

New York City Landmarks Preservation Commission (1962-1999):  
Paradigm for Changing Attitudes Towards Historic Preservation

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## INTRODUCTION

Historic preservation as an officially mandated government program has been existence for almost fifty years in New York City, but the history of the movement, both before and after the ratification and implementation of the Landmarks law, has been largely undocumented until relatively recently. *Giving Preservation a History: Histories of Historic Preservation in the United States* and *Preserving New York: Winning the Right to Protect a City's Landmarks* are part of an effort to rectify that situation.<sup>1</sup> This work, told partly from my personal perspective, covers part of the story told by Anthony C. Wood and carries it forward to the end of the twentieth century.

It describes and analyzes the history of the New York City Landmarks Preservation Commission while setting it within a larger national context. New York had been preceded by several other American cities, including Charleston, South Carolina, New Orleans, and Boston, in the establishment of a local preservation law and an accompanying oversight body, but still it had few models to emulate. The New York City landmarks law anticipated the National Historic Preservation Act of 1966 by one year.

As a consequence, New York has often gone its own way when it came to preservation matters. It established its own criteria for designation and standards on regulation. Much of this is due to the architectural biases and predilections of those who originated the law. From the 1950s on when the Committee on Historic Architecture of the Municipal Art Society worked with the Society of Architectural Historians and the New York Chapter of the American Institute of Architects to compile an Index of Architecturally Notable Structures in Greater New York, there has been an emphasis on architectural style. Not only did worthy examples need to be discovered and classified, but the public needed to be educated about their importance. *New York City Landmarks*, the 1963 publication that brought the Index to a wider public, and *History Preserved*, a 1974 account of the city's designated landmarks, contained extensive discussions of architectural style and how the city's landmarks fit into stylistic categories.<sup>2</sup>

The Commission has also maintained a strong architectural bias among its members. Its founders and early leaders (Geoffrey Platt, Harmon Goldstone, James Grote Van Derpool, Alan Burnham) were trained architects who put their principles into practice when it came to regulating landmarks. The founding of the Commission preceded the

establishment of the Secretary of the Interior's Standards for Historic Preservation by some ten years, so the Commission has never felt the need to be bound by them. It has only regulated interiors, unless specifically designated, to ensure that exteriors are not adversely affected. Over the years the Commission has taken varied approaches to the issues of historicity versus modernity. Particularly in its early years, it encouraged modern architecture that was compatible with the character of its historic districts, even when local activists would have preferred a more archaeological or historically derivative approach. But then the Commission could also take such actions as the approval of a plan in 1990 to expand the Felix and Frieda S. Warburg House to accommodate the Jewish Museum by doubling the plan and facade of the original building.

Despite its somewhat iconoclastic ways, the Commission's actions have resulted in several major lawsuits that have had national implications for historic preservation law and the powers of local governments in upholding such laws.

Throughout its history, the Commission has enjoyed public support, which has only increased over the years. The agency has always been small, in comparison to the overall size of city government, and has always been accessible. It has fiercely protected its autonomy over the years, despite periodic attempts to subsume it to the City Planning Commission or some other larger city agency. Moreover, the revisions to the city government in the 1960s that set up community planning boards and the establishment of other quasi-government entities have been conducive to public support and access.

Another factor has been the Commission's desire to be flexible in the implementation of the landmarks law and to encourage new and adaptive uses. The success of the law over the years has been manifest in the large number of buildings and sites that have not only survived, but thrived. Further, the demand for the designation of new landmarks and historic districts has not slowed.

Page and Mason comment that Charles B. Hosmer's account of the historic preservation movement in United States focuses on the heroic individuals and government institutions, which they feel is much too limiting, skipping over the social and cultural shifts that shaped historic preservation.<sup>3</sup>

This account does not ignore the heroic individuals as it tells the Commission's story. But it tries to explain some of the social and cultural factors that shaped the Commission.

The organization is largely chronological, using the various Commission chairmen as focal points. I have taken this approach because at any given time, the Commission chairman has been the visible face, the public voice, the definer and articulator of policy, and the agenda-setter particularly on matters of designation. While the chairman is only one vote among the eleven commissioners, he or she is the salaried agency head and the major mayoral appointee. Tensions between designation and regulation and policies to implement both have been an ongoing part of the Commission saga.

## Notes to the Introduction

1. Max Page and Randall Mason, ed., *Giving Preservation a History: Histories of Historic Preservation in the United States* (New York and London: Routledge, 2004). Mason has further expanded his analysis of the beginnings of the historic preservation movement in New York City at the turn of the twentieth century in *The Once and Future New York: Historic Preservation and the Modern City* (Minneapolis: University of Minnesota Press, 2009); Anthony C. Wood, *Preserving New York: Winning the Right to Protect a City's Landmarks* (New York and London: Routledge, 2007).
2. Alan Burnham, ed. *New York City Landmarks: A Study and Index of Architecturally Notable Structures in Greater New York* (Wesleyan University Press, 1963); Harmon H. Goldstone and Martha Dalrymple, *History Preserved: A Guide to New York City Landmarks and Historic Districts* (New York: Simon and Schuster, 1974).
3. Page and Mason, 7-8. Charles B. Hosmer Jr., *Presence of the Past: the History of the Historic Preservation Movement in the United States before Williamsburg* (New York: G.P. Putnam's Sons, 1965); Charles B. Hosmer Jr., *Preservation Comes of Age: From Williamsburg to the National Trust 1926-1949* (Charlottesville, VA: University Press of Virginia, 1981).

## LANDMARK BEGINNINGS: THE ADVISORY COMMISSION (1962-1965)

### *Post World War II losses and redevelopment*

New York City, like most American cities, experienced a massive wave of new development in the years after the end of World War II in 1945. The constrained economic circumstances brought on by the Depression in the 1930s and prohibitions on civilian building during the war meant that very little private construction had occurred for at least fifteen years. The exceptions were the federally funded Works Progress Administration projects, sometimes massive, for parks, roads, bridges, and public housing, spearheaded by Robert Moses in his position as head of the Triborough Bridge Authority. Moses was later viewed as the nemesis of historic preservation for his role in urban renewal projects and in creating highways through the city that resulted in the destruction of older neighborhoods, especially in the Bronx, Brooklyn, and Queens. His proposed slum clearance projects and highways across lower Manhattan and through Brooklyn Heights helped arouse sentiment for creating historic districts in Greenwich Village, SoHo, and Brooklyn Heights. However, his work on parks and parkways led to a group of architecturally impressive landscapes and structures that would become future landmarks. More recent research on Moses has led to a more nuanced picture of the man and his work in New York.<sup>1</sup>

Charleston adopted the country's first historic preservation ordinance in 1931 and established a Board of Architectural Review with the purpose of "the preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the city and which serve as visible reminders of the historical and cultural heritage of the city, the state, and the nation." New Orleans had established a Vieux Carre Commission to protect and regulate a historic district in that city in the 1937.<sup>2</sup> New York City had seen no comparable efforts. Perhaps the only section of the city that would have been viewed during those years as having "charm" and "historicity" would have been Greenwich Village, but efforts to protect it did not begin until the 1950s. Instead the history of the city was recorded and chronicled through such WPA-funded projects that resulted in *The New York City Guide* (later reissued as *The WPA Guide to New York City*) and Berenice Abbott's photographs (published as *Changing New York*).<sup>3</sup>

The federal government established the Historical Sites Act in 1935, declaring a national policy of preserving historic sites, buildings, and objects and giving the Secretary of the Interior the power to survey and identify nationally significant historic sites, buildings, and objects. The Historic American Buildings Survey had been established in 1933, as a mechanism to put unemployed architects to work and also to record historically significant buildings and structures throughout the United States through measured drawings and written documentation. (The related Historic American Engineering Record for the recording of historic engineering structures was not established until 1969.) Both actions had an effect in New York City, resulting in the listing of several National Historic Sites such as Federal Hall (listed in 1939) and the recording of a number of buildings valued for their colonial or early republican architectural character. Examples include Fort Jay on Governors Island and the Dyckman House on upper Broadway.

#### *Early preservation efforts in New York City: late nineteenth and early twentieth centuries*

Following a pattern that had begun by the mid-nineteenth century effort to save Mount Vernon, the home of George Washington, New York City had seen some discrete efforts to protect buildings deemed important to the early history of the city and the country, what Randall Mason has called memory sites. Many of these efforts were spearheaded by the American Scenic and Historic Preservation Society, founded by Andrew Haswell Green, longtime New York City comptroller and civic advocate, and by groups like the Colonial Dames of America and the Daughters of the American Revolution.<sup>4</sup>

Hamilton Grange, Alexander Hamilton's country retreat, was given to St. Luke's Church in Hamilton Heights when it was threatened by development, then moved in 1889 from Convent Avenue and West 143rd Street to Convent Avenue and West 142nd Street. It was purchased by a preservation organization in 1924 and opened to the public in 1933.

New York City Hall was threatened by the construction of the Hall of Records in the 1890s. Due largely to the efforts of Andrew Haswell Green, the new structure was sited north of Chambers Street in order to preserve City Hall. That building was restored by architect Grosvenor Atterbury in 1912.<sup>5</sup>

Gracie Mansion, the country retreat of the New York merchant Archibald Gracie on the

Upper East Side fronting the East River, was purchased by the New York City Department of Parks in 1896. It became the home of the Museum of the City of New York in 1924, then the official residence of the New York City mayor in 1942, during Fiorello LaGuardia's tenure.

The City of New York purchased the Roger Morris House (Morris-Jumel Mansion) in 1902, turning it into a museum that commemorated the role of George Washington in the Revolutionary War under the management of Washington Headquarters Association. Also in 1902 the small vernacular house in the Bronx that was the home for about two years of Edgar Allan Poe and his wife was purchased. It was moved to its current site in 1913. The eighteenth-century Dutch Colonial style mansion of the Van Cortlandt family was saved when family members gave the house and surrounding land for the creation of Van Cortlandt Park in the Bronx in 1888 and the house turned over to the management of the Colonial Dames. The Bartow-Pell Mansion, also in the Bronx, was purchased by the City in 1888, then restored by the International Garden Club in 1914 and opened to the public as a museum.

The Dyckman House on upper Broadway in Manhattan was rescued from destruction in 1915 and restored by family descendants, then given to the City.<sup>6</sup> The Conference House, site of negotiations between the United States and British commanders during the Revolutionary War, and located at the far southern end of Staten Island, was purchased by the City in 1926. Also on Staten Island, the Garibaldi-Meucci House (Garibaldi Memorial), the home of two Italian patriots who were influential in the founding of the modern, unified Italian state, was preserved by the Sons of Italy.

It should be noted that the Department of Parks was often the vehicle for the acquisition, preservation, and restoration of many of these examples. The first acquisitions were made before the consolidation of Greater New York and the creation of the five boroughs and were located in Manhattan and the Bronx.

Surprisingly, perhaps, there were few comparable efforts in Brooklyn or Queens, sections of the city whose settlement histories and participation in colonial history and the Revolutionary War were as renowned as Manhattan, the Bronx, or Staten Island. The Peter Lefferts House, also known as the Lefferts Homestead, was built between 1777 and 1783 in a traditional Dutch Colonial style, recalling the original family homestead that was destroyed by American troops during the Battle of Flatbush, on Flatbush Avenue between Midwood and Maple Streets. When it

was threatened with demolition, it was moved into Prospect Park in 1918 and turned into a museum under the jurisdiction of the Daughters of the American Revolution which used it as its local headquarters. The Rufus King House, in the Jamaica section of Queens, was donated to the City along with eleven acres that now form King Park, after the last member of the King family died in 1896. The house has been operated as the King Manor Museum since 1900. Most of the early houses in those two boroughs, many of which had been built by Dutch families, were saved by individual efforts, less because of their historical associations than because of apparent familial affection and practicality. Virtually every Dutch farmhouse that survived in Brooklyn did so because it remained in the original family who subsequently sold off the original farmland for suburban development in the early twentieth century, sometimes moving the house or reorienting it on its original site to conform to the newly gridded street plan.<sup>7</sup> An exception was the seventeenth-century Jan Martense Schenck House, originally located in Flatlands, which was given to the Brooklyn Museum and reconstructed among its period rooms. The Cornelius Van Wyck House in the Douglaston section of Queens, which had been enlarged in the early twentieth century, was restored to what was thought to be its original form in the 1920s by architect Frank J. Forster. Some of these houses, as well as others which no longer survive, were documented in a 1936 study by Rosalie Fellows Bailey, sponsored by the Holland Society.<sup>8</sup>

Most of these efforts occurred in the more sparsely settled but still developing sections of the city. In older sections where much change had already occurred, reconstruction was the variation on the early historic preservation model. One early effort was the recreation in 1904 of Fraunces Tavern on Broad Street in lower Manhattan under the auspices of the Sons of the Revolution. Architect William H. Mersereau designed a building evoking early eighteenth-century models that memorialized the site where George Washington said farewell to his officers in 1781. The main floor of the building was put into use as a restaurant.

The Theodore Roosevelt Birthplace (1923) was a similar example. In that case, the actual Roosevelt family house had been demolished, and architect Theodate Pope Riddle was commissioned by the Women's Roosevelt Memorial Association to design a house on the original site on East 18th Street that recreated the mid-nineteenth appearance of the original family home.

The establishment of the Old Merchant's House Museum on East 4th Street was a private

venture of a different kind. Gertrude Tredwell, the last immediate member of the family that had built and lived in the house, died in 1933, leaving the residence complete with its contents of over 100 years of family possessions. Relatives who saw the historic value of such an artifact converted it into a museum, which was opened to be public in 1936.

Following the model of Colonial Williamsburg, the Staten Island Historical Society established Historic Richmondtown in 1939 at the urging of local historian Loring McMillen (and later one of the first Landmarks Commissioners) to restore historic village buildings from the first Richmond County seat and to relocate endangered buildings from other Staten Island sites.<sup>9</sup>

After World War II, public consciousness for preservation began to shift away from isolated sites associated with the country's and city's historic past (what Mason has called "memory sites"). Widespread redevelopment, aided in part by such federal programs as the Highway Act of 1956 and Urban Renewal Act of 1962, began to change the face of urban America through the construction of highways, the expansion of the suburbs, and the rebuilding of central city areas.

New York City was no exception, and the actions of Robert Moses were a galvanizing force as various highway projects put forward under the auspices of the Triborough Bridge Authority sundered historic communities in many areas of the city. Moses's plans for a Lower Manhattan Expressway would have taken out hundreds of buildings at the south end of Greenwich Village and in the industrial area then dubbed "Hell's Hundred Acres" and later known as SoHo. The residents of Brooklyn Heights through the Brooklyn Heights Association managed to get the Gowanus/Brooklyn-Queens Expressway designed to incorporate a scenic promenade, completed in 1950.

If highway construction was changing the face of New York's nineteenth-century urban neighborhoods, commercial development was changing the character of lower Manhattan and midtown. Of course, such a pattern was no different from what had occurred throughout the nineteenth century and into the 1920s, only to be halted by the Depression. But if previous generations had seen progress in such changes, some of the post-World War II generation saw destruction that evoked that which the war itself had wreaked on Europe. Large office buildings began to replace the small-scale Greek Revival warehouses on the blocks adjacent to the lower Manhattan waterfront.<sup>10</sup> In midtown, office buildings started to replace the elegant brick-fronted

apartment buildings of Park Avenue and the low-scale brownstones on the side streets. The closure of the 3rd Avenue El in 1955 and subsequent removal was a factor in this redevelopment. Sentiment began to build for preservation of elements of the city's past beyond monuments and sites associated with the city's early history or important historical figures.

Three organizations, the Municipal Art Society (MAS) and the Society of Architectural Historians (SAH), later assisted by the New York Chapter of the American Institute of Architects (AIA), joined forces to compile a listing of architecturally notable buildings and structures throughout the city, beginning in 1952 in preparation for an SAH annual conference. The listing was issued to a broader public in 1957 in mimeographed form, revised and reprinted three times, then subsequently published in 1963 by Wesleyan University Press with an expanded text by Alan Burnham under the title of *New York Landmarks: A Study and Index of Architecturally Notable Structures in Greater New York*. In 1956, the New York Community Trust provided a grant to assist with the research on sites on which to place plaques identifying "Landmarks of New York." The majority of buildings and sites in the index were in Manhattan, but all the boroughs were represented. The approach was both "great monuments" and representative examples. It included many of the "memory sites" that early preservation advocates had championed. The original list was divided into categories that were retained through subsequent printings: Category I, Structures of National Importance which Should be Preserved at All Costs: 9 in Manhattan, 5 in Brooklyn, 1 in the Bronx, 2 in Queens, 2 in Staten Island; Category II, Structures of Great Local or Regional Importance Which Should Be Preserved: 54 in Manhattan, 11 in Brooklyn, 5 in the Bronx, 3 in Queens, 10 in Staten Island; Category III, Structures of Importance Designated for Preservation: 81 in Manhattan, 21 in Brooklyn, 6 in the Bronx, 4 in Queens, 10 in Staten Island; and Category F, Structures of Note Filed for Ready Reference: 40 in Manhattan, 22 in Brooklyn, 2 in the Bronx, 2 in Queens, 5 in Staten Island. The year 1930 was established as a cutoff date, although much of the emphasis was on earlier surviving buildings from the eighteenth and early nineteenth centuries. There were no historic districts as such, although Greenwich Village and Gramercy Park were identified as areas of the city that were worthy of Category II status. It included a number of landscape features and elements such as the Central Park Esplanade and Bethesda Fountain and the Grand Army Plazas of both Manhattan and Brooklyn. Churches were the building type with the largest numbers. There were no

cemeteries, although the Green-wood Cemetery gates were cited. Many of the identified buildings, whether residential, commercial, or public, reflected the influence of classical and Beaux-Arts architecture and the City Beautiful movement. Victorian Gothic architecture, with the exceptions of the Jefferson Market Courthouse, National Arts Club, and the Chelsea Hotel, was ignored. Cast-iron architecture, a longstanding interest of Turpin Bannister, a founder of the Society of Architectural Historians, was recognized in the early buildings of James Bogardus and the Watch Tower in Mount Morris Park, as well as the E. V. Haughwout Store. The only skyscrapers were the Flatiron Building, Daily News Building, and Rockefeller Center.<sup>11</sup>

MAS began to lobby in other ways for the establishment of a local government mechanism to protect landmarks. Since its founding in 1893, it had worked for civic improvements and aesthetic regulation in New York City. It was influential in the creation of the Art Commission in 1898 and strengthening its authority in 1901 and 1902 to review designs for all public works in the city.<sup>12</sup>

One important action was the passage of state legislation, named after its chief sponsor Albert Bard, in 1956 to enable counties, cities, towns, and villages to enact regulations and restrictions for the protection of “places, districts, sites, buildings with historical value.”<sup>13</sup> Two years earlier, in *Berman v. Parker*, 348 U.S. 26 (1954), the United States Supreme Court issued a decision authored by Justice William O. Douglas that held that private property could be taken for a public purpose with just compensation, which set the stage for the Bard legislation. But New York City was not ready to implement such a program immediately. Political support and public pressure had to build sufficiently first.

Forces were building for changes to land-use law in other areas, as well. After several years of study, the City Planning Commission under its chairman James Felt proposed a major change in the city zoning resolution that was adopted by the City Council in 1961. During the process, various civic groups and local organizations pushed for the incorporation of aesthetic zoning and neighborhood preservation. The 1961 zoning resolution is most often associated with the abolition of setback rules that allowed the creation of office buildings set in plazas. But, because it divided the city into residential, commercial, and manufacturing districts for the first time, it also placed pressures on historic areas of the city, which had a wide variety of building types and uses. In particular, there was potential economic incentive in commercial districts to replace low-

scale residential buildings with large office buildings. There was also little incentive to preserve or build medium-size, medium height housing.<sup>14</sup>

Finally, after much behind-the-scenes coercion, Mayor Robert F. Wagner “sought to bring some kind of coordinated answer to the problem of landmark preservation in appointing a Committee for the Preservation of Structures of Historic and Esthetic Importance, the purpose of which was to recommend procedures and legislation for preservation.”<sup>15</sup> Such was the discreet statement of Geoffrey Platt, chairman of said Committee and later the first chairman of the Landmarks Preservation Commission. The thirteen members of the Committee were a wide-ranging group that included realtors, lawyers, architects, a city planner, a banker, an expert on city administration, and the presidents of the Municipal Art Society, the New York Chapter of the American Institute of Architects, and the Fine Arts Federation of New York. In addition to Platt, they were Harmon H. Goldstone, Robert S. Curtiss, Robert W. Dowling, Luther H. Gulick, Arthur C. Holden, Stanley H. Lowell, Stanley G. Michalis, McKim Norton, Whitney North Seymour, St., Bethuel M. Webster, Morgan Dix Wheelock, and Frederick J. Woodbridge. According to Platt, the group worked closely with the City Planning Commission to prepare a report that was submitted to the mayor on November 27, 1961. One important task of the Committee was to examine relevant legislation and regulatory bodies in other cities, especially New Orleans, Boston, Philadelphia, and Providence. The Committee found procedures for “the selection of what should be protected, the method of designation, and the composition of the necessary agency.” But because New York City was so large and complicated, the Committee recommended further study and analysis before legislation was implemented. And it felt that this study should be undertaken by a permanent mayoral commission to be called the Landmarks Preservation Commission of the City of New York.

Wagner accepted the Committee's recommendations, and the New York City Board of Estimate appropriated the funding in February 1962 to establish the Commission. The twelve unsalaried members whose powers were only advisory were sworn in on May 21. They were: Geoffrey Platt, architect; Juliet Bartlett, Women's City Club; Russel Lynes, managing editor of *Harper's Magazine*; James N. Fosburgh, artist, for three year terms; Stanley B. Tankel, Regional Plan Association; Leopold Rothschild, lawyer; Frederick Woodbridge, architect; two-year terms; William Zinsser, real estate; Bayrd Still, history professor, New York University; Robert Curtiss,

Horace C. Ely & Co. (real estate); Loring McMillen, engineer; Allen Evarts Foster, lawyer, one-year terms.<sup>16</sup>

James Grote Van Derpool was named executive director of the fledging organization. Van Derpool had served as head of the Avery Architectural Library between 1946 and 1959, then was acting dean and associate dean of the Columbia School of Architecture, prior to this appointment. An eminent architectural historian, he had been president of the New York Chapter of the Society of Architectural Historians between 1951 and 1956 (when it was involved with the compilation of the MAS list), president of the national Society of Architectural Historians organization from 1955 to 1957, and national chairman of the Advisory Committee for the Historic American Buildings Survey.<sup>17</sup>

Van Derpool's reputation and credibility were crucial as the Commission set out to implement the first of its mandated tasks: "Designate for preservation buildings, structures, monuments, and works of historic or aesthetic importance." On June 12, 1962, the Commission issued a criteria study with five policy guidelines and an analysis of building and structure types: "If the record of our great achievements is to be preserved other than on the printed page, enlightened interest must be directed to preservation of those remaining structures which powerfully explain our continuing achievements and conditions of life.

". . . the Commission proposes that the following considerations shall constitute policy guidelines:

- 1) Each structure, monument, area, or related work of art (major or minor) to qualify for designation, must illuminate in some appreciable degree one or more phases of the historic, social, esthetic or cultural achievements of the city, its historic personages, and significant events.
- 2) To qualify for designation the work in general should have been basically completed not less than three decades prior to action on its behalf by the Commission.
- 3) A designated work must be either an original production of the period of its execution, or significantly record an evolution of styles, a work faithfully restored to its original design, or, in most exceptional cases, a scientifically executed reconstruction of an original documents, drawings, or other accepted evidence. In general, preservation of original work shall be held of greater merit than restoration, and restoration shall outrank

reconstruction in findings by the Commission.

- 4) Designated works must satisfy the objectives of the Commission with respect to preserving a significant record of evolving New York in its broad sense. The multiple aspects of the city's diverse accomplishments must receive thoughtful consideration and attention must be directed to the preservation of individual structures or areas which constitute an index to the character of the city or cityscape. Designation shall depend primarily on qualitative considerations. Decisions shall rest on documented evidence.
- 5) Each building, monument or work of art must meet the requirements of one or more of the following groups in order to be designated for preservation.

### BUILDINGS

- a) Works significantly associated with historic personages or events and governmental or individual achievements of importance.
- b) Works prominently connected with the religious life of the city.
- c) Works notable for connection with our education achievements.
- d) Works importantly recording significant accomplishment in the broad fields of the arts, letters and the sciences.
- e) Works recording New York's contributions to the history of architecture in this country, phase by phase.
- f) Works representative of important structural and technical developments.
- g) Works of unquestioned esthetic significance or excellence of design.
- h) Individual buildings forcefully recording the manner of living or working in different phases of New York life.

### STRUCTURES

Bridges, harbor installations, forts, etc., having special importance.

MONUMENTS, STATUES, AND WORKS OF ART – Individual statues, arches, obelisks, etc. and sculpture, mosaics, painting, frescoes and stained glass integral with the structure.

## AREA PRESERVATION

- a) The surroundings of individual buildings, structures, or monuments necessary to assure suitable and appropriately scaled settings, either on an initial or on an eventual basis.
- b) Groups of related buildings, or districts containing a number of blocks or streets retaining worthy buildings or other structures sufficient in number to illustrate in a definitive way the character of a period of architecture or of a social, cultural or commercial scene of activity, and whose preservation would provide historical continuity for the city's past.
- c) Parks, squares and old cemeteries which provide historic or esthetic or distinctive neighborhood character.”<sup>18</sup>

Platt noted that the new commission would rely heavily on the MAS list: “Too many buildings listed in this document, published in 1957, have already been lost. Of the several hundred listed approximately ten percent have been razed.” He also stated that the commission would pick up the concern of the committee for protecting the surroundings of individual buildings and the need for preserving the distinctive character of various districts and neighborhoods in the city, even though there were no historic districts on the list. Charleston and New Orleans, two of the cities being studied by the commission, focused almost exclusively on historic districts.

The commission was also authorized to “recommend appropriate action on preservation, when requested, to the City Planning Commission, the Housing and Redevelopment Board, the City Housing Authority, and other public agencies.”

Finally, it was mandated to prepare a detailed legislative program for "the effective protection of those portions of designated landmarks that fall within public view."

From Platt's early remarks, it would seem that the Commission felt confident to move forward on the first task, under Van Derpool's guidance. The need to prepare the legislation was urgent, but the political and legislative means to achieve protection proved to be a less certain and more protracted affair.<sup>19</sup>

### *The role of the press*

New York City finally had a Landmarks Preservation Commission in name, but it had no

binding legal authority to save noteworthy buildings from demolition. As if to reinforce that fact, the Pennsylvania Railroad announced in 1962, about the same time that the new Landmarks Preservation Commission was to be formed, that it planned to demolish its historic Pennsylvania Station on the west side of midtown Manhattan, as part of a real estate deal that would retain the existing tracks but provide a new underground terminal beneath a new Madison Square Garden sports facility.<sup>20</sup> Pennsylvania Station, designed by the architectural firm of McKim, Mead & White and opened in 1913, was one of the two grand railroad facilities that signaled the prominence of New York City as the gateway to the continent. The massive steel structure was clothed in classical stonework that recalled the Roman Baths of Caracalla, while the soaring iron and glass train sheds evoked the best of industrial architecture. In August 1962, the “Action Group for Better Architecture in New York,” joined by “200 leaders in the architectural field,” to quote the *New York Times*, led a protest against the proposed demolition.<sup>21</sup>

From a review of articles and editorials in the local press, which included many more newspapers than survive in 2010, one is struck by a sense of urgency and alarm at the disappearance, or potential disappearance, of the city's important buildings and the need for legislation to be enacted to prevent further losses. In 1963, Nathan Silver of the Columbia University School of Architecture proposed an exhibit that would provide a “collective picture of some vanished first-rate architecture [that] would make a sobering reminder of how much finer a city New York could have been with its all-time best buildings still intact.” Silver and his collaborators “wanted it to be an editorial for preservation, and also to support the growing local awareness that some legislative protection was needed for many urban landmarks.” The exhibit, “Lost New York,” opened in January 1964 and was eventually published as a book by the same name.<sup>22</sup> The editorial stance of the *New York Times* was particularly strong, as typified in “The Disappearing Landmarks” (Sept. 18, 1964), which chided Mayor Wagner for his long delay in enacting Landmarks legislation, after appointing the committee in 1961 and the commission in 1962. Frank Gilbert, executive secretary and then executive director to the Commission between 1965 and 1974, thinks that Ada Louise Huxtable, architecture critic to the *Times*, had a major impact on the editorial board stance. Platt thought it was more than just Huxtable.<sup>23</sup>

The newspapers chronicled the ongoing losses and threats of losses which continued no matter how much the press fussed. Foremost among them was Penn Station: “Penn Station went

under the hammer on Monday. The Landmarks Preservation Commission is fearful that the Wyckoff House and the Brooklyn Savings Bank will meet the same fate.”<sup>24</sup>

Two weeks earlier, “Plea to Curb the Bulldozer,” an article by attorney Whitney North Seymour, Jr., chairman of the Committee on Legislation of the Fine Arts Federation and long associated with the MAS, had appeared in the *New York Times Magazine*. It set forth a standard for the preservation process: “First the building or area must have recognized significance, either for its architectural qualities or because of its association with people or events. Some examples of buildings of outstanding architectural quality are City Hall, Grace Church, and Federal Hall National Memorial. . . . In some, like the Jumel Mansion and Hamilton Grange, architectural quality is overshadowed by associations with people and events. Both attributes combine in the superb St. Paul’s Chapel, the only surviving 18th-century church in Manhattan. Second, the building or area must still possess its original integrity in large measure and not have been radically altered by “improvements,” making it still suitable for preservation or rehabilitation. . . . Third, the building or area must have a potential for giving pleasure or instruction, as the Statue of Liberty very obviously does, or as Gramercy Park does in its more subtle way. Finally, a building or area must be susceptible to an economically sound plan of preservation and upkeep. In each instance, a solution must be developed to fit the particular case. (For Penn Station, for instance, there seems to be no solution; its preservation cannot be economically justified, despite its architectural importance.)”

The first three standards reflect the criteria study that the Commission had released the previous year. He goes on to write: “In the rising tide of demolition, not every New York landmark [like the Metropolitan Museum, Grant’s Tomb, the Washington Arch, Trinity Church, or St. Patrick’s Cathedral] is actually threatened. . . . The problem lies with landmarks whose tenure is not so strong. As time passes, more and more of them will be scheduled for demolition before we realize what we are losing.” He cites ten examples: “the old lofts on Fulton Street, some going back to 1800, and the few remaining, high-roofed buildings along South Street” which are important because of their association with New York City as a port; “the row of early 19th-century commercial buildings along Front Street between Wall Street and Old Slip,” which are handsome Greek Revival buildings; “the Cast Iron Building at 258 Washington, designed by James Bogardus in 1848,” and “an important symbol of the commercial development of New

York”; “the old Tribune Building on Park Row, a red-brick Victorian structure designed by Richard M. Hunt and put up in 1876” and “a handsome example of commercial architecture linked with the era of newspaper publishing in the shadow of City Hall”; “the Bayard Building, 65 Bleecker Street, 1897-98, the only building in New York designed by Chicago’s Louis Sullivan, known as the “father” of the skyscraper and teacher of Frank Lloyd Wright. . . this building is a fine and important example of Sullivan’s work”; “Old Merchant’s House, or Tredwell House, 29 East Fourth Street, 1832. . . a red brick town house with an impressive Greek Revival interior”; “Old Colonnade Row, 428-34 Lafayette Street. These fine examples of Greek Revival architecture . . . constituted one of finest rows of private residences in New York”; “the Flatiron Building, Fifth Avenue at 23d Street, 1902. Designed by D. H. Burnham, it was one of the marvels of its day, celebrated in etchings, paintings, and photographs”; “the U.S. Custom House at Bowling Green. . . . Designed by Cass Gilbert and put up between 1901 and 1907, it is distinguished by massive sculptures on the outside and Reginald Marsh murals on the inside”; and “the 71st Regiment Armory at Park Avenue and 34th Street. . . Properly cleaned up, this structure has excellent esthetic and commercial and possibilities.” All of his examples were on the MAS Index of Architecturally Notable Structures and presumably would be candidates for designation when legislation was adopted. He cited the successful conversion of the Jefferson Market Courthouse in Greenwich Village as a prototype for future action. “This type of conversion is not unusual. Many realistic plans have been applied to landmarks across America, from St. Augustine, Florida, to Monterey, California.” He goes on to urge more comprehensive action such as “historic zoning” as part of the planning process as had been done in Philadelphia and a plan of “historic marking” through plaques, guidebooks, and walking tours. He cites the creation of the Landmarks Preservation Commission as a positive step and proposed legislation as a means to make the Commission a more forceful body with powers to designate buildings and neighborhoods. But “the emergence of the commission would not bring the millennium.” Buildings could still be demolished unless the city provided compensation. “When all is said and done, however, the problem is not so much one of technique but of attitude. Until the city administration provides affirmative leadership in saving the finest reminders of our city’s past, we will continue to fight a losing battle against the wrecking ball. Watchdog stands by the citizenry are only a stopgap. The real answer is a positive approach at City Hall.”<sup>25</sup>

Two weeks after the demolition of Penn Station began, the *New York World Telegram* reported that the Brooklyn Savings Bank was doomed, while the Commission had been working on its list since 1962. Meanwhile, the effort to draft legislation to give the Commission regulatory powers was “bogged down in a morass of legal technicalities and inter-departmental consultations.” Why the delay? Not in compiling the list, a process that seemed to be moving ahead. Instead, Chairman Platt, the public face and voice of the Commission, “explained that the whole question of how much authority the city can use to save a landmark is entirely new territory and that drafting legislation with no legal loopholes is a time consuming process.”<sup>26</sup>

### *Local community preservation efforts*

The demolition of Penn Station fostered support for designation of landmarks from many. If it roused a broad public consciousness, such a consciousness had been cultivated and preceded by other groups and actions.

Members of the Greenwich Village community were among those who organized early for historic preservation causes. The first battle taken on was the preservation of the Jefferson Market Courthouse, an effort that was spearheaded in large part by Margot Gayle, who was the public information officer for the City Planning Commission. In 1959 the Manhattan Borough President, Hulan E. Jack, wanted to put the building up for auction to facilitate the development of an apartment building on the site (Sixth Avenue [Avenue of the Americas] and 11th Street). The group decided to focus first on getting the clock fixed, as in that era the Victorian Gothic architecture of the courthouse, which had been called the “most beautiful building in the United States” by members of the American Institute of Architects in 1876, was generally regarded as ugly and old-fashioned. (The saga of the adjacent Women’s House of Detention is discussed in the next chapter.) Among the members of the courthouse group were Philip and Ruth Wittenberg; he was a lawyer and Ruth’s sister was married to Lewis Mumford, the esteemed architecture critic at the *New Yorker*. Because of the Mumford connection, the group received a certain amount of notice.

After serving two terms as mayor, Robert Wagner was not re-nominated as the Democratic party candidate, so he decided to run as an independent. Gayle brought him petitions with 10,000 signatures asking him to save the courthouse, and also started a telegram campaign, “Save the

courthouse for Christmas." Wagner promised to save the courthouse if he were re-elected. The group with a certain amount of insight realized that saving the courthouse would not be enough if a new use could not be found for it. So, it started lobbying the New York Public Library which was planning a new Greenwich Village branch as a replacement for its Jackson Square facility, to put the new library into the courthouse.<sup>27</sup>

Wagner did get re-elected and in January 1960, the Commissioner of Public Works contacted Giorgio Caviglieri, an Italian immigrant architect who had gained a certain reputation for innovative historic building conversions, to do a study for the physical rehabilitation of the building and the feasibility of a library conversion. It turned out to be twice the cost of constructing a new building, but the courthouse would provide much more room as well as more intangible benefits. After discussions lasting about two years, Caviglieri finally got the go-ahead to do the project, and the Jefferson Market Courthouse branch of the New York Public Library opened in 1967.<sup>28</sup>

The courthouse preservation campaign helped launch a preservation effort for the larger Greenwich Village community, which faced threats from Moses-inspired highway projects, New York University expansion campaigns, and the general real estate cycles engendered by the city's 1960s prosperity. The Wittenbergs, and Ruth, in particular, became a force to be reckoned with.<sup>29</sup>

Meanwhile, across the East River, the residents of Brooklyn Heights were waging their own campaign for preservation. Otis Pratt Pearsall, long-time head of the Brooklyn Heights Association, has described how in the 1950s, young couples with more ambition than cash who were seeking an urban environment began to purchase property in Brooklyn Heights--fixing up the old rowhouses and working for the betterment of the neighborhood. Through the Brooklyn Heights Association, they resisted and achieved a reworking of the highway designs of Robert Moses, they persuaded the New York City Housing Authority to locate two projects in a manner that would be more compatible with the overall community, and they decided that what they really wanted was a historic district to protect the larger context of the neighborhood. Charleston and New Orleans provided models, but there was little other precedent. In the absence of a local designation law that would offer some form of protection and review, the association decided to pursue designation of Brooklyn Heights as a National Historic Landmark. The Historical Sites

Act of 1935 had established the concept of National Historic Landmarks, but a listing had little regulatory force. Brooklyn Heights sought the designation for recognition and as a way of heightening awareness within city government. A local resident, Clay Lancaster, an art historian and critic, was enlisted in 1961 to compile an historical and architectural analysis of all the buildings in the neighborhood, which was published as *Old Brooklyn Heights: New York's First Suburb*.<sup>30</sup> Once launched, the Landmarks Preservation Commission decided to work with the group to “devis[e] specific means to preserve Brooklyn Heights, which represents all the desirable characteristics for preservation; it not only has historic and aesthetic values, but it is unique in design and location also.” While waiting for local legislation to be implemented, the group pursued National Historic Landmark status for Brooklyn Heights which was granted in April 1965.<sup>31</sup>

Groups like those in Greenwich Village and Brooklyn Heights, not to mention commentators in the local press, were frustrated by the slow legislative pace; nonetheless, it continued. With almost forty-five years of hindsight, many of the parties involved have a variety of opinions on the steps, responsibilities, and actions taken to get the law in place.

### *Creating the law*

According to Giorgio Caviglieri, who had been elected president of the MAS in 1963, Whitney North Seymour, Sr., chairman of the MAS board, drafted a version of the law. Significantly, its intent was to deal with more than great buildings.<sup>32</sup>

Frank Gilbert credits Bernard Friedlander, an attorney in the city law department, assisted by William Fisher, later vice chairman of the Commission, with drafting the law that was introduced to the City Council. Platt also credits Morris Handel from the Corporation Counsel's office with working on the law. Frank Blaustein, the vice chairman of the City Planning Commission, was concerned about the relationship between the Landmarks Preservation Commission and the City Planning Commission. He wanted to keep the two commissions separate, because he thought that CPC had enough to do already. Once a draft version of the law was prepared, it was forwarded by Geoffrey Platt to Jacob Lutsky, a deputy mayor. Seymour Boyers, a councilman-at-large from Queens, agreed to sponsor it.<sup>33</sup>

When interviewed in 1987 by Tony Wood, then president of the Historic Districts Council,

Geoffrey Platt recalled that the original legislation called for the creation of a 400-foot buffer zone around individual landmarks and an eleven-member commission, nine of whom would be architects. Such a buffer zone was common to most European heritage sites. The requirement for nine architects seems to reflect the sensibilities of the drafters as well as a perceived need for expertise.<sup>34</sup>

The legislation was introduced in September 1964. The *New York Times* noted that the advisory commission had surveyed the city and found 750 buildings worthy of preservation, as well as 3500 buildings in historic neighborhoods.<sup>35</sup> Earlier that month, the owners of the Brokaw mansions, two French Renaissance-inspired chateausque houses at 984 Fifth Avenue and 1 and 7 East 79th Street, had announced demolition plans in favor of a new apartment building on the large corner site.<sup>36</sup>

Meanwhile, the *New York Times* offered support, running an article that gave a synopsis of landmark statutes in the United States and Europe.<sup>37</sup> Whitney North Seymour expressed strong support for the legislation in a letter to the editor on Nov. 20, 1964.

The City Council held a public hearing on the bill on December 3, 1964. The bill was not without controversy, especially the provision for the 400-foot buffer zone. The real estate developers felt particularly threatened and called for a moratorium on designations (even though no designations had taken place). The assessment following the public hearing was that the bill faced revisions.<sup>38</sup>

Among the proposed landmarks under threat were a group of houses at Park Avenue and East 68th Street, called the Percy Pyne Houses, after the client who had originally commissioned two of the group for himself and his daughter and son-in-law. Demolition had actually begun early in January 1965, when an anonymous buyer stepped in to rescue them. A week later it was revealed that the benefactor was the Marquesa de Cuevas, the former Margaret Rockefeller Strong, a granddaughter of John D. Rockefeller, Sr.<sup>39</sup>

But not all worthy buildings could be saved by wealthy rescuers. Demolition began on the Brokaw mansions on February 6, 1965.<sup>40</sup> The *New York Times* despaired over the delay in legislation, wondering if the proposed legislation would become an antique itself before enactment.<sup>41</sup>

Finally a revised bill went back to the City Council. It eliminated the 400-foot buffer zone; it

mandated a requirement that a building be at least 30 years old. Revisions were made to the provisions for hardship, and a moratorium on new hearings was introduced. Boyers explained in a letter to the editor of the *New York Times* why the landmarks bill had taken so long. He noted: “The legislation embodies comprehensive proposals and remedies to give New York City a fully effective and workable means whereby the city may preserve its landmarks and historic districts, with due regard for the rights of property owners. The bill constitutes one of the most advanced legislative proposals in the field of landmarks. For all these reasons, and the desire of all concerned with the preparation of this legislation to produce a bill adequate to the city’s needs, and be equitable and fair in its operation, the drafting process was time consuming.”<sup>42</sup>

Finally, Mayor Wagner signed the new landmarks bill into law on April 19, 1965. Margot Gayle, who had been lent by Commissioner Felt at CPC to LPC to do publicity, couldn’t get the press at City Hall to send a photographer to the bill signing, so she took photographs herself with a small Minox camera. (A framed photograph with the pen used to sign the bill hangs in the hearing room of the Commission.)<sup>43</sup>

A week later, the *Times* offered its editorial opinion:

“Once designated, a fair and elaborate machinery of protection gives a building a chance to survive and helps its owner. But even with the law, New York’s past will be hard to preserve. Much of the city’s character and style is not in monumental structures but in unpretentious stands of shabby nineteenth-century ‘street architecture’: modest groups of buildings that involve special problems of retention and re-use.

“It will take imagination, dedication, concern, citizen action, private financing and public cooperation to effect preservation under the new law. It will also require a sharp upswing in the business community’s valuation of the status of a landmark address. . . .

“The past is yet to be secured for the future. Celebration is premature until we can point to a safe and substantial legacy. New York is still the city that marks its history with gaping holes in the ground.”<sup>44</sup>

In the years since then, the Commission and the residents of New York have sought to meet that challenge, balancing monumental structures with “street architecture.”

## Notes to Chapter 1

1. The longstanding portrait of Robert Moses in Robert A. Caro, *The Power Broker: Robert Moses and the Fall of New York* (New York: Alfred A. Knopf, 1974) has been modified by a three-part exhibit, “Robert Moses and the Modern City,” held in 2007 at the Museum of the City of New York, the Queens Museum of Art, and the Miriam and Ira D. Wallach Art Gallery, Columbia University, and the accompanying book, Hilary Ballon and Kenneth T. Jackson, ed., *Robert Moses and the Modern City: The Transformation of New York* (New York: W. W. Norton, 2007).
2. <http://www.charlestoncity.info/dept/content.aspx?nid=491&cid=655>. Michael H. Wiedl III, “Historic District Ordinances,” *Connecticut Law Review* 8 (Winter 1975-1976): 209.
3. *New York City Guide: A Comprehensive Guide to the Five Boroughs of the Metropolis: Manhattan, Brooklyn, the Bronx, Queens, and Richmond*, prepared by the Federal Writers' Project of the Works Progress Administration in New York City. (New York: Random House [c1939]). It was reprinted in 1970 by Octagon and in 1982 as the *WPA Guide to New York City* by Pantheon. *Changing New York*, photographs by Berenice Abbott, text by Elizabeth McCausland; a publication of the Federal Art Project of the Works Progress Administration in the City of New York, under the sponsorship of the Guilds' Committee for Federal Writers' Publications, Inc. (New York, E.P. Dutton and Company, Inc., 1939). It was reprinted in 1973 by Dover Publications as *New York in the Thirties*. Abbott's photographs are now in the collections of the Museum of the City of New York. New York City was not unique in such efforts, for every state produced its own guide and many municipalities had their own local history recording projects, which continue to remain useful to researchers, even in the age of computerized recordkeeping. Property recording systems and building department permit records are notable examples in New York and many other cities.
4. Randall Mason, *The Once and Future New York: Historic Preservation and the Modern City* (Minneapolis: University of Minnesota Press, 2009), chap. 1. Charles B. Hosmer Jr., *Presence of the Past: the History of the Historic Preservation Movement in the United States before Williamsburg* (New York: G.P. Putnam's Sons, 1965), and William J. Murtagh, *Keeping Time: The History and Theory of Preservation in America* (1988; New York: John Wiley and Sons, 1997) have documented similar efforts nationally. Both point out that one impetus for such efforts was the perceived educational value to the country's fast-growing immigrant population.
5. Mason, *Once and Future New York*, 150-157.
6. Architect Alexander M. Welch, who was married to a Dyckman descendant, was responsible for the restoration. Mason, *Once and Future New York*, 19-31, features the house as one of his “memory site” buildings. Interestingly, it is identified as a Category I building in the Index of Architecturally Notable Structures in Greater New York, Alan Burnham, ed., *New York Landmarks* (Middletown, Conn.: Wesleyan University Press, 1963), 357.
7. Among the surviving Brooklyn houses are the following landmark properties: Pieter Claesen Wyckoff House, 5816 Clarendon Road; Johannes Van Nuyse House, 1041 East 22nd Street, moved in 1916; Joost and Elizabeth Van Nuyse House, 1128 East 34th Street; John and Altje Baxter House, 1640 East 48th Street, reoriented on its lot in 1900; Hendrick I. Lott House, 1940 East 36th Street; Henry and Abraham Wyckoff House, 1669 East 22nd Street; reoriented on its lot in 1890s; Elias Hubbard Ryder House, 1926 East 28th Street, moved in 1929; Hubbard House, 2138 McDonald Avenue. The context of last of these, designated in January 2009, is analyzed in excellent detail in the Commission's designation report. All of these houses were recorded in Maud Dilliard, *Old Dutch Houses of Brooklyn* (New York: Richard R. Smith, 1945).
8. Rosalie Fellows Bailey. *Pre-Revolutionary Dutch Houses and Families in Northern New Jersey and Southern New York*, with an introduction by Franklin D. Roosevelt; photography by Margaret De M. Brown; prepared under the auspices of the Holland Society of New York (New York: W. Morrow and Company, 1936).
9. “A Man for the Ages on Staten Island,” *New York Times*, August 31, 1988; Alfonso A. Narvaez, “Loring

McMillen, 85, an Engineer and a Founder of Restoration," *New York Times*, March 21, 1991.

10. See Ada Louise Huxtable, *The Architecture of New York: A History and Guide*, vol. 1, *Classic New York: Georgian Gentility to Greek Elegance* (Garden City, N. Y.: Anchor Books, 1964). As long as the buildings had served the needs of an active trading and shipping port, they survived. But different shipping methods began to replace the ships and boats of an earlier era.

11. New York Community Trust, *The Heritage of New York* (New York: Fordham University Press, 1970). In his introduction, Burnham explained the several generations of the index and how dates were established. He also explained the importance of architectural styles and provided descriptions of them: "The following discussion of architectural styles is intended to aid as an interpretation of the styles listed in the Index of Architecturally Notable Structures in Greater New York." (31). Items that have Community Trust landmark plaques are identified with asterisks.

12. Gregory Gilmartin, *Shaping the City: New York and the Municipal Art Society*. (New York: Clarkson Potter Publishers, 1995), 22-24.

13. See Gilmartin, 358-360, for background on the law.

14. <http://www.nyc.gov/html/dcp/html/zone/zonehis.shtml>; "James Felt, Former Chairman of City Planning Agency, Dies," *New York Times*, March 5, 1971; Robert A.M. Stern, Thomas Mellins and David Fishman, *New York 1960: Architecture and Urbanism between the Second World War and the Bicentennial* .(New York: Monacelli Press, 1995), 128-131.

15. "Mayor Appoints 13 to Help Preserve Historic Buildings," *New York Times*, July 12, 1961. Platt offered a retrospective view in Anthony C. Wood, "Pioneers of Preservation: An Interview with the late Geoffrey Platt, the first Chairman of the Landmarks Preservation Commission," *Village Views* 4 (Winter 1987): 7-37.

16. Charles G. Bennett, "City Acts to Save Historical Sites," *New York Times*, April 22, 1962.

17. Charles G. Bennett, "City Asks to Save Landmarks; Names Scholar to New Agency," *New York Times*, July 1, 1962.

18. "Landmarks Preservation Commission Criteria Study #2 – June 12, 1962" (typescript), available in Landmarks Preservation Commission files.

19. Most of this information is from Wood, Platt interview.

20. Irving Felt, the brother of James Felt, chairman of the City Planning Commission, was behind the project. Gilmartin, 370. Bennett, "City Acts to Save Historical Sites."

21. "Saving Fine Architecture," *New York Times*, August 11, 1962.

22. Nathan Silver, *Lost New York* (New York: Houghton Mifflin Company, 1967).

23. Gilbert interview, November 4, 2000. Wood, "Pioneers of Preservation: Platt interview," 9. The editorial stance of the *Times* to the Commission has fluctuated over the years.

24. "Until the first blow fell, no one was convinced that Penn Station would really be demolished or that New York would permit this monumental act of vandalism. . . . Any city gets what it admires, will pay for, and ultimately deserves. Even when we had Penn Station, we couldn't afford to keep it clean. We want deserved tin-can architecture in a tin-horn culture. And we will probably be judged not by the monuments we build but by those we

- have destroyed.” “Farewell to Penn Station,” (editorial), *New York Times*, October 30, 1963. Thomas W. Ennis, “2 City Landmarks Feared in Danger,” *New York Times*, November 1, 1963.
25. Whitney North Seymour, Jr., “Plea to Curb the Bulldozer,” *New York Times Magazine*, October 13, 1963.
26. “Brooklyn Savings Bank Doomed,” *New York World Telegram*, November 12, 1963.
27. Interview with Margot Gayle, March 10, 2000.
28. Interview with Giorgio Caviglieri, March 8, 2000. Douglas Martin, “Giorgio Caviglieri, Urban Preservationist, Dies at 95,” *New York Times*, May 18, 2007.
29. Most of the above information is derived from interviews with Giorgio Caviglieri and Margot Gayle.
30. Clay Lancaster, *Old Brooklyn Heights: New York’s First Suburb, including detailed analyses of 619 houses*, (1961; 2nd edition, New York; Dover Publications, 1979).
31. Wood, Platt Interview, 23; “Otis Pratt Pearsall’s Reminiscences of the Nine Year Effort to Designate Brooklyn Heights as New York City’s First Historic District and its First Limited Height District,” Delivered by Mr. Pearsall at Brooklyn Borough Hall, March 8, 1993, on the occasion of receiving the Historic Districts Council’s 1993 Landmark Lion Award, *Village Views* 7, no. 2 (1995): 5-22. *Journal American*, April 28, 1965.
32. Giorgio Caviglieri interview.
33. Interview with Frank Gilbert, November 4, 2000; Wood, Platt interview, 12-15.
34. Wood, Platt interview, 12, 14.
35. Thomas W. Ennis, “Bill Would Save City Landmarks,” *New York Times*, September 23, 1964.
36. Thomas W. Ennis, “Landmark Mansion on 79th St. to Be Razed,” *New York Times*, September 17, 1964; Ada Louise Huxtable, “Despair of Demolition; Plans to Raze 79th Street Mansions in Line with City’s Destructive Trends,” *New York Times*, September 17, 1964.
37. Thomas W. Ennis, “Moves to Preserve Landmarks Pressed in U.S. and Abroad,” *New York Times*, October 19, 1964.
38. “Landmarks Bill Faces Revisions,” *Long Island Star Journal*, December 4, 1964.
39. Thomas W. Ennis, “2 Park Avenue Landmarks Saved from Razing,” *New York Times*, January 6, 1965; “Miracle on 68th Street,” (editorial) *New York Times*, January 8, 1965; Thomas W. Ennis, “Marquesa Saved Two Landmarks,” *New York Times*, January 14, 1965.
40. Thomas Buckley, “The Sledge Falls on Brokaw Homes,” *New York Times*, February 7, 1965.
41. “As the Wrecker’s Ball Swings,” (editorial), *New York Times*, March 15, 1965.
42. Thomas W. Ennis, “Landmarks Bill Goes to Council,” *New York Times*, March 24, 1965; Seymour Boyers, “City Landmarks Bill,” (letter to the editor), *New York Times*, March 27, 1965.
43. Thomas W. Ennis, “Landmarks Bill Signed by Mayor,” *New York Times*, April 20, 1965; Margot Gayle interview.

44. "A Landmark Law," (editorial), *New York Times*, April 27, 1965.

## THE COMMISSION ESTABLISHED (1965-1973)

### Early designation and regulatory efforts; legal challenges and setbacks

When Mayor Wagner signed the landmarks bill into law on April 19, 1965, New York City joined about fifty municipalities with commissions that could designate and regulate landmarks and historic districts. But unlike Charleston and New Orleans whose commissions were empowered to protect properties within a particular set of boundaries defining historic districts that were set forward in the specific local legislation, New York had much broader and more encompassing language and potential power in its law. To quote Harmon Goldstone: “The Landmarks Preservation Law transformed the process of landmark preservation from a series of hysterical skirmishes among aroused private citizens into an integral part of city government.”<sup>1</sup>

The law itself contained two essential parts. The first added a provision to the New York City charter that established the Commission, stated its composition, and how members were to be appointed. It also established the position of executive director to serve the Commission. Unlike the advisory commission with its twelve members, the permanent commission was to have eleven members, with a balance between representation from each of the five boroughs of the city and representation of various areas of expertise: three architects, one historian in the field, one planner or landscape architect, one member from the real estate industry. The Fine Arts Federation was authorized to review and recommend appointments.<sup>2</sup> This careful balance was meant to ensure that politics did not exert undue influence on the commission's decision making. All commissioners were appointed by the mayor, subject to approval by the city council, and they served overlapping three-year terms.

In addition to establishing the Commission, the charter allowed the Commission to designate landmarks and their associated landmark sites and historic districts and to regulate such properties once designated. Despite the precedents of historic districts in Charleston and New Orleans, the drafters of the New York landmarks law were more concerned with potential individual landmarks. The idea of historic districts “came almost as an afterthought,” even though residents of Greenwich Village and Brooklyn Heights were keenly interested in the preservation of their communities as historic districts.<sup>3</sup>

The second part of the law was contained in the administrative code. It set forth a statement of public policy as to why it was essential to designate and protect landmarks. But most of the

administrative code deals with processes and procedures for public hearings, designations, and regulatory actions including the so-called hardship provisions that could be invoked in the case of properties that were not generating a specified return (six percent) on the owner's investment. It can be presumed that it was the development of these processes and procedures that proved so time-consuming when the law was being drafted.

While the advisory commission had put forward a detailed list of criteria to use when making its survey and compiling its list of potential landmarks, as quoted in the previous chapter, the law as adopted was both elegant and broad in its criteria statement, a formulation which has proved to be a mixed blessing to the Commission through its history. To be designated, a landmark must be located within the municipal boundaries of New York City (any of the five boroughs). A landmark is defined as a "building, structure, place, work of art, or other object . . . which is thirty years old or older, which has a special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state, or nation." A historic district is defined as "any area which contains improvements which have a special character or special historical or aesthetic interest or value and represent one or more periods or styles of architecture typical of one or more eras in the history of the city; and cause such area, by reason of such factors, to constitute a distinct section of the city."<sup>4</sup>

The real estate community saw the landmarks law as a potential threat to development and worried that designations could take place at any time, thwarting the interests of property owners. To address these concerns and to get the law passed, the Commission was initially empowered to hold public hearings on items for designation over the course of eighteen months, although the law did not state whether the Commission had to act during that time period. After the first hearing cycle, the Commission would have to wait three years before beginning a new round of hearings, and at that time the hearings could only be held over a period of six months. The three-year interval was intended to give developers more certainty about potential landmarks and allow them time to acquire property without fear of designation.<sup>5</sup>

The Commission was empowered to make designations, setting forth its reasons for each designation in a report. The report was to be forwarded to the Board of Estimate, at that time the final elected authority on land-use matters in the city government.<sup>6</sup> The board would have ninety working days to affirm, modify, or deny the designation, although the regulatory provisions of the law would take effect immediately after the Commission's vote. If the board did not act, the

designation would stay in place by default.

Despite the work of the advisory commission and the approved legislation, no landmarks could be designated until a permanent commission was in place and public hearings were held on potential landmarks. As the *New York Times* fussed in an editorial over a month after Mayor Wagner had signed the bill: "No official designation of buildings and areas are to be protected until the permanent Landmarks Preservation Commission is appointed. The Mayor must do this—by confirming or changing the commission's temporary membership. Until he does, the wheels of bureaucracy grind and the wrecker's ball swings."<sup>7</sup>

The press and at least some of the public felt a great sense of urgency. The Commission, still chaired by Geoffrey Platt who in fact was reappointed in that capacity by Mayor Wagner, wanted to get it right. After the council approved the bill on April 6, 1965, Councilman Boyers told Platt, "We gave you the law. Now you have to go out and make it work."<sup>8</sup>

Frank Gilbert, a young attorney who had been on the staff in the City Planning Department, under the Planning Commission, had spent much of the spring 1965 state legislative session in Albany. He joined the LPC staff as executive secretary that July, and remembers a very busy time organizing procedures to get the eighteen-month hearing cycle in motion for September. Finding the correct property owners, establishing landmark sites related to legal property descriptions, giving proper legal notice, meeting advertising requirements—all technicalities, but technicalities that could invalidate a designation if not carried out properly. Gilbert, Platt, and their colleagues wanted to get the machinery set up to carry the Commission into the future.<sup>9</sup>

The first permanent Commission consisted of a substantial number of carry-overs from the advisory commission with the addition of several new members. The press release announcing the first public designation hearing on September 21, 1965, contained the list of commissioners and their qualifications or backgrounds: Geoffrey Platt, chairman and architect, from Manhattan; Stanley B. Tankel, vice chairman and planning director, Regional Plan Association, from Manhattan; Samuel J. Lefrak, Lefrak Organization, realtor, from Queens; Russell Lynes, managing editor, *Harper's Magazine*, from Manhattan; J. Clarence Davies, realtor, from Manhattan; L. Bancel Lafarge, architect, and Columbia University faculty member, from Manhattan; Loring McMillen, vice president, Staten Island Historical Society, from Staten Island; Frederick J. Woodbridge, architect, from Manhattan; Juliet Bartlett, Women's City Club, from Manhattan; William R. Fisher, former president of the Brooklyn Heights Association, from

Brooklyn; and Helen (Mrs. Roderic B.) Swenson, director of the Riverdale Community Planning Association, from the Bronx.

The Commission held four public designation hearings, one per month, through the end of 1965. Everything on the agendas had come out of the work of the advisory commission under Van Derpool's and Platt's guidance. Each item on the first hearing calendar was a property that was considered to be threatened in some way, and most had been discussed in the press. All five boroughs were represented. From Brooklyn were the Pieter Claesen Wyckoff House; the Commandant's House in the Brooklyn Naval Yard; the U.S. Naval Hospital in the Brooklyn Navy Yard; and the Boathouse on the Lullwater in Prospect Park. Queens was represented by the eighteenth-century Kingsland Homestead. Manhattan, beginning a tradition which has continued to prevail, had the greatest number of items: the Old Merchant's House; the Stuyvesant-Fish House; the 51 Market Street House; the Salmagundi Club; the four surviving town houses of A. J. Davis's LaGrange Terrace on Lafayette Street; the J. P. Morgan, Jr. House; the Leonard Jerome House (Manhattan Club); the Astor Library; the E. V. Haughwout Building; the Friends Meeting House on Gramercy Park; the Metropolitan Opera House on Broadway and 39th Street; and the U.S. Custom House on Bowling Green. The Old Bronx Borough Hall was the sole item from that borough, while Staten Island was represented by the four Greek Revival buildings and chapel of Sailors Snug Harbor, and the New Brighton Village Hall.<sup>10</sup>

The October 19 hearing, aside from items that were continued from the September hearing, put forward a long list of noteworthy properties in lower Manhattan, extending geographically from the Battery to the Lower East Side. Surviving late eighteenth- and early nineteenth-century buildings were heavily represented as well as such classic New York icons as the New York Stock Exchange, J. P. Morgan and Company, the Woolworth Building, St. Paul's Chapel, and Trinity Church.

The Commission had made its first designations two days earlier on October 17, 1965. As if to symbolize its representation of the entire city, it designated items from each borough: the Pieter Claesen Wyckoff House, Kingsland, Old Bronx Borough Hall, the buildings at Sailors Snug Harbor, and the Old Merchant's House, LaGrange Terrace, and the U.S. Custom House in Manhattan. At the time of the designation, Platt stated that the law enabled the Commission to evaluate the buildings in terms of historic and architectural merit. He noted, "The law does not enable us to take into consideration at this time the problems of individual property owners. The

commission expects to work with an owner on his problems after a building has been designated.”<sup>11</sup>

Then, reflecting the keen interest in and pressure for historic districts, the Commission held its November hearing on the Brooklyn Heights Historic District, designated a few weeks later on November 23, 1965 (essentially taking the documentation that had been compiled for the National Historic Landmark listing).<sup>12</sup> In December, the Commission held a hearing on a Greenwich Village Historic District, although not with the boundaries that were ultimately adopted.<sup>13</sup>

John V. Lindsay, a liberal Republican who was from the so-called "silk stocking district" of the Upper East Side of Manhattan, had won the mayoral election that November. He succeeded Robert Wagner on January 1, 1966. Lindsay left Platt in place as chairman of the Landmarks Commission, a testament both to its apolitical stance as well as its untested power. There was no political patronage value in appointing a supporter to an unsalaried position heading an agency with a miniscule operating budget.

The Commission continued its ambitious monthly public hearing calendar, moving through the boroughs and the eras of the city's architecture. Examining the hearing calendars, one sees that most items had been anticipated in the earlier work. But there were a few surprises, foremost among them the pressure to create historic districts.<sup>14</sup> Thirty-four potential historic districts were heard during that first eighteen months: Charlton-King-Vandam, Sullivan-MacDougal Gardens, Sniffen Court, St. Mark's, Gramercy Park, Chelsea, Turtle Bay Gardens, Cobble Hill (Brooklyn), Audubon Terrace, St. Nicholas Terrace, Bloomingdale (West 105th-106th Street), Amboy Road (Staten Island), Upper East Side, Carnegie, Richmondtown (Staten Island), East 79th Street, Hunters Point (Queens), Mott Haven (Bronx), Mount Morris Park, Hamilton Heights, Henderson Place, Park Slope (Brooklyn), Bedford-Stuyvesant (Brooklyn), Boerum Hill (Brooklyn), Carroll Gardens (Brooklyn), West 74th Street, West 76th Street, Treadwell Farms, Riverside Drive (West 76th and 77th Streets), DePeyster (West 107th and Riverside Drive), Pomander Walk, North Chelsea, Clinton Hill (Brooklyn), North Boerum Hill (State Street, Brooklyn).

More hearings were held on Greenwich Village historic district proposals. One proposal was for a large, continuous district. The other was for a series of smaller, non-contiguous sub-districts, that would exclude heavily altered properties or properties that were thought not to fit in to the historic character of the Village, thus avoiding potential lawsuits, plus twenty-eight

individual houses.<sup>15</sup>

Some of these district proposals were generated by the Commission and its small staff, many of whom had worked for the predecessor advisory commission. Many of the proposals came from local neighborhood groups who saw a district as a way of ensuring prestige, stability, and protection against development pressures.

Late in 1965, James Van Derpool tendered his resignation as executive director, citing health reasons.<sup>16</sup> Van Derpool generally let Platt be the public face of the Commission. According to Margot Gayle, he was reluctant to promote the Commission, feeling that promotion was not "genteel." He had a great love for the "very early stuff," the Georgian, Federal, and Greek Revival architecture. But she does credit him with his advocacy for the Haughwout Building, which he dubbed the "Parthenon of cast-iron buildings."<sup>17</sup>

Van Derpool was succeeded as executive director by architect Alan Burnham, editor of *New York Landmarks*, who was considered the leading expert on the city's historic architecture. Burnham, a graduate of Harvard College and Harvard School of Architecture, was somewhat of an anomaly among his architectural peers. Although trained by modernists, he had acquired a love of classical and Beaux-Arts architecture, particularly the work of Richard Morris Hunt, and set out to learn as much as he could, acquiring an impressive collection of books and other materials pertaining to New York City and its architecture.

By the time the Commission concluded its first eighteen-month hearing schedule in March 1967, it had heard 636 or 637 items, and had designated 219 landmarks and eight historic districts. Almost all of the designations, with the notable exception of several cemeteries and graveyards and a few other miscellaneous buildings, as well as the historic districts, were cited in the New York Landmarks Index. They ranged in date from the Pieter Claesen Wyckoff House in Brooklyn, called the oldest surviving building in New York City, to the Clarence Dillon House, 124 East 80th Street (1930), Manhattan, one of a group of four houses designed in the English neo-Classical style. The group included prominent public buildings like the U.S. Custom House, Federal Hall, the Federal Reserve Bank, Brooklyn Borough Hall, City Hall, the Municipal Building, the New York County Courthouse, the Surrogate's Court, and the Seventh Regiment Armory. Many of the city's most notable churches were designated including St. Paul's Chapel, Trinity Church, St. Peter's Roman Catholic Church, Flatbush Dutch Reformed Church, St. Patrick's Cathedral, Old St. Patrick's Cathedral, Marble Collegiate Reformed Church, and St.

Mark's in the Bowery. Cultural institutions included the Brooklyn Museum, the Metropolitan Museum of Art, the New York Public Library, Low Memorial Library at Columbia University, the American Museum of Natural History, and Carnegie Hall. There were few commercial buildings with the exception of the E. V. Haughwout Building, the First National City Bank, the Morgan Guaranty Trust Company Building, the Flatiron Building, and Grand Central Terminal. Other designations included house museums, a handful of clubs and hotels, and some institutional buildings. There were no private homes designated outside of the historic districts.

The majority of landmarks and districts were in Manhattan, where the Commission enjoyed the greatest support and could make the strongest case for designation of buildings that were generally accepted as monuments or of great historic importance. Public and political support in the other boroughs, except for the proposed districts in Brooklyn, was harder to come by. Quite a few of the early designations were of buildings owned by the city itself, although the Commission's regulatory jurisdiction was only advisory.<sup>18</sup>

The Commission had moved cautiously, trying to avoid vetoes by the Board of Estimate. In the case of two properties on Staten Island—the Alice Austen House and the F. Bredt House—designations were withdrawn from the Board of Estimate agenda before the Board of Estimate could vote on them. Both were eventually designated; the Alice Austen House in 1971 and the Bredt House as the McFarlane-Bredt House in 1982. Also in a number of cases, such as the Woolworth Building and the New York Stock Exchange, it held repeated hearings while holding informal meetings with owners and their lawyers. The Woolworth Building was finally designated in 1983 and the New York Stock Exchange in 1985.

In other instances, some endangered properties were considered to be too important for the Commission to delay action, even in the face of owner opposition and legal threats. This was certainly the case with the buildings at Sailors Snug Harbor, the Jerome Mansion, the Morgan House, all designated in 1965, and Grand Central Terminal, which was designated in 1967.

### *Making the case for designation*

The early designation reports themselves were brief documents, one or two pages at most, for individual buildings, although they set a basic standard for format which the Commission has continued to follow. The report listed the name of the landmark, its address, and its landmark site, usually the associated tax map block and lot. It also listed the identifying number (LP

number) and designation date. A synopsis of public hearing dates and testimony followed.

The body of the report, titled "Description and Analysis," gave a brief history of the property and people and/or organizations associated with it, discussed the architectural background and characteristics, and described the property. Much of the background research, as well as some of the preliminary writing, had been compiled by the staff of the advisory commission as it made its survey and compiled its lists. That research and descriptive information was recorded on Historic American Building Survey property identification sheets, the only formal recording system available at the time, following the precedent of those who compiled the Index of Architecturally Notable Structures in Greater New York. This work predated the establishment of the National Register of Historic Places and its nomination form in 1966.

Some of the Commission's early designations like the MacDougal-Sullivan Gardens and Turtle Bay Gardens Historic Districts, as well as Amster Yard, all in Manhattan, seem to have been made because of strong positive pressure on the part of the owners and the desire of the Commission to make designations that would be successful. The properties of the two historic districts had been redesigned in the 1920s around common rear gardens to make them more stylish. The three buildings of Amster Yard had been similarly redesigned around a common courtyard in 1945, and renamed for its owner. In retrospect, the language of the designation reports seems very strained, as they strive to make a case for significance based on the nineteenth-century history of the buildings of all three areas. It would take another twenty years for these properties to be appreciated for the merits of their twentieth-century redesigns.<sup>19</sup> Ironically though, the value of the landmarks law was proved by its exercise in the 1960s. If the buildings had not been designated then, they might not have survived essentially intact to be appreciated for what they are, although the case of Amster Yard has proven to be more complex.<sup>20</sup>

To achieve certain designations, the Commission inserted "special language" in some reports, most notably in the reports for Trinity Church and St. Paul's Chapel. According to Frank Gilbert, Commissioner Woodbridge, an architect member of the Commission and its predecessor bodies, who had done work for Trinity Church (designing the Manning Wing at the west end, completed in 1966) was helpful in achieving those designations. The "special language" recognized that the church might have to make changes to the property at some point in the future to facilitate its mission. Certainly the compilers of the Index and the members of the predecessor advisory

commission in its criteria study recognized the significance of churches and other religious structures to the architectural heritage of the city.<sup>21</sup>

The last section of the report entitled “Findings and Designation” succinctly stated the reasons why the Commission was making the designation, and then made a statement of the designation. Unlike the designation hearings which were held in public in the Board of Estimate Chambers (“one of the most beautiful rooms in the United States” according to Goldstone) in City Hall, the designations were made behind closed doors in executive session in the Commission offices at 2 Lafayette Street and then after 1965, 305 Broadway.

### *Regulation: Process and Standards*

It was not enough to designate. Those who spent months drafting the landmarks law recognized that designation without appropriate regulation would ultimately be a meaningless action. The portion of the landmarks law contained in the administrative code anticipated that much of the commission's activity would deal with regulation, and precedents were few, despite the development of design review guidelines in communities like Charleston, South Carolina, and New Orleans. It set forth three kinds of permits to be issued by the Commission or its staff. Two of them were triggered by an application for a permit for work from the Buildings Department: a certificate of no effect on protected architectural features and a certificate of appropriateness to be issued after a public hearing before the full Commission. The third, a permit for minor work, was issued by the Commission staff for work that did not require a Buildings Department permit, that would nonetheless have an impact on the exterior of the building. The law contained definitions of the three kinds of permits as well as timetables for Commission action on each type.

While the law established the basic processes, it was up to the Commission and its staff to establish the standards. For day-to-day administration, the Commission set up an Operations Department, which was headed up by Michael Gold, a planner who had been recruited from the City Planning Department. While most of the designation work was overseen by Alan Burnham, the daily regulatory routine was largely the purview of Gold and Gilbert. If the public at large and perhaps many of the Commissioners themselves thought that designation would mean that landmarks would not be demolished, in fact, much of the regulatory workload and burden dealt with proposed changes to buildings in historic districts. Thus, the Commission quickly found out

how important it was to have the backing of a community when it made a historic district designation.

Regulation in historic districts, initially Brooklyn Heights, but soon joined by a small group of Manhattan districts, consisted largely of reviewing changes to residential properties, like facade repointing, painting, stoop rebuilding, as well as interior work that required Buildings Department permits to ensure that there would be no negative exterior impact. In addition, the Commission soon found itself reviewing commercial storefronts on Montague Street in Brooklyn Heights and similar projects. A notable exception was the application by the Jehovahs' Witnesses, a major Brooklyn Heights property owner, for a new building in the historic district. After much controversy and several proposals and redesigns, the Commission approved a new building on Columbia Heights by architect Ulrich Franzen. Completed in 1968, the Commission cited its approval in subsequent decisions to demonstrate its flexibility in relation to appropriate modern architecture.<sup>22</sup>

Another interesting case involved architecture, politics, and culture. The old Astor Library, on Lafayette Street, in the section of New York that is now called NoHo, was for many years the home of the Hebrew Immigrant Aid Society. The striking mid-nineteenth-century building had been identified in the early survey efforts and was the subject of a public hearing in 1965, despite the protests of the owners who wanted to sell the property. Theatrical impresario Joseph Papp, founder of the New York Shakespeare Festival who wanted a permanent home for his company, persuaded the city to buy the building, which had been designated shortly after its public hearing. The following year, Giorgio Caviglieri was hired to convert the building into a new home for the Papp company. While the exterior was essentially retained and renovated, the former reading room and related interior spaces were converted into three theater spaces. Little evidence of the reading room was retained, but the building found a useful new life.<sup>23</sup>

### *Landmarks and the Courts*

During this first period of urgent Commission activity, two very prominent and significant lawsuits were filed. The Manhattan Club, owners of the Leonard Jerome Mansion, which the Commission designated on November 21, 1965, challenged the designation. Because the club had entered into a contract to sell the property to an apartment house developer, it contended that the designation constituted a deprivation of property without due process of law and a taking of

private property without just compensation. It also asserted that the designation was arbitrary and capricious as the premises had “no real historical interest.” In New York State Supreme Court, New York County (273 NYS 2d 848, 1966), Judge Charles Marks sustained the designation, stating that “the architectural, historical and aesthetic value of the improvement was fully established, and the court may not substitute its judgment for that of the administrative agency.” Further the law was not confiscatory, as the club retained ownership of the building and there was no restriction on the use of the interior. Following this decision, the Manhattan Club applied in April 1967 for a Certificate of Appropriateness to demolish the building. Meanwhile the Commission had spent a year trying to find a buyer for the property. A public hearing was held on May 25, 1967, and a notice to proceed with demolition was issued on September 29, 1967, because the club had demonstrated “insufficient return” (hardship) and the time had run out.<sup>24</sup>

The Jerome Mansion was demolished, to be replaced by a rather nondescript office building. Its loss was regrettable, but those involved at the Commission felt that something very valuable had been gained. The legality of the designation was sustained, and the proceedings showed that the process worked.<sup>25</sup>

The second case involved the designation of the Greek Revival buildings at Sailors Snug Harbor. Frank Gilbert remembers that the lawyer representing Sailors Snug Harbor, Walter Pease, came to the Commission offices to show them plans for a new complex on the site. Pease threatened that if the Commission designated, the trustees would “lock the doors and let the buildings rot.” According to Gilbert, that was the wrong thing to say to James Van Derpool, a great aficionado of the Greek Revival style; the threat only furthered his determination to make Sailors Snug Harbor one of the first designations.

The trustees of Sailors Snug Harbor filed a lawsuit challenging the designation as arbitrary and capricious. While the trial court agreed, the decision was appealed and reversed in the Supreme Court, Appellate Division, 1968 (288 N.Y.S. 2d 314) but remanded for further testimony. This was the first appellate decision that deemed the city landmark law a valid regulation: “We deem certain of the basic questions raised to be no longer arguable. In this category is the right, within proper limitations, of the state to place restrictions on the use to be made by an owner of his own property for the cultural and aesthetic benefit of the Community.” But because the property was held by a charitable organization that could not legally realize a return on its property, it set forth a series of tests to determine if the law placed an undue burden

on the property. These were whether (1) the preservation of the building would seriously interfere with the use of the property, (2) the building was capable of conversion to a useful purpose without excessive cost, and (3) the cost of maintaining it without use would entail a serious expenditure. Because the city ultimately purchased the buildings and the larger site for use as an arts and cultural center, the specifics were never argued further in court, but the hardship tests for charitable organizations were put to use in the coming years.<sup>26</sup>

### *Federal Legislation*

While not directly involving the Commission, two other significant programs were put in place during this same period. The first of these was congressional passage of the National Historic Preservation Act of 1966 (Public Law 89-665). The law represented a shift in emphasis from preservation through federal ownership to the preservation of historic properties in private or non-federal ownership. The states were made direct recipients of federal matching grants-in-aid which they could transfer to local public and private organizations to benefit properties listed in the National Register of Historic Places. Section 101 (a) (1) of the act expanded the earlier created National Register of Historic Landmarks to include historic properties which were significant on a national, state, or local level. It also contained specific provisions for listing districts and structures. The states, in turn, named State Historic Preservation Officers and created State Historic Preservation Offices to administer the program of grants and National Register listings for properties in the states. Section 106 of the act provided for prior review of all federal actions affecting historical resources by the Advisory Council on Historic Preservation.

The expanded criteria for listing properties in the National Register reflected the awareness on a national level of the local importance of landmarks. The grants-in-aid program would prove useful in the future, while the Section 106 procedure would be invoked in several important New York City cases that would have major implications for the Commission's work.<sup>27</sup>

In the fall of 1967, James Marston Fitch presided over the first entering class of the graduate certificate program in historic preservation at the School of Architecture at Columbia University. Fitch had been teaching architecture at Columbia since the 1930s and preservation courses since 1964 and had published several important works on America's historic architecture. He saw a need to create an interdisciplinary program that would train professionals in a field that did not

then exist. To preserve and protect the nation's historic buildings and neighborhoods, trained professionals in historic preservation needed to draw on the strengths of a variety of disciplines: architecture, history, conservation, restoration, planning, and law. The "Fitch program" would rectify the situation, training a dedicated group of people who would eventually staff preservation commissions, state historic preservation offices, federal programs, not to mention numerous private enterprises that would promote historic preservation.<sup>28</sup>

### *The Goldstone Years*

By the fall of 1968, Geoffrey Platt wanted to step down as chairman of the Commission, but was willing to stay on as vice chairman. Harmon Goldstone was appointed as his successor in October, with a salary of \$20,000 per year. Goldstone, also an architect, was a member of the City Planning Commission and also had long-time associations with the Municipal Art Society (which urged Lindsay to appoint him). At the time of his appointment, the Commission had a respectable list of designated landmarks and historic districts, had won two important legal cases, and was building a good regulatory record. Nonetheless, during his first year, Goldstone presided over two very significant Commission actions.

The first of these was the designation of the Greenwich Village Historic District, after two years of detailed research by Alan Burnham, Rosalie F. Bailey, Ellen W. Kramer, and a dedicated group of volunteers. The community was adamant that only one large historic district would do, despite the incursions of new construction on the avenues. So the Commission determined to proceed that way. J. Lee Rankin, the city corporation counsel, advised the Commission that in the case of new construction, the designation report should describe the previous buildings on the sites as a way of explaining the historic nature of the sites.<sup>29</sup> The Commission was also anxious to lay the groundwork for compatible new buildings in the district on vacant lots or on the sites of buildings that they judged to be incompatible with the character of the district (an idea that would eventually be translated to "non-contributing" buildings to the district). Such buildings were described in less than flattering terms, that explained how they detracted from the district. This is the only historic district report adopted by the Commission that used such judgmental language. The preface of the two-volume designation report contains a detailed policy statement by Geoffrey Platt (originally prepared in 1966 and updated for the report) on how the Commission would approach alterations and the desirability of good modern

architecture in the historic district:

“Here are guide lines which will help the architect of new buildings in an Historic District. The architect should take into account his surroundings, including the adjoining buildings and those across the street and along the entire block front. The new building should relate well to its neighbors in terms of materials that are used, the architectural proportions, the size and shape of the windows and the details on the front of the building, . . . Essentially the most successful new design in an Historic District will be the simplest. The architects should avoid the use of too many different materials and the creation of bizarre effects.”<sup>30</sup>

On April 29, 1969, the Commission voted to designate the district with over 2,200 buildings and more than doubled its potential regulatory authority. The district was to provide the largest number of permit applications and some of the more challenging Commission decision-making for a number of years. One of the more interesting was the proposed demolition of the Women’s House of Detention, a fourteen-story Art Moderne style structure, designed by Sloan & Robertson. Faced in yellow brick with stone trim, it had been built adjacent to the Jefferson Market Courthouse in 1929. By this time, the courthouse had been converted to the Jefferson Market Library. The Women’s House of Detention, which had a notorious reputation in the neighborhood for the noise and disruption caused by the inmates, as well as general overcrowding and unsafe conditions, was closed by the City in 1971. Because the building was within the boundaries of the historic district, the Commission held a public hearing in July 1973 at the request of the Board of Estimate to solicit public opinion on the proposed demolition. Neighborhood sentiment was divided; no one wanted the original use to be returned but some thought that the building should be converted to another purpose, such as housing for the elderly. The Commission voted to support the demolition, but the ultimate decision was up to the Board of Estimate, which voted unanimously in favor of demolition.<sup>31</sup>

The second major action of 1969 was the Commission's denial of a permit for the construction of a skyscraper designed by Marcel Breuer Associates over Grand Central Terminal. The application was filed by a development group consisting of Morris Saady, a British builder acting through UGP Properties, Inc., Penn Central Company, the New York and Harlem Railroad Company, and the 51st Street Realty Corporation. The group had filed two different proposals, called Breuer One and Breuer Two, for Certificates of Appropriateness, and the Commission had held public hearings on both proposals in April and August 1969. Breuer

One would have cantilevered a fifty-five foot tower over the roof of the existing terminal. Breuer Two would have demolished all of the terminal except for the main concourse and built the tower around and over it. About 135 people spoke at the hearings in April. Because questions were raised about ownership and jurisdiction of the extent of the new design proposed for Breuer Two, the applicants asked for the rehearing in August.

On August 26, 1969, the Commission denied both proposals, calling the first “nothing more than an aesthetic joke; quite simply, the tower would overwhelm the Terminal by its sheer mass.” Significantly, the Commission commented that it had no rule against making additions to designated landmark buildings. “So long as they do not adversely affect the protection, enhancement, perpetuation and use of the architectural features of the Landmark in question, these changes will be favorably considered. Modern needs can be satisfactorily incorporated into Landmark-protected buildings.” The new Watch Tower building for the Jehovah’s Witnesses in the Brooklyn Heights Historic District was cited as an example of a contemporary building that “respects the qualities of its surroundings.”

The Commission denied Breuer Two Revised in part because it had no jurisdiction over interiors. Further it refuted the argument that the exterior was not worth designating in the first place, citing the public, deliberate, governmental process of designation. “Landmark designations are not made in the private, subjective domain. They are made by the City Government, acting in the public interest. The Landmarks Preservation Commission is a part of City Government. Its balanced, representative eleven-man [and woman] commission is officially appointed by the Mayor. Its designations are made by experts after careful research, after studied evaluations of the particular aesthetics and historical importance of each structure under consideration, and after a duly advertised public hearing. By law, all designations are subject to review by the City’s Board of Estimate. Confirmation by this body represents the acceptance, as a public responsibility, of a Landmark’s preservation in accordance with the provisions of the Public Law #45 of 1965. Grand Central is a duly designated New York City Landmark. . . . The Commission feels that it would be a ‘flagrant violation of the Commission's responsibility’ to approve the Breuer-Two proposal. ‘To protect a Landmark, one does not tear it down. To perpetuate its architectural features, one does not strip them off.’ The Commission further affirms that to demolish Grand Central Terminal, one of the great buildings of America, would mean the loss of an officially designated Landmark that ‘evokes a spirit that is unique in this

City.”<sup>32</sup>

Ten years later, speaking to a group of Commissioners and Commission staff at a day-long retreat and training session, Goldstone recalled the experience. The Commissioners were very nervous about their decision but also very sure that they were doing the right thing. The language of the denial was very carefully crafted to withstand legal challenges. Frank Gilbert had been equally concerned to “get the language right” in the original designation report.

The Commission's denial triggered a nine-year legal battle, *Penn Central Transportation Company v. The City of New York*, in which Penn Central challenged both the constitutionality of the Landmarks law and its application to the terminal, which is discussed in greater detail in the next chapter of this work.

The Grand Central proceedings also engendered complementary actions from the City Planning Commission and amendments to the Zoning Resolution, drafted by Norman Marcus, CPC counsel, that dealt with the transfer of development rights.<sup>33</sup> Before it was amended, a provision of the zoning resolution permitted the transfer of unused development rights between contiguous building sites held in common ownership. Because of the contiguous ownership requirement, its use in landmark situations was limited. An amendment in 1968 allowed the transfer across a street or intersection specifically to encourage landmark preservation through the transfer of air development rights. The definition of “adjacent sites” was expanded in 1969 to include “a lot which is across the street and opposite to another lot or lots which except for the intervention of streets or street intersections form a series extending to the lot occupied by the Landmark building. All such lots shall be in the same ownership.” In the Central Business District a receiving lot could receive an unlimited percentage of increased FAR (floor area ratio). The amended provision is numbered 74-79 and titled Transfer of Development Rights from Landmark Sites. The Landmarks Commission must actually apply to the Planning Commission for a Special Permit to transfer the development rights. The application must be accompanied by a report that comments on the required provision of a program for continuing maintenance which will result in the preservation of the landmark, and the relationship between the landmark building and the new building to ensure that it is “harmonious” in terms of “materials, design, scale and location of bulk.” The Planning Commission must vote to approve the Special Permit for the transfer of development rights.<sup>34</sup>

With the decision on Grand Central behind it, at least temporarily, the Commission began to

prepare for its next cycle of designation hearings, this one only six months long, between February and July 1970. But it actually managed to hold seven hearings by scheduling two for the month of March. The majority of items had been heard in 1966-1967 but not acted on, either because of owner opposition or reluctance or because of insufficient resources to prepare the designation reports. The latter was particularly true of the historic districts. Jumel Terrace, Chelsea, Bedford-Stuyvesant, Carroll Gardens, Park Slope, Mount Morris Park, Carnegie Hill, Boerum Hill, and Bloomingdale were all reheard. A new entrant to the historic district proposals was the Cast Iron Historic District in the SoHo section of lower Manhattan, heard with two different boundaries.

Among the unusual new candidates considered for designation at public hearings and subsequently acted upon, were the Magnolia Grandiflora in Bedford-Stuyvesant, the second tree designated by the Commission; and the Hunterfly Road Houses, modest survivors of a community of free blacks called Weeksville, in Brooklyn. The Commission was sensitive to charges of elitism and excessive Manhattan orientation, so was often happy to act on properties that expanded its purview.

The Commission also faced with new regulatory challenges in an effort to deal with the heightened real estate development climate of the late 1960s and early 1970s, especially in lower Manhattan. Schermerhorn Row, along Fulton, John, and South Streets in the South Street Seaport, had been designated in 1968 at an emergency meeting to keep the buildings from being demolished. The city acquired the buildings, and development rights were sold to private owners of adjacent properties.<sup>35</sup>

A nineteenth-century building on the site of the first city hall of New Amsterdam, the Stadt Huis, at 71 Pearl Street, was also designated in 1968. But the building was included in a large development site acquired to construct an office building for the Lehman Brothers investment firm. After a public hearing for a certificate of appropriateness,<sup>36</sup> the Commission agreed to let the building be dismantled for later reconstruction on a site in the South Street Seaport area and mandated that an archaeological investigation be undertaken. Evidence of the early Dutch presence was discovered, and the bricks from the facade of the building were stored on a South Street Seaport pier.<sup>37</sup>

On the west side of the island, in the Washington Street Urban Renewal Area, stood a group of five iron-fronted buildings designed by James Bogardus, the father of cast-iron architecture in

the United States, and nine Federal period town houses, two of them by John McComb, one of the architects of City Hall. The houses were notable because they were only two and a half stories high and retained their original rooflines and dormers. The whole area was slated for demolition and redevelopment. Working with the city's Housing and Redevelopment Administration and the federal Department of Housing and Urban Development, the Commission devised a scheme that would designate all the buildings as landmarks and allow for their reuse. The cast-iron buildings were all recorded through photographs and measured drawings by students at Columbia University under the direction of Charles Petersen and James Marston Fitch and subsequently dismantled in 1971 according to specifications devised by Winston Weisman, a professor at Pennsylvania State University and a specialist in American cast-iron architecture and the origins of the skyscraper. The justification for the dismantling was that these were early prefabricated buildings that were intended to be easily assembled and disassembled. The pieces were to be incorporated in a new design for Manhattan Community College that was going to go up on a site close to the original location of the buildings. Unfortunately, the Community College project was delayed, and the pieces were stored in an open lot at Washington and Murray. Four years later many of them were stolen for scrap metal.<sup>38</sup>

Of the nine town houses, some of them were retained on their original sites on Harrison Street, while others were moved from Washington Street to fill in the gaps with the Harrison Street group. All had been used as warehouses or for light industry for at least 100 years, and all had altered ground floors to allow these uses. As part of the urban renewal project, plans were made to incorporate the group into the Independence Plaza housing project. All interior features were to be removed, essentially creating empty shells, and historically appropriate exterior ground floors were to be recreated. Then the buildings were to be sold, and the new residents could create their own interior spaces. The restoration work was carried out by the firm of Oppenheimer & Brady.

In retrospect, it is interesting to note that the identification of Washington Street as an urban renewal area predated the federal Historic Preservation Act of 1966 and the Section 106 process. Even though the federal Department of Housing and Urban Development was involved in the discussions of how to “save” the buildings, there was no referral to the Advisory Council, perhaps because the approvals were “grandfathered.” Also the work on the Harrison Street houses predated the development of the Secretary of Interior's Standards for Historic

Preservation by almost a decade. The reconstruction of the ground floors was more reminiscent of early twentieth-century preservation efforts than the more layered approach of the Secretary of the Interior's Standards. In fact Michael W. Gold, director of preservation for the Commission, stated before designation: "This group of six houses on Washington and Harrison Streets, *if restored*, will be the strongest statement of Federal times in the City."<sup>39</sup>

Goldstone was very interested in public relations and in generating a good image for the Commission. In this he was assisted by Martha Dalrymple, who had worked for Nelson Rockefeller. They secured funding from the Schaeffer Brewing Company for a pamphlet-sized *Guide to New York City Landmarks*, published in 1969 and 1971.<sup>40</sup>

By 1972, changes were in the works for the Commission. The Municipal Art Society was exerting its influence on Mayor Lindsay and members of his administration, as well as the City Council, to change the landmarks law to remove the three-year moratorium on public designation hearings. The Grand Central proceedings also brought renewed public attention to the lack of Commission jurisdiction over interior spaces. The lack of interior jurisdiction had been the basis of the Commission's denial of the designation of the Metropolitan Opera House in 1967. Furthermore, while the Commission could and had designated cemeteries, it lacked the authority to designate public parks as scenic landmarks. This inadequacy was particularly apparent when the Metropolitan Museum of Art, located in a designated building situated in Central Park, brought forward a series of proposals for expansion. Despite community concerns about park encroachment, the Commission could only comment on the appropriateness of the design. Furthermore, because the city owned the museum buildings, the Commission could only issue a report, not a certificate of appropriateness, on the proposed design. And the report was not published in the *City Register*, the official record of municipal hearings and actions.<sup>41</sup>

Late in 1972, Goldstone submitted a statement on the work of the Landmarks Preservation Commission to Mayor Lindsay. Lindsay replied in a letter dated December 22. "The record of the last seven years is very impressive. Indeed, you have taken the words of a unique law, whose import could not be known, and have created a national model for dozens of municipalities throughout the nation.

"In reviewing the Commission's work since 1965 I am struck by the industry and judiciousness of its members and staff. Particularly in recent years, when funding has been less than we would have liked, you have managed to continue work at a superior level of operations. .

“As you well know, I am most interested in the new approaches the Commission is presently formulating. The proposal to regularize the hearing schedule seems especially attractive, in view of public demand and private pressure for designation. We must of course continue to be judicious in our approach to designation of both landmarks and historic districts, but in view of the Commission's extraordinary record, such a standard should not be difficult to maintain.

“My staff has been discussing appropriate ways to proceed on this and several other matters raised in your report. Over the past several months, we have met . . . with proponents of a revised Landmarks law in informal gatherings. I would hope these meetings can proceed and that public debate can take place throughout the City. At that point, I think, we shall be confident of a more responsive Law, geared more closely to the needs of New York City in the 1970's.”

In light of Lindsay's letter to Goldstone, the appearance of a series of articles by Roberta Brandes Gratz in the *New York Post* during the second week of January 1973, criticizing the Commission, was quite painful for the Commission and its staff.<sup>42</sup> The Commission was taken to task for being too timid in its designations, not designating in the face of owner opposition, imposing an informal moratorium on new designations, supposedly due to lack of staff and other resources, insisting on holding new hearings in 1970 on items on which it had not acted the first time around (and presumably it was planning to do the same in 1973), and similar complaints. The designation hearing moratorium was soundly criticized, although it was known that changes were being proposed. One of those quoted most often in the articles was Kent Barwick, the executive director of the Municipal Art Society. The MAS had taken a key role in drafting the changes to the law, under the leadership of Whitney North Seymour.<sup>43</sup>

Barwick knew that his comments had come out more critically than he would have wished. In a letter received by Goldstone on January 17, 1973, Barwick wrote: “I hope you will understand how much it pains me to find myself in a public position which will seem to some to be critical of the Landmarks Commission. I wrestled with my soul for some time before saying anything to Ms. Gratz and then stressed with her my genuine conviction that we needed stronger legislation. I trust the series now running will in its remaining chapters note the many accomplishments of the Commission and its staff and I hope that the long range effect of this presumably well-intentioned coverage will be beneficial both to the Commission and the City.”

He also enclosed a copy of the letter he had sent to Dorothy Schiff, the editor and publisher

of the *Post*. While he commended the *Post* for the series, he noted that the picture it presented of the Commission was somewhat unbalanced. “While some of the criticisms voiced in the series may be justified, it is well to keep in mind what has been done and by whom. Under the leadership of Harmon Goldstone and his predecessor, Geoffrey Platt, the Commission's staff and unsalaried Commissioners have worked hard, often heroically, on behalf of the City's architectural treasures. In the last few years the New York Commission has become a model for the nation because significant buildings have been saved in the face of overwhelming odds, because it has taken the time and trouble to find new uses for potential white elephants and because of those in government and in the private sector who have it within their power to shape the physical environment of New York City without losing too much sleep over possible censure by the New York Post or the Municipal Art Society. These are not small accomplishments. They should be recognized not as a defense of the status quo, but as essential groundwork in the development of a more effective preservation program.

“The critical question now for both the Commission and its critics is how to grow constructively to meet the needs of this city. It is obvious to all concerned that more sensible legislation is in order. . .

“Equally important is the question of funding. It is neither possible nor responsible for the Commission to undertake even a barely adequate preservation program without adequate staff to research proposed designations and properly police those buildings and districts already designated. . . .”<sup>44</sup>

The Municipal Art Society sponsored the formation of two new advocacy groups in 1973. The first was the Historic Districts Council, consisting of representatives of the various historic districts who needed a forum and a common voice to express their concerns. The organization continues to be a strong voice for designation and preservation issues throughout the city.

The second was the New York Landmarks Conservancy, established specifically as a group to raise and administer funds for historic preservation purposes, especially building rehabilitation rather than programs. It was also empowered to accept preservation easements on historic properties. This advocacy group eventually expanded its scope throughout New York State.

A number of administrative changes had been made at the Commission in 1972 and 1973, in part to meet the increased demands for designation and accompanying need for more staff assistance with regulation. Alan Burnham was shifted into a new position and given the title of

Director of Research. The Operations Department was renamed the Preservation Department, and Michael Gold was made the Director of Preservation. Frank Gilbert was named the Executive Director. Procedures were put in place to hold a civil service examination for new staff positions, and temporary funding was secured from the New York State Council on the Arts to hire a group of graduate students to finish research and prepare designation reports for the pending historic districts. As a result, Park Slope, Carroll Gardens, and Boerum Hill in Brooklyn and Riverside-West 105th Street (heard as Bloomingdale) in Manhattan were designated as historic districts. The Cast Iron Historic District, was designated with the larger set of boundaries that the Commission had heard in 1970 as the SoHo-Cast Iron Historic District, recognizing a relatively new name that had been given to that section of the city. It was the city's first large-scale commercial/industrial historic district and brought a new set of regulatory challenges.<sup>45</sup> Following the establishment of a civil service list, the newly hired staff were put to work in the Preservation Department. The Research Department had a much lower priority, because the Commission thought that most of what could and should be designated had already been done or soon would be done.

Mayor Lindsay kept his promises to Goldstone on supporting amendments to the law. The revisions drafted by the Municipal Art Society were submitted to the Corporation Counsel for review. Then the legislation was introduced by Councilman Thomas Cuite. Hearings were held, and the Landmarks law was amended in 1973, with the revised provisions to go into effect the following year.

That November, Abraham Beame, the city comptroller, won the mayoral election. While Lindsay was something of a maverick and had run as an independent for his second term, Beame was a long-time member of the Democratic Party establishment, and not a part that was connected to the Municipal Art Society and its concerns. What his mayoralty would mean for the Landmarks Commission was unknown.

Goldstone submitted his resignation, effective December 31, 1973, as a matter of courtesy, but he expected that it would be refused. After all, the Commission had spent eight years being a non-partisan agency which, by that time, seemed to enjoy wide public support. On the morning of December 31, he read in the *New York Times* that he would not be re-appointed and that the new chairman of the Commission would be a planner named Beverly Moss Spatt.<sup>46</sup>

Ever the gentleman, Goldstone came to the Commission and took the staff who were in the

office that day out to lunch. He thanked them for their work, told them how much he appreciated their contributions, and urged them to give Mrs. Spatt their support. The first era of the Landmarks Commission had come to a close.

## Notes to Chapter 2

1. Harmon H. Goldstone and Martha Dalrymple, *History Preserved: A Guide to New York City Landmarks and Historic Districts* (New York: Simon and Schuster, 1974), 20. Michael F. Wiedl III, "Historic District Ordinances," *Connecticut Law Review* 8 (Winter 1975-1976): 209-230, presents a useful overview of ordinances that are district-specific versus ordinances with broad powers.
2. The Fine Arts Federation, an organization composed of representatives from a variety of organizations devoted to art, architecture, planning, and historic preservation, was established in 1895. It was mandated by the City Charter of 1898, which established Greater New York, to recommend appointments to the newly established Art Commission. Consequently, it made sense to expand its mandate to recommend appointees to the Landmarks Preservation Commission.
3. Goldstone and Dalrymple, 22.
4. The Landmarks Preservation Commission was established as Local Law 46 of 1965 of the City of New York and contained in Chapter 63 of the Charter of the City of New York and Chapter 8-A of the Administrative Code.
5. Thomas W. Ennis, "Landmarks Bill Goes to Council," *New York Times*, March 24, 1965. In retrospect, Geoffrey Platt saw the time interval as helpful to the Commission, "because it was absorbing an awful lot of material. . . That gave the Commission a chance to pull itself together." Anthony C. Wood, "Pioneers of Preservation: An Interview with the first Chairman of the Landmarks Preservation Commission, the Late Geoffrey Platt," *Village Views* 4, no. 1 (Winter 1987): 15.
6. The Board of Estimate was composed of the Mayor, the Comptroller, and the City Council President, elected city-wide officials, each of whom had two votes; and the five borough presidents, elected by the residents of the borough, each of whom had one vote.
7. "Still the Wrecker's Ball," *New York Times*, May 27, 1965.
8. Interview with Frank Gilbert, November 4, 2000.
9. Gilbert interview. Platt in his interview with Wood remembers City Council President Ross (sic) saying, "We've given you this power, now you administer it." (15) Paul R. Screvane was the City Council President in 1965.
10. All the Brooklyn items were eventually designated and survive in varying states of repair. Kingsland Mansion was designated and then moved to a new site. It is now a house museum. Of the Manhattan items, all except the Metropolitan Opera House (demolished in 1967 after the Commission denied designation in 1966; only the exterior had been considered for designation) were designated, either individually or a part of a historic district, although the Jerome Mansion was demolished after hardship proceedings. The Old Bronx Borough Courthouse was designated, but demolished after a fire. The buildings at Sailors Sung Harbor were designated and eventually acquired by the city. New Brighton Village Hall, although designated, eventually suffered a long and painful deterioration after failed renovation schemes under several owners. It was finally demolished in 2004. Platt recalled the first hearing in his interview with Wood: "On it we had every major threatened building. . . We took on some really tough ones." Wood, Platt interview, 24.
11. Farnsworth Fowle, "First Official Landmarks of City Designated," *New York Times*, October 18, 1965.
12. "Otis Pratt Pearsall's Reminiscences of the Nine Year Effort to Designate Brooklyn Heights as New York City's First Historic District and its First Limited Height District," *Village Views* 7 no. 2 (1995): 17-18, explains how the information was transferred to the Commission.
13. Edith Evans Asbury, "Villagers Plan Landmark Battle," *New York Times*, December 9, 1965; Thomas W. Ennis, "Villagers Score Landmarks Move," *New York Times*, December 10, 1965.

14. Goldstone and Dalrymple, 22. “But much to everyone’s surprise, after the law was enacted and the Commission set up, pleas came from all over the city for designation not only of individual Landmarks, for which the Commission was prepared, but also of many more Historic Districts than had ever been anticipated.”
15. Wood, Platt interview, 28, discusses the controversy over the Greenwich Village Historic District boundaries; Thomas W. Ennis, “Landmark Panel Arouses ‘Village,’” *New York Times*, December 9, 1966.
16. Thomas W. Ennis, “Director of Landmarks Quits on Advice of Physician,” *New York Times*, November 24, 1965.
17. Interview with Margot Gayle, March 10, 2000. See also, Sherwin D. Smith, “The Great Landmarks Fight—Private Loss vs. Public Gain,” *New York Times Magazine*, March 27, 1966, for an assessment of Van Derpool.
18. With each group of designations, the Commission issued a designation list. In 1987, the editors of *Village Views* compiled a listing of designations by boroughs and years. “Landmark Designation in Chronological Order 1965-1986,” *Village Views* 4 no. 1 (Winter 1987): 45-68. The third and fourth editions of the *Guide to New York City Landmarks* (New York: John Wiley and Sons, 2004, 2009) have listed the year of designation with each entry
19. Andrew S. Dolkart, *The Row House Reborn: Architecture and Neighborhoods in New York City, 1908-1929* (Baltimore and London: Johns Hopkins University Press, 2009) is a recent analysis of this phenomenon.
20. Amster sold the development rights to the property in 1980, which enabled the construction of a large office building at the corner of Third Avenue and East 49th Street. The concept and application of transferable development rights (TDR) is discussed in the next chapter. Following Amster’s death, the property was sold to the Instituto Cervantes, which undertook a major renovation. Because of structural problems, the foundation walls partially collapsed and major reconstruction ensued. Tina Kelley, “A New York Landmark in Rubble: Preservationists Protest Demolition at Amster Yard,” *New York Times*, May 21, 2002. David W. Dunlap, “Illusion in a Midtown Courtyard, Landmark Keeps More Its Spirit Than Its Structure,” *New York Times*, September 22, 2003.
21. Although not in the contemporary record, Trinity Parish may have been remembering its difficulties with St. John’s Chapel some sixty years earlier. See Randall Mason, “The Preservation and Destruction of St. John’s Chapel,” in *The Once and Future New York: Historic Preservation and the Modern City* (Minneapolis: University of Minnesota Press, 2009). The “special language” used in the Trinity Church designation report reads: “The Landmarks Preservation Commission recognizes that the Landmark on the property in question (and the Landmark Site) is wholly used for religious and directly related charitable purposes by Trinity Church and that the needs of Trinity Church for such uses may change in the years ahead, entailing changes in the original structure or the creation of other structures on the Landmark Site. By this designation of the Landmark described above and the Landmark Site on which it is located, it is not intended to freeze the structure in its present state or to prevent future appropriate alterations needed to meet the changed requirements of use for religious and directly related charitable purposes. The Commission believes it has the obligation and indeed the desire to cooperate with the owners of Landmarks who wish to make changes to their properties. In this connection the Commission wishes to state at this time that it recognizes that Trinity Church may want to erect new buildings on its grounds in the future. The Commission recognizes that Trinity Church also may want to make exterior changes to its existing buildings. The Commission looks forward to working with Trinity Church when the Church desires to erect new buildings on its grounds or to make exterior alterations on its existing buildings.”
22. The introduction to the Greenwich Village Designation Report and the denial of the Grand Central Terminal certificate of appropriateness both used this example. Thomas W. Ennis, “Landmarks Commission Clarifies Its Authority,” *New York Times*, December 4, 1966, discusses how the Commission plans to regulate buildings in historic districts.
23. Interview with Giorgio Caviglieri, March 8, 2000; Douglas Martin, “Giorgio Caviglieri, Urban Preservationist, Dies at 95,” *New York Times*, May 18, 2007.
24. Geoffrey Platt, Letter to the editor, *New York Times*, dated May 11, 1967, copy in LPC files; “Time Running Out

on City Landmark; 17-Month Search for Buyer for Jerome Mansion Fails,” *New York Times*, May 22, 1967.

25. Gilbert interview; Goldstone and Dalrymple, 26.

26. Stephen Dennis, an attorney with the National Trust for Historic Preservation compiled the tests in a memorandum to the Landmarks Preservation Commission, March 1979. See also, Goldstone and Dalrymple, 518-519; “Snug Harbor Tract Bought by City as Center for the Arts,” *New York Times*, September 23, 1972.

27. The proposed redevelopment of the Times Square area, beginning in the late 1970s, in part with federal urban renewal funds, resulted in the demolition of two National Register-eligible theaters, several lawsuits, and long-term action by the Commission on many other theaters. See Chapters 3 and 4 for further discussion.

28. Interview with James Marston Fitch, March 9, 2000. See also, “Historic Preservation: Forging a Discipline,” Proceedings of a Symposium in Honor of James Marston Fitch and Twenty Years of Historic Preservation at Columbia University,” edited by Beth Sullenberger, Preservation Alumni, Inc., New York, 1985.

29. Gilbert interview; Wood, Platt interview, 28.

30. Landmarks Preservation Commission, *Greenwich Village Historic District Designation Report*, (New York: City of New York, 1969), 1:27.

31. ““Village” Debates Jail’s Demolition; Landmarks Hearing Weighs Fate of House of Detention,” *New York Times*, July 15, 1973; Murray Schmach, “Board Votes to Demolish Jail in Greenwich Village,” *New York Times*, August 17, 1973. Demolition began in October 1973, and the site was eventually turned into a garden.

32. LPC press release, August 26, 1969; Goldstone and Dalrymple, 225, summarizes the action. At the time of their writing, the case was still in court.

33. Four years later, attorney John J. Costonis proposed a development bank proposal for Chicago as a means of preserving notable Chicago skyscrapers and office buildings. This was shortly after the demolition in 1971 of the Chicago Stock Exchange, designed by Louis H. Sullivan. John J. Costonis, “The Chicago Plan: Incentive Zoning and the Preservation of Urban Landmarks,” *Harvard Law Review* 85 (1972): 574; John J. Costonis, *Space Adrift: Landmarks Preservation and the Marketplace* (Urbana and Chicago: University of Illinois Press, 1974). Unlike New York, Chicago never enacted the Costonis proposal.

34. See NYC Zoning Glossary at <http://www.nyc.gov/html/dcp/html/zone/glossary.shtml> for definitions. The program of continuing maintenance usually requires the creation of a property easement so that the status of the landmark property can be monitored by an outside party.

35. Goldstone and Dalrymple, 86.

36. Even if a permit is being sought for demolition, it is still called a “certificate of appropriateness.”

37. Goldstone and Dalrymple, 86-88; Claudia Lorber, “Digging Up Our Urban Past,” *New York Times Magazine*, April 12, 1981.

38. Edward C. Burks, “Five Iron-Front Buildings Here Dating from 1848 to Be Saved,” *New York Times*, Nov. 2, 1970; Michael Gold, “Bogardus Cast Iron Designed to be Dismantled and Rebuilt,” *Historic Preservation* 23 (July-Sept. 1971), 12-19; John G. Waite, “The Edgar Laing Stores (1949)” in *Iron Architecture in New York City* (Albany, N.Y.: New York State Historic Trust and Society for Industrial Archeology, 1972); W. R. Weisman, “Mid 19<sup>th</sup> Century Commercial Building by James Bogardus,” *Monumentum* (1972): 63-76; Margot Gayle and Edmund V. Gillon, Jr., *Cast-Iron Architecture in New York: A Photographic Survey* (New York: Dover Publications, 1974), 10-11; “4-Ton Cast-Iron Facade Panels Stolen Here,” *New York Times*, June 26, 1974. Also Goldstone and Dalrymple, 92-94.

39. Quoted in Goldstone and Dalrymple, 60; the emphasis is mine.
40. Their much more detailed book on New York City landmarks, *History Preserved*, was published in 1974.
41. See Goldstone and Dalrymple, 275-276, for a discussion of the Metropolitan Museum expansion.
42. Gratz was an ambitious young reporter in 1973. She was subsequently appointed as a Landmarks Commissioner in 2000.
43. Gilmartin, 398-399, discusses the campaign to change the law from the viewpoint of MAS.
44. Letters in LPC archives files.
45. All of these districts had been mentioned in Gratz's articles. Many of the individual buildings she discussed were also designated.
46. John Darnton, "Aides for Landmarks, Budget, and Taxis Appointed by Beame," *New York Times*, December 31, 1973. Gilmartin, 399-400, states that Goldstone had offered to resign whenever Beame wanted him to do so.

## EXPANDING A MISSION AND MANDATE (1974-1983)

### *The Spatt Years*

Beverly Moss Spatt was the first chairman appointed to the Commission who was not part of the Municipal Art Society establishment. A planner who was on the faculty at Barnard College, Spatt had been a member of the City Planning Commission and was often called a “maverick.” She was a reform Democrat who was politically well connected. (Her father, Maximilian Moss, had been a judge of the Kings County Surrogate's Court.) According to Spatt, Beame (or his prospective deputy mayor Stanley Friedman) had no intention of reappointing Goldstone. However, they had problems finding a suitable candidate because the pay was so low; the position was still only funded at a half-time salary. Spatt and fellow reform Democrat Mario Cuomo, at that time a state senator from Queens, decided that she would do a good job and she was willing to accept the salary, so she applied.<sup>1</sup> As a resident of Brooklyn Heights, Spatt had experienced firsthand the impact of the historic district designation on the neighborhood.

Not only was Spatt not a part of the MAS establishment, she wanted to move the Commission away from what she saw as the MAS mindset and what she perceived as a Manhattan bias and elitism. In analyzing the work of the Commission, she saw that it, quite unintentionally, had become extremely effective at doing something no other city agency had been able to do—namely, preserving neighborhoods. She took as her mandate and mission the expansion of that effort while making the LPC accountable to the people of New York City. A few years earlier, Goldstone had commented on the impact of designation on stabilizing neighborhoods and improving property values. Architecture critic Ada Louise Huxtable expanded on the point about a month after Spatt took office: “In one decade, the cause of preservation has undergone a remarkable transformation from an odd and harmless hobby of little old ladies in floppy hats who liked old houses to an integral, administrative part of city government dealing with an essential part of the city’s fabric. Sentimentality has given way to sophistication. From a cultural nicety it has developed into an environmental necessity of important sociological impact—a remarkable consequence no one foresaw.”<sup>2</sup>

As Spatt recounted in 1978: “My experience was with a planning authority that had direct and immediate involvement in the workings of government; and therefore, a direct and immediate effect on the built environment. The Landmarks Preservation Commission, on the

other hand, was relatively isolated from the operation of city government, occupied with the specific business of identifying and saving landmarks, landmarks threatened by a whole range of urban realities, sometimes including government . . . .The act of preserving individual aspects of urban life has produced an effect that is greater than the sum of its landmark parts.”<sup>3</sup>

Given her background as a planner, Spatt wanted to devise a comprehensive ten-year plan for the Commission's future. But the day-to-day demands placed on the agency could not stop for long-range planning. Buildings and historic districts had been heard for designation but still had not been acted on. Promises had been made or implied by Goldstone. The Fort Greene neighborhood of Brooklyn had carried out an extensive historic district study under the leadership of Professor James Marston Fitch of Columbia University, and Goldstone had been interested in calendaring a district. Spatt wanted to wait and investigate further. The Carnegie Hill neighborhood anxiously pushed for designation of a historic district that had been heard in 1970. That immediate neighborhood also included a significant number of grand houses, including the Carnegie Mansion itself, that had been converted for institutional use and were in some cases threatened. Spatt, if not all that enamored of "mansion" designations, was at least sympathetic to the broader concerns of the neighborhood. Many of these houses were individually designated in the summer of 1974, while a truncated historic district, consisting of two non-contiguous sections flanking Madison Avenue, was calendared and designated in late 1974. Madison Avenue was excluded because the City Planning Commission had implemented a special Madison Avenue district for zoning purposes that was intended to achieve certain preservation aims, such as the retention of small storefronts and low building heights, without the comprehensive review of the Landmarks Preservation Commission.<sup>4</sup>

The Commission was also anxious to exercise the newly amended provisions of the landmarks law, by scheduling designation hearings on a regular basis and by considering potential interior landmarks and scenic landmarks. By law, interior spaces specifically used for purposes of religious worship were excluded from consideration; any designated interior had to be customarily accessible to the public. The “religious worship” exclusion was intended to avoid First Amendment challenges. The “customarily accessible” language was taken from contemporary civil rights legislation and became the subject of interpretation and lawsuits in future years. A scenic landmark was defined as “public parkland owned by the City of New York.” Consequently, parkland or landscaped areas owned by other government entities or

private parties could not be designated as a scenic landmark.

Central Park would be the first scenic landmark considered by the Commission, but Frank Gilbert wanted to ensure that the groundwork for designating the city's most prominent scenic landmark be properly laid with a good public record and adequate research. The Commission was aware of setting precedents. Spatt was quoted: "This is the first public hearing throughout the country on a scenic landmark. We will have to explore it as a whole new field and hopefully what we do will serve as a prototype for the whole country."<sup>5</sup> It was designated on April 16, 1974, followed on July 23, 1974, by Grand Army Plaza, immediately contiguous to Central Park at Fifth Avenue and 59th Street. By 1974, Central Park was still the great recreation ground of New York City, but was in sorry physical state, due to intensive use, in part encouraged by Thomas Hoving, park commissioner under Mayor Lindsey, and lack of ongoing maintenance. The design legacy of Frederick Law Olmsted and Calvert Vaux, the original landscape architects, was just beginning to receive wider appreciation.<sup>6</sup>

At the suggestion of Commissioner Morris Ketchum, the Commission calendared and subsequently designated, on November 12, 1974, three geographically contiguous items that would represent three landmark categories. The first interior landmark designated by the Commission was the main New York Public Library building at Fifth Avenue and 42nd Street with spaces on the first floor (main lobby, later renamed Astor Hall) and third floor (central hall) and the connecting north and south staircases. (The exterior of the building had been designated in 1967.) Bryant Park, located behind the New York Public Library and extending west to Sixth Avenue, was designated as a scenic landmark. The American Radiator Building, facing the park on the south side of West 40th Street, was designated as an individual landmark. Interestingly, the building, dating from 1923-1924 with a design by Raymond Hood that expressed the setback massing required by the 1916 New York City zoning resolution, was only the second skyscraper designated by the Commission.<sup>7</sup> (The Flatiron Building had been designated in 1966.) Even so, the Commission's action was not without controversy, in part because of the building's dramatic design, and designation was opposed by the American Standard Company, the owners of the building. By this time, the building was fifty years old, twenty years older than the thirty-year minimum required by the law, and certainly old enough to allow sufficient time for its historical and architectural character to be considered with some perspective. By comparison, fifty years is the age requirement for National Register listing, unless a property has exceptional significance.

That same November meeting brought the designation of another unusual complex, the First Houses, Avenue A and East 3rd Street. Designed by Frederick Ackerman and built in 1935-1936, this was the first publicly funded low-income housing project in the United States. Such a designation reflected the sentiments of Spatt to move beyond "elite" architecture and the interests of Commissioner Elisabeth A. Coit, an architect who had spent much of her career working on housing issues.

In July 1974, the New York State Court of Appeals rendered its decision on the case of *Lutheran Church in America v. City of New York* (359 N.Y.S. 2d 7). The suit that had been filed over the designation of the Morgan House, challenging the constitutionality of the law and its application, had made its way through three levels of judicial proceedings. The Appeals Court found the law unconstitutional as applied because the designated building was inadequate for the owner's needs. (This was one of the hardship tests for non-profits identified in the Snug Harbor decision.) Hence, the landmark status was removed from the property. However, the court refused to find the law itself unconstitutional. It affirmed the decision of the Appellate Division in the Sailors Snug Harbor case and the test it had developed for property held for charitable purposes.<sup>8</sup>

At that point, Spatt had been chairman of the Commission for only six-and-one-half months. Mayor Beame and Corporation Counsel Adrian Burke were not willing to appeal the ruling to the U.S. Supreme Court. And because the hardship issue for charitable organizations was more intangible than the dollars and cents of a six percent return, the prospects for a favorable judgment were less than certain.<sup>9</sup>

Spatt was also dealing with the Commission staff. Modest increases in funding brought additional positions to the Preservation Department, but differences with Michael Gold over the administration of the department led to his dismissal. Margaret Tuft, the deputy director, was promoted to the position of director. New York State Council for the Arts (NYSCA) funding enabled the retention of staff in the Research Department, which was still headed by Alan Burnham with Ellen Kramer as his deputy. Burnham was never really comfortable working for a woman, and often referred to Spatt as the "lady commissioner," but he cared deeply about landmarks and the Commission, and he wanted to educate her about architecture. Like Burnham, Frank Gilbert was very protective of the Commission and the landmarks law, but the differences in temperament between Spatt and Gilbert proved to be too much. He left the Commission for a

position with the National Trust for Historic Preservation early in 1975. Alfred Shapiro was recruited from the Planning Department as the executive director.

On January 21, 1975, Judge Irving H. Saypol of the New York State Supreme Court of New York County finally issued his opinion on the Grand Central Terminal case, ruling against the City of New York and the Landmarks Preservation Commission. If Spatt had felt uncertain about the eventual outcome of the Lutheran Church case, she suppressed whatever doubts she may have had about Grand Central. Eleven years after the demolition of Penn Station, the East Side counterpart could not be let go without a fight. “Grand Central as it stands today is its own best defense, a landmark to the entire world. We cannot in good conscience encourage the compromise or destruction of a building so important.”<sup>10</sup>

Mayor Beame agreed that the city and the corporation counsel’s office would file an appeal with the Appellate Division of the court. In retrospect, Spatt felt that the appeal was far from certain; Beame had to be persuaded that it was a necessary action in the face of opposition from his corporation counsel, W. Bernard Richland (who had just replaced Adrian Burke), and his deputy mayor Stanley Friedman. The Municipal Art Society, which had spent years advocating for the cause of Grand Central, organized a Citizens' Committee to save the terminal. With Jacqueline Onassis volunteering her services as the most visible member of the committee, MAS became the public face of the cause. Former Mayor Robert F. Wagner was the chairman and architect Philip Johnson the vice chairman of the 88-person committee.<sup>11</sup> The case was argued by the city's law department in the Appellate Division Courthouse off Madison Square. Later that year the Saypol decision was reversed “on the grounds that the protection of landmarks was a legitimate public purpose and that the regulation was a reasonable means of achieving an end.”<sup>12</sup> Penn Central appealed to New York State's highest court, the Court of Appeals, which heard the case in 1977. Its decision, written by Chief Judge Charles Breitel, unanimously upheld the findings of the Appellate Division.<sup>13</sup>

Despite such high profile issues, Spatt was busy planning for the future of the Landmarks Preservation Commission with the assistance of Adele Chatfield-Taylor. Chatfield-Taylor, an early graduate of the Fitch Historic Preservation program at Columbia, had been hired to work in the Preservation Department during the last few months of Goldstone’s chairmanship. She had become Spatt’s assistant to work on planning for the Commission at Goldstone’s recommendation. The first results of the Spatt planning effort began to be seen in 1975 and

tapped into some of Spatt's particular interests: the education of college students for future preservation concerns led to a three-year Landmarks Scholar program; a conference on the importance of neighborhoods brought academics and concerned citizens together from around the country; and the implementation of an architectural and historical survey in the borough of Brooklyn expanded the Commission's scope into a section of the city that had not received any systematic analysis since the late 1950s.

The Landmarks Scholars program brought small groups of college students from both public and private institutions to the Commission to work on independent study projects that in some way addressed Landmarks-related issues (“contribut[ing] to the evolving practice and philosophy of preservation, develop[ing] new methodologies.”)<sup>14</sup> At least three of them went on to distinguished careers in related fields: architect Roy Strickland, architect-film maker James Saunders, and planner Ronda Wist, who served as executive director of the Landmarks Preservation Commission between 1997 and 2007. Daniel Pisark's study of Brooklyn fire stations later proved to be very useful in the Commission's and staff's work as it looked at this building type.

The neighborhood conference introduced the topic and its importance to the public and the Commission's consciousness, but ultimately it was the Brooklyn survey that allowed the Commission to deal with neighborhoods and to broaden the scope and extent of designated historic districts. Not only did the survey enable the Commission to shift its orientation away from Manhattan, but it also let the Commission look at all sections of Brooklyn and assess them in context with each other. If the Commission knew what was out there, then presumably it could make its designation decisions in a more rational way, not just in response to local neighborhood pressures. The Commission had also been bruised by the response to the designation of a small residential historic district in the Steinway section of Queens. Homeowners were sufficiently upset by the thought of bureaucrats in city government telling them what they could or could not do with their houses that they persuaded the Board of Estimate to deny the designation.<sup>15</sup>

Encouraged by Adele Chatfield-Taylor, Spatt pushed for a more comprehensive survey program, accompanied by a public education program, as a key to future designation success. The Brooklyn survey, headed up by historian and Queens resident Henry Ludder, who resigned his Commission seat to take the job, lasted for two years, covered all areas of the borough, identified twenty potential historic districts, and compiled a wealth of building type and thematic

studies.<sup>16</sup>

When the Commission celebrated its tenth anniversary in April 1975, Paul Goldberger who had succeeded Ada Louise Huxtable as the *New York Times* architecture critic, wrote a news analysis.<sup>17</sup> Goldberger noted that the Commission “is generally considered the most accomplished such agency in the nation. At a time when, moreover, historic preservation has become part of city planning gospel, the New York commission should be riding higher than ever. Nonetheless, the commission faces a number of serious problems as it moves into its second decade.” Goldberger went on to discuss the various legal challenges and the problems facing the Commission as it sought to designate more landmarks and regulate those already designated.

Not all of the new programs and studies were to be done with local dollars, although Spatt fought successfully for agency funding. By 1975, after years of budgetary sleight-of-hand, the City of New York was virtually bankrupt. The City had gone to the United States Congress for federal loan guarantees, which were opposed by President Gerald Ford. The famous headline in the New York *Daily News* aptly summed up the situation: “Ford to New York: Drop Dead.” But New York City prevailed, the federal loan guarantees were put into place although with severe oversight constraints that in essence shifted the governance of the city to an appointed board called the Emergency Financial Control Board. Concurrently, a host of federal programs had been introduced that were available for urban needs.<sup>18</sup> Spatt and Chatfield-Taylor wanted to tap some of those funds for the Brooklyn survey and other related programs. At the same time, they wanted to work more closely with other city agencies like City Planning and Housing and Community Development to make them aware of their responsibilities towards landmark properties.

With federal funding came additional responsibilities mandated by the National Historic Preservation Act of 1966 and Executive Order 11593 “For the Protection and Enhancement of the Cultural Environment” of 1971. Both required federal agencies to consider the effect of their actions on properties that were on or were eligible for the National Register of Historic Places. If the effects were adverse, then the agencies were to seek ways to mitigate those actions. When New York City began to accept Community Development block grants and HUD grants, it had to consider the National Register potential of properties that would be affected by the grants. The Commission on behalf of the City stepped into the role of reviewing National Register eligibility.

Survey became an important tool in determining potential National Register significance.

Community Development monies funded the Brooklyn survey. Once the twenty potential districts were identified, reports were issued, and the Commission embarked on a public education effort within the affected communities. Spatt believed strongly in broadening the constituency for preservation “from a select few to the mainstream of society.” Funding from the National Endowment for the Arts and the New York Community Trust enabled a larger public education program for “How to” leaflets, subway posters, a slide show, and landmark maps. Once the initial survey was completed in Brooklyn, the program moved on to the Bronx and then areas of Manhattan, like the west side, where little designation had taken place. While the emphasis in Brooklyn had been on potential districts, in the Bronx, both potential districts and individual landmarks were identified. The initial work in Manhattan focused more on potential individual landmarks.

Between 1975 and 1977, the Commission designated only a handful of districts, with Fulton Ferry being the only one designated in Brooklyn.<sup>19</sup> The types of designated individual landmarks that did not vary all that widely from those made earlier in the Commission's history. These included churches, public buildings, and institutional buildings. Of note were the designation of the Bayard-Condict Building, the only New York building designed by the famed Louis H. Sullivan; the Statue of Liberty National Monument; and Prospect Park and Ocean Parkway in Brooklyn as scenic landmarks.

The Commission faced a dilemma. Public support for designation was growing, due in part to the Commission's efforts at public education and in part to the perceived success of landmarks in stabilizing and revitalizing neighborhoods while preventing excessive redevelopment and inappropriate kinds of change. Such motives were the impetus for the designations of the Metropolitan Museum Historic District (somewhat a misnomer as the museum was not included in the district boundaries, but was across the street) and the Central Park West-West 73rd-74th Street Historic District in 1977. In both cases, vocal and well-positioned community activists were able to persuade the Commission to act in the face of threats to significant residential buildings from institutions and insensitive developers. And in the case of the Metropolitan Museum district, property owners on East 82nd Street had filed a lawsuit in 1975 to force the Commission to designate their block a historic district, although the outcome was unsuccessful for the plaintiff.<sup>20</sup>

But designation alone was not enough. The law required that already designated properties be monitored and regulated. By the middle of Spatt's tenure as chairman, the Commission and the staff of the preservation department were spending much of their time on applications for certificates of appropriateness and permits for minor work from existing historic districts, especially Greenwich Village and Brooklyn Heights. Both districts had major commercial streets with frequent retail turnover that often necessitated permits for new storefronts. Owners of residential properties also made changes, both legally and illegally. On-site field visits to monitor work helped ensure that the law was being enforced, but the staff, whose numbers had not kept pace, was being increasingly strained as more properties were designated. Consequently, the Commission reduced the rate of designations in an attempt to control the number of regulated properties. Spatt also sought to enlist local community organizations in the various historic districts to assist in the task of monitoring ongoing work.

Monitoring and enforcement were the sticks. Carrots were also needed. If the property was on the National Register of Historic Places and produced income, an owner might be able to take advantage of the rehabilitation incentives of the Tax Reform Act that Congress had passed in 1976. So the Commission embarked on a program with the New York State Historic Preservation Office, which was administering some of the grant monies for the survey program, to get all New York City landmarks and districts listed in the National Register. Such listings would make designated properties eligible for historic preservation grants and certified rehabilitation expenses available through the Tax Reform Act.

Prior to this time, the Commission had placed little emphasis on the National Register. Listing was honorary, and enforcement only came into play when federal actions were involved. In practice, in New York City, the local law had much more force. And in fact, it was the implementation of the Tax Reform Act that led to the development of the Secretary of Interior's Standards for Treatment of Historic Properties and a series of National Register Bulletins that refined and interpreted the application of the National Register criteria for listing, as well as improved nomination forms. The National Register criteria were four: Criterion A, for properties associated with events that have made a significant contribution to the broad patterns of history; Criterion B, for properties associated with the lives of persons significant in the past; Criterion C, for properties that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that

represent a significant and distinguishable entity whose components may lack individual distinction; Criterion D, for properties that have yielded, or may be likely to yield, information important to prehistory or history.<sup>21</sup> In addition, as a result of the Historic Preservation Tax Credits, the National Register implemented the concepts of “period of significance” and “contributing” and “noncontributing” properties to historic districts.

The Commission also began to investigate the implementation of a facade improvement program, using federal funds, to assist lower-income homeowners with rehabilitation.<sup>22</sup>

Greenwich Village and Brooklyn Heights also provided the major sources of contention for ongoing work. One noteworthy proposal was the rowhouse design by architect Hugh Hardy for an empty lot at 18 West 11th Street. The house that originally stood on the site was part of a significant Greek Revival row and had been owned by the prominent public interest lawyer, Leonard Boudin. His daughter Kathy had joined the Weather Underground, an anarchist protest group. On March 8, 1970, several members were manufacturing bombs in the basement; the bombs accidentally exploded, blowing up the house and killing three people. Architect Hugh Hardy and Francis Mason, a vice president of Steuben Glass, purchased the site after the explosion, and Hardy designed a replacement rowhouse. While many in the community wanted a replica of what had previously stood there, the Commission was receptive to a more modern design that was approved in May 1971.<sup>23</sup> But financial circumstances delayed construction, and the property was sold again. When that owner decided to rebuild in 1977, Spatt decided that a new hearing was needed as the original permit had expired. The arguments were rehashed, and the Hardy design was re-approved, much to the dismay of local Greenwich Village activists.

It was during these years that the Commission began to deal with the challenge of regulating a district filled with buildings that had not been designed for residential purposes, namely the SoHo-Cast Iron Historic District. When it was designated in 1973, SoHo was still partly industrial in use. The City Planning Commission had only recently legalized “artists-in-residence” in warehouses and industrial lofts. While owners still had little incentive to make exterior alterations to buildings still in industrial use, and most artists were not in a financial position to make such alterations, change was coming to the area in the form of art galleries, restaurants, and related commercial establishments. These establishments wanted exterior improvements, particularly in storefronts and signage. The Commission had faced similar issues in Greenwich Village and Brooklyn Heights, but in SoHo, the scale, materials, and many of the

uses were different.

Another controversy early in Spatt's LPC tenure involved a group of buildings owned by the Grace Church (800 Broadway) that were used by the Grace Church School. They fronted Fourth Avenue behind the church and collectively were called the Grace Church Houses. While the church itself and the parish house had been designated in 1966, these buildings were not. The school proposed an expansion plan that would demolish the school buildings, all of which had been designed by the successor firms of James Renwick, architect of the original church. Selma Rattner, a student in the Columbia University Historic Preservation Program, was undertaking a study of Renwick's work and spearheaded a campaign to save the Grace Church Houses. In fact, Fitch, inspired by Ratner, headed a group that filed a lawsuit to obtain a restraining order on demolition while the Commission considered whether to hold a public hearing. When the Commission held a public hearing on designation it was lengthy and contentious. Behind the scenes, Whitney North Seymour, Sr., who was on the board of the school and a Grace Church vestry member, asked Spatt to delay designation, while he and other interested parties tried to find a solution that respected preservation principles. If a solution could not be found, he would let her know so the Commission could act on the proposed designation. If the Commission had designated then under such circumstances, the church probably would have filed a lawsuit. Spatt said she trusted Seymour so was willing to wait. In fact, a new design was proposed that would protect the facades of the houses while creating new interior spaces that would meet the needs of the school. The addition was built in 1974-1975, and the houses were designated in February 1977 after the work was done.<sup>24</sup>

The Villard Houses, a notable and relatively early work by McKim, Mead and White, designated in 1968 and located on Madison Avenue and East 51st Street behind Saint Patrick's Cathedral, proved to be another contentious and highly visible problem. When their owner, the Archdiocese of New York, announced in 1974 that it was negotiating a sale of the buildings to real estate developer Harry Helmsley, their future was put into jeopardy, despite their designated status. Helmsley wanted to build a luxury hotel on the site. Interested preservation organizations like the Municipal Art Society and the New York Landmarks Conservancy took an active role in urging adaptive reuse that would retain the houses, keeping intact major rooms that had been designed by Stanford White while accommodating a hotel. Helmsley was skeptical of such schemes and was famously quoted about the impossibility of coming upstairs from a bar (in

response to the suggestion that one or more of the rooms in the houses be used for such a purpose).

The transfer-of-development rights (TDR) provision of the zoning resolution was not entirely feasible in this situation, as the transferred development rights would have to go off the site. Instead another provision, 74-711, was more relevant; it allowed for modification of use and a transfer of height and bulk on a merged zoning lot. A variation, 74-712, sometimes called the “Villard House Provision.” was developed specifically for the site that allowed the six-story houses to be preserved, let the courtyard be used as a plaza with a 20 percent bonus, and enabled the hotel tower to rise behind the houses in the midblock. As part of the deal, a long-term preservation plan was put into place for the houses themselves, which also protected the significant interior rooms. The hotel tower, designed by Emery Roth and Sons, rose behind the houses in 1975-1976; the south wing with its Stanford White rooms became part of the public spaces of the hotel, while the north wing was adapted for office and exhibition space for several non-profit architecture organizations, namely the Municipal Art Society, the Parks Council, and the New York Chapter of the AIA, while the ground floor generated rental income as retail space.<sup>25</sup>

These various provisions of the zoning resolution proved very useful in the long-term protection of landmark properties. TDRs could only be used in conjunction with individual landmarks, to avoid disrupting streetscapes and overall design elements within historic districts. Before a TDR could be granted, the Commission needed to make a finding that new construction on the adjacent site was compatible with the landmark, and a long-term maintenance plan for the landmark was in place. The Commission needed to make a finding of appropriateness and apply to the Planning Commission to grant the variance. The provisions of 74-711 could be used to shift height and bulk, as well as modify use, within a historic district. Again the Commission needed to make a finding of appropriateness and apply to the Planning Commission to grant the variance.

Spatt thought it was important that the City set an example for the owners of landmark properties. She wanted other city agencies and the Mayor's Office to respect their landmark buildings. The Commission's role in reviewing applications for change to City-owned buildings remained advisory, but the 1973 amendments to the law allowed the Commission to publish its reports on such applications in the *City Record*. In an era of fiscal constraints, it was often

difficult to persuade city agencies to spend their limited budgets on their buildings. Spatt also encouraged city agencies to look at landmark buildings when seeking new space and locations. While City Hall had been a landmark for years, the Beame administration was persuaded to accept an interior designation for portions of the building in 1976.

More ominously, the administration was struck by the idea of “cleaning up” City Hall Park and its environs. Such proposals had been made with some degree of regularity since the 1890s.<sup>26</sup> In 1974, the Mayor’s Office proposed the demolition of the Tweed Courthouse to create a City Hall annex, and the demolition of the Sun Building; neither were landmarks but they had significant historical and architectural merits. Ultimately the cost of demolition (half a million dollars) and the proposed new construction in the midst of the fiscal crisis kept the buildings standing.<sup>27</sup> The Surrogate’s Court building was also deemed vulnerable, although it was a designated landmark. Major spaces in the interior were designated in 1976. To counteract the threats to the Tweed Courthouse and the Sun Building, Spatt conceived the idea of a Civic Center Historic District that would encompass the perimeter of City Hall Park and enhance the setting of City Hall. It would also take in the Woolworth Building, whose owners had spent years protesting designation on the grounds that they took good care of their building, making designation unnecessary. While intriguing, the proposal was not calendared.

Like her two predecessors, Beverly Moss Spatt set the tone, agenda, and direction for the agency during her tenure. Nonetheless, she was not working alone. The other ten volunteer commissioners had strong opinions and participated outside of meetings to various degrees. She needed knowledgeable staff to develop programs and to explore and implement various interagency connections. Dorothy Miner, an attorney who was interested in environmental issues, joined the staff as an assistant to Frank Gilbert in 1974. When he left, Spatt persuaded the administration to let her promote Miner to the position of staff counsel—an action with long-term beneficial effects for the Commission in particular and the cause of historic preservation law in general. Al Shapiro retreated back to City Planning after about a year as executive director, to be succeeded by Lenore Norman, a civic activist who had studied with Spatt and started her career at Landmarks as a volunteer. (She went on to get a master's degree in city planning.) Edwin Friedman and Walter Thabit were also recruited from City Planning to help implement and administer the Community Development and Section 701 programs. Ludder had left the survey program in early 1977. He was succeeded by Meredith Sykes, also a product of

the Columbia Historic Preservation program, who had extensive experience in devising and running a cultural resources survey for the Canadian cultural heritage program. Chatfield-Taylor continued to be the point person in finding public and private programs and grants that could foster LPC's mission.

In her efforts to make the agency more responsive to the people, Spatt tried to make the appointed Commission itself more representative of the people, as well as emphasizing the professionalism of the agency. While still subject to the requirements of borough geography and areas of expertise and the advice and consent of the Fine Arts Federation, Spatt brought in more women, more minorities, more academics, and new expertise. When she became chairman, the only two women were architect Elisabeth Coit, and arts promoter Barbaralee Diamonstein. They were soon joined by two civic activists, Margaret Beyer of Staten Island and Marie McGovern of the Bronx. Hawthorne Lee, an old-time Harlem realtor, was eventually replaced by Thomas Evans, an African-American real estate professional based in Queens. Architectural historian George Collins of Columbia University was persuaded to join the Commission in 1976, followed by James Marston Fitch, after his official retirement, in 1977. Interior designer R. Michael Brown was appointed in 1976, bringing his perspective to areas of interior design. William Conklin, a talented architect who had gained acclaim for an architecturally compatible infill building in Greenwich Village, came on board in 1977. Spatt liked to work by consensus, persuading the Commissioners to talk through issues while developing positions and opinions to present to the public. Of course, not all of the Commission's votes were unanimous, but Spatt preferred to move the Commission forward as a group, assuming greater "buy-in" that way.

Most of the consensus building was done behind closed doors in executive sessions, but in 1977, the city adopted an open meeting law that required all advertised hearings and meetings to be open to the public. Spatt was concerned about the behavior of the Commissioners and feared intemperate remarks, but they learned to adapt without placing their decisions in legal jeopardy.

While Spatt was very successful in achieving federal funding and implementing federal programs in the city context, she was thwarted on one major issue. In 1972, the federal property and administrative services act of 1949, was amended to allow the transfer of federal surplus real property from the General Services Administration Public Building Service to local public bodies to facilitate the preservation of historic monuments. The amendments authorized revenue-producing activities and adaptive use if they benefited the public and were compatible with

historic monument purposes.<sup>28</sup> Post offices and courthouses proved to be particularly sought after for adaptive use. Both the cities of Saint Paul, Minnesota, and Washington, D. C., for example, acquired post offices as surplus federal property and converted them to new uses.

New York City also had a major candidate, a large structure on the edge of Greenwich Village that had been built as a warehouse for the U.S. Custom Service and was later converted to federal archival storage. It was also a designated local landmark. Customarily, a federal property would be transferred directly to the city for rehabilitation and administration. Instead, the City Planning Commission put forward a proposal to use the New York Landmarks Conservancy as the intermediary body. The federal General Services Administration (GSA) would transfer title to the city, which in turn would enter into a long-term lease with the New York State Urban Development Corporation and a sublease with the Conservancy. The Conservancy would negotiate an agreement with developer David Teitelbaum who would convert the building into apartments with community meeting space and some retail commercial space at the street level. In exchange, the equivalent of Teitelbaum's purchase price would form the basis of the revolving fund that the Conservancy had been trying to establish since its founding. A percentage of the profits would also go into the fund. Since the building was a local landmark, the Commission would be able to review the project and issue binding permits rather than advisory reports which would be the case if the city were doing the development. The city government did not have the expertise to undertake such a project itself, and without the UDC involvement, it would have to put the project out for open bidding. Nonetheless, Spatt was opposed to the idea of the Conservancy as intermediary. She thought it was thwarting the intent of the federal law, although undoubtedly the fact that the Conservancy, a creature of MAS, was involved, helped fuel her opposition. The deal ultimately went forward, the building was converted into 479 apartments, and the Conservancy's Historic Properties Fund has proved to be very successful.<sup>29</sup>

As the November 1977 mayoral election approached, Beame's future was uncertain. City finances were still in a tenuous state. Economics and city life had taken somewhat of an upturn following the Bicentennial celebration in 1976, but the mood of the city took a turn for the worse in the summer of 1977. A citywide blackout led to arson and looting in many of the city's economically depressed neighborhoods. The blackout reinforced a cycle of building abandonment that had begun in areas of the Bronx and Brooklyn. Fear of crime was intensified

by the murders of young women by a serial killer who called himself the Son of Sam. That September Beame came in third in the Democratic primary behind Ed Koch and Mario Cuomo. Cuomo went on to challenge Koch on the Liberal Party line.

Edward I. Koch, congressman from Greenwich Village, won the election. The city wanted change from economic doldrums and low morale. Unlike Beame, Koch was from the Reform wing of the Democratic Party. He wanted new blood and new ways of doing things. Prior to assuming the mayoralty, he declared that he was not necessarily going to replace city agency heads just for the sake of replacing them, but he was going to ask any agency head who wanted to retain his or her job, to compete for the position.

As 1977 ended, the Landmarks Preservation Commission and the staff wondered what the Koch administration would mean for the agency. Spatt did not resign; not only was she chairman, but she still maintained her borough appointment which would not expire until mid-1980. She wanted to keep her job, in part because she wanted to continue what she had already begun.<sup>30</sup> Meanwhile it was known that there were at least three other serious contenders for the chairmanship: Kent Barwick, then a Nieman Fellow at Harvard, had been the previous executive director of the Municipal Art Society, who went on to become executive director of the New York State Council on the Arts, under the leadership of Joan Kaplan Davidson, a philanthropist who had taken a leave from her family foundation, the J. M. Kaplan Fund. Richard Buford was the head of the South Street Seaport. Robert A. M. Stern, an architect and Columbia University faculty member, had become increasingly interested in historical architecture. Further complicating matters, there were no vacancies on the Commission so if Koch were to appoint someone other than Spatt, another Commissioner would have to resign.

Early in 1978, Alan Burnham announced that he would retire from his position as Director of Research at the Commission when he turned 65 in March. He urged Spatt to appoint Marjorie Pearson, who had been his deputy director since 1976, as his successor.

Threats to New York's historic buildings would not wait for a decision on the Landmarks chairman. Most immediately, Radio City Music Hall announced that it would close after the Easter show that year, due to major financial losses. Immediately the Commission was deluged with petitions, letters, and phone calls, urging an immediate landmark designation. Spatt was reluctant. Alton Marshall, the head of Rockefeller Center, did not want designation and urged the Commission to wait.

### *The Barwick Years*

In the midst of all the Radio City fuss, Koch announced that Kent Barwick would be the new Landmarks chairman, effective in March. Barbaralee Diamonstein had agreed to resign to open up a slot, on the condition that she be reappointed when the next appropriate vacancy came up. Spatt had no intention of leaving; if she could not be chairman, she would still serve out her appointed term.<sup>31</sup>

Barwick, still young at 37, had longstanding ties to the Municipal Art Society and knew the history of the Commission and its evolution. In many ways this would be his dream job, even though the chairmanship was still considered to be a half-time position. At last he would be in a position to make things happen from the inside, rather than advocate from the outside.

He was acutely aware of Spatt's resentment of him and his MAS ties, but he knew that he was the beneficiary of what Spatt had started. Spatt's "Report to the People," which served as her job application with Koch, had been given to her two predecessors, Platt and Goldstone, as well as Eleanor Clark French, a longtime Democratic party activist and member of the Women's City Club, for comment. It conflicted with their views of what the Commission should be doing, but Barwick wanted to continue her work. He also wanted to move forward with designations of major buildings that had not occurred earlier, either because of caution on the part of the Commission or because of owner opposition or both. He appreciated Spatt's efforts to streamline operations and make the permit process more straightforward; however, the legally mandated regulatory side of the Commission's work was his immediate concern.<sup>32</sup>

The matter of Radio City Music Hall had to be dealt with right away. The Research Department staff was directed to prepare a draft report for the designation of the interior spaces. The exterior was considered less important, so was not calendared for public hearing. Meanwhile, the interior, which held the performance spaces, was the area most threatened by the proposed closure. A lengthy public hearing was held on March 14, 1978, with much emotional testimony on the significance of the institution and the building. In the face of opposition from Rockefeller Center, and from Commissioner Spatt who said she wanted to keep faith with Alton Marshall, the Commission voted to designate on March 28, 1978. Subsequently, Rockefeller Center filed an unsuccessful lawsuit challenging the designation, but it also undertook a major rehabilitation of the interior and instituted a new operational model. The Radio City Music Hall

actions also helped set the stage for future Commission dealings on theaters and other performance spaces.

Of even more importance that spring was the fate of Grand Central Terminal. Penn Central had filed an appeal of the New York State of Court of Appeals decision with the United States Supreme Court. “Suddenly Grand Central's fate was truly a national issue, for every preservation law in the country was at risk.”<sup>33</sup> Numerous organizations filed amicus briefs. MAS stepped up the publicity campaign, organizing a Landmarks Express to Washington, D. C., to further the cause. Coincidentally, the trip was scheduled for the day before the Supreme Court hearing, and many of those on the special train stayed to hear the arguments. In July 1978, just before the end of its term, the court issued its decision, 6-3, upholding the constitutionality of the New York City landmarks law, and by inference, similar laws throughout the United States.<sup>34</sup> With the fate of the terminal no longer in doubt, the Metropolitan Transportation Authority could pursue a long-term lease on the facility and ultimately embark on a major restoration campaign. The Commission itself was finally in a position to designate the interior spaces, which occurred in 1980. Pershing Square Viaduct, the approach from Park Avenue to the terminal, was designated at the same time.

With the future of the landmarks law secured, Barwick and the Commission could pursue designations that previously seemed too problematic or too contentious. When Barwick assumed the chairmanship, the city had 582 landmarks, 31 historic districts, 12 interior landmarks, and 6 scenic landmarks. During Spatt's tenure the Commission had moved beyond the holding pattern envisioned by Goldstone in 1973. Some major buildings cited in the 1960s New York City Landmarks study still remained unprotected, and a new appreciation of other buildings made them likely candidates. The Chrysler Building and its lobby, designated in September 1978, was a prime example of the latter.<sup>35</sup> Other major Art Deco skyscrapers followed in the next few years, including the McGraw-Hill Building, Daily News Building, and the Empire State Building.

In 1982, the Commission designated Lever House, just as it achieved the minimum thirty-year age requirement for designation. This was the first International Style, post-World War II skyscraper in New York City. As the zoning for the site would allow a larger building, the owners were strenuously opposed. The designation was barely affirmed by the Board of Estimate with the two votes of Harrison J. Goldin, the city comptroller carrying the motion.<sup>36</sup> Not only

was this the first major post-World War II building individually designated by the Commission (as opposed to post-World War II buildings included in historic districts), it was one of the first of the type to be so designated in the United States. The National Register, which has a fifty-year age requirement but allows exceptions, had first issued its *Bulletin* for evaluating properties that achieved significance within the past fifty years in 1979.<sup>37</sup> This was one year after Dulles Airport, designed by Eero Saarinen and opened in 1963, was determined eligible for the National Register.

Barwick was also interested in pursuing two historic districts. He thought that Spatt's proposal for a Civic Center Historic District was brilliant. Such a district would capture a significant group of public buildings as well as the Woolworth Building, perhaps the most obvious example of an undesignated building that was popularly perceived as a landmark. His other interest was an Upper East Side Historic District. The strategy for the latter district ultimately proved to be successful, while the former was not. Barwick's mistake was in trying to pursue both simultaneously in the face of opposition from property owners and other city agencies, most notably the City Planning Commission.

The campaign for the Upper East Side Historic District (and it was a campaign) proved to be a very interesting case of creating a demand for a district that the neighborhood didn't realize it needed. Certainly the strategy owed something to Barwick's early career in the advertising industry. In the summer of 1978, following the Supreme Court affirmation of the landmarks law, Barwick asked Marjorie Pearson, who had assumed the position of Director of Research following Alan Burnham's retirement, to start investigating an Upper East Side district. The Commission had held a public hearing in 1966 on a relatively small area that encompassed the midblock sections between Fifth and Madison Avenues, roughly between 62nd Street and 72nd Street. That proposal focused on the surviving grand mansions and town houses in the area. While there was no strong opposition, there was no strong constituency either, and the Commission never moved to designate. In response to Barwick's request, the Research Department staff began to walk the streets of the Upper East Side between 59th Street and 96th Street, assessing the architectural qualities and integrity of each building and plotting their results on color-coded maps. Once that was done, Pearson and Barwick, often joined by Dorothy Miner, began to discuss various boundary configurations. Pearson began to argue for a wide-reaching district, one that would encompass the whole range of historic architectural development on the

Upper East Side, from post-Civil War rowhouses, to grand mansions, to post-World War I apartment buildings, to major examples of post-World War II modern architecture. The pros and cons put forward in these discussions were typical of Barwick's approach to decision-making. He liked to talk through issues as he made up his mind. Part of the staff analysis was a comparison of the number of buildings, their types, dates, and integrity with those in other large historic districts like Greenwich Village, Brooklyn Heights, and Park Slope. While many people thought of Greenwich Village and Brooklyn Heights as relatively homogeneous in building types and dates, a more detailed assessment proved otherwise. The analyses provided valuable ammunition later on, as many people began to argue that the Commission was overreaching.

Barwick knew that however much he wanted to designate a district, it would not be a success unless there was public support from the residents of the area. It was the support of residents that had led to the successful designation and ongoing regulation of most other historic districts. He had two allies: one he deliberately cultivated and one he found accidentally. The first was Joan Kaplan Davidson who lived in an apartment building on East 63rd Street off Madison Avenue that staff recommended for inclusion in the proposed district boundary. The other was Halina Rosenthal, the wife of sculptor Tony Rosenthal. The Rosenthals lived in a converted carriage house, on a block of carriage houses, on East 73rd Street that had been pinpointed by the research staff. Barwick had gone out one day to take a look, had met Mrs. Rosenthal on the street, and after a lively conversation, decided that she needed to be brought into the movement to lobby for Upper East Side landmarks. Prior to this time, the Historic Districts Council, local civic groups like the Brooklyn Heights Association, and local community boards had acted as lobbying groups for proposed districts. With Davidson's backing, a small group that had been enlisted for the cause organized the Friends of the Upper East Side Historic Districts (to incorporate the already existing districts of Treadwell Farms, Carnegie Hill, and Metropolitan Museum) and named Rosenthal as president. The group took off and provided vital support for promoting the proposed district.

The district proposal was presented to the Commissioners early in 1979 and ultimately calendared for public hearing in May 1979. A large group of notable individual buildings outside the boundaries of the proposed district was heard at the same time. The research department began to prepare designation reports for the districts and individual landmarks. Some of the latter were designated as early as January 1980, but the district designation was ultimately not to occur

until May 1981, two years after the public hearing.

Certainly there were commercial and institutional property owners in the proposed district that were not happy with the proposal. But the real problem lay with the City Planning Commission which felt that LPC was encroaching on its territory, particularly on Madison Avenue. Planning had adopted a special overlay district on Madison that regulated height and use (the same overlay district that applied to Carnegie Hill further north). In the eyes of many, the buildings along Madison, many of them former rowhouses, had been sufficiently altered with the insertion of storefronts that they had lost their architectural interest. Commission staff and Barwick argued otherwise. In fact, the conditions on Madison Avenue were not all that different from commercial streets in Greenwich Village and on Montague Street in Brooklyn Heights, with later shopfronts inserted into earlier rowhouses. The difference on Madison Avenue was that as the city's economy improved, Madison Avenue was becoming a major, high fashion shopping street, and the storefronts were equally high fashion. But again, an analysis of the buildings helped provide a solution. The shopfronts had largely been inserted into the modular openings of the rowhouses, generally under a fairly uniform cornice line. There were only a handful of architecturally distinctive historic storefronts.

In response, the Commission staff, under the direction of Frank Sanchis, developed a set of guidelines to regulate future change at the storefront level. The Commission was not about to ask applicants to recreate historic storefronts from the era of the original buildings, as such storefronts never existed in these buildings. Instead, if proposed new storefronts conformed to the guidelines, the applicant could make the change with a certificate of no effect, instead of a certificate of appropriateness, normally required in order to obtain a permit from the Department of Buildings.<sup>38</sup> City Planning was ultimately convinced that the solution was workable, but Planning's cooperation was also needed to adopt a limited-height district overlay for the midblocks of the district. That went into effect about a year after the district designation.

Another crucial piece in securing the designation was adoption of regulations that would allow “no-style” buildings to be demolished with a certificate of no effect, although any new construction would require a certificate of appropriateness. Up to this point, the Commission had resisted the categorization of buildings, either individually or within districts, by ranking them or assigning them contributing or noncontributing status. This was in contrast to the National Register system which defined any building that was less than 50 years old, or outside the

“period of significance” for a district, or heavily altered, as “noncontributing.” This categorization system had been put into place with the implementation of the program of federal historic tax credits for certified rehabilitation. The Commission had always argued that each building within a district should be considered on its own merits as well as in relation to its context when changes were proposed.

The concept of using “no style” as a vehicle for regulation in the Upper East Side district was “after the fact.” In an effort to streamline the preparation of the designation report, which contained entries for over 1000 buildings, the research staff devised a report format that listed key indicators and characteristics for each building, one page per building. One indicator was style, and in about 100 cases, the buildings had been sufficiently altered on their exteriors that they were categorized as “Style: None.” Barwick and Miner seized on this classification as a way of identifying a group of buildings that could potentially be regulated more expeditiously than going through a drawn out certificate of appropriateness hearing for demolition.

The Upper East Side Historic District proposal was successfully implemented because enough public and owner support was garnered. This was not to be the case with the Civic Center Historic District. The proposed district, which was calendared by the Commission and heard in late 1979 and continued into 1980, encompassed a large number of city-owned buildings as well as the Woolworth Building and other privately owned buildings around City Hall Park. The notable, publicly accessible, interiors of many of the buildings were also calendared. (These included interiors of the Tweed Courthouse, the Emigrant Industrial Savings Bank, the Woolworth Building, and the American Telephone and Telegraph Building at 185 Broadway.) While Barwick assiduously cultivated the support of James Capalino, the Commissioner of General Services, and Deputy Mayor Robert F. Wagner, Jr., for the proposal, the owners of the Woolworth Building set out to organize as many private property owners in the area as they could in opposition. Making matters even more difficult for Barwick, the Municipal Art Society and the New York Landmarks Conservancy, normally staunch allies, thought that the Commission was overreaching and that the boundaries did not make sense. Barwick ultimately realized that he could not fight for this district and the Upper East Side at the same time.

The Woolworth Corporation ultimately was persuaded into accepting local designation for its building in 1983, for both the exterior (following another public hearing) and the interior. The company had always protested that it took such good care of its building that it did not need the

protection of the landmarks law. Barwick's argument when property owners made such claims was to urge them to think about the long term; they might not always be the building owners. The Woolworth Building had been listed on the National Register of Historic Places as a National Historic Landmark. Consequently, the corporation took advantage of the federal investment tax credit for certified rehabilitation of historic properties as it embarked on a major rehab in the late 1970s that replaced much of the cracking terra-cotta facing and other exterior details. The building also received substantial city and state tax credits. When forced to admit that it had received substantial public subsidies, the Woolworth Corporation finally acceded to designation.<sup>39</sup> Today, the Woolworth Corporation is no more, and the building was sold in 1998. Once again, it enjoys pride of place in the lower Manhattan skyline, following the collapse of the World Trade Center towers on September 11, 2001.

Within the twenty years following the original Civic Center district hearing, all the public buildings were individually designated, as were many of the notable private ones.

Barwick continued other programs and initiatives that Spatt had begun. The survey program, under the leadership of Meredith Sykes, with the encouragement of Adele Chatfield-Taylor, grew larger, more ambitious, and more systematic. Paper forms were to be supplemented by computerized recordkeeping and analysis. Every building and structure in the city of New York was to be photographed, categorized, and rated. Community Development funding was joined by historic preservation grants for survey from New York State as well as a grant from the National Endowment for the Arts. The work of professional staff members was to be reinforced by that of trained community volunteers and student interns. It was felt that community volunteers would help build a constituency for designation in their communities. The drawback, aside from the mixed results that volunteers often produce, was that not all areas were worthy of designation and even those that were could not be calendared and designated immediately.

While the new, improved survey methodology was going forward, the Commission started to address the results of the earlier survey efforts begun under Spatt. New historic districts, like Prospect Park South, Prospect-Lefferts Gardens, Ditmas Park, Clinton Hill, and Greenpoint, and individual landmarks in Brooklyn were designated. Some of the proposed buildings and districts from the Bronx survey began to be dealt with.

Under Spatt, the Commission had received grant funding to deal with the designation and design of Olmsted landscapes, but the programs were implemented under Barwick. Eastern

Parkway in Brooklyn was designated in August 1978; a series of signs and interpretive plaques helped identify and explain the designation. This was the fourth Olmsted landscape designated by the Commission, following Central Park, Prospect Park, and Ocean Parkway. Eventually Riverside Park and Parkway and Fort Tryon Park, designed by Olmsted Brothers, the successor firm, joined the scenic landmark group. Barwick was ambitious for more than designations. Gail Guillet was hired to mount a major exhibition and develop a catalog called *The Art of the Olmsted Landscape*.<sup>40</sup> With additional funding from the Arthur Ross Foundation, the exhibit opened in the American Wing of the Metropolitan Museum of Art. Meantime, the Commission had to deal with the realities of the Olmsted landscape, as they had been modified over time, in the designated parks. The Parks Department, the Central Park and Prospect Park Conservancies, and the Commission itself all had to learn to deal with the issues of historic landscape preservation, as had been anticipated at the time of the original public hearing for the designation of Central Park.<sup>41</sup> New York City was not alone in grappling with issues pertaining to nineteenth-century parks. Cities such as Boston, Buffalo, and Chicago had major parks designed by Frederick Law Olmsted and his firm.

Two other programs came out of the Community Development block grants. Funding for a facade improvement program for resident homeowners had been secured under Spatt but not yet implemented. Regulations and procedures had to be put into place. Frank Sanchis, an architect who had been on staff at the Commission in the late 1960s and was working in Goldstone's architectural office, was hired as the architect to assist eligible homeowners with the applications and design specifications. Finally, there was some economic incentive to encourage property owners in modest financial circumstances to do the right thing with their historic buildings.

The other program was an architectural salvage program, implemented in 1980, and modeled after similar programs in Baltimore and Philadelphia. Owners of buildings that were being remodeled or demolished could donate building elements and pieces (doors, windows, cornices, shutters, balustrades, bathtubs, hardware, etc.) to the program for sale and reuse. However, it was anticipated that the bulk of the stock would come from residential properties that the city had acquired by tax default and abandonment and were being demolished. The program went through a long startup but ultimately acquired enough inventory and a warehouse in which to store it.

Given his predilections, Barwick's first concern was not the workings of the Preservation Department and accompanying regulation. However, as the number of designations increased

and an improved economy allowed property owners to do more work on their buildings, permit applications and public hearings took up the bulk of Commission and staff time. Public hearings became ever longer. Held on the fourth Tuesday of the month, they started at 9:30 in the morning and often lasted well into the evening. Permit decisions were not always made at public hearings, instead being carried over to public meetings scheduled for one or two other Tuesdays in the month. Barwick rarely ran public hearings in a strictly disciplined fashion, believing that everyone should be heard who wanted to be heard. Moreover, he loved to ask questions and explore the intricacies of an application as part of a hearing. In this he was encouraged by several of the Commissioners including such new appointees in 1979 as designer Anthony M. Tung from Staten Island and architect Elliot Willensky from Brooklyn. William Conklin who was a carryover from the Spatt period, and architect Charles Platt (nephew of Geoffrey Platt, the first chairman) also joined in. They rarely spoke in a unified voice, but given the opportunity were happy to follow Barwick's lead in exploring options. Tung and Willensky were particularly interested in fostering better design for otherwise undistinguished buildings that happened to be in historic districts. Unlike the first group of architects who sat on the Commission, they were not prejudiced in favor of modern architecture when it came to new design.

Meanwhile Fitch, whose preservation philosophy meshed very well with Spatt's neighborhood preservation sensibilities, resigned about a year after Barwick began. George Collins tendered his resignation in 1980. Both had become impatient with Barwick's approach to meetings and public hearings.

As an almost unexpected consequence of its new designations, the Commission found that it was dealing with unanticipated kinds of applications. Most of the applications dealt with rowhouses, still the majority of designated properties, and much of the work was done with permits for minor work. To aid the owners of such buildings, staff began working on a rowhouse manual (finally issued in 1992). Storefronts on commercial streets remained contentious. The Madison Avenue guidelines worked well, but efforts to codify similar principles for the streets of Greenwich Village and Brooklyn Heights were unsuccessful. Further adding to the mix was the issue of sidewalk cafes, considered either an amenity to city life or an obstruction to pedestrian traffic, depending on one's viewpoint. The matter became even more contentious when the application was for an enclosed, permanent sidewalk cafe.

Height-limit overlays diluted the issue of rooftop additions in many historic districts, but that

was not the case in SoHo, or on the avenues of the Upper East Side or Greenwich Village, where in many cases, such additions were proposed for buildings that were fairly high to begin with. Replacement windows and through-the-wall air conditioners, especially in the apartment buildings of the Upper East Side, proved to be equally contentious issues. Procedures had evolved for dealing with these matters in rowhouses. The visibility of replacement windows and air conditioners in large buildings led to lengthy discussions on appropriateness, integrity, and the Secretary of Interior's Standards with regard to original building fabric and materials. Such discussions reflected the increasing professionalism of the historic preservation movement. As with rowhouses, the Commission and staff began devising guidelines to deal with sidewalk cafes, rooftop additions, window repair and replacement, and through-the-wall air conditioners.

Other new design issues proved to be contentious. St. Vincent's Hospital in Greenwich Village proposed an expansion that would result in the demolition of two architecturally significant hospital buildings. The preservation staff wanted to see the buildings preserved, and the Commissioners were divided. Given the reputation of Greenwich Village for concern about design in the historic district, the Commission was uncertain how to proceed. But Barwick said after the fact that he knew the hospital would prevail when Ruth Wittenberg, longtime champion of the district, testified at the public hearing in favor of the new design.<sup>42</sup>

Proposals for lower Manhattan also brought controversy. Barwick had become interested in historic preservation as a volunteer at the South Street Seaport so he knew the area well. A wave of redevelopment in the mid and late 1960s had removed many of the earliest buildings along the East River and the Hudson River, the latter for the construction of the World Trade Center. Ada Louise Huxtable's eloquent writings on Federal and Greek Revival architecture were no match for business and development interests. The South Street Seaport had been spared due to an elaborate deal worked out with the Rockefellers who had moved forward with a new headquarters building for Chase Manhattan bank. The buildings of Schermerhorn Row had been designated in 1969 and the South Street Seaport Historic District designated in 1977. The designated building at 71 Pearl Street, site of the Stad Huis (the first city hall of New Amsterdam), had been dismantled in 1969, to enable a new office building on the site. That building was not constructed, but the project was revived in 1979. Among other things, City Planning had permitted the demapping of a block of Stone Street, part of the city's early, non-rectilinear historic street pattern, to enable the proposed building to be constructed. An

application for the new building on the site was subject to a certificate of appropriateness because it contained a landmark site. Part of the application included the reconstruction of the Pearl Street building on a site at the South Street Seaport. But ten years after the building had been dismantled, it was discovered that the bricks had disappeared. What would be an acceptable alternative? The Commission decided that further archaeology on the site was called for and that the line of Stone Street should be marked through the lobby of the new building. The archaeologists working onsite discovered some of the original building foundations of the Stad Huis and other artifacts. Eventually these were preserved in situ and interpreted through exhibits on the plaza around the building.<sup>43</sup>

The Stad Huis project and several other projects for new buildings in lower Manhattan near the original East River shoreline that required special permits, revealed the potential for urban archaeology in New York City. As part of its environmental review responsibilities, the Commission hired Sherene Baugher, the first archaeologist on the New York City payroll.

Barwick's concern over the demapping of Stone Street led him to ask the Research Department to study the possibility of a designation for the historic street pattern of lower Manhattan. This resulted in a public hearing for the "Street Plan of New Amsterdam and Colonial New York" that encompassed the street beds from Wall Street to the original shorelines. While the Commission did not wish to regulate paving materials, street furniture, or anything else that it might deal with in a historic district, it wanted the form, width, and divisions of the existing streets to be preserved. If City Planning had problems with the Upper East Side Historic District, this proposal was met with total disbelief. Nonetheless, Barwick persisted, and the street plan was designated in 1983. And it is likely that because the streets were designated, their historic character helped to play a role in the resurgence of lower Manhattan in the mid and late 1990s.

The Commission was also dealing with a series of challenges in Midtown Manhattan, particularly on the west side. Many of these were triggered by the desire of the Koch administration to clean up Times Square and City Planning's proposal for rezoning in the area. The survey staff was moving forward with its work in Midtown West, analyzing and classifying the buildings for their architectural and historical merits. Shortly after the designation of Radio City Music Hall as an interior landmark, the Commission was persuaded to take on another historic performance space. Town Hall on West 43rd Street, which was owned by New York

University and losing money, was threatened with closure. It lacked the architectural flamboyance of Radio City Music Hall, but had a storied past and was prized for its excellent acoustics. Once again the Commission was grappling with new issues; how to identify and protect a building that was notable for something besides obvious architectural qualities? The building and its interior were designated in November 1978. The New Amsterdam Theater, long perceived as a seedy movie house on West 42nd Street, and its interior, were designated the following year in spite of the opposition of the owner. In fact, the theater retained one of New York's rare Art Nouveau interiors. Furthermore, the building was on a block that was being proposed for city acquisition for Times Square redevelopment.

But the biggest controversy involved the construction of the so-called Portman Hotel on Broadway between 45th and 46th Streets. John Portman, an architect-developer based in Atlanta, was renowned for his flashy hotel designs that incorporated central atriums, revolving restaurants, and glass-enclosed elevators. Attracting such a development to New York and Times Square was a coup in the eyes of the city administration. However, federal urban development money was necessary to make the project work, and the proposed hotel site contained two historic theaters, the beautiful Helen Hayes, designed by Herts & Tallent and distinguished by its terra-cotta facade, and the Morosco, less interesting architecturally but with a distinguished theatrical history. The Commission in its environmental review role recommended that the Helen Hayes was eligible for the National Register. The theatrical community and other interested parties, who organized a Committee to Save the Theatres, appealed to the Department of the Interior/Heritage Conservation and Recreation Services to find the Morosco Theater eligible as well. Because the demolition of the theaters would be an adverse effect, the project was referred to the Advisory Council on Historic Preservation. The Advisory Council agreed with the findings, but both theaters were demolished in 1980 and 1981 after litigation was settled in favor of the City of New York. Under a Memorandum of Agreement pursuant to Section 106 of the Historic Preservation Act, both theaters were recorded for the Historic American Building Record and portions of the Helen Hayes Theater were salvaged.<sup>44</sup>

Public concern over the fate of other Broadway theaters led Barwick to begin a series of conversations with the theater owners, largely controlled by three entities, the Shubert Organization, the Nederlander Organization, and Jujamcyn Theaters, about proposals to calendar the theaters for public hearing. The Midtown West survey had classified the exteriors of the

theaters on their architectural merits, but no systematic study had been made of the interiors. Research staff began visiting and photographing the theaters, interior and exterior, in the summer of 1981. Meanwhile, the Committee to Save the Theatres urged Barwick and the Commission to calendar all the theaters for public hearing for designation. As far as the committee was concerned, all the surviving Broadway theaters were meritorious. Their role as theatrical performance spaces prevailed over their appearance. Meanwhile City Planning in its midtown zoning study had put all the surviving theaters in a special category that mandated that any theater space torn down would have to be replaced by an equivalent amount of theater space. The theater owners in turn lobbied for a special provision that would allow them to transfer their development rights over a wider area than would normally be allowed.<sup>45</sup> Eventually, the Commission agreed with the Committee to Save the Theatres and every theater on the Planning Department list, plus a few more that were not, was calendared for public hearing. A two-day public hearing was held in the Lambs Theater in June 1982. All the owners appeared in opposition, including the owners of the theaters on 42nd Street that were slated to be acquired by condemnation for Times Square redevelopment. The Committee to Save the Theatres mounted significant testimony in support of designation and orchestrated the appearance of some of the notables of the local theatrical community. In retrospect, Barwick said that the hearings on all those theaters were justified. The city had been derelict in its responsibilities to explore further alternatives under the Memorandum of Agreement negotiated as part of the Portman hotel project. However, action on designation was to take another three to five years.

The Times Square redevelopment and theater designations vividly illustrate the interaction of federal and local government on a major historic preservation issue. Both entities were constrained by their regulatory powers, competing government interests, and broader circumstances. The Helen Hayes and Morosco Theaters were demolished, but their demolition helped to bring about the designation of twenty-seven theaters as New York City landmarks. While not all of the designated theaters have remained in active theater use, none have been demolished. Further, many of them have been sympathetically renovated while meeting the demands of new theater production needs.

In September 1980, just before the week the National Trust for Historic Preservation held its annual conference in New York City, Saint Bartholomew's Church announced that it had received an offer of \$100 million to sell its landmark church, community house, and large Park

Avenue site. This was the first shot in what became a major battle over the designation and regulation of religious properties.<sup>46</sup>

The Commission had designated a large number of churches, many of them under the jurisdiction of the two Episcopalian dioceses that governed New York City. The residential historic districts also contained many religious properties. Designation asserted the legitimacy of local land use regulation in the face of First Amendment rights. The Commission had been grappling with issues of regulation and reasonable return for all not-for-profit organizations, including churches, since the Sailors Snug Harbor case. It was a careful balancing act.

Despite Saint Bartholomew's looming redevelopment proposal, the Commission moved forward with the designation of two other contentious religious sites, both on the Upper West Side: the Church of Saint Paul and Saint Andrew and Mount Neboh Synagogue. Despite opposition, both designations were sustained by the Board of Estimate.<sup>47</sup> Saint Paul and Saint Andrew wanted to redevelop all or part of its site, which was seen as increasingly valuable on the Upper West Side. The congregation of Mount Neboh had actually sold its site to a developer who wanted to put up a new apartment building. Barwick was rarely reluctant to calendar items for public designation hearings, believing that the hearings served as forums for ideas and public opinion. Votes on designation were often harder to come by. The Commission votes on both St. Paul and St. Andrew and Mount Neboh were split, a division that reflected those who wanted to respond to the sentiments of the local community versus those who focused more on the architectural qualities of the buildings. The new owners of the Mount Neboh site spent a year going through the various stages of the hardship procedure after the designation, finally receiving a notice to proceed with demolition on the basis of insufficient return.

In March 1982, a group called the Committee of Religious Leaders of the City of New York released a report on the designation of religious structures, some already landmarks but others that had been proposed for designation whose congregations opposed such action because of straitened financial circumstances. The committee was prepared to challenge the Commission's actions on First Amendment grounds: "governmental interference with the free exercise of religion."<sup>48</sup> Their arguments found sympathy with those who thought the Commission in particular and the historic preservation movement in general were overreaching. This reaction among owners of religious properties was echoed in a broader national context, as well.

The big designation and regulation issues kept the Commission in the public eye, but the

Commission had to deal with a variety of administrative and staffing issues. In the summer of 1981, Barwick and Lenore Norman, still the executive director, decided to split the staff into geographically based teams. In theory, the reorganization was intended to give staff a wider variety of experiences and make them more responsive to the local communities. In effect, it placed much of the emphasis on generating permits, particularly in Area A (Manhattan below 59th Street and the East Side), with less staff time to devote to survey and designation. Team C (Upper West Side, Upper Manhattan and the Bronx) had the fewest permit applications, so the staff were able to devote quite a bit of effort to survey, but the Commissioners had only limited resources to devote to their recommendations. Team B (Brooklyn, Queens, Staten Island) could spread its duties more evenly, but aside from potential historic districts in Brooklyn, there was much more resistance to designation in Queens and Staten Island. Marjorie Pearson remained Director of Research with added responsibilities for overseeing the survey program after Meredith Sykes resigned. Margaret Tuft remained Director of Preservation until she decided to retire in March 1982. Frank Sanchis was appointed as her replacement.

In February 1983, Barwick announced that he would be resigning as chairman in order to rejoin the Municipal Art Society in a new and more lucrative position as its president. However, he told Koch that he would remain in place until a successor was found. Koch eventually gave him a farewell reception at Gracie Mansion, and Barwick was sworn in as the new president of the Municipal Art Society at its annual meeting, held at Saint Mark's Church in the Bowery. Jacqueline Onassis presented him with an award. Her presence was a thrill for many of the landmarks staff in attendance.<sup>49</sup>

Ultimately Barwick's philosophy was simple: The Commission was able to provide a public forum that didn't exist anywhere else in city government. It was important to bring buildings, structures, and sites into the process so they could have the benefit of public review and comment before, during, and after designation.

Carter Wiseman put the matter nicely: "What many of the critics of the commission really seem interested in is simply speeding the process up by end-running the landmarks process. But that process was put in place precisely so that there would be time to consider the issue in detail--and, most important, independently. A building is judged to be a landmark according to aesthetic and historic standards--however vague those standards may sometime appear to be--and they should have nothing to do with an owner's financial prospects. That issue can--and should--be

dealt with *after* designation.”<sup>50</sup> The law as written and implemented mandated the split between aesthetic and historic standards and financial return—a contrast from the view that Whitney North Seymour had articulated twenty years earlier.

When Barwick left, the Commission had been in existence for eighteen years. Spatt and Barwick presided over the Commission during a great period of flux, from the depths of the city’s fiscal crisis to a nascent financial and development boom. When the Commission celebrated its tenth anniversary in 1975, Spatt was quoted as saying that the Commission had entered “quiet adulthood.”<sup>51</sup> Little did she know that that adulthood was very young and turned out to be not so quiet as the agency matured. The Commission added more and many different kinds of designations. It acquired broader and more diversified constituencies. The U.S. Supreme Court decision on Grand Central helped solidify the status and legal authority, not only of the Landmarks Preservation Commission, but of local commissions throughout the United States.

During this same period there was a parallel rise and codification of federal programs pertaining to historic preservation, which in turn affected, inspired, and partially funded many local programs.

While both Spatt and Barwick recognized and encouraged the dedicated amateurs, they also saw the rise of trained preservation professionals, both within the agency and in the broader community. The historic preservation program founded by James Marston Fitch at Columbia University had spawned many others, including those at Cornell, the University of Pennsylvania, and the University of Virginia, with faculties of Columbia-trained personnel. They produced students who went on to local commission staffs, state historic preservation offices, and federal agencies throughout the United States.

## Notes to Chapter 3

1. Interview with Beverly Moss Spatt, March 9, 2000.
2. Harmon H. Goldstone, "Landmark Law Aids Owner Too," *New York Times*, January 25, 1970. Ada Louise Huxtable, "From Sentiment to Social Force," *New York Times*, February 3, 1974.
3. Spatt interview; Beverly Moss Spatt, "Report to the People, Re: Landmarks Preservation Commission 1974-1977 under the Chairmanship of Beverly Moss Spatt," unpublished typescript, 2.
4. "A Planning Revolution," *New York Times*, January 9, 1974. Ongoing development pressures, calls for an expanded district from the local community, and an increased appreciation of the character of the neighborhood led the Commission to review its earlier decision and to designate an expanded Carnegie Hill Historic District in December 1993.
5. Deidre Carmody, "Quietly, Central Park Advances as Landmark," *New York Times*, March 27, 1974. Central Park had been named a National Historic Landmark in 1963.
6. Among the architects and historians who began to study and promote the work of Olmsted were William Alex, Charles Beveridge, Albert Fein, and Laura Roper. Local activists like Elizabeth Barlow in Manhattan, and Robert Makla in Brooklyn, as well as Henry Hope Reed helped to further the cause.
7. Carter B. Horsley, "Skyscraper Here May Be Landmark," *New York Times*, September 29, 1974, discusses the proposed public hearing for the American Radiator Building and the related items and quoted Spatt: "We can celebrate our most splendid cultural and architectural aspects in their own right and at the same time underline the importance of variety and community continuity in the total urban context."
8. Paul Goldberger, "Morgan Mansion Loses Status as City Landmark," *New York Times*, July 16, 1974.
9. The Morgan House does have a happy ending. When the Lutheran Church in America consolidated with the Evangelical Lutheran Church of America, a New York City headquarters was no longer needed. The property was put up for sale, and because the zoning for this section of Madison Avenue had not been changed, there was no incentive for a larger building on the site. The Morgan Library purchased the house and consolidated it into its museum and program operations, bringing it home to its original family, so to speak. The house was reheard for designation and finally designated again in February 2002.
10. Paul Goldberger, "City's Naming of Grand Central as a Landmark Voided by Court," *New York Times*, Jan. 22, 1975.
11. Diane Henry, "Jackie Onassis Fights for Cause; She Joins in Forming a Group to Rescue the Grand Central Terminal," *New York Times*, Jan. 31, 1975.
12. 50 App. Div. 2d 265, 377 N.Y.S. 2d. 201 (1975).
13. Paul Goldberger, "Office Tower Above Grand Central Barred by State Court of Appeals," *New York Times*, June 24, 1977; 397 N.Y.S. 2d. 914 (1977).
14. Spatt, "Report to the People," 4.
15. The board denial was made on January 23, 1975, just two days after the Grand Central ruling. "Neighborhoods: Steinway Area of Astoria Scratches a Landmark," *New York Times*, February 18, 1975.
16. Some of the potential historic districts identified in the mid-1970s were finally considered for designation thirty years later. These include Crown Heights and Fiske Terrace.

17. Paul Goldberger, "Landmarks Commission Survives a Decade but Road Ahead is Rocky," *New York Times*, April 19, 1975.

18. These included Community Development block grants; Housing and Urban Development grants to implement Section 701 regulations; Section 2124 of the Tax Reform Act of 1976 with incentives for National Register properties. Carter B. Horsley, "Tax Law Gives Landmarks a Lift as City Gets Set to Create More," *New York Times*, January 2, 1977, provides an explanation of the law and how it might apply to New York City landmark properties. He also notes that the Commission had a proposed establishing a loan and grant program for facade preservation, to be funded with Community Development monies.

19. Fulton Ferry was designated in 1975, then denied by the Board of Estimate because of the opposition of Con Ed, which owned a major parcel of property (Empire Stores) in the district. Once Con Ed. had sold the property to New York State, the district was re-designated in 1977.

20. Goldberger, "Landmarks Commission Survives," *New York Times*, April 19, 1975.

21. *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* (Washington: National Park Service, 1990, rev. 1991); *National Register Bulletin 16A: How to Complete the National Register Registration Form* (Washington: National Park Service, 1991).

22. Carter Horsley, "Tax Law Gives Landmarks a Lift," *New York Times*, January 2, 1977.

23. Edith Evans Asbury, "Architect Pleads for a 'Village' Design"; Ada Louise Huxtable, "Compatibility Called Key to Building Plan," *New York Times*, March 10, 1971; Edward Ranzal, "Design Approved for Town House on Bombing Site," *New York Times*, May 20, 1971.

24. Spatt interview.

25. See William C. Shopsis and Mosette Glaser Broderick, *The Villard Houses: Life Story of a Landmark* (New York: Viking Press, 1980), "Preparing for the Second Century," for a more detailed discussion of the process to save and renovate the houses. Norman Marcus, "Villard Preserv'd Or, Zoning for Landmarks in the Central Business District," *Brooklyn Law Review* 44 (1977), explains the intricacies of the zoning resolution changes. See also Gregory F. Gilmartin, *Shaping the City: New York and the Municipal Art Society* (New York: Clarkson Potter, 1995), 411-413.

26. See Michele H. Bogart, "Public Space and Public Memory in New York's City Hall Park," *Journal of Urban History* 25 (January 1999): 226-257; Randall Mason, *The Once and Future New York: Historic Preservation and the Modern City* (Minneapolis: University of Minnesota Press, 2009), 138-157.

27. Roberta B. Gratz. "Old Tweed Courthouse Could Haunt Mayor," *New York Post*, June 22, 1974; Gilmartin, 400-401.

28. William J. Murtagh, *Keeping Time: The History and Theory of Preservation in America*, rev. ed. (New York: John Wiley and Sons, 1999), 212.

29. Alan S. Oser, "Federal Archives Building Plan Proceeds Despite Legal Tangle," *New York Times*, July 15, 1977; Paul S. Goldberger, "Archives Unit of U.S. Sought for Apartments," *New York Times*, September 17, 1977; Carter B. Horsley, "Federal Archives Building in Greenwich Village Set for Mixed-Use Conversions," *New York Times*, July 2, 1980.

30. Spatt summarized what she had done in her "Report to the People," which formed part of her job application.

31. According to Gilmartin, 415, Koch gave the job to Barwick at the behest of Doris Freedman, president of MAS, and one of his political supporters. When Barwick's appointment was first announced, Spatt was initially non-

committal on whether she would stay on the Commission. Edward Ranzal, "Barwick Given Mrs. Spatt's Landmarks Job," *New York Times*, March 3, 1978.

32. Interview with Kent Barwick, December 4, 2000.

33. Gilmartin, 408.

34. Penn Central Transportation Company v. City of New York, 438 U.S. 104 (1978). The court held that the designation and denial of the certificate of appropriateness was not a taking because "the restrictions imposed are substantially related to the promotion of the general welfare and not only permit reasonable beneficial use of the landmark site but afford appellants opportunities further to enhance not only the Terminal site proper but also other properties."

35. Spatt, in a fit of pique, put forward a motion to calendar the Chanin Building, another, less flamboyant, Art Deco skyscraper for public hearing at the same time. Doris Freedman, Barwick's patron, was a member of the Chanin family that still owned the building. It was, in fact, designated two months after the Chrysler Building.

36. Gilmartin, 416, states that a strategic visit to Golden by Jacqueline Onassis, on behalf of MAS, helped sway his vote.

37. Marcella Sherfy and W. Ray Luce, *National Register Bulletin: Guidelines for Evaluating and Nominating Properties that Have Achieved Significance Within the Past Fifty Years* (Washington, D.C.: National Park Service, 1979, revised 1990, 1996, 1998).

38. "District Master Plan for Storefronts on Madison Avenue in the Upper East Side Historic District," available at <http://www.nyc.gov/html/lpc/downloads/pdf/pubs/madaveuesmp.pdf>.

39. Maurice Carroll, "Landmark Status is Proposed for the Woolworth Building," *New York Times*, January 25, 1982; Michael Goodwin, "Woolworth Gets Tax Abatement of \$11.4 Million," *New York Times*, October 27, 1982; David W. Dunlap, "Landmark Status is Given to Woolworth Building," *New York Times*, April 13, 1983.

40. Bruce Kelly, Gail Travis Guillet, and Mary Ellen W. Hern, *Art of the Olmsted Landscape* (New York: Landmarks Preservation Commission and The Arts Publisher, 1981).

41. Murtagh, 132-133, discusses some of the issues faced by the Commission in Central Park.

42. Barwick interview.

43. See Anne-Marie Cantwell and Diana diZerega Wall, *Unearthing Gotham: The Archaeology of New York City* (New Haven: Yale University Press, 2001), 16-30, for a more detailed discussion of the site archaeology and methods.

44. The litigation and case history is discussed as Case 75 in Federal Historic Preservation Case Law 1966-1996.

45. Paul Goldberger, "Architecture View: Theaters and Churches are the City's New Battle Ground," *New York Times*, May 30, 1982.

46. Carter B. Horsley, "\$100 Million Offered for Park Ave. Church," *New York Times*, September 19, 1980; Dudley Clendinin, "The Faithful Have Doubts About Bid for St. Bartholomew's Church," *New York Times*, September 22, 1980; Carter B. Horsley, "St. Bartholomew's Debates Church Sale," *New York Times*, October 10, 1980; Carter B. Horsley, "St. Bartholomew's Officials Refuse to Sell Their Church for Any Price," *New York Times*, October 15, 1980.

47. Koch, to his credit, never used his veto power on the board over any Landmarks issue.

48. Carter Wiseman, "Landmarks Under Fire," *New York Magazine*, April 5, 1982, 54-57.
49. Kent Barwick, Letter to Colleagues at the Landmarks Preservation Commission, February 17, 1983; Gilmartin, 416-417.
50. Wiseman, "Landmarks Under Fire," 57.
51. Goldberger, "Landmarks Commission Survives."

## THE COMMISSION UNDER SIEGE (1983-1990)

### *The Norman Years*

When Kent Barwick left the chairmanship of the Commission, its profile was higher than it ever had been, but its mission and motives were under attack, from friends and foes alike. Its friends, particularly the local advocacy groups, were unhappy because the Commission had held public hearings on many buildings and districts that had not yet designated. Further there were many buildings and districts that they thought should be heard and designated, their expectations having been raised by community volunteer survey efforts. Finally, in many cases they didn't like the decisions that the Commissioners were making on regulatory matters, feeling that the Commissioners were being too "liberal."<sup>1</sup>

Many architects who regularly appeared before the Commission were also unhappy. While sympathetic to the goals of preservation, they often felt that their designs and approaches to preservation were being attacked unnecessarily. Others called for the predictability of guidelines or regulations for certain kinds of applications. Guidelines might dampen creativity, but at least projects would get through the process faster. Unlike many landmarks commissions elsewhere in the United States, the Commission had not implemented district or landmark-specific design review guidelines.<sup>2</sup>

On the other hand, the religious community was strategizing for a righteous war and the organized real estate community, led by the Real Estate Board of New York, thought the Commission was going too far—designating great monuments like Grand Central was one thing, but Lever House? It was barely old enough and stood on a "soft site." And what was the Commission doing by thwarting residential development on the Upper East and Upper West Sides? Furthermore, by designating large historic districts, it was superseding the role of the Planning Commission, according to real estate interests. Barwick generally took the position that if the Commission made everyone unhappy, it must be doing something right. Even the *New York Times* had changed its previously strong pro-Landmarks editorial stance, due in part to the ascendancy of Roger Starr, a planner, head of the Housing and Development Administration in the Beame administration, and landmarks skeptic, to the editorial board.<sup>3</sup>

Koch was in a dilemma over Barwick's replacement. The position didn't have a high enough salary or enough prestige to award to someone as a political favor. Koch had been a member of

the Committee to Save Grand Central, but that was before he was elected mayor. However, Barwick thought that Koch recognized that preservation was a legitimate political issue, and that there were many constituents, including those favoring historic preservation, that had to be satisfied. In 1983, Koch had appointed Robert J. Wagner, Jr., one of his deputy mayors, as chancellor of the board of education. Wagner had been replaced by Robert Esnard as deputy mayor for land use issues.

Esnard recruited Gene A. Norman, an architect and Bronx resident who was executive director of the Harlem Urban Development Corporation. Among his conditions for accepting the job, Norman stipulated that it had to be a full-time position at a salary comparable to that paid to other city agency heads and that the agency budget itself and staffing had to be increased. Why did he take the job? While an architect by training and an administrator, Norman had no background or experience in historic preservation. The local rumor mill conjectured that Koch was trying to mend fences with the African-American community by appointing a black agency head, even if the Landmarks Commission was not an agency that would have immediate appeal for minority community fence mending. Koch had had a contentious relationship with the city's minority communities through much of his first term. The Municipal Art Society establishment was certainly taken aback.<sup>4</sup> If Beverly Moss Spatt had been an outsider, Norman was even more so. Perhaps Norman wanted to get away from the roiling community conflicts that enveloped Harlem politics and development. Little did he know what conflicts he was inheriting at the helm of the Landmarks Preservation Commission.

Norman took up his position in June 1983. Like his predecessors, he discovered that applications for regulatory permits could not be turned away, but matters pertaining to designation could be postponed for further study. The staff began to lobby for the breakup of the team structure in favor of reorganization into more conventional departments, but that change took over a year to be put into effect.

The advocacy groups were urging more designations, particularly on the Upper West Side and in Harlem, where survey work had been underway for two years. Following the model of the Friends of the Upper East Side Historic Districts, a group of Upper West Siders organized Landmarks West! to lobby for more districts and landmarks, comparing the numbers of designated properties on the Upper West Side to those on the Upper East Side. A small group in Harlem thought that Norman, as an African-American, owed them designations in the historical,

self-styled black capital of America.

Norman's style was different from Barwick's. He was quieter, more cautious; he knew he had a lot to learn and wanted to hear various opinions and viewpoints, but more for the purpose of educating himself rather than talking through options to reach a decision. However, Tung and Willensky remained on the Commission. Both were loquacious and contentious and tended to dominate discussions at Commission meetings and hearings. Norman was also acutely conscious that he was in a highly visible position in a public agency, and that leaks and gossip formed much of the currency of the larger preservation community. To reinforce that point he kept a sign on his desk that read, "There are no secrets."

Norman soon realized that he would have a multitude of difficult issues to deal with. The application for redevelopment of the Saint Bartholomew's Church site was only a matter of time before it would be submitted. On the Upper West Side, the financially beleaguered New-York Historical Society wanted to capitalize on its location by constructing a tower designed by Hugh Hardy on top of its landmark building on Central Park West. Lawsuits over the use of eminent domain by the Urban Development Corporation for the acquisition of the block fronts of West 42nd Street between Seventh and Eighth Avenues for the Times Square redevelopment project were dragging on, but the theater owners were still incensed over the 1982 public hearings.

The initial proposals for both the historical society tower and the St. Bart's tower came in January 1984. Both engendered lengthy public hearings. Both were turned down on the grounds of inappropriateness. The historic society proposal was judged both on appropriateness of the design to the landmark building and to the Central Park West -76th Street Historic District in which it was located. St. Bart's came back with a revised and somewhat scaled-down proposal that was also rejected.<sup>5</sup>

Development pressures on Fifth Avenue through Midtown led the Municipal Art Society to ask the Commission to consider a Fifth Avenue Historic District. The Commission declined, but in late 1984, it held public hearings on two low-scale Fifth Avenue buildings, No. 712 and No. 714, that were being threatened with demolition and redevelopment for a large hotel tower. Both had been heard by the Commission in 1966 and again in 1970. The Commission had even voted to deny designation to the buildings, one of the few times it had taken such an action. This time, after a new round of public hearings, the Commission voted to designate both in January 1985. No. 712, a Beaux-Arts confection designed in the form of a town house although always in

commercial use, had been the headquarters of the Rizzoli publishing house, while No. 714, built for Coty perfumers, contained a giant window fabricated of Lalique glass. The window was obscured and its origin forgotten until rediscovered by architectural historian Andrew Dolkart. Eventually the tower proposal was changed and set back from Fifth Avenue and the two buildings incorporated into a new department store for Henri Bendel. The Commission approved the tower design, although not without controversy, in part because the permit application had been filed and the public hearing held before the designation was affirmed by the Board of Estimate.<sup>6</sup>

Because of continuing development pressures in Midtown, the Commission continued to hold public hearings in 1985 on other Midtown buildings that had been identified in staff surveys, even though other areas of the city felt neglected by the Commission. Among the buildings that had been identified by the Commission staff in its Midtown West survey was the so-called Wilkie Building on West 40th Street, opposite Bryant Park. The building owners were interested in developing the site so decided to demolish the building before the Commission could calendar it for a public hearing. Although the work was done in February 1985 with a demolition permit from the Buildings Department, the demolition still led to an outcry. The result was a system to flag buildings of Landmark interest in the Buildings Department records (first on permit cards and later on computer). The process was codified in a memorandum between Gene Norman and Charles Smith, Buildings Commissioner.

While the process was intended to protect buildings from demolition or inappropriate alterations, it had major ramifications for the work of the Preservation Department. The Landmarks law had no specific provisions for what became a three-tiered system. Any building already a landmark or within the boundaries of a historic district was so identified in Buildings Department records and any permit applications were forwarded to the Commission for sign-off before building permits were granted. This part of the process had been in place since 1965. Buildings that had been the subject of a public hearing but were not yet designated were also identified in Buildings Department records. Again applicants were directed to the Commission for review and comment; the Commission asserted its jurisdiction under the principle that inappropriate change prior to designation could subvert the reason for designation. Finally, buildings in which the Commission was potentially interested were flagged, so if a permit application was filed, the Commission could calendar the building for a public hearing and bring

it more formally into the system. Time periods for Commission review under the last circumstance were based on time limits in the building code for the issuance of permits. The system served for early warning, but increased the work of the Preservation Department, whose staff members learned to "jawbone" applicants, while lacking the clout to deny an application or to issue a full Commission permit.

Many preservationists, as well as Herbert Rickman, an outspoken special assistant to Mayor Koch, were unhappy over the Wilkie Building affair, seeing it as a sign that the Commission was moving too slowly on designations. On the other hand, the real estate community felt blind-sided by the Coty-Rizzoli designation (712 and 714 Fifth Avenue), a matter that was presumed to be settled and written off fifteen years earlier. It wanted more predictability and a clearer articulation of standards and criteria for designation. In response, in April 1985, Koch appointed a five-person committee, headed by architect Alexander Cooper, to conduct a sixty-day review of key aspects of the commission's operations and to determine if its procedures could be improved. The sixty-day study stretched out over a year and resulted in a set of recommendations that pleased no one.<sup>7</sup>

Gene Norman kept trying to raise the Commission's designation profile. Rockefeller Center, which had been heard for designation in 1983 as a landmark complex (not as a historic district because the Rockefeller Group wanted to preserve its ability to transfer development rights from the property), was designated in 1985, along with the interior lobbies of the RCA and International Buildings, joining the already-designated Radio City Music Hall. The buildings were not threatened, but they fell into the category of obvious, high-profile, not yet designated landmarks. This time, Rockefeller Center acquiesced rather than protesting the designation as it had done with Radio City Music Hall.

By the summer of 1985, Norman felt confident enough to move forward with the designation of the Broadway theaters, which had been heard for designation three years earlier. The proposed strategy was to move through the list of theaters alphabetically by name, beginning with the "A's". Happily the first three theaters on the list, the Alvin (now the Neil Simon), the Ambassador, and the ANTA (then the Virginia, now the August Wilson), had three different owners from among the "big three," the Nederlander Organization, the Shubert Organization, and the Jujamcyn Theaters Corporation respectively. The Commission also adopted a set of regulations, keyed to the identification of architectural features in the designation reports, that

would expedite the review process for building permits. It cited the Madison Avenue guidelines as precedent. The Planning Commission, at that time headed by Herbert Sturz, felt that the Commission was moving too quickly and thwarting proposed zoning provisions among other things. With the prospect of major opposition from Planning, Norman agreed to delay further action on additional designations.<sup>8</sup> The Board of Estimate denied the exterior designation of the Ambassador Theater (owned by the Shubert Organization and the least architecturally attractive of the group), but upheld all three interior designations and the other two exterior designations. The action of the Board, although it claimed no special architectural expertise, showed the prolonged influence, some twenty years, of architectural style as the basis for designation.

That summer also saw the designation of the New York Stock Exchange Building at Broad and Wall Streets. The stock exchange had fought designation even longer than the Woolworth Building but finally acceded on the condition that the landmark site be limited to exclude the 1960s section of the building. Two twin-towered Art Deco apartment buildings on Central Park West—the Century and the Eldorado—also joined the ranks of designated landmarks. Even at that date, ten years after the Commission had begun designating Art Deco buildings, the style was still viewed with skepticism by some of the Commissioners, as well as members of the public.<sup>9</sup>

Also in 1985, two major New York museums announced plans to expand their buildings. Both were on the Upper East Side, both were notable examples of modern design, both would require a variety of city approvals in addition to building permits, and both were opposed by local neighborhood groups. However, because of the thirty-year limitation of the landmarks law, the Commission could not assert jurisdiction in the case of the famous Frank Lloyd Wright-designed Guggenheim Museum, completed in 1959. By contrast, because the Whitney Museum, designed by Marcel Breuer and completed in 1966, was located in the Upper East Side Historic District, the Commission was required to review the expansion proposal for its impact on the district, even though the building was less than thirty years old.

A design by the postmodern architect Michael Graves would have doubled the size of the Whitney by surrounding and partially surmounting the existing building. Once the proposal was unveiled in May 1985, the controversy was intense, not only in the community immediately around the museum, which feared the impact of a greatly enlarged building, but also among the architectural community which felt Graves's design would "destroy a world-renowned work of

architecture.”<sup>10</sup> In the face of such intense criticism, the museum submitted a somewhat smaller expansion by Graves for public hearing by the Commission. Still the design was controversial, even in its scaled-back version, in part because it called for the demolition of the five brownstone-fronted rowhouses immediately south of the museum building. One of the five had been identified as a “no style” building in the original designation report, but the others had been identified as important to the character of Madison Avenue. Despite the protestations of the proponents of the new design, Commissioner Tung wondered: “If the commission allows an applicant in this instance to demolish four buildings which are clearly contributing are we then not faced with putting in jeopardy 20 percent or 30 percent of the buildings in the historic districts?”<sup>11</sup> Finally in late 1988, the museum came forward with a third design, still by Michael Graves, but scaled-back and much more restrained in character.<sup>12</sup>

*New York Times* architecture critic Paul Goldberger wondered why the Guggenheim proposal was met with so much less opposition than the Whitney proposal. Designed by the firm of Gwathmey Siegel and Associates, it would replace a small annex building designed by the Taliesin Fellowship. He conjectured that the lack of outcry was because the addition was not post-modern but modern. “Could this be why the art and architectural communities have been relatively silent on this one—that in today’s climate the Guggenheim addition is seen as a friendly intruder and not an alien one?”<sup>13</sup> By the time the Guggenheim met the thirty-year requirement of the landmarks law for designation, the addition would be completed.

Meanwhile, St. Bartholomew’s Church was not about to give up its battle to develop part of its site, filing an application to proceed with its project on the basis of economic hardship. Public hearings began in October 1985, with officials of the church and the Episcopal diocese stating that it needed the income that would be generated by a new tower to carry out its mission of serving the poor. Meanwhile a large minority group of the parish, which called itself the Committee to Oppose the Sale of St. Bartholomew’s Church, contended that the vestry was manipulating its finances and misstating the adequacy and condition of the existing buildings.<sup>14</sup> After sorting through hours of public hearing testimony and supporting documents on both sides of the argument, the Commission finally issued a denial to the application on February 25, 1986. Using the tests for hardship set forth by the Appellate Division of the New York Supreme Court in the Sailors Snug Harbor case, the church was required to prove that the existing facilities were inadequate for its purposes and that the denial of the tower proposal would cause an economic

hardship. Consequently, the Commission had to make two separate findings, both of which were drafted by Commissioner Tung and approved by a vote of 8-0 with one abstention. The preservation community at large and the minority parishioners were delighted. The church officials vowed to challenge the Commission's actions in court.<sup>15</sup> A lawsuit was filed in Federal District Court in April 1986 that contended that the Commission's actions had violated its First and Fifth Amendment rights.<sup>16</sup> The case eventually worked its way from Manhattan district court to the Second Circuit federal court. The courts at all levels agreed that St. Bartholomew's Church had failed to make its case of economic hardship. However, the church sought to have the case heard by the U.S. Supreme Court. The petition was denied in 1991,<sup>17</sup> which finally brought the St. Bartholomew's tower proposal to a close, ten years after the initial announcement, millions of dollars in litigation costs, not to mention architects' and engineers' fees, and a deeply divided congregation that needed much healing. Architecture critic Paul Goldberger commented that the court decision "effectively kill[ed] forever the church's plan to erect a skyscraper on a portion of its landmark property on Park Avenue—and end[ed] the bitterest landmarks dispute of the decade entirely in favor of the landmarks lobby."<sup>18</sup>

The St. Bartholomew's proposal and subsequent lawsuits generated national interest, at a time when the larger religious community was viewing government regulation, not to mention designation, as intrusive. When the U.S. Supreme Court denied the church's petition, the legal implications for national preservation law were as significant as those of the Grand Central decision fourteen years earlier.

In response to broad community interest, the Commission calendared and heard in 1986 a historic district in the Ladies Mile area of Manhattan. Located between Union Square and Madison Square and extending west of Broadway to Sixth Avenue, the area had been the center of a fashionable shopping district and related garment and furnishing industries in the late nineteenth and early twentieth centuries. The neighborhood had many warehouses and light manufacturing loft spaces, but because of low rents was beginning to become popular for residential conversions and specialty office space. Once again the real estate community was up in arms, as if its members had totally forgotten what had happened in SoHo once it had been designated twenty-three years earlier. But even though the district had been heard, the local activists and advocates of designation were unhappy because a designation was not immediately forthcoming.<sup>19</sup>

By the beginning of 1987, Norman was facing two more public relations battles, one over designations or lack thereof, and the other about regulation. Christabel Gough, a local Greenwich Village activist who formed a group called the Society for the Preservation of the City, started to publicize the paucity of designations, complete with statistical analyses and press releases. In his first few years Norman always spoke of "triage" and a lack of resources.<sup>20</sup> It was true that designation reports were becoming longer and were more complicated to write and produce as they served more purposes by trying to anticipate future regulation. At the same time, far more items had been taken into the public hearing process than the research staff could deal with, especially when the Commission's attention was so focused on issues relating to the preservation of already designated landmarks.

City Hall had long been interested in Bryant Park, located behind the New York Public Library, which had become a neglected and dangerous eyesore. To combat the problem, local businesses and organizations organized the Bryant Park Restoration Corporation. Headed by Daniel A. Biederman, the group came up with a proposal to redesign the park and take over its management from the Parks Department. As a designated scenic landmark, the park was subject to landmarks review, although the Commission's votes were not binding on the Parks Department. Part of the redesign called for the construction of restaurant pavilions on the park's upper terrace adjacent to the west side of the New York Public Library building. Designed by architect Hugh Hardy of Hardy Holzman Pfeiffer Associates (once again involved in the design of a controversial landmarks project), the pavilions had the effect of partially obscuring the view of the west wall of the library and its articulation of the interior stacks. This design effect was widely praised as an expression of Beaux-Arts design principles. The park redesign, including the creation of underground stacks for the library below the park, was the subject of several lengthy public hearings in 1986. After much debate, the Commission adopted a motion in early January 1987 that found the proposed pavilion designs "untenable" because of the impact on the library, although the underground stacks proposal was approved.<sup>21</sup> The effects of the redesign on the formal French-inspired landscape that had been installed in the 1930s was largely ignored. However, Commissioner Tony Tung, who in fact drafted the Commission's motion, decided to write an op-ed piece for the *New York Times* that explained his philosophical reasons for opposing the plan. Tung himself pulled the article shortly after he submitted it, but Norman was very unhappy about the end-run around an official, albeit controversial, Commission position. As

quoted in the *New York Times*, “It’s a case of making sure that when the commission does issue a statement that it comes from an official spokesman only.”<sup>22</sup> As a consequence, Norman told Tung that he would not be recommended for reappointment to the Commission. Tung was not about to resign, so assumed the role of critic to almost everything that Norman did. Ironically, Tung’s fall from grace gave him the status of a martyr and made him a hero with the preservation activists; many of whom had previously found fault with his lengthy discussions and digressions at Commission meetings.<sup>23</sup>

The controversy over Tung’s reappointment was indicative of broader difficulties with Commission appointments. Given the long hours and unpaid status, the role of a landmarks commissioner was a stressful one, especially if one was trying to maintain another career. During much of Norman’s tenure, commissioners were serving even though their terms had expired and there were unfilled vacancies, which sometimes made it difficult to achieve quorums for Commission votes. In February 1985, Elliot Willensky was named as vice chairman to succeed William Conklin. Architects Frances Halsband and David Todd replaced Conklin and Charles A. Platt. Adolf Placzek, retired Avery Librarian, was named as an architectural historian.<sup>24</sup>

The Reverend David A. Garcia, rector of St. Marks in the Bowery Church; architects George S. Lewis, Gaston Silva, and Mildred Schmertz; and architectural historian Sarah Bradford Landau joined the Commission in 1987.<sup>25</sup> Tony Tung was not replaced until the spring of 1988 by Lee Weintraub, the commission's first landscape architect who was also a Staten Island resident.

The Commission embarked on another series of public hearings in 1987 and 1988. Many of the properties were on the Upper West Side, and had been identified in the survey work that had begun when Barwick was heading the Commission. In the case of the blocks along and west of Central Park West and the blocks between Riverside Drive and West End Avenue, the Research Department argued for large, inclusive, and architecturally diverse districts that reflected historic development patterns in the area. The approach was similar to what had been done on the Upper East Side, but was no less controversial. While many neighborhood residents were enthusiastic, seeing potential designation as a way of preserving scale and architectural character, the larger development community and many churches and other institutions that owned valuable real estate were opposed. The Commission’s own Preservation Department staff also had mixed feelings about the proposed districts. Because of the strengthened agreement with the Buildings

Department, all properties within the calendared districts (some 2,000 buildings) were placed within Commission jurisdiction but the Commission and staff had only limited enforcement powers until the districts were actually designated.

More than two years after the initial designations of the Broadway theaters, the interagency politics were finally settled and the lawsuits that challenged eminent domain over properties on West 42nd Street were sufficiently resolved for the Commission to move forward with the remaining theater designations. Twenty-eight more theaters were designated over a period of several weeks in late 1987 and early 1988. Despite the opposition of the Shubert, Nederlander, and Jujamcyn organizations, the Board of Estimate unanimously upheld the designations on March 10, 1988 (actually early in the morning of March 11), after a late night session.<sup>26</sup>

Another long-simmering controversy finally led to the calendaring and public hearings in 1988 of two complexes built by the City and Suburban Homes Company on the Upper East Side. The group of buildings between East 78th and East 79th Streets off York Avenue was acquired by developer Peter Kalikow in 1985. He announced plans to buy out all the tenants, who enjoyed rent-controlled and rent-stabilized apartments, and redevelop the block with luxury apartment buildings. The tenants, understandably alarmed, petitioned the Commission for designation and organized themselves as the Coalition to Save City and Suburban Homes. They also hired architectural historian Andrew S. Dolkart to prepare a National Register nomination, and launched an education and public relations campaign. The complex had been built in the early years of the twentieth century as a development of model tenements for the benefit of working-class New Yorkers. For its part, the Commission decided that the Kalikow site could not be looked at in isolation, so asked the research staff to undertake a study of model tenements in Manhattan. The City and Suburban Homes Company had constructed a number of model tenements projects, including a group of buildings that survived off First Avenue between East 64th and East 65th Streets. The Commission held public hearings, which proved to be long and contentious, on both groups. The Kalikow group hired a team of “expert witnesses” to denigrate the significance of the buildings at the public hearings.<sup>27</sup>

The buildings were unprepossessing in appearance, but the planning principles and the social history of the complexes led the Commission to consider new directions regarding designations. These issues also factored into the ongoing discussion of how to define historical and cultural landmarks and the implications for designation and regulation. More than twenty years after the

establishment of the Landmarks law, many on the Commission and much of the larger public still felt that landmarks should be architecturally distinguished. It was much harder to define and justify the more intangible characteristics of history and culture, even though the landmarks law made ample provisions for such designations.<sup>28</sup>

The report of the Cooper Committee, which contained several recommendations that, if adopted, would have restricted the independence of the Commission, was still an unresolved issue. In response, Norman decided to counter-attack, asking for the formation of another committee that would review Commission operations and procedures in order to prepare the Commission for the year 2000. Technically it was placed under the aegis of the Municipal Art Society and called the Historic City Committee. Chaired by former Commission Vice Chairman, William Conklin, the Committee (informally named after its chairman) was formed in December 1987. At the time, Conklin was quoted: “When the landmarks law was written, it was a desperate, stop-the-destruction movement. It is time to realize that the 19th- and 20th-century buildings we preserve will last through the 21st century. Their disposition and long-term use is something the original framers didn’t have to worry about.”<sup>29</sup> The results titled *New York The Historic City* and generally called the Historic City Report were not released until February 1989.<sup>30</sup>

Two years after the Cooper Committee recommendations were issued, Deputy Mayor Robert Esnard, speaking for the Koch administration, announced a public hearing in June 1988 on a series of initiatives to “strengthen the landmarks law.” The major proposal in the report recommended amending the law that governed the issuance of building permits (not the Landmarks law) in order to authorize the Commission to create large study areas throughout the city. Once a study area was declared, the Commission could create a protected-building list and then subsequently calendar and designate buildings on that list, as long as the proceedings were completed within a year. Owners of buildings on the list would be entitled to an expedited Commission review for building permits. Buildings within a study area that were not put on the protected buildings list or buildings on the list that failed to be designated after a year could not be reconsidered for at least five years. If this recommendation were to be adopted, such a proceeding would be even more onerous than the moratoriums written into the original law.

Other proposals were: to establish a group of Buildings Department inspectors to monitor landmarks and buildings in historic districts; to authorize the Environmental Control Board to

hear Landmarks violations and to impose fines (thus shifting violations proceedings out of the Criminal Courts system); and to institute application fees for landmark permits.<sup>31</sup> The proposals to establish protected lists and to impose application fees were controversial within the preservation community. The first was seen as a throwback to the limitations of the landmarks law as originally implemented, while the fee proposal was seen as a detriment to compliance with the law. The proposals never made it to legislation.

The Historic City [Conklin] Committee report also dealt with designations, proposing that the Commission issue quarterly lists of potential landmarks and historic districts, hold public hearings for items on the list within three months, and then act on designation within one year for landmarks and two years for historic districts. To protect potential landmarks, the Buildings Department would not issue alteration or demolition permits to buildings on the quarterly lists. Unlike the Cooper Committee recommendations, this proposal would not limit the Commission's ability to reconsider buildings for designation. The Commission was also urged to adopt a preservation policy (de facto guidelines) for each historic district.<sup>32</sup> None of these recommendations were implemented either.

Ironically, it was a long-running lawsuit challenging the existence of the Board of Estimate under the federal Voting Rights Act that helped solidify the Commission's independent status. In March 1989, the U.S. Supreme Court ruled against the City of New York in the case of *New York City Board of Estimate v. Morris*, 489 U.S. 688 (1989). As a result the Board of Estimate was to be abolished by the summer of 1990. The New York City Charter had to be rewritten and submitted for a vote in the fall of 1989. The Landmarks Preservation Commission was codified as an independent agency in the new city charter. Once the charter was implemented, Landmarks designations would be ratified, modified, or denied by the City Council. The mayor could veto a City Council action and the council could overrule a mayoral veto by a two-thirds vote. The religious community, still smarting from the St. Bartholomew's Church decision and other controversial designations of religious buildings, managed to get provisions for a separate review panel for buildings that were exempt from paying property taxes that had exhausted their hardship appeals. To date, that panel has never had to convene.<sup>33</sup>

Meanwhile the failure of the Commission to adopt and implement regulations beyond those contained in the Landmarks law, whether generally applicable or district specific, remained a major point of contention with architects and developers. (The Madison Avenue guidelines and

the theater guidelines were minor exceptions.)

By the end of 1988, Norman had had enough. He had the opportunity to return to Harlem to a new state agency, the Harlem International Trade Center Corporation.<sup>34</sup> Unfortunately for the numbers of designations under his chairmanship, he left his post shortly before the Commission designated the Ladies Mile Historic District.

### *Todd as Place Holder*

David F. M. Todd, who had served as an architect appointee on the Commission since 1985 and was a member of the Conklin Committee, was announced as Norman's replacement. He had become so aware of the agency's administrative problems when on the Conklin Committee that he made it his mission to implement managerial reforms, move forward on guidelines and regulations, and pick up the pace of designations. The real estate community was happy because they thought he would push forward with regulations that would give more certainty to property owners. Preservationists were initially wary, but at least hopeful that his previous Commission experience would move designations forward. Todd expressed his philosophy to a *New York Times* reporter: "The thing I admire most about the landmarks law is not that it makes room for but deliberately invites different points of view. I am more tighter reined on the designation side. I am more inclined toward architectural quality level as a decisive criterion. The historic or cultural sides can be stretched, strained and rationalized. To my mind, too many things can fit under those headings. On the regulatory side, I'm looser reined. We sometimes have a tendency to view every landmark as an equally sacred object."<sup>35</sup>

Todd was also under pressure for the Commission to designate to beat the deadline that would be set by the expiration of the Board of Estimate. Any designations made after May 1, 1990, would be subject to review by the City Council, and the local preservation advocates were fearful about outcomes.

Because of the staff increases, survey work, and designation studies that had begun under Norman, Todd was able to have the Commission move rather expeditiously on designations.

The Ladies Mile Historic District was finally designated in May 1989. Public hearings on four historic districts and individual items in Tribeca followed in June. The Research Department launched into the preparation of designation reports for districts and individual landmarks on the Upper West Side, with the Riverside-West End Historic District being designated by the end of

the year.

The designation of the Coogan Building, constructed in 1876 as the Racquet Court Club Building, was one that Todd might not have supported before he became Commission chairman. Commissioner Sarah Bradford Landau had long argued that the form of the building with its monumental arched windows was a precursor to early skyscraper design in New York City. Unfortunately for the fate of the building, it stood on a prominent site at the corner of Sixth Avenue and West 26th Street in an area that had been proposed for rezoning by the City Planning Commission. The owner envisioned a massive residential and commercial development between 25th Street and 28th Street along the avenue. When the designation came to the Board of Estimate, only Mayor Koch with his two votes voted to affirm it. All the other board members, including Manhattan Borough President David Dinkins, voted to deny the designation. It was only the third time in fifteen years that the board overturned the designation of a Manhattan landmark.<sup>36</sup>

Todd also presided over the designation of the first modern landmark after Lever House to achieve the thirty-year mark, the Seagram Building, the great postwar International Style skyscraper designed by Mies van der Rohe. Unlike the owners of the Lever House, the Seagram Building owners not only welcomed but sought the designation. In this case, the Seagram Corporation had negotiated the sale of the property to TIAA-CREF in 1980 with stipulations that mandated long-term maintenance and an agreement to seek local landmarks status when the building was eligible by age. The Commission was happy to move forward with the designation and also included the interior lobby spaces. At the same time, the Commission was petitioned by the owners of the Four Seasons Restaurant located in the building and an integral part of the overall design, to designate its spaces. Despite the protests of TIAA-CREF, the Commission did so, and the designation was affirmed by the Board of Estimate. As had been the case with Radio City Music Hall, there was a lawsuit that challenged the Commission's jurisdiction to designate interiors on the basis of public access, but the designation was upheld by the New York State Court of Appeals.<sup>37</sup>

By 1989, Koch was in his third term and entering his twelfth year in office. While it was assumed that he would run for a fourth term, his relations with the residents of many sections of the city were becoming increasingly strained. When a young black teenager was chased and killed by a white mob in Bensonhurst, Brooklyn, that summer, the situation only got worse. Two

and half years earlier, another white mob had attacked a group of black teenagers in Howard Beach, Queens. David Dinkins, who had run for mayor four years earlier, ran again and defeated Koch and two other candidates in the Democratic Party primary in September. But Dinkins was scarcely a shoo-in, as the popular federal prosecutor Rudolph Giuliani was running on the Republican and Liberal party lines. Dinkins won a very close race that November.

Like Koch, Dinkins did not have the appointment of the landmarks chairman at the top of his agenda. So Todd stayed on into 1990. Among his last official acts as chairman were to preside over the designations of the two City and Suburban Homes complexes and the Upper West Side/Central Park West Historic District on April 24, 1990. The date was the last on which the Commission could vote and ensure that the designations would go to the Board of Estimate for review, instead of the newly empowered City Council.

Todd had improved the agency management and had moved forward the designation agenda more systematically, but the implementation of regulations was a large piece of unfinished business.

## Notes to Chapter 4

1. "The History of 'The Storefront Crusade': How the Christopher East Block Association Historic District Committee Turned Activist," *Village Views* 1 (Winter 1984): 57-67, describes one group's attitude towards the Commission and its actions.
2. In many municipalities, local designations are adopted with design review guidelines that address the particular landmark or historic district.
3. Ada Louis Huxtable had been named to the *New York Times* editorial board in 1974; she resigned that position in 1981 when she received a five-year MacArthur Fellowship (the so-called genius grant).
4. "His architecture background did not include preservation or city politics. 'He wasn't one of the original thirteen on Koch's list,' says a preservationist. 'No one knew him.'" Margery Stein, "Preservation Hall Blues," *Manhattan, Inc.* Feb. 1986, 128..
5. On St. Bartholomew's Church: Paul Goldberger, "Architecture View: Do Landmarks Belong to Everyone?," *New York Times*, January 22, 1984; David W. Dunlap, "Battle of St. Bart's Goes to Landmarks Panel," *New York Times*, February, 1, 1984; David W. Dunlap, "Landmarks Panel Vetoes Tower Plans for St. Bart's and Historical Society," *New York Times*, June 13, 1984; Matthew L. Wald, "A Smaller Office Tower is Planned by St. Bart's," *New York Times*, December 21, 1984; Paul Goldberger, "St. Bart's: New Plan That Faces Old Issues," *New York Times*, December 28, 1984; "Church and Foes Clash Again on St. Bart's Project," *New York Times*, January 30, 1985; Isabel Wilkerson, "St. Bart's Loses Second Bid to Build an Office Tower," *New York Times*, July 10, 1985. Carter Wiseman, "Taking on the Towers," *New York*, Jan. 23, 1984, 62-63, has a good discussion on the New-York Historical Society project, why the tower is wrong for this site, and why the decision should be made on the merits of the design, not on the neediness of the organization.
6. Jesus Rangel, "Proposal for 5th Avenue Sparks Dispute," *New York Times*, January 13, 1985; Frank J. Prial, "5th Ave. Tower Blocked by Vote for Landmarks," *New York Times*, January 31, 1985; Michael Blumstein, "Dollars vs. History on Fifth Avenue Block," *New York Times*, February 15, 1985; "Coty Building's Owner Loses Permits to Alter," *New York Times*, February 22, 1985; Joyce Purnick, "The Lay of the Landmarks Commission; The Latest Fight is on Fifth Avenue," *New York Times*, April 7, 1985; Gene A. Norman, "Landmarking Adds to the Quality of Life in New York City," (letter to the editor), *New York Times*, April 20, 1985; Jesus Rangel, "Panel Approves Tower Plan Using Facades of 2 Landmarks," *New York Times*, May 29, 1985.
7. See Purnick, *New York Times*, April 7, 1985; Suzanne Daley, "New Landmarks Policy Urged by Mayoral Panel," *New York Times*, May 31, 1986.
8. Jeffrey Schmalz, "Panel Postpones Landmark Plan for the Theaters," *New York Times*, August 14, 1985.
9. Joseph Berger, "New York Stock Exchange Among 5 Buildings Gaining Landmark Status," *New York Times*, July 11, 1985.
10. Paul Goldberger, "An Appraisal; A Daring and Sensitive Design," *New York Times*, May 22, 1985; Paul Goldberger, "Architecture View: For the Whitney, Adding Less May Result in More," *New York Times*, August 11, 1985; Douglas C. McGill, "600 Sign Petition Against Whitney Design," *New York Times*, Oct. 5, 1985. Douglas C. McGill, "Expansion at Whitney: The Debate Broadens," *New York Times*, November 26, 1985.
11. David W. Dunlap, "Whitney Expansion Raises Preservation Issue," *New York Times*, May 24, 1987.
12. Paul Goldberger, "Third Try on Expansion Design for the Whiney," *New York Times*, Dec. 20, 1988. While this proposal was ultimately approved by the Commission, it was not built.
13. Paul Goldberger, "Architecture View: Modernism Reaffirms Its Power," *New York Times*, Nov. 24, 1985.

14. Jeffrey Schmalz, "St. Bart's and Group of Parishioners Clash at Landmark Hearing on Need for Tower," *New York Times*, October 30, 1985; Jeffrey Schmalz, "Ex-Trustee Says Church Aides Lied in Tower Hearing," *New York Times*, December 4, 1985.
15. Crystal Nix, "St. Bart's Again Denied on Office-Tower Plans," *New York Times*, February 25, 1986; Crystal Nix, "St. Bart's Plans Lawsuit on Office Tower Denial," *New York Times*, February 26, 1986.
16. "St. Bart's Is Suing City on Office Tower Plan," *New York Times*, April 9, 1986.
17. Linda Greenhouse, "Court Ends Tower Plan at St. Bart's," *New York Times*, March 5, 1991.
18. Paul Goldberger, "Architecture View: Two Reasons for Dancing in the Streets of New York," *New York Times*, March 17, 1991.
19. An example of local advocacy for the district was the lecture given by William Conklin at the Fashion Institute of Technology, published as "Ladies' Mile: The Architecture of Commerce," *Village Views* 3 (Summer 1986): 3-23.
20. See "Is Landmark Designation Finished?," 38-43, and "What Was Designated When: A Chronological List of Designations, 1965-1986," 44-68, *Village Views* 4 (Winter 1987).
21. David W. Dunlap, "Landmarks Panel Calls Plan for Bryant Park 'Untenable'," *New York Times*, January 8, 1987.
22. David W. Dunlap, "Landmarks Commission Member Losing Post," *New York Times*, Jan. 23, 1987.
23. Tung's evolving views on the role of the Landmarks Commission can be read in "An Interview with Commissioner Anthony Tung," *Village Views* 3 (Winter 1986): 13-33, and Anthony Max Tung, "The Historic City Report: Ignoring the Lessons of History," *Village Views* 5, no. 4, 3-6. Tung used his experiences on the Landmarks Commission as a springboard to write *Preserving the World's Great Cities: The Destruction and Renewal of the Historic Metropolis* (New York: Clarkson Potter, 2001).
24. Susan Heller Anderson and David W. Dunlap, "New York Day by Day: At the Landmarks Panel," *New York Times*, Feb. 1, 1985.
25. "Panel on Landmarks Awaits Appointments," *New York Times*, June 29, 1987.
26. Todd S. Purdum, "28 Theaters Are Approved as Landmarks," *New York Times*, March 12, 1988. The theater owners filed an unsuccessful lawsuit over the designations.
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28. Paul Goldberger, "Architecture View: What Does It Take to Make a Landmark?," *New York Times*, October 2, 1988, discusses some of these issues.
29. David W. Dunlap, "Advisory Group to Determine Future of Landmarks Board," *New York Times*, Dec. 27, 1987.
30. The entire report was reprinted in *Village Views* 5, no. 4, 25-55.
31. David W. Dunlap, "Landmarks May Get New Rules," *New York Times*, May 11, 1988.
32. David W. Dunlap, "Panel Urges Deadline for Votes on Landmarks," *New York Times*, Feb. 8, 1989.
33. New York City Charter, Chapter 74; Iver Peterson, "Battle Looms on Landmarked Churches," *New York Times*, Dec. 3, 1989.

34. David W. Dunlap, "Chairman Plans to Leave Panel on Landmarks," *New York Times*, November 11, 1988; Anthony DePalma, "Third World Center in Harlem Stirs Again," *New York Times*, January 1, 1989.
35. David W. Dunlap, "Man In the News: New Chairman for Landmarks Panel; David Fenton Michie Todd," *New York Times*, Jan. 25, 1989.
36. Sarah Bradford Landau and Carl W. Condit, *Rise of the New York Skyscraper, 1865-1913* (New Haven, Conn.: Yale University Press, 1999), 100-101; David W. Dunlap, "Board Drops 1876 Building As Landmark," *New York Times*, Dec. 8, 1989. The building was demolished in 2000.
37. David W. Dunlap, "Seagram Landmark Move is Backed," *New York Times*, April 21, 1988; David W. Dunlap, "Weighing Four Seasons as a Landmark," *New York Times*, May 9, 1988; David W. Dunlap, "Four Seasons is Designated a Landmark," *New York Times*, Oct. 4, 1989; David W. Dunlap, "Building Owner Fights Landmark at 4 Seasons," *New York Times*, Feb. 4, 1990; Ronald Sullivan, "Judge Upholds Landmark Status of the Interior of the Four Seasons," *New York Times*, Oct. 18, 1990.

## THE COMMISSION COMES OF AGE: GROWTH AND MATURITY (1990-1999)

### *The Beckelman Years*

David Todd had done his job well. He had strengthened the Commission's procedures, budget, and operations and had improved the morale of the Commission staff and commissioners. He had applied to serve as chairman under Dinkins and then agreed to stay on the Commission after Dinkins announced the appointment of Laurie Beckelman as chairman.

Beckelman's appointment received the approval of the City Council on April 24, 1990, the same day the Commission was voting on the designation of the Upper West Side/Central Park West Historic District and the two City and Suburban Homes projects.

A few days later, David Dunlap commented: "The New York City Landmarks Preservation Commission began its second quarter-century last week on a momentous note: within a few hours, it created a 2,000-building historic district on the Upper West Side and got a new chairwoman, Laurie Beckelman.

"Also accompanying its 25th anniversary were shadows of uncertainty cast by a constitutional challenge from St. Bartholomew's Church and by the knowledge that commission designations will soon be subject to approval or modification by the City Council."<sup>1</sup>

Beckelman was a product of the Municipal Art Society, where she had worked under Kent Barwick when he was executive director and then Margot Wellington. She then went on to the New York Landmarks Conservancy, following Susan Henshaw Jones as executive director. Like Barwick, she was well-connected with the preservation establishment, and also like Barwick, she relished the opportunity to affect New York City preservation from the inside by implementing designations and regulations. A month after the beginning of her tenure, Elliot Willensky, who had served as the vice chairman since 1985 and was slated to stay in that position, dropped dead of a heart attack.<sup>2</sup>

Despite the sudden loss of a seasoned and sympathetic commissioner, Beckelman announced that she wanted to "reach out" to neglected areas and deal with modern buildings that were coming of age for designation—at that time buildings constructed before 1960. In August 1990, the Commission finally designated the Guggenheim Museum. It had been heard for designation in 1988, and by that time the Gwathmey Siegal expansion was completed. Halina Rosenthal,

who still headed the Friends of the Upper East Side Historic Districts but was in failing health, was particularly anxious to see the designation.

Beckelman also had to shepherd the Upper West Side/Central Park West and City and Suburban Homes designations through the last session of the Board of Estimate, which turned into a four-day marathon in August 1990. The Upper West Side/Central Park West district designation was sustained, but the City and Suburban Homes designations were modified. The Board of Estimate excluded the easternmost buildings in both complexes. These buildings had been the most contested in the Kalikow-owned York Avenue Estate, but the board thought it should be consistent in its treatment of both complexes. This action gave rise to a lawsuit that was filed by the Committee to Save the City and Suburban Homes on the grounds of “arbitrary and capricious action,” a so-called Article 78 proceeding. After a ruling favorable to the Board of Estimate in the State Supreme Court, New York County, the appellate division found in favor of the plaintiffs and restored the landmark status to the easternmost buildings of the York Avenue Estate only, as the First Avenue Estate was not part of the lawsuit. The ruling cited the Commission’s action in designating the entire complex as a landmark site and not fourteen individual buildings. Either the entire complex was worthy of designation or none of it was.<sup>3</sup>

The Upper West Side/Central Park West Historic District had taken over six years to come to fruition. The district proposal came after a staff survey of the entire community board. The very large historic district proposed by the research department encompassed Central Park West between 62nd Street and 98th Street and extended westward as far as Amsterdam Avenue along some blocks. The rationale that governed the recommendation was similar to that on the Upper East Side—a broad swath that reflected the area’s historic and architectural development. The boundary of the district as designated was somewhat smaller than the boundary that was the subject of public hearing, but the principle was retained. The Commission knew it would face many of the same regulatory problems as on the Upper East Side—storefront changes on Columbus and Amsterdam Avenues and 72nd Street, the major commercial streets, and window changes in apartment buildings.

Both Beckelman and Todd expressed concern about increased regulatory responsibilities: “‘The bigger we get,’ Mr. Todd said ‘and the more we take under our wing for regulatory control, the more the problems are likely to grow.’ . . . Ms. Beckelman shares Mr. Todd’s

concern. ‘If we can’t regulate,’ she said, ‘can you imagine the pressure we’re going to be under from the Council not to designate?’”<sup>4</sup>

The Commission finally adopted regulations for the treatment of windows in 1990, after years of review, contention, and case-by-case decision making. This was the first of a series of regulations intended to regularize Commission actions and permits. The various rules were derived in part from the *Secretary of Interior’s Standards* but do not reference them. The Commission still continued to differ from many local preservation commissions in devising many regulations that would be applicable for any individual landmark or historic district. Most local commissions outside of New York City adopt regulations or design review guidelines that are specific to designated districts.

As part of her effort to reach out, Beckelman took another leaf from Kent Barwick’s book and scheduled a series of “town hall” meetings throughout the city, beginning in the fall of 1990. Meeting in Harlem at the Convent Avenue Baptist Church, Beckelman and other commissioners heard from those who wanted more landmarks and historic districts in Harlem, as well as negative remarks about Gene Norman’s failures to consider such designations. At the meeting in Jackson Heights, Queens, the attendees talked about a Jackson Heights Historic District. The Bronxites wanted a district in Riverdale. Staten Islanders pressed for districts in St. George and Mud Lane/Stapleton. Some in Brooklyn wanted a new larger Bedford-Stuyvesant Historic District. Clearly the meetings raised expectations, although Beckelman, unlike Barwick, made no promises that community participation would speed up the process.

In July 1991, Beckelman discovered firsthand why Gene Norman had avoided dealing with Harlem. After a review of staff recommendations based on survey work, and much discussion, the Commission had calendared twenty items in Harlem for public hearing. None of the proposed historic districts were included, in part because of insufficient consensus among the Commissioners on district boundaries and how to proceed. The hearing was an all-day affair held in the Harlem State Office Building, courtesy of Gene Norman whose Harlem World Trade Center offices were there.

Some of the speakers at the hearing were supportive of the Commission’s actions and the items being heard. Many more speakers, orchestrated by Michael Henry Adams, a local historian and activist, criticized the day’s agenda and the lack of previous Commission designations in Harlem. As a tactic, it did little to encourage speedy Commission action, and in fact, no

residential historic districts were designated in Harlem during Beckelman's tenure, despite the Commission's interest in expanding the Mount Morris and Hamilton Heights Historic Districts and in creating a new district in Sugar Hill.

Meanwhile, the Commission had already begun an innovative project to restore the twenty-eight brick rowhouses of Astor Row on West 130th Street in Harlem which had been designated in 1981 under Barwick. Constructed between 1880 and 1883 on land that was owned by William Astor, the houses are notable for their wood porches, many of which had fallen into a state of disrepair. Partnering with the New York Landmarks Conservancy, the Commission launched a restoration program in 1990. The Conservancy offered grants and loans through its Historic Properties Fund, the Commission provided facade improvement grants to income-eligible property owners, and the Vincent Astor Foundation added more funding. Brooke Astor, whose late husband Vincent Astor had managed the properties for the family in the 1920s, took a personal interest in the project, visiting the site for personal inspections, decked out in her designer suits and jewels.<sup>5</sup>

Beckelman had the opportunity to reach out on two other important designations. The first, the designation of the Antonin Dvorak House, east of Stuyvesant Square, revealed the new dynamic with the City Council. The house on East 17th Street had been the home of the Czech composer during his three-year tenure in New York City. Owned by Beth Israel Hospital, it was slated for demolition in order to be replaced by a new building that would house an AIDS hospice. Some local neighborhood activists as well as fans of Dvorak and Czech-American culture advocates pressed the Commission to designate the house for its historic and cultural associations. The Commission eventually voted favorably after deciding that the house retained enough of its historic appearance to evoke the Dvorak associations. Such a decision would have been standard for a National Register listing, but the Commission, with its strong architectural bias, had infrequently dealt with such issues. The designation was the subject of a highly emotional hearing at the City Council, which voted to overturn it on June 20, 1991. Dinkins as mayor could have vetoed the council's vote but did not. That decision revealed that both the Commission and advocates for landmarks designation would have to do more to cultivate allies in the City Council to sustain designations.<sup>6</sup>

The development boom of the 1980s had shown the archaeological potential of lower Manhattan. Two related federal projects of massive scale, begun in the late 1980s, revealed even

more. Excavation for an annex to the federal courthouse, east of Foley Square, uncovered important information about the nineteenth-century neighborhood of Five Points.<sup>7</sup>

Somewhat further west, a much more startling discovery was made along the east side of Broadway, between Reade and Duane Streets, during excavations in the fall of 1990 for a new federal office building. Human skeletal remains were uncovered, disturbed, and removed from the site before local archaeologists were informed of the situation. Written documents revealed that the skeletons had been found in what was the eighteenth-century African Burying Ground. Because this was a federal project being carried out by the General Services Administration (GSA), the archaeologists notified the Advisory Council on Historic Preservation. The General Services Administration had responsibilities that it had ignored under Section 106 of the Historic Preservation Act. Within the next year, GSA removed over 400 burials. Mayor David Dinkins and State Senator David Paterson, both African-Americans, called for a halt to excavation until the remains could be properly handled. Dinkins also formed a special advisory committee to monitor GSA and called for Congressional involvement.

Both politicians and others in the larger African-American community called for the Commission to get involved. Beckelman was interested but wanted to make sure that the Commission would have a sound basis for taking local action. The research and archaeology staffs were asked to prepare recommendations for a local designation that would be a parallel action to what was happening on the federal front. A congressional hearing was held on site in July 1992. As a result, GSA was ordered to stop work and construction funds were frozen by Congress until the situation was resolved.

The Commission staff drafted a recommendation for a historic district that would encompass the African Burial Ground, as depicted on maps, as well as the historic New York Commons area, which had served a variety of functions in colonial New York. Written records showed that burials of Revolutionary War prisoners had taken place in the area of what had become City Hall Park, south of Chambers Street. Further, Con Ed excavations in and around City Hall Park kept coming up with human bone fragments.

The proposed district encompassed all of City Hall Park and extended as far north as Worth Street between Broadway and Foley Square. Most of the property was owned either by New York City or the federal government, and except for City Hall Park itself and a few open parking lots, was largely built up. But the buildings had shallow basements which meant there was ample

archaeological potential in the area. This would be the first, and so far only, district considered by the Commission for its archaeological significance. Unlike the National Register, which has a criterion for significance that specifically addresses archaeology, the New York law does not call it out.<sup>8</sup>

Meanwhile, Mayor Dinkins was counseled by the Advisory Council that the best way to get GSA to take its responsibilities seriously was to have the African Burial Ground declared a National Historic Landmark. Partly at Beckelman's urging, he asked the Commission to spearhead the nomination. And the congressional committee that was monitoring the GSA, also asked the National Park Service to expedite the National Historic Landmark process.

When the Commission held its own hearing on the district, Dinkins came in person to testify in support of the designation—an unprecedented mayoral action. The Commission voted on its designation in February 1993, while the National Historic Landmark status was affirmed in April 1993. As a result of that status and pursuant to a revised Memorandum of Agreement to which the City of New York with the Commission as its representative was a party, the footprint of the new federal building was shifted somewhat to leave part of the burial ground intact and part of the site open for a memorial. Already excavated remains were sent to Howard University for study and subsequent reburial. Other artifacts were sent to the GSA archaeology lab and Office of Public Education and Interpretation in the U.S. Customhouse at the World Trade Center. Ironically, much of the material from the two excavations (African Burial Ground and Five Points) and related records and files were destroyed in the collapse of the World Trade Center towers on September 11, 2001. The human remains, which had remained at Howard University, were reinterred at the site following several days of ceremonies between September 30 and October 4, 2003. A memorial at the site was dedicated on October 5, 2007.<sup>9</sup>

The African Burial Ground garnered national and international attention. Although the process was contentious, it may be seen as an example of successful federal and local government partnership. The Advisory Council cites it: "The Section 106 process gave community organizations and local citizens the only forum through which to influence GSA's decisions."<sup>10</sup> Because the new federal building was a federal project, a local designation could have been ignored. On the other hand, because the Commission's district designation encompassed a larger area, much of which was owned by the city, its jurisdiction and potential influence over other projects was much stronger, including ongoing construction and restoration

efforts in City Hall Park. Somewhat coincidentally, it encompassed much of the area that had been heard as the Civic Center Historic District in 1981.<sup>11</sup>

The African Burial Grounds and Commons Historic District was an atypical one for the Commission. Beckelman was determined to keep up the district designations, several of which took the Commission in new directions. One of the more typical was the expanded Carnegie Hill Historic District. Because it incorporated a section of Madison Avenue, the guidelines for Madison Avenue in the Upper East Side Historic District were extended northward.

Four contiguous historic districts were designated in Tribeca, long the Commission's backyard, in 1991 and 1992. Despite strong support from residents, Beckelman still had to sell the designations to the real estate community and other city agencies. She committed the agency to develop guidelines for rehabilitation and new construction that would protect the historic architectural characteristics of the area. The result essentially built on the Commission's twenty years of experience in regulating SoHo. The *Tribeca West Historic District Manual*, prepared by Ehrenkrantz and Eckstut Architects and the New York Landmarks Conservancy for the Commission, was issued in 1993. Meanwhile the Planning Commission made a commitment to work with the Landmarks Commission on developing zoning proposals that would be compatible with the historic character of the Tribeca districts.<sup>12</sup>

The Commission took another approach to regulation with the designation of the Riverdale Historic District in the Bronx in 1990. The character of the district differed from other residential historic districts. Topography and landscape were as important to the district as its architectural character. While the Commission had ample experience in regulating freestanding suburban houses in several Brooklyn historic districts and in dealing with landscape issues in urban parks, it had not dealt with residential landscapes before. With the guidance of Lee Weintraub, the first landscape architect to serve as a commissioner, regulations were devised to meet the situation.<sup>13</sup>

Beckelman followed through on her commitment to Queens neighborhoods and oversaw the designation of a large historic district in Jackson Heights in 1993. This early twentieth-century neighborhood of garden apartments and attached and semi-attached houses was in part a planned community. It also incorporated several commercial streets that presented all the challenges of a Greenwich Village or Upper West Side. Moreover, as the neighborhood was becoming more diverse in its ethnicity, the enforcement of the Commission's regulations was increasingly

challenging, although the Commission had long faced similar problems in some of the historic districts of Brooklyn.

The expanding number of designations brought more regulatory work, often to the dismay of a shrinking preservation department staff. After a major staff build-up under Gene Norman in 1987-1988, the Commission was forced to cut back in the face of shrinking City budgets engendered by the national recession of the early 1990s. At the behest of the Office of Management and Budget, the Commission held public hearings in December 1991 on a plan to impose permit fees for work on designated properties. While the fees, if implemented, were intended to raise \$300,000, the idea was vigorously attacked by the preservation community and elected officials. They foresaw failures to file applications and an increased number of violations as consequences of the plan. Equally troubling was a short-live trial balloon floated by the Mayor's Office to shift Commission administrative functions to the Planning Commission, even though the Commission would remain an independent entity. The Commission rejected its own fee proposal in March 1992, but budget problems remained.<sup>14</sup>

Unlike Spatt, who had been faced with the same problem almost twenty years earlier, Beckelman was not about to slow down the pace of designations. Instead she continued to push the Commission to adopt regulations. Work that was done according to regulations could be handled by staff rather than going through an increasingly crowded public hearing agenda. "Title 63," the set of rules adopted by the Commission, was released in 1994.<sup>15</sup> Property owners were often happy to have a more regularized procedure, but some community activists grumbled that the public did not have an adequate chance to comment on changes and that staff encouraged the mundane at the expense of innovation.

The Commission's budget problems manifested themselves most dramatically in the relocation of its offices. Since its establishment, it had always been on or near Broadway close to City Hall. Beginning in 1988, it occupied two floors of 225 Broadway, between the Woolworth Building and Saint Paul's Chapel, and a block away from the World Trade Center. The first World Trade Center explosion in February 1993 was felt and the aftermath witnessed from the Commission's offices. The previous fall, 1992, the City's budget office decided that the Commission should relocate to a City-owned building rather than continue to pay rent at rates negotiated at the height of the mid-1980s real estate market. The new home of the Commission was to be 100 Old Slip, the abandoned First Police Precinct Station House, built in 1909-1911

and designed by Hunt and Hunt. The building had been a landmark since 1977 but had stood vacant for about ten years and needed major rehabilitation. The move occurred in November 1993, just before a mayoral election and before the rehabilitation work was completed.

Certainly there was prestige in having the city's Landmarks agency in a landmark building, but the location was rather far removed from City Hall, other public agencies, and the public records that the Commission needed to do its job in a pre-internet age. Subway connections, too, were further away. Being away from Broadway meant the Commission was really "off the grid," right in the heart of the designated street plan of New Amsterdam and Colonial New York. One compensation was a generously sized public hearing room, built into the site of the police station holding cells and parking garage.

Beckelman hoped to turn the Commission's attention to undesignated buildings and areas in lower Manhattan, south of Wall Street. The new location gave the Commissioners and staff ample opportunity to experience the area firsthand. In 1993, that part of the city was economically depressed, quite a contrast from the Wall Street highs ten years earlier. There was much vacant office space, and the streets were largely deserted on evenings and weekends—a somewhat unnerving change for Commission staff who were accustomed to working during those times. Work was further strained by being in the midst of an ongoing construction site for about six months.

On the bright side, twenty years of working with other city agencies, pushing and encouraging the various mayoral administrations, and getting knowledgeable people, many of them Commission staff alumni and/or graduates of Columbia's and other historic preservation programs, into responsible positions, had created sympathy and awareness of the city's landmark buildings and the need to deal with them responsibly.

The mayoral election in November 1993 was a replay of the one four years earlier with Dinkins, the Democratic candidate, running against Rudolph Giuliani, the Republican candidate. Giuliani promised to reduce crime and look out for middle-class New Yorkers. It was a nasty campaign with racial overtones. Staten Islanders, part of Giuliani's base, were further energized to come out and vote by a ballot proposal to secede from New York City and establish its own municipal government. The Staten Island secession proposal failed, but Giuliani won by about 44,000 votes.<sup>16</sup>

Giuliani took even longer than Dinkins to appoint a Landmarks chairman. Laurie Beckelman had hoped to stay on, but as a decision on an appointment dragged on, she made other plans. In May she announced that she would leave the Commission as chairman to become a vice president at the real estate firm of LaSalle Partners that summer.<sup>17</sup>

The Commission still had important business to transact. Among its major designations were those of the exterior and interior of the Trans World Airlines (TWA) terminal at Kennedy Airport, a major “monument to transportation” designed by Eero Saarinen and Associates and built between 1956 and 1962. Although the Port Authority of New York and New Jersey and TWA were less than happy, the Commission moved forward anyway.<sup>18</sup>

This was the second major post-World War II designation undertaken by the Commission during Beckelman’s tenure, although others had been the subject of public hearing. Undoubtedly, the designation has been a positive factor in assuring the retention and proposed continued use of the terminal. Section 106 of the National Historic Preservation Act has also played a role, since such airport projects are subject to FTA regulations. The terminal and its jetways were designed for much smaller 1960s airplanes. Bankrupt TWA went out of business. The Port Authority would have been happy to see the building demolished and a new building constructed. Adaptive reuse and new designs have been the subject of various studies. The building was leased to Jet Blue airlines, which has constructed a new terminal around it, which the terminal awaits a new use.

### *The Raab Years*

A few days after the TWA designation, Giuliani announced the appointment of Jennifer J. Raab as the next chair of the Landmarks Preservation Commission. Raab, a planner, attorney, and issues advisor to Giuliani for his 1989 mayoral campaign, was as much an unknown to the preservation community as Gene Norman had been eleven years earlier. Reporter David Dunlap commented: “Given the interest of City Hall in promoting real-estate development—which can conflict with historic preservation—Mr. Giuliani’s choice of a landmarks chief may have significant implications.” In the same article, Beckelman was quoted: “‘She’s a lawyer and I think she’ll be passionate in upholding the landmarks law. And it’s good that she had a strong relationship with the Mayor. I think she’ll fare well.’” Kent Barwick stated that Raab seemed “‘very intelligent and caring about the city’ and ‘is thought not to be an ideologue.’” Peg Breen,

president of the New York Landmarks Conservancy, had a more practical take: “‘Someone who isn’t out of the preservation school’ may be able to ‘help drive across the message that preservation is really a part of the economic development, tourism and culture of the city.’”

Raab herself stated that she wanted the Commission to look at buildings in lower Manhattan and to explore public-private partnerships, especially in relation to regulatory issues.<sup>19</sup>

To the Commission staff and her fellow Commissioners, as well as preservation advocacy groups, Raab expressed the hope that she could use her skills as a negotiator to improve relationships between the Commission and property owners. She also hoped to continue to adopt and implement regulations for the Commission, both to provide more reliability for property owners and those who dealt with landmark properties and to ensure the long-term stability of the Commission. When she took office, the Commission was almost thirty years old; it was here to stay, despite budget crises and efforts at charter revision that would eliminate it or consolidate it with another agency. It was time to grow up and act like the mature agency it had become.

If the preservation community was wary but hopeful, it was almost immediately antagonized when Raab decided to replace Dorothy Miner, the long-time agency counsel and staunch defender of the Landmarks law, with Valery Campbell. Campbell had worked as an intern for Miner years earlier, so she was not without preservation credentials. Raab also hired Anne Seel, another planner and attorney and former Miner intern, as executive director.

Nonetheless, Raab moved forward on several initiatives that had begun under her predecessors. The Commission continued to evaluate potential historic districts in Harlem, particularly in the area around Hamilton Heights and the area further north and east known as Sugar Hill. After several years of research and public hearings, four new Harlem districts and two district extensions were finally designated between 2000 and 2002.<sup>20</sup> Efforts to designate a district in Morningside Heights near Columbia University proved less successful, as the university, the area’s majority property owner, resisted.

Proponents of the creation of a historic district in the Douglas Manor/Douglaston area of northeast Queens, an early twentieth-century planned suburban community, prevailed in achieving the designation of the Douglaston Historic District in 1997. Like many suburban communities throughout the United States, Douglaston was experiencing the “tear-down” phenomenon—relatively small houses on large lots being torn down to be replaced by large out-of-scale houses (“McMansions”). Designation did not stop new construction in the district but

did provide a mechanism to make it more compatible with the neighborhood's historic character. The Commission adopted a Master Plan for Douglaston in 2003 to further guide rehabilitation and new construction.<sup>21</sup>

A NoHo Historic District, north of Houston and east of Broadway, was designated in June 1999, although with a smaller boundary than advocated by the area's proponents. The area had similarities in historical and architectural character to the SoHo and Tribeca historic districts to the south. Like those areas, it was experiencing development pressures although more from building conversions and new uses than from new construction.<sup>22</sup>

The Commission under Raab continued to designate notable banking hall interiors, a process begun under Gene Norman. With the vast changes in the banking and financial services industry in the 1980s and 1990s, the grand banking hall was potentially a doomed species. Norman, who had no difficulty in recognizing their architectural merit, regularly referred to them as "white elephants." Bank owners, if the buildings were to remain in bank use, wanted the flexibility to make "state of the art" banking changes. The Commission wanted significant features protected, no matter the existing or future use of the building. To win over reluctant property owners, the Commission proposed that it adopt regulations similar to those for the Broadway theaters. Significant architectural features would be clearly identified in the designation reports. Work on non-significant features could be carried out on a Certificate of No Effect on Protected Architectural Features or a Permit for Minor Work if the visible volume and configuration of the spaces were maintained. The regulations were adopted in 1998 and identified eleven bank interiors.<sup>23</sup> Several of them still remain in use as banks, although no longer operating under their historic names. Others have been successfully adapted for other uses while still retaining their banking hall character, most notably the former New York Bank for Savings, 81 Eighth Avenue, Manhattan, which was converted for retail sales, and the former Bowery Savings Bank, 110 East 42nd Street, Manhattan, which became the site of an upscale meeting and catering facility.

Undoubtedly, Raab's greatest designation successes were in lower Manhattan, an area where the Commission had previously made very few designations due to owner opposition. When Giuliani took office at the beginning of 1994, there was a glut of vacant office space and assessed property values had fallen dramatically. The revitalization of lower Manhattan through zoning changes and tax incentives became a priority for the administration. Raab saw an opportunity to capitalize on the program and move forward with designations of early twentieth-

century office buildings. A group around Bowling Green included the Cunard Building and the Standard Oil Building. Further north on Broadway were the American Surety Building and the Equitable Building, the structure that gave impetus to the adoption of the city's first zoning resolution. Major Wall Street skyscrapers that were designated under Raab included Irving Trust, 1 Wall Street; Bankers Trust, 14 Wall Street; Bank of the Manhattan Company, 40 Wall Street (its construction vied for rivalry with the Chrysler Building); and City Bank and Farmers' Trust, 20 Exchange Place.<sup>24</sup>

Raab also picked up the idea that had been proposed by Kent Barwick about fifteen years earlier of creating a Stone Street Historic District. This two-block street, more alley than thoroughfare, contained rows of low-scale Greek Revival and later nineteenth-century buildings fronting on Pearl Street and South William Street. When the Commission held its public hearing on the proposal, the buildings were largely vacant and the property owners skeptical. But Raab saw an opportunity to leverage other programs and interests to move forward. An analysis was made of how the federal historic preservation tax credits could be used. Beyer Blinder Belle was commissioned to develop a master plan for the district so that rehabilitation work could be done expeditiously. The city applied for a federal ISTEA grant for street and other infrastructure improvements. The district was designated in 1996, the master plan was adopted soon after, and the street improvements were completed in 2000. The district was well on the way to aesthetic and commercial success.<sup>25</sup>

On September 9, 2001, the *New York Times Sunday Real Estate* section published one of its regular features: "If You're Thinking of Living In/The Financial District." The buildings of Stone Street were among those featured in what was described as a vibrant residential area, far different from the deserted vacant streets of a few years earlier. The attack on the World Trade Center two days later dramatically changed the character of much of lower Manhattan for a time. But Stone Street prevailed. Its converted residential buildings provided apartments for displaced residents from other areas of lower Manhattan and its restaurants served a need for physical and social sustenance. Two years later, David Dunlap revisited Stone Street: "You can find signs of new life downtown if you look carefully. And listen. Listen for the sound of laughter over the gurgle of conversation along Stone Street. . . . This overnight transformation was eight years in the making." He went on to describe the designation and the public and private investments. "But like the rest of New York, it needed time to recover after the attack in 2001. What amazes

Jennifer J. Raab, who was chairwoman of the landmarks commission when Stone Street was designated, is not so much the scene as the fact that it survived Sept. 11. ‘It’s more precious because of that,’ she said, ‘a wonderful social experiment to see if you can bring back a historic district. To be able to do that after the most extreme crisis our city has faced is spectacular.’”<sup>26</sup>

Also related to the downtown designations was the creation of the ninety-acre Governors Island Historic District in June 1996. The U.S. Coast Guard, which had occupied the island since 1968 when the Army departed, was about to move out, leaving a major collection of historic buildings and their landscape setting vacant and subject to deterioration and inappropriate change. The future was uncertain. Congressional legislation was pending to transfer the island to New York City or New York State. At least local designation could offer some level of protection for the future beyond that afforded by the Coast Guard and the federal General Services Administration under the National Historic Preservation Act.<sup>27</sup>

Under Raab, the Commission continued to calendar and designate notable modern landmarks including several that were not far past the thirty-year mark at the time of designation. The Pepsi-Cola Building, 500 Park Avenue, was designated in 1995. This relatively small glass box skyscraper was designed as an International-Style corporate headquarters by Skidmore, Owings and Merrill (SOM) and completed in 1960. The CBS Building, another corporate headquarters designed by Eero Saarinen and Associates, was completed in 1964, while the Saarinen Associates headquarters for the Ford Foundation was completed in 1967. Both buildings, as well as the interior of the latter, were designated in 1997. The Ford Foundation remains New York City’s youngest individual landmark. (Many of the historic districts contain buildings that were constructed after 1967.) Raab was also able to achieve the designation of another SOM glass box in 1997—the former Manufacturers Trust Building at Fifth Avenue and West 43rd Street, completed in 1954. The Commission had been trying to designate the building since it was calendared in 1985 as the result of the Midtown West Survey. The bank had always resisted because of concerns over changing banking technology and needs for building rehabilitation.

The latter concern was one that the Commission faced in a number of post-World War II buildings, most notably Lever House. David Dunlap encapsulated the situation nicely: “At worst, such buildings are hopelessly out of date. At best, they are challenging and expensive to maintain. . . . Constructed with systems that are growing obsolete, to serve a corporate culture that

no longer exists, they tend to be extravagant in their consumption of energy and their use of space, something few owners can tolerate.

“While some were recognized as classics on the day they opened, most have long since slipped out of fashion. Because they are so spare and clean in design, their esthetic qualities can be radically transformed by the simplest change in materials—tinted glass, for instance, instead of clear.”<sup>28</sup>

The refusal of the Commission to deal with another potential modern landmark remains controversial and continues to have ramifications for its future. Dunlap mentioned it in his 1996 article—Two Columbus Circle, designed by Edward Durrell Stone for Huntington Hartford as the Gallery of Modern Art and opened in 1964. The city had owned the building since the mid-1970s, and it had housed the Department of Cultural Affairs during the Koch administration. The Giuliani administration saw development opportunities on the site. During Raab’s tenure as chair, the Commission refused to calendar the building for public hearing despite requests from many notable petitioners. Raab may have not wanted to thwart the administration in its potential plans, but the Commissioners seemed more impelled by a visceral dislike of the building’s particular brand of modernism. At least some of the Commission’s staff, this author included, urged that the building be calendared because of what it was and what it represented. They did not prevail.

As the landmarks law was written and adopted, the Commission was not required to hold public hearings on items for which designation was requested, much to the displeasure of some advocates. And unlike the National Register, there was no formal application procedure. Instead there was a more informal review process that relied on staff and Commission committee screening. Thus the Commission retained the discretion to use its expertise in making decisions about what to calendar for public hearings. Unlike Kent Barwick and Gene Norman who used the public hearing process as a forum, Raab and her immediate predecessors, Todd and Beckelman, were reluctant to bring buildings into the process and the interim review procedure unless the Commission was prepared to take action on designation within a reasonable period of time. And the Commission remained reluctant to calendar items for public hearing and then deny designation.

The Commission’s refusal to calendar Two Columbus Circle or another more modestly designed, low-scale housing complex, known as the Cottages, on prime Third Avenue real estate,

led some in the larger preservation community to fear that the Giuliani administration was stifling its autonomy. As David Dunlap wrote: “Her critics wonder whether Ms. Raab may be diluting the commission’s authority—and therefore the integrity of the city’s landmarks and historic districts—as she makes it into a ‘user-friendly’ agency that is more of a partner in the economic process. They fear that the commission will become an instrument of city policy rather than a semi-autonomous deliberative body that can, if necessary, stand up to City Hall.”<sup>29</sup>

Raab was committed to seeking more cooperation from property owners, before, during and after designation. In this way, she was evoking the traditions of the early years of the Commission in the 1960s. Meetings to discuss problems and issues prior to calendaring and designation became a common mode of action. Draft designation reports were shared with owners prior to designation. The law did not require owners to consent to designation, but designations without owner consent, especially on individual landmarks, became rare. Raab’s position was: “Designation doesn’t work if there’s not local support for what we are doing. There’s a science to preservation but the way it is applied needs to be discussed with the people who are affected by it.”<sup>30</sup>

Perhaps because of her background as a litigator, Raab was able to persuade the administration that the Commission needed to address enforcement issues, long a matter of concern for the preservation community. The agency budget was increased to allow her to hire a director of enforcement to deal with violations and violators of the landmarks law. Even more significantly, the City Council introduced a bill in July 1997 that would authorize the Commission to seek civil penalties, up to \$5,000 per day, from owners or lessees who destroyed or significantly altered the protected architectural features of a landmark property. The bill was passed and signed into law in December 1997. While the bill imposed financial penalties for violations, its major focus was to provide mechanisms, including warnings and grace periods, to get violations corrected.<sup>31</sup> Subsequently, the Commission adopted rules to implement the new provisions of the Administrative Code (Sections 25-317.1 and 25-317.2).<sup>32</sup>

The ongoing effort to adopt and implement regulations was another indication of the Commission’s maturity—more a vigorous adulthood than the quiet middle age that Spatt had predicted twenty-five years earlier. By 1999, the Commission was seeing change upon change, especially in the districts that had been designated twenty-five to thirty years earlier. It was a vivid demonstration that landmarks were not “frozen,” that neighborhoods could grow and

change, despite, or because of, designation. Because the Commission generally resisted labeling buildings and sites as “contributing” or “noncontributing,” it retained the freedom to review, and potentially improve, any building or site within a district boundary or on a landmark site. Storefronts could come and go, but new construction in districts, either on vacant lots or as replacements for marginal buildings, would have a lasting impact.

The Commission’s success could also be measured by the high retention rate of designated buildings. Despite the deleterious effect of violations, very few buildings had been demolished outright, whether by accident, disaster, or as the result of a hardship proceeding. In the case of the first two factors, that was partly due to the nature of construction in New York City, steel, brick, and stone being fairly durable materials. The rare use of the hardship procedures is testimony to the broad support for landmarks and a generally vibrant city economy that has allowed for successful adaptive reuses.

Former Commissioner Charles Platt (nephew of the first Commission chairman) offered the following thoughts on Raab and the Commission: “In its infancy, the commission picked its fights with care. It did not interfere with plans to raze the 19th-century Metropolitan Opera House at Broadway and 39th Street or the Singer Building on lower Broadway.

“‘They were terribly, overly conservative in their approach,’ Charles Platt recalled. ‘They were so worried about the vessel they were piloting through the channel, that there were so many rocks out there that could wreck it. The idea that the landmarks commission has been politicized under Jennifer [Raab] is nonsense. The commission was politicized before it began.’”<sup>33</sup>

By the end of the twentieth century, the Commission had become a recognized, if not always readily accepted, part of the political and legal establishment. As much as anything else, this is the paradigm shift from ad hoc movement to institutionalized government entity.

## Notes to Chapter 5

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## EPILOGUE

By the year 2000 the Commission could be seen as a mature agency with an impressive roster of designations and more predictable regulation systems. But 35 years after its establishment, the Commission remained far from settled for a variety of reasons.

Some were political. Some were part of the larger tensions and long-running battle between preservation and development.

Rudolph Giuliani had been elected to his second (and last) term as mayor in November 1997. During his second term, the administration became increasingly secretive and intent on controlling a broader agenda. This attitude affected the dealings of the Commission's chairman with the broader public. Jennifer Raab was always perceived as subordinate to Giuliani. When she left the Commission in the spring of 2001 to assume the presidency of Hunter College, it was because Giuliani wanted her in that position. Architect Sherida Paulsen, who had been the vice chair of the Commission, was named as Raab's successor.

Raab had come under a great deal of public criticism for the Commission's refusal to hold a public hearing on the designation of Two Columbus Circle. The perception was that the mayor's office did not want it heard. Paulsen continued in this stance.

As part of his larger political agenda, Giuliani decided that the New York City Police Museum should be moved into the Commission's building, the former First Police Precinct Station House. The Commission was moved into the Municipal Building during the first week of September 2001. On Tuesday, September 11, the research staff was setting up for a public hearing in the Commission's new hearing room on the ninth floor, overlooking City Hall Park, when the first airplane struck the north tower of the World Trade Center. Needless to say, the public hearing was not held and Commission operations were shut down for about two weeks in the aftermath of the collapse of the Twin Towers.

Aside from the tragic loss of so many lives, there was immediate concern about the impact of the collapse on the many landmark buildings in the area. St. Paul's Chapel, just to the east of the World Trade Center site, stood amidst the debris and was a place of refuge for months afterwards. The West Street Building, designed by Cass Gilbert and built in 1907-1908, was the south of the site; it sustained major damage from fire and falling steel but survived thanks to its fireproof construction and innovative engineering. Other nearby landmark buildings and the

Tribeca Historic Districts survived largely intact. But the effects of downtown isolation and ongoing security concerns lingered for months.

The election of Michael Bloomberg as mayor in November 2001 brought further changes to the Commission. Like many of predecessors, Bloomberg did not have the appointment of a new chairman at the top of his agenda. Eventually attorney Robert Tierney was appointed to the job. While Bloomberg, now in his third term as mayor, has run a far more open administration than Giuliani, Tierney has been regularly criticized for being excessively cautious.

The desire of the public for new designations has not abated, especially in the face of development pressures in the hot real estate market that prevailed during the first years of the twenty-first century. And the requests were coming from all sections of the city. Tierney made a public commitment to expand the scope of the Commission's designations beyond Manhattan. With the support of local community organizations, many of them operating under the leadership of the Historic Districts Council, neighborhoods in Brooklyn, the Bronx, Queens, and Staten Island, as well as the northern reaches of Manhattan pushed for designation. Some of the neighborhoods in the Bronx and Brooklyn were ones that the Commission staff had surveyed thirty years earlier. At last, public opinion and the Commission's resources had caught up with the earlier assessments.

It seems unlikely that the early Commissioners could have foreseen the extent of the Commission's designations. They had their list of some 750 buildings, neatly categorized by style and architectural importance, but no historic districts. There are still a few undesignated buildings on that list, mostly because of strong opposition by their owners, or because the buildings have been severely altered. Others on that list were demolished before they could be designated. The founders of the Commission recognized that buildings would be designated as they achieved the 30-year age limit. But they never anticipated the broad demand and scope that has motivated more recent designations.

The Commission is still grappling with the issue of designating buildings for their historical and cultural significance, even though it has been much more open to those arguments. It still must deal with the issue of what it means to regulate a building that does not have clearly defined architectural significance. This is a contrast to the implementation of the Section 106 process for National Register-listed or eligible properties. While the Landmarks law remains without an

owner-consent provision, the owners of landmark properties must still deal with the long-term consequences of designation and ongoing regulation.

The most conspicuous absence of new designations has been in the category of scenic landmarks, due largely to the definitional constraints of the law. The Commission has not generally moved beyond the category of the great Olmsted-designed parks and landscapes. The City owns vast amounts of parkland, but to date there has been no great public demand for additional scenic landmarks.

The larger preservation movement has been increasingly concerned with broader categories of landscape, usually identified under the rubric of cultural landscape. The Commission has managed to capture many of those landscapes within the boundaries of historic districts, whether identified as parkland or as designed landscapes that relate to the buildings that they surround. Riverdale and Fieldston in the Bronx and Douglaston in Queens have landscapes that need different kinds of consideration from historic districts of closely set houses or rowhouses. A designation like Rockefeller Center with its many buildings also has significant urban landscape elements.

The Commission itself has had to confront and absorb the long-term consequences of designation. The adoption of rules has been one means of so doing. The Commission has now been able to see the effect of designation over a period of thirty to forty years, especially in some of the historic districts. Regulated change over time has made clear that designation does not freeze buildings in time. Designated historic districts and landmarks have been able to accommodate changes in use, the needs of commerce, the desire for new construction, and a host of other demands.

The Commission is still dealing with the effects of the abolition of the Board of Estimate and the imposition of term limits for elected officials. Designations are subject to affirmation by the City Council, a much larger body to lobby and educate than the Board of Estimate. Because of the turnover imposed by term limits, it has meant a steady education effort over the years.

The Commission suffered a few notable defeats in 2005 at the hands of the City Council. A branch of the former Jamaica Savings Bank, a small modern building in Queens, was denied designation by the Council, because the ownership was opposed and the council members did not see the value of modern architecture. In the face of strong property owner opposition, sustained by the local Brooklyn council member, the council denied the landmark status of the

Cass Gilbert-designed Austin Nichols warehouse building on the Williamsburg, Brooklyn, waterfront. Mayor Bloomberg vetoed the council's action, but the council then overrode the veto. Ironically, a few months later, Councilman William Perkins introduced a bill to require the Commission to hold a public hearing on any building determined eligible for listing in the State Register of Historic Places. Further, the Council could demand a hearing by majority vote. If such a bill had been in place years earlier, the Council could have compelled the Commission to hold a public hearing on Two Columbus Circle.<sup>1</sup>

The actions of the City Council in overturning designations helped the Historic Districts Council and other interested groups realize that they needed to extend their educational efforts to the City Council if they wanted to see designations sustained. Most notably, beginning in 2006, the HDC formed the League of Preservation Voters to reinforce the idea with political candidates that preservation matters.

After almost forty-five years of more successes than failures, the Commission has achieved a stable place in New York City government. It will continue to designate within the broad criteria of the landmarks law, although probably in ways that had never been anticipated from the outset. It will meet ongoing challenges in regulation. Development pressures will wax and wane. Environmental concerns are growing, and the adaptation of older buildings to "green technology" will be a new challenge.

The broader issues pertaining to what should be designated as a landmark and Commission procedures are a continuing concern. The failure of the Commission to provide a predictable mechanism for reviewing requests for designation led a group calling itself the Citizens Emergency Committee to Preserve Preservation to file a lawsuit in New York State Supreme Court in March 2008. In November 2008, Judge Marilyn Shafer ruled in favor of the Committee and directed the Commission to establish rules to forward all nomination to the designation requests committee within 120 days and then report its determinations to the full Commission. The Commission appealed the ruling. But in June 2009, Councilmember Jessica Lappin introduced a bill to compel the Commission to establish such procedures.<sup>2</sup>

About the same time that Judge Shafer issued her ruling, the *New York Times* published a four-part series on the problems of the Landmarks Preservation Commission pertaining to designation under the title of "Preserving the City."<sup>3</sup> While the examples were pertinent to the

recent past and immediate present, the tenor was not all that different from Roberta Gratz's articles in the *New York Post* in 1973.

Will preservation continue to arouse passions? Will the Commission continue to set precedents for other government entities? Given its history, it seems likely the pattern will continue.

The growth of the internet during the past decade had meant that information is increasingly accessible online. Mayor Bloomberg supported expanded information technology in New York City government, and as a consequence, city agencies have useful and informative websites.

The Landmarks Preservation Commission website offers, among other things, copies of public hearing calendars and meeting agendas; records of Commission decisions; and copies of designation reports: <http://www.nyc.gov/html/lpc/html/home/home.shtml>

The Neighborhood Preservation Center offers pdfs of older Commission designation reports, not on the Commission website:

[http://www.neighborhoodpreservationcenter.org/designation\\_reports/](http://www.neighborhoodpreservationcenter.org/designation_reports/)

The New York Preservation Archive Project contains a database with information pertinent to preservation activity in New York City since the early twentieth century:

<http://www.nypap.org/>

The Municipal Art Society is the oldest preservation advocacy organization in New York City: <http://mas.org/>

The Historic Districts Council, a major advocacy and watchdog group, promotes designations throughout the city: <http://hdc.org/>

The New York Landmarks Conservancy, also an advocacy group, administers the Historic Properties Fund: <http://www.nylandmarks.org/>

The New York Times, which has consistently covered the Landmarks Preservation Commission and its predecessors, remains an excellent source of contemporary information through its online digital archives: <http://www.nytimes.com> Because this source is now so accessible, I have cited it in many references.

## Notes to Epilogue

1. Nicolai Ouroussoff, "Turning Up the Heat on the Landmarks Agency," *New York Times*, November 14, 2005; Robin Pogrebin, "Passion on Both Sides of Landmark Status Bill," *New York Times*, November 15, 2005.
2. Robin Pogrebin, "City Council Seeks Landmarks Change," *New York Times*, June 10, 2009.
3. Robin Pogrebin, "An Opaque and Lengthy Road to Landmark Status," *New York Times*, November 25, 2008; Robin Pogrebin, "Preservationists See Bulldozers Charging Through a Loophole," *New York Times*, November 28, 2008; Robin Pogrebin, "Houses of Worship Choosing to Avoid Landmark Status," *New York Times*, November 30, 2008; Robin Pogrebin, "Preservation and Development Engaged in a Delicate Dance," *New York Times*, December 1, 2008.

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When I joined the Research Department of the Landmarks Preservation Commission in 1973, Roberta Gratz's articles in the *New York Post* had just been published, and the Commission was grappling with pressing demands for designation. I was privileged to work with many talented people between 1973 and 1999, when I left the Commission to return to my home town of Saint Paul, Minnesota. Working for the Commission introduced me to the vast scope of New York City's built environment and the people who made that environment. I was privileged to begin my Landmarks career working under Harmon H. Goldstone, Alan Burnham, and Ellen W. Kramer, all of whom taught a recent University of Chicago M.A. graduate much about architecture in New York. Over the years, I realized that the Commission had a special and precedent-setting history that deserved to be documented. This study is an attempt to do so, largely from my personal perspective.

I am appreciative of the Commission staff over the years who have made records and files available and have offered their perspective. I have benefited from the observations of and interviews with past and present Commission staff members, Commissioners, and preservation advocates, a number of whom have died within the past ten years, including Adolf K. Placzek, James Marston Fitch, Giorgio Caviglieri, Margot Gayle, and Dorothy Marie Miner.

No history can ever be complete, and this study is no exception. To make it widely available, the James Marston Fitch Charitable Foundation will host it on its website ([www.fitchfoundation.org](http://www.fitchfoundation.org)) and provide links to other websites. As a result, I anticipate that readers can and will offer comments and questions, which I would welcome. They may be addressed to me at [marjorie.pearson48@gmail.com](mailto:marjorie.pearson48@gmail.com).

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