

Do Landmarks Belong to Everyone?

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ARCHITECTURE VIEW

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Who owns New York? The question is asked often, and it is usually a lead-in to a word or two about the power of the city's real estate developers. The common wisdom is that they own the city, and that it is at their whim that buildings rise and fall; the corollary to that same piece of common wisdom suggests that the only pieces of New York City that are truly safe from the pressures of real estate wheeling and dealing are those buildings that have never been part of the real estate market in the first place—churches, synagogues, museums, libraries, and so forth.

Well, the last months in New York have made it clear that nothing could be farther from the truth. The city's real estate market, at least in mid-Manhattan, continues to boom, and while every owner feels some temptation to sell out at a time like this, the lure seems to be felt most keenly by the owners of the very buildings always thought to be immune to such pressure—non-profit institutions.

For years, most such institutions stood by, content to enjoy their distinguished buildings and to leave profit-making to the real estate developers. But now the climate has changed, and the landmark designation that was felt to be something of an honor a decade ago is now viewed by many non-profit institutions more as an albatross. It is not merely that non-profit institutions these days seem to be raising a louder hue and cry against preservation than real estate developers, and becoming the most vocal complainers about the financial hardships owning a landmark can entail. It is that these institutions are embarking on the very construction projects that are likely to most alter the face of the city's familiar buildings, streets and neighborhoods.

This Tuesday, for example, the Landmarks Preservation Commission will hold a public hearing on the New-York Historical Society's request to place a 340-foot tall apartment house on the roof of its landmark structure on Central Park West, which must be the most dramatic attempt to turn air space into profit-making real estate since the plan years ago by the Penn Central Railroad to put a skyscraper atop Grand Central Terminal.

Next week, on Jan. 31, the commission will hold a public hearing on the request by St. Bartholomew's Church to demolish the community house of its Bertram Goodhue-designed edifice on Park Avenue and erect a 59-story glass tower on its site—a plan proposed in 1981 but only now moving through the long process of city approvals. Waiting in the wings is a scheme by which Shearith Israel, the synagogue on Central Park West at 70th Street, would allow a developer to erect a tall apartment tower adjacent to its landmark building. And several other non-profit institutions have been looking into the possibility of erecting towers on top of, adjacent to, or behind their landmark buildings, in most cases altering the appearance of treasured buildings or streetscapes considerably, and in all cases adding substantial bulk to an already overbuilt city.

The new challenges to the city's inventory of landmarks come not only from actual building projects. Indeed, in some ways the greatest

threat that historic preservation in New York has faced in some time is not a building at all, but a piece of legislation. A broad consortium of religious leaders from across the state has been working toward passage of a bill pending before the legislature in Albany that would make it illegal for any religious structure anywhere in the state of New York to be given landmark status unless its congregation requested it. If the bill were to become law, literally hundreds of churches and synagogues all over the state, and dozens in New York City itself, would in one fell swoop lose their landmark status, and any and all legal restrictions to their demolition would be lifted.

It is a broad, sweeping attack on historic preservation, and though it did not pass in the last legislative session, new hearings are scheduled for Feb. 8 in Albany, and the chances that the bill will pass this time are rated as more than incidental by observers of the landmarks scene. The bill's supporters make the unusual argument that conferring landmark status on a church is a violation of the First Amendment's guarantee of freedom of religion, and this odd position has earned the support not only of many religious leaders, but also of legislators who are responding to pressure from religious groups.

But why should religious groups, or any non-profit institutions, fear landmarking? There are several reasons that this bill, and the current climate of attack on landmarks preservation, have come at this moment. The most obvious is the continued strength of the real estate market in New York, where the profits that a religious congregation can make by selling a well-located church to a real estate developer are greater by far than ever before. For a congregation like St. Bartholomew's, located on Park Avenue amidst some of the most valuable real estate in the world, the sale of part of the church property amounts to a permanent endowment—an endowment that the church states it will use, in part, to increase its services to the poor.

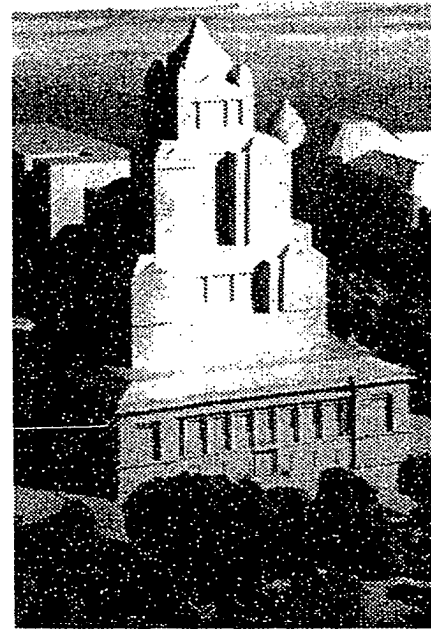
For less well-to-do congregations than St. Bartholomew's, selling off a church can often be a key to survival. The supporters of the bill pending in Albany point frequently to the problem of St. Paul's and St. Andrew's, a church on West 86th Street on Manhattan's Upper West Side, that was declared a landmark in 1981. It is a small congregation, and it lacks the financial means to maintain its relatively sizable church in good condition. The congregation prefers to sell the property to a real estate developer who could erect an apartment house with a new, smaller church on the ground floor.

There is a world of difference, however, between St. Bartholomew's and St. Paul's and St. Andrew's: in the case of St. Bartholomew's, the sale of church property means financial security, whereas in the case of St. Paul's and St. Andrew's, it could mean financial survival. But are there other options for either church, or for the other non-profit organizations and religious institutions considering similar alterations or demolitions of landmark buildings?

There are several, and they make it clear that there is no need for anything so drastic as the bill now pending in Albany. First, the city's landmarks law provides for relief when owners of a landmark building can prove that maintenance of the landmark constitutes a serious hardship. There is no such claim at St. Bartholomew's, of course, for this well-to-do congregation has ample means to keep up its great Park Avenue church. But this option is open to St. Paul's and St. Andrew's—though, curiously, that church has never even asked the landmarks commission to

consider granting hardship relief. This church has preferred, instead, to fight the larger battle of claiming that any landmark designation of a religious structure is a violation of the freedom to practice religion.

Although the landmarks commission has usually been generous in granting hardship relief in religious cases—most recently for the owners of the former Mount Nebo Synagogue on West 79th Street, which was removed from the landmark roster last year—churches also have the option of seeking relief in the courts. The Lutheran Church won a battle to have landmark status lifted for the J.P. Morgan mansion on Madison Avenue, which it uses as an office, when it was able to make the case that landmark designation restricted



Model of proposed apartment tower atop New York Historical Society

its use of that property too drastically. On the other hand, the Ethical Culture Society lost an attempt to have its meeting house, at 2 East 64th Street, de-designated; in that case the courts found that landmark status was not effecting any hardship on the congregation.

So possession of a landmark is hardly a fatal burden, or an irrevocable decision—and, indeed, there are far more owners of landmarks who view the possession of their buildings as an honorable public trust. To argue, as supporters of the bill pending in Albany do, that making a church a landmark violates freedom of religion is to make a startling leap of logic, for it is to say that society has no right to govern church building in any way, and that churches are above the law even where they deal in what are really secular matters. By that same argument, the city could not enforce building codes in churches; even requiring fire exits would be an unlawful intrusion of the right to practice religion freely.

Moreover, religious congregations, or other non-profit organizations, are always free to seek funds to help maintain their landmarks. They may seek to broaden their membership base or increase attendance as a way of adding income, and there are philanthropic institutions and individuals in New York that devote themselves to assisting in the preservation of buildings of landmark quality.

But underneath all of this there is another, more philosophical, question, one rarely posed directly. For whom do landmarks exist—for their owners, or for all of us? And if they

exist for all of us, is it fair to lay the responsibility for their maintenance solely on their owners?

The answer to the first part is simple. Every building has a public function as well as a private one. A house or an office building has a public face that is part of the world that belongs to all of us, even if we have no business going within, and if that public face is an architecturally distinguished one, the courts have held that society has a greater than normal interest in it, so long as society's interest in the building's preservation is appropriately balanced against the owner's rights to use the building profitably.

But if every building has something of a public presence, landmarks, and institutional landmarks in particular, do so most of all. The very words we use to describe important buildings—"symbolic," "civic," "monumental," and so forth—are a way of confirming that they have a social role that goes beyond their simple and basic functions. What a great church, or museum, or library, is symbolic of is not only religion, or art, or learning, but also the idea of the public realm—the idea of a place of common ground, where people with common interests gather.

These buildings stand tall on the landscape because we like to believe that these things stand tall in our culture—they represent what we aspire to. Great landmarks, then, are more than merely good architecture; they are touchstones of a broader sort. This does not mean that every church, or museum, is therefore worthy of landmark status, and should be revered and preserved. But when the noble uses of such buildings are combined with architectural quality, the result is a building that means something deep and lasting to a culture—a building that cannot be destroyed without leaving a gaping hole in the lives of all who know it and see it.

For landmark buildings are also symbolic of something else, which is continuity. In a city of frantic, constant change, a city whose very essence is change, there is a need for some things to remain the same. Without a few familiar landmarks, we feel adrift; the city that should be home becomes less a protective shelter than an open and empty sea. One would think that religious institutions most of all would seek to symbolize continuity and permanence in our society, not constant change; but the supporters of the religious properties bill seem to think otherwise, and prefer that churches and synagogues become agents of change in the city's

A bill pending in Albany is a threat to historic preservation in New York State.

physical environment, not advocates of permanence.

With all of this talk of noble values, it is worth remembering something else, something much simpler. Landmarks are generally beautiful, and their beauty is a civilizing force. If St. Bartholomew's Church has brought solace to those who have come to worship at its services, it has brought pleasure to far more who know it simply by passing by on Park Avenue and enjoying its exquisite facade, the open space and garden around it, and some sun and sky. Far be it from any

of us to try to quantify the benefit of these things—but no one can deny that allowing a bit of sun and sky on Park Avenue can, in its way, be a kind of spiritual act, given what it can do to improve the quality of life in a tense and crowded city.

And the landmark building of the New-York Historical Society, too, brings a kind of benefit to those who never pass through its doors. What, after all, should be more a symbol of permanence than a building dedicated to honoring the history of the city? And this particular building, designed by York & Sawyer and Walker & Gillette, is a low, formal, classical structure, a bit dry amid Central Park West's lively apartment houses, but a solid and comforting presence nonetheless. Since it is low, it allows light to wash over it to surrounding buildings and, in the afternoon, to the wide streets beside it.

Though the design for the apartment tower proposed for the roof, by Hardy Holzman Pfeiffer Associates, is bulky, it is more sympathetic and more sophisticated than the garish glass tower by Edward Durrell Stone Associates planned for St. Bartholomew's. But the improved quality of the architecture here does not necessarily mean that the landmark has been treated appropriately. For the issue is not mere compatibility, as it might be if a building were being proposed for an entirely new site—appropriateness here must also respond to the question of whether or not the historical society should be built on at all. Architect Hugh Hardy's design may be a decent answer, then, but we could say it is an answer to the wrong question. Or, to put it another way, it is a respectable piece of music for a situation in which silence might be preferable.

But what of the second part of the question of a moment ago—is it fair, if landmarks have a broad social role, to put the weight of their maintenance solely on their owners? Strictly speaking, no, but that is one reason that the landmarks laws do provide for relief in certain circumstances. And it is important to remember that in the case of all non-profit institutions, churches and museums alike, society has been sharing the weight of maintenance of these buildings through the tax exemption that society has always granted to them. Tax exemption for churches is, legally, a First Amendment matter, but in a de facto sense it also amounts to a kind of subsidy, for by offering relief from the burden of property taxes, society helps congregations maintain their buildings. And with museums, schools and other such institutions, lending a helping hand is the very purpose of tax exemption, for these institutions are presumed to be of social benefit to justify the subsidy. Does society also owe them the right to develop their tax-exempt property to the maximum return?

Given that, it is hard not to feel that some of these institutions are eager to have it both ways—to enjoy the privileges and benefits of tax exemption, but also to have the right to play in the free market of real estate. That is what seems so unfair in the current rush to exploit the profit-making possibilities of non-profit landmarks. These churches, synagogues, museums and other institutions have asked for the privileges of tax exemption on the one hand, yet for the freedom of unlimited real estate development on the other.

There is always one possible response from the city, of course, which is to say to churches and museums that wish to develop their landmark properties that they are free to do so—but that before they begin, they must pay the city back real estate taxes, plus interest, for the property that they have decided to turn into profit-making real estate. For a piece of property like that owned by St. Bartholomew's Church on Park Avenue, that sum with compounded interest would have to run into the millions of dollars. That has never been seriously considered, and it would be a daring and radical act indeed—but no more radical, surely, than the present move to invalidate all religious landmarks.