landmarks Preservation Commission – after ten years of trying to convince the Landmarks Preservation Commission, and after being refused twice by the Commission – finally convinced the chair of the Commission, who herself lived in an old railroad suburb in Riverdale, that this was a wonderful thing, and over the dead bodies of the commission staff put through the designation as a historic district. Now, developers and architects are compelled to build houses that are “appropriate,” as the law says, according to the character of the neighborhood.

This to me is neighborhood preservation. Historic preservation is the tool; it was a legitimate use of historic preservation because Douglaston is a historic neighborhood. It does have all the qualities of special significance and historic, cultural, and architectural features that are called out in the landmarks law. But designation as a historic district was clearly intended as an anti-development measure. Not anti-development in the sense of not wanting anyone to build anything new here, but anti-development in the sense of blocking proposals that were inappropriate and would destroy the character of the neighborhood.

On the Upper East Side, there have been several fights over the last few years against very tall buildings, legal under the zoning but conflicting with the character of the historic districts. One that made the headlines was the corner of 92<sup>nd</sup> Street and Madison Avenue in the Carnegie Hill Historic District. This preservation battle elicited more than the usual press because Woody Allen lived on the block and actually made a short film he showed at the Landmarks Commission, illustrating what the neighborhood would look like if they approved this building. Here, preservation is being used as an anti-development tool, but again, the Upper East Side is a legitimate historic district. It is a slice of a period in the city’s history that does not exist any more, a type of architecture that is no longer being built, representative of the lifestyle of a class of people over a long period of time. The fact that even within the historic district there are efforts to build these tall residential buildings indicates what the Upper East Side would have looked like had it not become a historic district. Its character would have been entirely lost. We would have lost Upper East Side as we know it, and we would have instead had an upper-class Co-Op City. You would have had one tall building after another built on the avenues and even mid-block. People would not go up there to wander around and see the tree-shaded blocks and the old town houses; it wouldn’t be a place tourists visited.

Madison Avenue has very strict guidelines regulating its storefronts and buildings, and absent designation it surely would not look like it does. It would probably look more like Third Avenue. There’s nothing wrong with that, because you need both Third Avenue and Madison Avenue in a livable city. That is a proper use of preservation as a land use tool in the defense of livable cities, places where people want to live. Not everyone wants to live in a high rise. One of the strangest things, of course, is that the residents of the high rises want to be able to look out the window at the low rises. They especially prize a protected view out over a historic district, because their biggest fear is that some one will build a high rise next door that will block their view. So they too feel

that maintaining low-density buildings is useful. Low density building can be maintained by zoning, but when they are as redolent in history and culture as Douglaston and the Upper East Side are, it's appropriate to use the tool of historic preservation.

One more vignette: Long Island College Hospital at the edge of the Cobble Hill Historic District, on the other side of Atlantic Avenue from the Brooklyn Heights Historic District. Sometimes the biggest enemies of historic preservation are not real estate developers, but hospitals, universities, and even museums. More historic buildings have probably been destroyed for hospital or university expansion than any other single cause except for earthquake and fire. This was a hospital that most of the neighborhood liked, good community citizens as hospitals go. But they owned a row of four or five 1860s, 1870s buildings on Atlantic Avenue, commercial structures with stores on the ground floor, two floors with apartments above. They were typical red brick 19<sup>th</sup> century buildings, nothing extraordinary, except they were in the Cobble Hill Historic District. That meant the hospital had to come to the Landmarks Commission to build this annex. Their plan, in the manner of institutions everywhere, was for a definite architectural statement, a bland institutional box, built as cheaply as possible, that would go to the full height of the zoning. It would have still been a four story box, with the air conditioning and all, on a street lined with these mostly 19<sup>th</sup> century storefronts, backing up on a historic district of 19<sup>th</sup> century brick rowhouses. They went before the Landmarks Commission and received permission for their building, but they were forced to do it within the envelope of the existing buildings, at least on the Atlantic Avenue side. The bulk of the building had to be set back from the street; the buildings were restored on the front. And there are actually entrances to the offices and clinics from Atlantic Avenue, which they had not originally planned; it was going to be a blank façade with an emergency exit in the middle. What this has done is that it has preserved this 19<sup>th</sup> century commercial streetscape.

William H. Whyte's *City: Rediscovering the Center* (1988) is one of the pioneer works in the livable cities literature on the vitality of streetscapes; it was the fruit of about 30 years of his observations of how cities actually work. If you want to see how his ideas work in practice, go to Bryant Park. The redesigned park was the work of one of his students basically applying his ideas about how public spaces work. One of the things he discovered is that it is very easy to kill a section of a commercial street; all you have to do is put a gap between the buildings. A gap of a single parking lot, as little as 100 feet wide, can cause the stores on one side to die, because people will get up to that point and turn around and walk back. That's why Fifth Avenue no longer allows airline offices or banks. Banks can be there but they can't be the entire front; they have to be set back in the building, because Fifth Avenue was in danger of becoming a street of just the flat, empty glass windows and that did not encourage window shopping. In this particular case, the development the hospital proposed was rejected; it had to be accommodated within the existing structures. What we got is something that works in terms of making a city work, in terms of livable cities, in terms of livable commercial districts, in terms of harmony with the historic district, in terms of harmony with the residential neighborhood right behind it. So people still feel that these are the stores they shop in, as opposed to an alien presence.

I came to this not with an education in historic preservation, although I subsequently obtained one, actually in city planning, because I see that these are planning issues. Historic preservation is a way to make our cities work.

#### Wood

It's largely a question of understanding what development means, and the many different types of development there can be. It's inappropriate development that Landmarks helps prevent, at its best. And what it encourages is the type of development that more and more smart people are appreciating, which is reinvestment. It's interesting that when you do talk to members of the real estate community, for them development, investment, economic activity, is only new construction. Unfortunately they miss the economic vitality of a place like Tribeca, where so much has been reinvested since it has become a designated, protected historic district, and property values escalated astronomically.

Preservation is like a little soccer ball being kicked around. On the one hand, it's accused of stopping anything from happening in historic districts, and then you look at all the change that happens. Then, of course, you look at some of the more fervent people in the neighborhoods who are attacking it because it doesn't stop enough change. So you have people who really do want to freeze things and the landmarks law isn't doing it for them, because, appropriately, the landmarks law does allow change to happen. But then you have others attacking it because in their view it's stopping all change. So I guess it shows really how fair and wise the law is where both ends of the spectrum feel it doesn't adequately do what they want.

#### Allison

During the hearings over the Tribeca Historic Districts, the Real Estate Board of New York, which represents large property owners and developers, was testifying, as always, in opposition. They like to say they are not against historic preservation, they are perfectly happy for some individual landmarks, but they have never met a historic district they liked. At one point in the hearing, Councilman Tom Duane looked at them and asked, "Are you saying that economic development only means tearing down an old building and building a new one?" And the two people at the table, the counsel and a vice-president of the Real Estate Board, looked at him and said, "Well, yes," as if he had asked something that was patently obvious, which to them it was. Tony's point is exactly true. Economic development embraces much, much more than the tear down and build anew syndrome.

#### Minor

Also at that hearing, the other thing that was advocated was that Tribeca should be Wall Street North, and that they saw no reason to retain the residential buildings. Wall Street needed to expand and Tribeca was envisioned as the financial district north. At the time also I think the City Council members were a little surprised to hear that being advocated. Also, they believed that, essentially, Ladies Mile should be torn down. That's

the area from Fifth Avenue through Sixth Avenue, from the Flatiron Building south to almost Union Square. What they said was best for that area was new construction; there was no need to retain any of the buildings. It should be new construction and new residential construction was what they saw there. Obviously this is an area that has been very vibrant since its designation as a historic district in terms of offices, the rebirth of the old department stores, as department stores. With chains on each floor, ultimately becoming a department store in itself. But their image was it was going to be demolished and offer us new high rise housing.

Wood

I can't resist. There was a wonderful letter, wonderful only in retrospect, that the head of the Real Estate Board sent to the *New York Times*, opposing the landmark designation of Ladies Mile, predicting that its designation would be the final nail in the coffin of this area, it would be the death knell for any chance to revitalize what was then a somewhat derelict area. I must say I had the pleasure of reading that at the tenth anniversary celebration of the designation of Ladies Mile, now one of the hottest real estate spots in the city.

Question

One of the criticisms of preservation is the flip side of the developers' contention, that is, that it so raises the value of property that it contributes to gentrification, that is, driving out the less affluent residents who had lived in the neighborhood for a long time and only attracting those with a much higher income. And this shows that historic preservation is really an elitist movement against the poor or the less privileged or the less educated.

Allison

I'm actually in the middle of a long research project into this.

Kroessler

And Eric is guilty of being one of those gentrifiers, with a house in Fort Greene.

Allison

That's right. I'm in the seventeenth year of a ten-year restoration project. It's true that the real estate values are rising rapidly. Of course, I've been there 17 years, and if I'd put my money into the stock market I'd have made quite a bit more over that period of time.

The evidence I've been able to obtain seems to indicate that historic preservation, if it has any role in gentrification at all, is that it is a consequence of gentrification, not a cause. Except for the very early days of the Landmarks Commission, and even then, neighborhoods generally did not become historic districts without a significant amount of

community involvement, in fact I'd say community pressure. Today it just doesn't happen unless the community basically forces the Landmarks Commission to designate. If you look at the timing of most designations in those neighborhoods where property values have increased substantially, above what they have in similar neighborhoods, generally speaking, the designation happens anywhere from seven to fifteen after the gentrification process – I prefer to say rehabilitation process – has begun.

In my own neighborhood of Fort Greene, Brooklyn, the community groups spent ten years fighting to get the neighborhood designated. It was, at the time we moved in, not what I would call a sure thing neighborhood, certainly. There was a fair amount of abandonment prior to the designation. What designation frequently does is stabilize neighborhoods. It gives people a certainty that buildings will be appropriately renovated, as opposed to being trashed, if I can use that term. It gives developers – in the good sense, not people who want to tear down – an incentive to know that if they buy a shell and work it back up, most likely the section of the block they are on is not going to change substantially; no one is going to tear down the buildings next door and build a McDonald's or put up an apartment house, or one of those shoebox apartments that are legal under R-6 zoning. I think it is a specious argument, *post hoc ergo propter hoc* [after this, therefore because of this]. Because designation happens and then later on the property values go up, that therefore the historic district must have caused gentrification, must have caused displacement. I'm also frankly not convinced that it causes in as much displacement as is alleged. Now I'm arguing from my personal experience. Fort Greene is somewhat unusual in that an awful lot of people in the neighborhood were struggling working people who saved up to buy a home, fortunately at a time when you could buy a four-story brownstone for \$17,000 but you couldn't get a mortgage because the neighborhood was a redlined. Now that property values have gone sky high, since people have discovered that Brooklyn is a pleasant place to live as opposed to a place to stay out of, those people are still living there and enjoying the benefits. I think the people who are being most affected are renters. But that's a problem that is not specific to historic districts; that's true of real estate throughout the city.

I think the real question is that gentrification is code for changes in ethnic mix in neighborhoods, and historic preservation is an easy target to blame for it. But most gentrification has taken place outside historic neighborhoods, not necessarily inside. You only have to look at Mount Morris Park, which has been a historic district for thirty years, beautiful brownstones in Harlem. It did not rapidly gentrify and remained indistinguishable from the economic, ethnic, and socio-political atmosphere of the surrounding blocks. Designation did not cause gentrification in the sense that one would suspect, that it would become a white enclave. I think it's a more complicated argument than even I'm making at the moment, but it's an easy scapegoat for the socio-economic trends that are happening in the city, and given that the academics who usually make that particular argument are basing it on class and the whole idea of elites trying to preserve their place in the city, I'm glad to know that I'm now a member of the elite and I keep waiting for the invitation to the secret meetings, but I'm obviously not on the mailing list yet.

## Wood

I'm reminded of my friend Stanley Lowe, a major civic leader in Pittsburgh, an African-American who was very much responsible for the revitalization of Manchester, one of the great neighborhoods in Pittsburgh. When you talk to him about gentrification he responds, "Wait a minute, we want some diversity in our neighborhood. We thought it would be nice to have some people with some money in the neighborhood. We had some big old mansions that needed people with money in order to preserve them. We had depopulation issues, we wanted people in our neighborhood, we wanted people with resources who would help us attract attention from city hall for better services." Here is someone who can help us understand this issue. Gentrification is a term with so many meanings that it's hard to tease out, but in a sense he was saying it would be nice to have diversity of that type in a neighborhood, and they haven't lost that neighborhood at all. That's a neighborhood that's very much of itself today, but it's indeed one that has benefited from having a little more diversity, as Stanley would say.

## Minor

When the Commission held its hearing on a district in Bedford-Stuyvesant – in fact, the district never did go forward; this was in the early Nineties and there was a change in administration – the main testimony was from people who were not included in the district. There was a great deal of concern that we recognize a larger area as the Bedford-Stuyvesant Historic District than the Commission had heard. Now the Commission said we can only hear so much and do so much at a time, and we can always come back to these other areas, but much of the testimony at the hearing came from residents saying, "My house is also from the same period, I should also be included." I know in Fort Greene one of the hopes was that designation would help them with the problem of redlining and that they could get financing in fact to repair these buildings. This is critical for anyone living in them. It's not even a matter of gentrification. If the buildings are going to continue to live they've got to have the money to keep them repaired. Some of the gentrification that does exist is when buildings go from SROs or boarding houses to multi-family, or one per floor, two families in a house, in some cases one family. This is where one sees the change that has occurred. The housing in many neighborhoods that have been designated certainly has gotten some help, in some areas not as much as they'd hoped.

But there are still the efforts up in Harlem, out in Bedford-Stuyvesant, to enlarge the districts that exist, because first of all, those are important buildings. The testimony was very moving. At the Bedford-Stuyvesant hearing people said their grandparents bought this house in the Twenties or the Thirties, their parents grew up there, they all grew up there, they plan to continue living there. They would talk about the beveled glass and stained glass and the other marvels of the house. And I always felt badly that the district, even in the form it was heard, never went forward. It will someday go forward. There's always the problem that Landmarks, with the workload, with the small staff, can only do so much.

But in terms of the gentrification, one looks at SoHo and one sees a very different district than what the Commission designated. The manufacturing jobs had moved out,



and it's been gentrified into another commercial use. This is a sort of a damned if you do, damned if you don't kind of argument. The Commission on the one hand is the dead hand that prevents development and economic viability, and on the other hand is also responsible for gentrification, both of the commercial and the residential areas. The economic boom of the '90s cannot all be attributed either pro or con to historic preservation.

#### Wood

The reality check on the pros and cons of historic districts is that we have over seventy of them; we have more places that want to become districts, and those that are districts want more of it, want to expand what's covered. So when you tease out all the academic arguments, the bottom line is it works; people want more of it. It's been around since 1965 and the number of communities desiring those benefits spread upon them is only growing.

#### Minor

But the answer to the question has to be that the people who are trying to get larger districts are people who have lived there and hope to continue to live there. And that is the concern, that historic district designation has in fact helped people restore these buildings but remain there.

#### Kroessler

One of the preservation battles that we lost – I know it's rare, but we lost one in Queens – was the Jamaica Savings Bank on Jamaica Avenue, a Beaux Arts bank building from the 1890s. The designation was turned back at the city council. One of the arguments advanced was that the nature of the community had changed, and because the newcomers in Jamaica had no connection to this building, it didn't make sense to designate this building; it belonged to "other people's" past with no connection to the people in the present. I suppose this would be part of the elitist argument, that preservation would be an attempt to impose an aesthetic value and a history on people who have no connection to it. [After being turned back by the Board of Estimate in 1974 and at the City Council in 1992, the bank was finally designated in 2008.]

#### Wood

Those who know that particular case also know that whatever reasons were brought up it was really the political maneuvering that the City Council is so famous for. I'll just share the experience I had of touring historic religious buildings in Detroit and being taken through a landmark building now functioning as a church, an African-American, Baptist church. I was given a loving tour of this building, with its architectural details called out with great pride, and the architectural details were of the synagogue which it originally was before it was converted to a Baptist church. And the new occupants of a different religion, of a different racial mix, had embraced and taken under

their wing the architecture and history of the prior owners. If anything it made that space more special to them. I just think that type of argument doesn't carry water with my personal experience.

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I got involved in historic preservation in 1972 to save Weeksville, and a person of my color, my profile was not supposed to be interested in preservation. I said to people in the beginning, for me, preservation is only a tool. But when you speak of areas without any connection to people of color, particularly African-Americans, I begin with Wall Street, and the commodity sold on Wall Street, the commodity that started the whole question. If we leave preservation for a moment and talk about history, Americans are so ignorant of their own history. Much of it they don't want to remember period, that's part of it. But people reject history at their own peril. Preservation is only a tool. How do we make the history available? If we just put it in a book on the shelf, and when we get it off the shelf we can't read it anyway, it's not going to help.

Kroessler

This raises an interesting point, the connection between history and historic preservation. One of the questions we have to ask is whose history we are preserving.

Allison

The history we are preserving is the history of the United States, which means it is the common, I don't want to use the word heritage, because heritage can be used in too many different ways. It's the common ownership of the country, whether we arrived on a boat yesterday or 400 years ago, however we arrived. When you see the Empire State Building, the Custom House, or the Hunterfly Road Houses [Weeksville], you are seeing part of our shared experiences that made us the people we are today. I like to call it touch magic. It's what you feel when you walk over an old battlefield, or stand in the place the Declaration of Independence was signed. It is a way of bringing to life the ideas and events and people that caused us to be who we are, caused the events that happen around us today to happen. These are the very few places where you can actually touch it. You can actually put your finger there, or walk across and say this is where others have walked before me, good, bad, or indifferent people. And that is important. If everything is all brand new, one of those sterile worlds we see in old science fiction movies where everything is slick and clean and obviously nothing ever needs to be dusted. Those are worlds with no anchor.

Minor

Another section of *With Heritage So Rich* raised the point of the craftsmanship embodied in these buildings from the past. At one Landmarks Commission hearing, I remember testimony on a particular a building on Wall Street, the height of elite power.

Someone came in who said, “My father was one of the people who helped build this building. He was an Italian stonemason, and he also was involved in the carving, as was my uncle.” So what was being preserved in the mind of this advocate for designation wasn’t a building where a famous corporation or bank was housed, but the craftsmanship embodied, and in large part built by immigrants, Native Americans, African-Americans. They are the people who built these buildings and had the craftsmanship to build them. In some of the reports this is called out and recognized. I remember Percival Goodman coming to the hearing for Central Savings Bank and speaking to the iron work on that building, and who had done the iron work and the craftsmanship involved. He was far less concerned with whether it was a Renaissance bank design, than with the craftsmanship embodied in that building, and the people who had gone into the making of that building. We’ve all seen those incredible photographs of the making of the Empire State Building, the men out on the ledges, the calling out of who made these buildings and why we have them today. One of the things that was most moving about the African Burial Ground when it was uncovered and ultimately designated, and we’ll see what happens on the reburial, was it recognized that before the end of the Revolution, thousands of Africans and African-Americans had been buried there. They had helped build this city. And because we know that graveyard was capped off at the end of the Revolution, we know they were there before, they helped make this city. It’s these various ways that we document the role of a far larger group, and in fact preservation has a capacity to do this. It doesn’t always do this, but it has done it, and it has that capacity.

#### Wood

It’s great to ask the question “whose history are we preserving,” because probably ten years ago the question would have been “whose architectural history are we preserving.” In a sense, for years the landmarks focus has been shaped through the eyes of architectural historians. If you go back to the earliest motives for preservation, it was about history. But at a certain point, and I think it may have been because it was easier to get your hands around and easier to make distinctions, it became all about architecture and the great architects and whose architectural history we’re preserving. It’s great that we are really trying to tackle some intellectually harder issues which is getting back to history, and recognizing that when you’re dealing with the issues of history it’s not as easy to say, that’s McKim, Mead, and White, and we know they were great. That’s easy to handle, we know what it is, we know how to rate it, to regulate it. But the landmarks law from day one included the ability to designate sites because of history and culture, as well as architecture. We’ve done pretty well on the architectural front, not done, but done well. The other two areas we haven’t done as well, and that’s why it’s exciting to hear people now really focusing and thinking through.

#### Minor

But this is also the result of the great change I talked about at the beginning, that is was the shrines that were preserved, Mount Vernon, the Hancock House, which in fact was not preserved. That was preservation in its early form, the battlefields. The big issue of the 20<sup>th</sup> century was whether we can preserve on the basis of aesthetics, or whether

that was just a matter of taste. *With Heritage So Rich* said let's not just look to history, let's look to aesthetics, too. We then, typically, won the battle on aesthetics. Aesthetics has become the primary basis for designation, although historic and cultural associations have also turned out regularly to be a rationale for designation. There's a brownstone in Harlem that's designated because that's where Langston Hughes lived. It looks just like the brownstones on either side; it's called out because that's where he lived. What has definitely happened is that the phrase, "it looks like a landmark," is much more accepted politically as it has been validated through the process. So ironically we've gone 180 degrees from preservation being history based to aesthetics based. We need a better balance, and we need a broader history. It's not just the shrine history of the patriots.

### Question

We've been trying to put together a theater museum, and one of the things you encounter when you talking about whose history we are saving, or for what purpose, it is a cultural history. But history is not a dead thing; it is a very dangerous thing when you uncover the truth of things. And many people would just prefer to have it buried. When you look at a building you can talk about the architecture. But how can you know what is going on in this present moment without understanding what led up to it, and how can you make informed decisions today to lay the groundwork for what's going to go forward. And whose truth are you talking about?

### Minor

The Landmarks Commission, of course, had that series of hearings that lasted three days on the Broadway theaters, considering the designation of both interiors and exteriors. Many of the participants, actors and actresses, talked about who appeared in the past, what plays had been put on, very much the culture of the theater. And Landmarks did designate the buildings not just for architectural significance but because of the historical and cultural significance. But in terms of whose history and the role of history, the thing to remember is that historic preservation and the landmarks law, as opposed to historic preservation in a broader sense, is a land use law. And what it is dealing with is structures and areas, so the larger role of history, finding truth and letting it be known, the designation report certainly should be accurate, should be broad based. The designation should look as broad as possible. But a lot of history is not land use connected in the sense of preserving many of these stories. There are other facilities that should be doing that, whether it's the Museum of the City of New York or the New-York Historical Society, or some other organization, but Landmarks can't do everything, and one thing to remember is that it is a land use law and not a repository of stories.

### Allison

Bringing it back to the original question about the Beaux Arts building that was no longer of any relevance to the community. It might not have any relevance to the community that is there, but it is a reminder of who lived there before. And of course, there is sometimes a desire on the part of people who move into an area, or ultimately

take it over and make it their own, and to wipe out all traces that anybody had ever been there before them so it can be theirs. It is part of the idea of moving to the suburbs, especially in other parts of the country where people don't buy used houses; they always build a new house. It's almost impossible to sell a house in some parts of the country because people automatically build a new one. They don't want a house anybody else has ever lived in. There's an interesting thought that if you preserve, either by historic preservation or by accident, you preserve reminders that somebody was there before you. Also, the City of New York has had successions and waves of immigrants from outside the country and migrants from inside the country; today something like less than a third of the people in the city were born here. It is the preservation of the successions of the history in terms of those who came before and those who will come in the future.

Kroessler

On that particular 1893 building, that opinion was expressed by a single political leader, not a groundswell of the populace.

Minor

Don't give it too much credibility as having anything to do with the decision.

Kroessler

On the theaters, I have a chronology question. The theaters were designated after the loss of the Morosco and Helen Hayes theaters, and at that point people criticized the Landmarks Commission for stepping in where designation would intrude into artistic freedom. But those years around the time of designation were not stellar years in the history of the theater in New York City. A lot of theaters were dark for years at a time. Over the last few years, every theater has been booked. If the Landmarks Commission had not designated the theaters, where would Broadway be today?

Audience

You are absolutely right. At one time the theater district had over 110 theaters; now it has thirty or forty. We probably could have saved many more if there had been earlier attention to preservation. The theater will always find a place to go; perhaps that's part of the thinking.

Wood

Maybe we should end on a theme from one of the lawsuits, the need for constant vigilance when it comes to what you care about, particularly preserving buildings.

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