Landmark Works vs. Buildings
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Landmark Works vs. Buildings

The New York Historical Society wants to use its landmarked building as the base of an income-producing apartment house. It says it must have more income or perish. St. Bartholomew's Episcopal Church wants to replace its landmarked Community House with a giant office tower to support the church and expand its works. The bitter arguments that these proposals evoke show that while landmarking has saved many valuable buildings, it has failed to provide a good way to judge the hardship it may impose on nonprofit institutions.

A business owning a designated landmark is legally entitled to earn 6 percent a year on the value of the land and buildings. That is no bonanza, but it is a measurable protection against loss. If income falls short, the Landmarks Preservation Commission must either fashion a remedy, get the city to buy a part interest in the landmark or allow it to be altered or demolished.

There is no comparable way, however, to measure a "return on value" for noncommercial owners like museums or churches. Unless the commission deems a change artistically appropriate, nonprofits are expected to maintain their landmark as it stands or sell to a new owner. If a new owner is commercial but unable to achieve a 6 percent return, he could then demolish the landmark entirely.

When a landmarked structure does not fill its zoning "envelope," the law also permits a nonprofit group to sell "development rights" to a new structure alongside or across the street. This worked out splendidly for the Racquet and Tennis Club on Park Avenue and the Jewish Museum. But most eligible "receiving sites" are already built up or, like a park, cannot be used.

Some nonprofit institutions, like the Metropolitan Museum of Art and the Players Club, bear the designation easily. But some, like the Church of St. Paul and St. Andrew and the Morgan house owned by the Lutheran Church, have had to struggle with it. The landmarking law provides no way of distinguishing among them and the Landmarks Commission is better equipped for weighing esthetic than economic questions.

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At the least, New York needs an economically schooled review board. And perhaps the city's Cultural Commission could be given authority to decide whether the work of nonreligious institutions is imperiled by landmarking.

Government may not have the constitutional right to pass similarly on the value of religious institutions and their work. If it doesn't, the advisory opinions of community leaders, both religious and lay, might contribute to an evaluation process.

A number of nonprofit institutions have failed to satisfy reasonable people that their meritorious goals make landmarking changes essential rather than merely convenient. But many preservationists also fail to understand that economically unsound decrees can doom preservation. Citizen review commissions could locate the public interest in these quarrels and help determine when the preservation of older buildings threatens to destroy equally valuable institutions.