

2011 FITCH FORUM: PART FIVE

MODERATORS ROUND TABLE: WHAT'S NEXT FOR HISTORIC PRESERVATION

Moderator: Ms. Kate Wood

Panelists: Mr. Tom Mayes, Ms. Anne Van Ingen, & Mr. Anthony Wood

MS. WOOD: So I'm being joined up here by, again, Tom Mayes, Anne Van Ingen, and Tony Wood. This is an opportunity to get the moderators from the various panels of the day together for a few more minutes to gather our thoughts, to gather thoughts from you after this full day of contemplation, and really ask ourselves, okay, what have we really learned?

I just want to set the stage for a minute because I believe there are a lot of different reasons we're having this conversation today and one of them is because of the calendar; it is the 45th anniversary of New York's Landmarks Law. That is an important milestone to recognize, but I also want to say that we shouldn't minimize that there is a real sense of crisis in this city, that no one in this room believes that everything is going just terrific, we succeeded, and it's time to close up shop and dedicate ourselves to other worthy missions. There's a lot left to do, and it's that sense that triggers this conversation.

There are some specific issues that have come up, or maybe not come up yet, that I just want to get out there in New York City, where there has been a strong sense that the process is not working, and needs reflection and fine tuning. Two Columbus Circle, a classic failure of due process. The Cathedral Saint John Divine and the BF Goodrich building are cases where there was a clear development agenda influencing the designation process. Saint Vincent's Hospital came up and the alarming interpretation of hardship in that case, the Mayor's perennial failure to reappoint or appoint Landmarks Commissioners in a timely way or at all, and the influence that has on the process. Nominations for designation languish for years without action and the loss of buildings could have and should have been saved.

An issue that led at least one New York State Supreme Court Justice to hold the Landmarks Commission's hand in its failure to carry out the Law was a case that was litigated by the priceless Whitney North Seymour, Jr. and is now being carried on by Mike Seymour, Al Seymour, and others, using the Landmarks Commission's minuscule budget. There was a rounding error in the city's overall budget. If there are 3% of the properties in New York City designated as landmarks, 27,000 buildings, an astounding number, what does it say that .0000-something percent of the city's budget is actually dedicated to regulating and preserving them? So, with those thoughts on the table and many others that I'm sure are bouncing around in peoples' heads, I just want to bring it back to the question that was the core of the keynote speech: Is the glass half full, is it half empty, is it broken, and really, why should we care? What's at stake here? Aren't most of the buildings, the landmarks in New

York City, preserved most of the time? Why are these cases where it goes wrong so important and why are we having this conversation?

MR. MAYES: Wow. Well, may I jump in with something? It's funny that you began by saying that, because I was actually going to begin my remarks by saying, "Okay let's take a deep breath." We're all in the trenches with these issues every day, all the time, and that was an amazing list of issues and problems that are out there, but I think we also have to acknowledge that New York, Los Angeles, Chicago, Seattle, and 2600 other communities throughout the country are more livable, more stable, more pleasant, more meaningful places because of New York's Landmarks Laws and other laws around the country. So I think we have to acknowledge that at the outset and say there is a success story here, too. That doesn't mean we have to stop. So, I wanted to say that first.

MS. WOOD: So that's a glass half full.

MR. MAYES: Half full.

MR. WOOD: It's important to do a victory lap but I think perhaps we've taken a victory lap too long and have become complacent. Maybe that's more about the movement than it is about the Law. I mean it strikes me that today was the beginning of a very necessary conversation and one that really needs to go on and be seriously joined. There really does seem to be a tension and at the moment we're told that we've got a very strong, national Law and we do. It's had a great impact here. It's had a huge impact, but at the same time and not surprisingly, most of our lawyers tell us to be cautious about using this great Law. We got it and it's terrific, but if we really use it aggressively, we could be getting ourselves into trouble. So there's kind of this "let's hold back on this wonderful Law."

As Kate points out, we're still losing buildings, which is a great frustration among the core community of preservationists, who I think are actually beginning to wonder if it's all still worthwhile. Maybe the Law is good. It does what it can do. We just have to suck it up or take up another hobby, because we're just not going to be able to save Two Columbus Circle. I mean, who cares about a building like that? We are losing buildings that the Landmarks Law was basically passed to allow us to have a process to save. It's an interesting tension we're in and the political climate is not exactly a great one. We have people like Ed Glaeser out there who, for the first time I can remember, is not only questioning whether we should have more historic districts but questioning if we should undo the 102 districts we presently have. The politics aren't great, so there's a lot to be thankful for, but those of us who've been kind of serious and been in the trenches we need to figure out our way out of this moment. There's a phrase in the Landmarks Law

somewhere that says preservation is a necessity; and maybe now it's just being perceived as a nicety. When it gets tough and you have to go up against the churches, and it's tough when you've got to go up against the Mayor, okay it's a nicety, and we'll do what we can do. We're doing more designation. The designation numbers are great, but are we designating stuff that's really threatened?

So there are tough questions, but I think you're absolutely right, we should all leave this room realizing what this Law has accomplished, and what it continues to accomplish, is phenomenal, but this isn't a room of underachievers. This is a room of people who are here because they want to have the patrimony of this wonderful city. So I think it is incumbent on us to answer the question: can we do better? And there have been some ideas today in which we might improve the Law. But then there's another question of discussion which is can we do better politically, because everybody has stressed the context and the Law happens in context. So we may end up, if it's at the end of a very thoughtful conversation, saying yeah, there's some ways we can make our Law better, but we cannot pull it off in this political climate, so we've got to continue to basically love the wrinkles on the face of the Landmarks Law and hope for a better day when we can do plastic surgery. I think we haven't had yet, as a community, that conversation and now's the time to have that conversation.

MS. VAN INGEN: I'm going to assume Kate and Tony, for the purposes of this discussion, that you're being flip to a certain extent. We care, of course we care. Preservation is not a fixed activity. It's not a job you do and walk away from; it's not like baking a cake. You don't bake it, eat it, it's done, who has the plate, go away. It is a constant process. It is a constant process of making the places we care about better places, and it's not only about patrimony and about protecting the physical place, it's about protecting the places people care about.

I think Jerold Kayden said it incredibly well, and I won't dare to try to paraphrase, but I think that's what it's about. It's about creating places that people want to live in, where their families are, where they create spaces, where they're comfortable, where they raise their kids, where they have jobs. They live and work in the same place and that's what it's about. Preservation is part of a bigger issue and we can talk all we want. We can talk ourselves blue in the face. We can talk about law, about tweaking. Certainly one of the takeaways I learned today and certainly agree with, is that if we're going to tackle our Law, let's take it off in a small piece. I think we are in danger. The climate is difficult. We're in a very difficult political and economic time. We don't have the political clout, we don't have the economic clout for wholesale change, and I think that should be a starting point for any discussion. But the bigger issue, and I've been harping about this for years, is that this is a movement, this is a profession that hasn't clearly defined itself. We don't speak with enough passion to the people that we need to speak to.

We are extraordinary, we're very bright, but every one of us has a Facebook page, every one of us twitters—well, maybe not everyone. I don't, but many of you tweet. We have the availability and the tools through new media, through communication technology, to finally get the message out. Think of all the crazy things that we hear every day on the radio that we know are patently not true, but they get traction because somebody's figured out how to use social media. We need to be able to do that. Those of you that are in the back row that are going to be getting degrees from Columbia, bless your hearts, your minds work differently than ours do. You communicate differently and you communicate differently every day. I'll bet every one of you who are current students have been sitting there multi-tasking all day and texting with your friends. Put that to use for this field. You must have passion or you wouldn't be paying the tuition. Think about it. It's not for the salaries, trust me. Put that passion to good use, convert the people who continue to make stupid comments about this field, the bone-headed wrong thinking about what preservation is and what it means. We operate in the bigger context. Let's move the game plan forward. Finally we have the new technology to do it, and a new generation of people who understand how to use it. That's your job.

MR. MAYES: Well I'll agree with that without any question, but I want to tie back to something Jerold raised also, which is this idea about whether preservation is a universal human right. That's the way I begin the discussion for my preservation law class in Maryland every year, and this year, we had this long expansive discussion about rights: property rights, religious rights, environmental rights, right to clean air, right to clean water. There are preservation students, not one of the eighteen students in my class, who thought they could define these cultural rights and preservation related rights as a universal human right, even in the context of things like the Bamiyan sculptures. Even something as universally recognized as that, they said, yes, we think this is an important interest but they didn't really define it as a right. I think one of the things that we have not done as a movement is the hard work of looking at the underlying public policy rationales for historic preservation. There are a lot of them. There are about twelve in the list that I keep on my computer; fundamental reasons for why historic preservation is important for public policy. But we don't continually talk about them, articulate them, and continue to do research on them.

MR. WOOD: I want to build on that. I think one of the things that Jerold Kayden said was terrific, really talking about the importance of preservation, the psychic preservation through change and the like. For years, preservation has been trying to wear the camouflage of the economic issue; we're about economic development. Well, I don't think that's why most of us are here.

MR. MAYES: That's one of the twelve.

MR. WOOD: Yeah, it's one of the twelve, but one, I don't think we've been as good at trying to develop language around the point that Jerold raised. I mean that could reach a different audience. We don't have the language perfected on that, but I think we need to spend some energy, because that's really why many of us do preservation. It's this larger value to society, and it's great that we're trying to put our own two cents in it. But I think also society is reaching a point where dollars and cents is one conversation, but I think particularly, in the new generation, and how people are looking at liberty and what's important in life, that's where we can win, if we actually tell people that's why we do this.

MS. VAN INGEN: Messaging again, the endless conversation we have that comes up between the Green Movement and preservation. Why are they discussed as two separate issues? We need to work on the language. I'm not going to beat this one but that's a really silly one. You know, Jim Fitch wrote articles in the 1930s that were all about Green design, all about sustainability. Martica Sawin just edited his collective writings.¹ I recommend it to anyone who hasn't read it. He was an extraordinarily forward thinker. This is not new stuff, but the Green Movement has been hijacked by products basically. So you have this complete disconnect. We didn't get ahead of that story. We need to be doing that. The best, most sustainable thing you could do is save the building, it's obvious to us.

MS. WOOD: Can I ask to what extent is it different today than it was forty-five years ago? I mean is this a conversation that's just been ongoing for the past four decades, or are there things that are really new and different about today that inspired these questions and new questions?

MR. WOOD: Do we really look like we were involved forty-five years ago? Thanks a lot. Based on historical research, some things, I think, have changed quite interestingly within New York. I do remember in the early 1980s that you could never get any public popular support for a historic district in what were then called the outer boroughs—now our sister boroughs or whatever we call them to be politically correct. Today what's interesting is you get political support in places like Staten Island, Brooklyn, and Queens, because those neighborhoods have realized that instead of preservation taking away their ability to take control of their lives, preservation has allowed them to have a say in their neighborhood. So all of a sudden there's this constituency that wasn't there in the 1980s that's realizing they have something important, and this is a tool that can help them with that. So that's a very interesting political change.

1. JAMES MARSTON FITCH (Martica Sawin, ed., 2007).

MR. MAYES: I think that's interesting because there's a larger headcount of people who care about preservation in New York City and in other parts of the country than there has ever been—people who think of it as important to their daily lives, whether they're trying to achieve historic designation, or trying to stop their neighbor from doing something that would undermine the character of the neighborhood or anything else. Does that suggest that the messaging has worked?

MS. VAN INGEN: I think most of them wouldn't call that historic preservation. I think there's a disconnect in what people want in their communities, what they say they want and what we say we're doing.

MS. WOOD: But does it matter what you call it?

MS. VAN INGEN: All those people you're talking about should be members of all the nonprofit organizations across the city and I'm not sure they are because they don't understand that we're all working for the same thing.

MR. MAYES: I'm not sure it matters what we call it. The phrase that I keep hearing that makes a lot of sense to me, is that preservation is a widely held ethic, but it is not a deeply held ethic for most people. Most people assume that preservation tools that we have are in place. In fact, most people assume they are stronger than they are. Most people assume if something is listed on the national registry, it can't be torn down. It sure can. It's not a very deeply held belief, so when it bumps up against property rights or this fundamental ordinance, or our own incapacity to articulate what our standards are, then it doesn't fare very well and that's a fundamental problem we have to work on. That was cheerful.

AUDIENCE QUESTION & ANSWER

MS. WOOD: Well, I'm sure there are lots of questions in the audience that will bring out more, so I just want to open it up to you all, so if people want to raise their hands, we can cue up the mics, maybe start right there and then go over to Lisa.

AUDIENCE MEMBER: So first of all, for the record, in my application for admission to Columbia in 1984, I wrote something about sustainability, although I didn't call it that then because I didn't know what it was, but I'm totally on board with the first theme. Earlier, I think it was Margery, who mentioned something about there is no master plan in the city of New York. I'm really curious about that because I came across the whole State Zoning and Enabling Act business from the 1920s, that came out of the Department of Commerce, and one of the key elements was that you must or should have

a master plan and most of us out there in the rest of the country deal with these problems every ten, twenty years even revising our master plans. It's a painful process and at one point, we had one of our preservationists saying we should get all of our surveyed historic properties designated in this round of our master plan revision, because after all, they're surveyed historic and so they should be designated and the rest of us went, "That should never happen." But anyway, long way of asking, should that be one of the things you all do to improve these issues that you're talking about with the disconnect between agencies, and would a master plan make it all better or not?

MR. WOOD: Carol can join the family.

MS. WOOD: I think Carol can handle that one.

MS. CLARK: No, New York City does not have a master plan, and I don't think it contemplated ever having one. It has a zoning resolution and some very good planning does take place. But as I was presenting today—it's probably inadequate for those of us that are concerned with the built fabric throughout the city that is unlikely to reach the designation.

MR. MAYES: The reality is that planning an effort like that would take many years. It would not be a doable accomplishment within a four-year administration.

MS. VAN INGEN: The question does raise another point that I think is important: that preservation law is only one of the tools we use and there are planning tools, zoning tools, tax incentives, and preservation easements. There are also tools that we don't necessarily think of as preservation tools, and one of the things Jerold just mentioned very briefly was we need to make sure that the people who are applying those other tools have preservation built in. It's a value there and we need to do the hard work to make sure that message is carried through. I don't think we can emphasize that enough, because it really takes a whole quiver of arrows to make a project work.

MR. WOOD: And I think that's really an important particular observation especially for New York City. Because of our love affair with our Law, because of how long it took us to get the Law, because of the sacrifices made when we got the Law, it became the name of the game for doing preservation in New York City. Other cities that didn't have laws had to develop other arrows in their quiver. They didn't have the big arrow. Maybe they had darts, but we've always played with the big arrow and I think we need to deliver. We need to look at other cities that had to develop a variety of other techniques, so that we can employ all of them. I think back to Kate's earlier hammer and nail reference, and we do tend to see every preservation problem in New York as being solved by the Law because that's what we have to work with. I mean that's how we initially think, and we've got to break out of that. No matter

what we feel about the Law and its condition today, alone the Law cannot accomplish all that we as preservationists would like to achieve for our city, and so we need those other tools.

MS. WOOD: Lisa, you had a question?

AUDIENCE MEMBER: Yeah, a Green building issue. There was a conference here a couple of months ago, where Emily Wadhams, as a keynote speaker for the National Trust, said that she actually believes there's a great crisis in terms of the preservation community, and really the sort of general lack of engagement in sustainability and Green issues. I think that people like Jim Fitch really laid out why keeping a building is Green. I do think the landscape, largely because of the recession, has changed, and there's a much greater focus on improving efficiency of buildings and developing of metrics. I don't think the preservation community is nearly as engaged in those conversations. Things are moving quickly and I think if more people are involved, we are at risk. I guess that's more of a comment than a question but if anybody would like to respond.

MS. WOOD: I know the Municipal Art Society has a strong interest in sustainability and its intersection with other planning and preservation issues and it would be great to see that kind of leadership on that specific issue filter down into the neighborhoods. With real collaboration with the organizations that are doing preservation work in all five boroughs we could really get up to speed on those issues.

MR. MAYES: I'll just respond and say this, in addition to the work Emily has been doing, trying to do additional research on all of these topics and continue to look for more information that should be forthcoming, it is a big issue and I want to second something that Anne said. So much of the current Green movement, and LEED certification in particular, is built around selling products, and one of the things that's interesting about preservation is that it's, to some degree, anti-consumerist. I don't really want to be quoted saying that but-

MR. WOOD: Speak into the mic.

MR. MAYES: Preservation doesn't necessarily-

MS. VAN INGEN: It's labor intensive so that's good.

MR. MAYES: Right, the money goes to a different place. It stays locally, because the labor and all of that, but it's fundamentally not about product.

MS. WOOD: I see Simeon has a question back there.

AUDIENCE MEMBER: One thing that has been touched on throughout a lot of the presentation discussions today but actually hasn't been elaborated on is the role of community activists within this. Obviously we're talking about underlying law and that was the focus. It was a terrific focus, but the interaction between the actual residents and citizens; can somewhat talk to in implementing the Law? I mean a law is great, but it creates a bureaucracy that, in many times, doesn't actually serve the constituents that brought it there.

MR. MAYES: Well, I'll jump in because I think Karen on the panel or perhaps Linda, did mention it briefly, and just said it's critically important for there to be an active engagement. The preservation activist community has to go to those hearings and present evidence, so the Landmarks Commission can have some other body that presents evidence for them, other than the property owner. It's important for them to be able to develop the record. It's important for them to be able to do things that the commissions can't necessarily do. So I don't think I can overemphasize the importance of the nonprofit community.

MR. WOOD: No, I think that underscores the history of the Law. We have the Law because the neighborhood didn't give up, and kept fighting. So, the role of the community advocates is essential. I think one thing that has to be done as we look at the 50th anniversary, is really have our advocacy community take a look at itself. We probably never have had more preservation groups in New York City on the ground in our history. There are probably more perseverance groups in New York City than combined in other parts of the country. I think it is fair to ask whether we've got that community as well organized, as well networked, as well in sync, as it needs to be to take on the challenges in the future. Some of our organizations have evolved and changed over the years. The Landmarks Law may be middle-aged, but some of our long-standing preservation groups are well beyond middle-aged. So I think it's time to get more conversations going there. The Landmarks Law is at a point in preservation where it looks like it's something that is being administered so the Commission is run more as motivated by the administration. The early leaders of the Landmarks Commission were preservationists. Recently, we've had good managers that have been running it. I think we can look at the preservation community itself. We need leadership, we need passion, and we've got terrific people. We've got terrific energy. I question whether we've got it all aligned as elegantly as it needs to be to take on the challenges in the future.

AUDIENCE MEMBER: Just parroting off that, there was talk about how the political and economic capital is just not there right now to do what we want to do, any thoughts on changing that? I would just like to say that I don't think it's a foregone conclusion, just because the political will isn't there. I mean

that's what democracies are for. Let's change it. Let's get pissed and change it, right? Let's vote new people in and you know, push for exactly what we want, and during a recession, is ideally when there's less building. Wouldn't this be the time to mobilize and say, "Alright, when the developers start knocking down the door we've got people that are going to support the people's agenda about this?"

MS. VAN INGEN: I agree with you, and I think one thing that can happen, speaking of the nonprofit sector, is that this is a moment I think for every organization, every nonprofit that cares about these issues, to really start building membership, because foundation money is dropping off. Foundation money is moving to other more, what they would consider perhaps more, vital causes. So the sort of larger grant systems for the nonprofit infrastructure in the historic preservation movement in the city is shrinking. Membership though, is where you can build dollars, so I think that speaks again to broadening our outreach, and getting people engaged in this very, very important sector of movement which is that nonprofit sector. I think what we're having to do at this moment is build membership.

MR. WOOD: And I agree with your sentiment but I'd tweak it a different way. I think membership is a phenomenon of my generation. It is not a phenomenon of the Millennials. If you look at what's going on in terms of membership with groups, I think it's perhaps less about traditional membership, and more about engagement, engaging as many people as possible and then accessing funds from those people in new and creative ways that we're beginning to see around particular causes. So if you look at what people are writing about, social networking, and use of the Internet, books like Clay Shirky's *Organizing Without Organizations*. The way social change is beginning to happen is by mastering those tools and engaging large numbers of people, which is what we would have to do to have the political clout we need in the city. That's a generational challenge. I'd be the last one that should be planning that, but I know it's needed, and I think there is great hope and a reason for optimism. You know, in the old days, how could you find likeminded people who cared about wanting to save Brooklyn Heights? Otis corralled neighbors and they met in church basements. And that still happens today, but you go on the internet and you're going to have a 1000 people all of a sudden responding if you start reaching out and you start articulating what we care about and offer people an opportunity to get engaged in a way that meets them where they are in their lives.

MS. VAN INGEN: As long as we make sure that each of those people gives five dollars.

MR. WOOD: Absolutely, tweet five dollars to Anne Van Ingen. What's your number Anne?

MS. VAN INGEN: We still need to pay the rent, still need to pay staff, a professional preservation community is still an incredibly important piece of this conversation.

MR. WOOD: But all for money.

MR. MAYES: And don't forget that the National Trust is a membership organization.

MS. WOOD: There was an article in *The New Yorker* recently about how social networking, social media, has changed or not changed the face of advocacy and how it's a tool that can be used effectively, especially, he was arguing, in cases where you're trying to reach a large number of people and ask them not to do very much. There's certain things that can be solved very effectively by that. All you need is the numbers. Petition signing is sort of the traditional mechanism, but if you can reach people and ask them for five dollars, or their name on a petition, or something else, to like you on Facebook, that can send a strong message. It doesn't work for every problem, but I think it's an interesting thing. I think going back to the question about all of these problems and how do you handle them and the word was brought up earlier about priorities. What our priorities are is a conversation that we need to have as a community, not just the advocates, but our colleagues in government and other non-profits, to figure out how all this works together. What is the low hanging fruit that we might be able to accomplish this year, given the political and economic realities, and what are the things that we need to start working on now, knowing that things will change in five to ten years? Steve, right here in the front row?

AUDIENCE MEMBER: A lot of battle metaphors have come up about mobilization and connecting, and I think that's natural for a relatively small community of likeminded people that are trying to organize something, but Jerold referred to this notion of popular understanding that really is what you have to have in front of you in this field. So I'm wondering how one enlarges, or changes, that popular understanding, and gets more diversity in our community?

MR. MAYES: May I? I just want to respond to some degree to say that's a fundamental issue. One of the themes throughout today has been that first, we're a professional community, we have professional standards. We apply these relatively complicated laws. We make decisions in a contextual manner where we're applying standards, where part of the procedural due process protection there is that the boards have certain types of qualifications. Well, what's missing there is that popular understanding of what preservation is and

I think one of the great opportunities of the new social media changes that are happening, whether we want them to happen or not, is that dynamic is going to change regardless. I think the opportunity that's there is to figure out, what does the public want? What is this widely held belief of perseverance? And let us hear and let us listen to what that is. I'm not sure what the mechanism for that is. The Trust has some ideas that we're working on because that's the core of our mission. But I think that's a fundamental thing facing us and something we need to have on the list of key things to work on.

MS. WOOD: Laurie, right there in the back.

AUDIENCE MEMBER: A number of the people who have spoken today about how other cities have been talking about tax incentives that were available to the owners of historic properties. They didn't go into detail, but I know that's something in New York City. Aside from the Tax Act Project, which is not really available to most private people, we've never really had those kinds of fundamental incentives for historic property owners. I think politically, and probably economically, it would probably not be the right moment in New York City. However, that seems to me something that would be extraordinarily attractive and might sway those who are not so excited about being historic preservation owners to our side. Is there any thought about that?

MS. VAN INGEN: Well the Preservation League of New York State has struggled for years to get a state level tax credit, exactly what you're discussing, and in fact, one was enacted a year and a half ago, the Historic Homeowners Tax Credit. It only applies in certain census tracks, so it's not a perfect tool, but it does apply to certain areas of New York City, within the five boroughs. Certainly, I agree with you Laurie, what makes people do the right thing in this town is money, it's real simple. It's all about the real estate. It's all about the tax incentives, and I think we are heading in the right direction. We've taken a big step forward in that New York state law and I think the Preservation League deserves a lot of credit for sticking with that one for about the eight years that it took to get it, it's not perfect, but its better, and there's room to expand its applicability.

MR. WOOD: Laurie I think that's a perfect example of tools in the preservation toolbox here. Those tools do take years to happen, but now is exactly the right time to be thinking of those things: designing them and beginning to build the constituency. Three, four, five years down the road, we'll have them, but not if we don't start on them today.

MS. VAN INGEN: I know we're done with questions and we're just about to wrap up. I just wanted to say that this has been an extraordinary day. I think

Jim Fitch would've been thrilled. I think this is a Fitch Forum worthy of the name and I thank all of you for coming very much.

CLOSING REMARKS

Introduction: Mr. Vin Cipolla

Speaker: Mr. Tony Hiss

MR. SCHNAKENBERG: Thank you Kate, thank you Tom, and thank you, of course, Tony. We're going to wrap up now. To introduce Tony Hiss, we've asked Vin Cipolla to have that honor, and I'm very pleased to introduce Vin to all of you.

Vin is the President of the Municipal Art Society, and began his tenure as President during my fellowship as the Ralph Menapace Legal Fellow at MAS. That was a terrible thorn in Vin's side. As he started his first week at MAS, I walked into his office and said, "Hey, there's a really, really difficult and complicated preservation fight that's going to be largely unpopular and no one is going to be happy with our answer," and that was my first conversation with Vin. So thank you for tolerating that. Vin, before joining MAS, was the President and CEO of the National Park Foundation. He continues to serve on its board as the Citizen Chairman. Before that, he was Vice President of the National Trust for Historic Preservation. Vin has done many other things that are on the website and in the printed material. Here's Vin to introduce Tony.

MR. VIN CIPOLLA: You know I love you David Schnakenberg, and we miss you at MAS. David was a tremendous asset to MAS, as I know he's been a tremendous asset to this conference, so thank you David for everything that you're doing, and to all the sponsors, a tremendous work. I haven't been able to be here all day, but the portion that I've been in has been absolutely fabulous.

To Andrew Dolkart, thank you for your leadership, and always here in New York, and Tony Wood. I mean, life without Tony Wood, that is a miserable, unspeakable horror. Thank God for Tony Wood. Also, it's really nice to see Paul and Tom. The brilliant Tom Mayes and Paul Edmonson who continue to work so tirelessly around the country. And, Anne Van Ingen, for your extraordinary leadership over so many years, and your voice, your powerful, passionate voice, and congratulations on recent developments. And it's nice to see Al Butzel and Otis Pearsall in the room among others who worked so closely with MAS.

Kate Wood for her leadership, and all you do, Kate, with Landmarks West! for all of us in New York. I saw Peg Breen earlier; Judith Saltzman who chairs our Preservation Committee. Frank Sanchis and Lisa Kersavage, who do more than carry the preservation flag at the Municipal Art Society.

MAS, as everybody knows, has been synonymous with legendary preservation battles in New York. Today, MAS works to maintain the fabric in

New York's sense of place and community in this period of rapid change that we've all been talking about and finding the right balance between preserving important structures, and building our future. It isn't an easy task, as our last panel was debating, but it isn't impossible either. A highlight of our recent work, as Lisa had underscored, and was brilliantly executed by Lisa Kersavage, was MAS's conference on preservation and climate change last fall. With the support of many of you, and with the National Trust, that conference really worked at bringing together, as Kate mentioned, the importance of preservation and sustainability. Preservation and sustainability are two aspects of building our city that haven't always gone hand-in-hand, but actually have a tremendous amount in common which was pointed out by Anne.

Those familiar with MAS know that we are actively involved in the Garment District, an area of Manhattan where there's rich cultural history and an uncertain future. Andrew Dolkart has also been keeping an understanding and knowledge of the Garment District and its importance in architectural history alive. The district is a unique area of New York, where planning, preservation, entrepreneurship, urban design, livability, economic development, and aesthetic issues converge. The Garment District is in many ways the story of New York and an excellent example of a multilayer character in the city. MAS is conducting research and presenting forums for robust debate about the future of the neighborhood, which has helped to make New York City a global fashion capital, truly one of our most treasured places, and a hot spot for all kinds of entrepreneurship, both social and commercial—www.MAS.org is a very splendid website, with information on so many things. So the Columbia students in the room, if you're not a member of MAS, complementary membership is on me, first year only; you can use social media to get to me or you can give me your email address on the way out if you'd like to be a member of MAS. If not, we'd love to have you.

I'm about to do one of my favorite things ever. I got to do it twice so far in the last couple of months, and that is to introduce the very special wrap-up speaker for this tremendous meeting. Someone who has written extensively on the experience of place and urban environments, Tony Hiss. He is an acclaimed author who explores the way we think about and interact with cities. Tony was a writer at *The New Yorker* for more than thirty years and has also written for *The New York Times*, *Newsweek*, and *Travel and Leisure*. He has lectured around the world, and is currently a visiting scholar at New York University's Robert F. Wagner Graduate School of Public Service. The National Recreation and Park Association's National Literary Award praised Tony for a lifetime of spellbinding and poignant writing about how our environments, modes of travel, and other aspects of the American landscape affect our lives. His 13th and most recent book, *In Motion*,² looks at our daily travels in some of the most public spaces and how simple changes in our

2. TONY HISS, *IN MOTION: THE EXPERIENCE OF TRAVEL* (2010).

viewpoints can bring about a heightened experience and a deeper connection during these journeys. Tony's sense of travel became something useful, not lost time that we strive to recover. Please join me in welcoming the champion of urban places, a wonderful friend of MAS, a dear friend of mine, and I know to many of you, Tony Hiss.

MR. TONY HISS: Thank you. What a treat and a privilege it is to try to digest some of this extraordinary day. The first thing I noticed was that it was built on several deliberate oddities cutting across so many different grains. Not too many people usually turn out for a 45th birthday, and yet here we all are. People who love to walk the city have spent an entire nine-and-a-half hour day in a dim, dark, basement room. Talk about Plato's cave.

Another oddity: 100 brilliant minds in the same room for nine and a half hours, all thinking about the same subject. Another oddity coming up over and over again: so many passionate remarks about not being passionate enough. And finally a conference that actually began with a remarkable keynote that really set the tone for the entire day and helped to advance and focus the discussion.

Let's review a little bit, and then I'll pull some things together. Adele began by telling us that the Romans chopped off the hands of those that destroyed historic buildings; whereas in the U.S, we didn't get started until the Antiquities Act of 1906, which drew the first line in the sand; and as she said we've barely begun.

Jerold began his speech by saying preservation is middle-aged and drew a distinction between zoning and historic preservation. He said zoning is basically preventing harm from new development. Historic preservation is a separate and distinct legal and regulatory regime that rejected zoning thinking and asked the question how do we think about existing buildings? He called it a revolutionary and radical approach to the legal regulation of land use. We went through some of the great moments. *Penn Central v. New York City*, can enough be said about it? He said no, should we designate this decision? It validated and disseminated New York's Landmark Law by declaring that diminution of value is not necessarily a taking. Though if regulation goes too far, it is a taking. But he reminded us that what also lives is the dissent from that decision, which could be summed up in two words, "It's unfair." When do we know a taking has occurred? He said no one can authoritatively answer that question and ambiguity is inherent. He promised to be the 2056 conference keynote. I'm sure Tony will hold him to that. He talked about broadening the histrionic understanding of preservation because, he said, landmarks guarantee emotional stability in a world faced by frightening change. Then he posed the intriguing question, is historic preservation a universal right? We then got into a wonderful discussion in which Paul Edmonson talked about how landmark planning laws now recognize the importance of landmarking, but he too talked about a surge of rhetoric within the framework of property rights that has blocked designation.

The issue of owner consent has come up. Historic preservation, he said, stands on firm judicial ground, but on vulnerable ground rhetorically. He talked about cutbacks in funding and about how the laws are only as strong as the administrative structure that administer them.

Tersh began by saying, "Oh, to be middle aged again." He acknowledged there are very few in the District of Columbia who understand what landmarking is all about; a very esoteric field. He said, "Universal rights scare me, I like operating under the radar." He said we have problems with educating people, and with handling nonsense, but not with the law. Jerry came back to say that viewshed protection has been a standard for years for natural views and Ken Livingston, the former mayor of London, extended the principle to London management protection of river views and landscape views.

We talked about the political outcry that shocked people over the eminent domain decision of the Court a few years ago. A question from the audience: "Why can't the law be easier to explain? It takes about five lectures to explain." Jerry said it's crucial that it be very technical. On the other hand a universal right is a tether, an anchor to something physical. The built environment is part of who we are as human beings. We may not have loved the World Trade Center towers but boy, do we miss them.

We got the wonderful contributions from the wonderful people around the country, Linda, Brian and Karen. Linda pointed out that the L.A. ordinance is older than New York City's ordinance. More power to them, and their law has never been challenged locally. They now administer jurisdiction over about 27,000 in about 180,000 buildings. "We are just beginning our odyssey," she said. They also protect interiors just because no one ever told them they couldn't. They have jurisdiction within L.A. County. When they did a survey, seven of the eighty-eight cities got a "B," fifteen got an "A." Beverly Hills was very proud of its "B." On the other hand Huntington Park, a 98% Latino community, was furious that it only got a "B," and has worked its way up to an "A." Her message, she said: "Use all the tools, and have really good friends. Ultimately, it's about saving buildings, and making sure they'll be there for the next generation."

Brian showed us a picture of the great perseveration martyr, Richard Nickel, who was destroyed in one of the demolitions in Chicago, carrying a sign saying "Do we dare squander Chicago's great architectural heritage?" They now have fifty-three historic districts to 10,000 buildings, two thirds in the last twenty years. Their department merged with the Planning Department in the '90s, which he said is a good thing for them.

Yes, there's competition for limited money. Yes, we have to streamline how we give permits, but preservation contributes to the economic well being of the city. He brought up the intriguing idea of local thematic designation, where buildings are connected not physically, but by their use, purpose, meaning, and intent. This includes the Black Metropolis on the South Side of Chicago, the

Black Literary Renaissance, and some wonderful South Side churches united by the fact that Martin Luther King had preached in them and some local banks. He said, "This thematic unity gives us a much more compelling story and argument."

He asked a lot of timely questions: How do you establish priorities? Must all fifty-year-old changes actually be retained? Should we think of historical and cultural standards as lower than architectural standards? Can you allow greater changes to buildings of only neighborhood importance? Should all fifty-year-old properties actually be designated?

Karen said, in Seattle, the law is modeled on New York, which came about in 1973, but they don't just designate places like Pioneer Square. They designated the Space Needle, the Monorail, historic vessels, filling stations, and fire stations, a church battle that took twenty-five years. It was an issue when she got there in '84, and it has only just been resolved. Asked the question, she said she doesn't know if there was due process, but she said there certainly was enough process. Is public support growing or waning; she wanted to know. She thinks historic preservationists have been too quick to abandon sustainability as an issue. Embracing sustainability would gather a following for them, one that preservationists should take credit for.

Tom, as the moderator, asked a question about vagueness, pointing out that people still think that preservation is a subjective exercise in personal taste, which came up in Chicago with the banks. They included a modern bank among some beautiful neo-classical banks, and it was a horrible experience, according to Brian, because a councilman said, "I like brick and stone, that looks old to me." Tom said the perception that modernisms are outside our range is only beginning to crumble, if you can remember when preservationists didn't even recognize Victorians as historic buildings. They were just Charles Addams monstrosities, and then it took a long time to accept Art Deco as historically worthwhile of preservation.

Linda talked about the depredations in Pasadena. A Texas truck driver drove up in the middle of the night to steal the lights from one of the thirty-three Greene & Greene houses. Each one of the light fixtures was worth more than the entire house. Some lights came back through guilt, others were replicated.

In the halls and at lunch, I overheard a number of conversations. A New Jersey consultant said, "My state is the state of home rule." Maybe 200 of the 500 towns have ordinances but no one really thinks beyond their own town, even though environmentalists do. There's no sense of regional collaboration within the states, let alone across the Hudson. She found she misses the specific information she used to get in the Preservation Law Reporter that helped her on how to apply various review standards.

Someone else said, "I see a push-back, a wave of enthusiasm has led to acceptance and then ascendance, by preservation, then bureaucratization and a push-back. Former enthusiasts now feel burdened and restricted." He thinks arbitrary and capricious is inevitable, because the field is so economical.

Economists are responding to a different aspect of the whole, the famous Central Asian story of the blind man and the elephant.

Is support eroding? That question kept coming back, and then after lunch, we had another series of wonderful presentations. Otis called the local Law the most remarkable success story that you can imagine. When we started in 1958, he said, he thought maybe there would be three or four historic districts, and now there are 110. Until there's a mechanism to preserve, the Landmarks Commission is the name of the game. Al Butzel asked, "Can we depend on the Commission administering and interpreting the Law even though the Law itself is brilliant?"

Mark said that we have to separate out the impulse to think of other issues needing to be handled by landmarking. There was a certain amount of dispute about that. Roberta asked the question, reminding us that the Law was a reaction itself to the overkill of urban renewal, and it's often a threat that gets people thinking. She's never seen a neighborhood law used inappropriately. All the places they put forward for designation are places that have historical value. Tony Wood said, for the record, he saw no cranks in the audience.

Then, we had some remarkable talks about new tools, how the value of preservation easements was temporarily diminished by some bad apples overselling the product, leading to an overreaction by the IRS.

We talked about demolition by neglect. Leading to more, again, ambiguous questions, because some people neglect it because they don't know any better, or can't afford to do anything. Others neglect it because they are uncaring. Then, Carol talked about the whole question of Conservation Districts as a way of extending protections to perhaps fifty neighborhoods, that may never meet the standards of the Landmarks Commission itself.

At the end of the questions, the moderators got together. Tony asked, has landmarking become a nicety rather than a necessity? What the law has accomplished has been phenomenal, but can we do better? Or do we need to be content with the wrinkles, rather than try for a facelift and take on smaller issues?

So some of the themes that I heard there: middle-aged, revolutionary and radical approach, when is it a taking, vagueness versus fairness, rhetorical renewal, explaining purposes better. Someone said, "We won the Law but now we have no friends." Can we capture the high ground on sustainability? Is there anything like a universal right to historic preservation?

I thought there was a lot of talking about takings, but to me historic preservation is as much a taking as it's a giving. It's something we extend to ourselves. Jim Fitch, I think, would've been right in the middle. He would've asked every question. So he is present with us today.

Perhaps it was in some ways, as Roberta was alluding to, easier to be a preservationist in New York forty-five years ago. The city stayed the same the first time from 1929 to 1946 basically, and then faced a huge explosion of change in the 1950s, which then led to power and outrage. We also now meet

in a different context. On the one hand, we have post-9/11 lessons. We've learned from our sorrow that the physical is inherently fragile and temporary, although the spiritual isn't. We now meet in the context of the goals put forward by the PlaNYC people. We have to think about protecting what we have within the context of adding at least another 600,000 New Yorkers by 2030.

At the same time, what endures and what fades, even with the Landmarks Commission, seems arbitrary and capricious. We're getting ready, in a month, to celebrate, if celebrate is the right word, the Triangle Shirtwaist Fire. That building stands and is in robust health as a chemical classroom building at NYU on Washington Place. While we read in the paper just the other day, at least nine of the eleven buildings on Admiral's Row in the Brooklyn Navy Yard seem doomed.

What is it that we're carrying forward? To me, landmarking is entirely a future-oriented passion. What is it that we love, that we're going to give as a present to our children and grandchildren? Perhaps "historic preservation" is a misleading name because it's really about continuity. We have an intergenerational bucket brigade so that people who come after us can refresh by the same waters that sustain and delight us, nourished by the same experiences and richness. Solve this question and New York can become the model mega city of the 21st century, as it was an emblematic city of the 20th century.

Now, thanks to Columbia, and many other institutions, we have for the first time a professional generation trained in preservation management: citizens with skills, citizens with a university degree. At the last meeting that Tony Wood organized a few years ago, Ken Jackson said, "New York is about change." Let's not think too much about landmarking, but instead think landmarking is about changing the way change comes, so that it comes at several different paces, so that everyone has an anchor. Why do people stay put, why do they move on? Landmarks help us stay in touch with ourselves. We're just learning about "interior preservation" as it might be called. What goes on within our own minds? My book, that Vin was kind enough to hold up, talks about a neglected form to awareness that I called Deep Travel, that's built into everyone, that is just now getting rescued and appreciated. Much of our connection to the places that mean most to us comes through this awareness, both with evoking our own memories and with re-establishing the sense we get from places that are older than we are, of rejoining a long story that began generations ago and is far from finished. These places hold onto a larger sense of the here that we are part of, and the longer now that we are part of.

Jim Fitch often talked about buildings being people's "third skin"—our own skin being our first skin and clothing being our second skin. Landmarks, in this sense, are part of our third skin. They are the context of experiences and connectedness that a community can provide and evoke the mental and feeling context that helps us keep our wits about us and fuels the energy and creativity of a great city. Buildings are not just embodied energy. They are

embodied skills, thoughts, and perceptions. Some of them odd, some playful, some profound, some dead wrong. They are the embodied craftsmanship of a generation. They are messages from their creators that are now ours to absorb and to pass on.

Preservation is as much about a conversation with our surroundings as it is the conservation of our surroundings. They are, in a sense, older brothers. They are things we can count on. Landmarking is like packing for the future. What is it we want to have with us when we get there? They give us a different sense of permanence.

PlaNYC not only tells us to expect 600,000 more New Yorkers, but it tells us to expect summers like Atlanta, to expect sea level rise. It's also about a different sense of temporariness. Can we, as a species, among millions of species, make it intact through the 21st century? We've been handed, without having asked for it, a multi-generational task. We're in the middle of a long emergency. We're all on an ark with five decks and already as a species, occupy two and a half of those five decks. We're on our way to occupying three of them with the two by two animals pushed onto the rest of the ark. It's going to be a long white-water ride before the ark is safe.

E. O. Wilson, the great biologist, calls the next century the "great bottleneck," but I think part of the reason that the whole preservation conversation seems slippery or vague or ambiguous, perhaps, is because it's a left-brain, right-brain kind of split. So much of what preservation does, yokes on together the very practical and the very specific with the ineffable. Yet, as David reminded us in his review of the history of the Law, it was the enabling laws and the court decision that countrified, as the law of the land, as the law of the city, what previously had been considered ineffable. The Supreme Court ruling that extended constitutional rights to the ineffable, said that public welfare rights are spiritual as well as physical, aesthetic as well as monetary; that communities have a right to be beautiful, spacious, and well-balanced.

The New York City Landmarks Law of 1965 said that when buildings with a special character have been uprooted, their absence is an irreplaceable loss to the city. Larger areas have had their areas of distinctiveness destroyed. This has diminished New York as a world center. So, perhaps the reason we feel this uneasiness is that we dwell between in this unexpected realm within the brain. There's something called the corpus callosum, which is the only piece of brain tissue that connects the left-brain to the right brain. Maybe that's where we find ourselves embodied. Yet we have within us, every one of us, a talent not only to exclude the world when we daydream or when we focus our attention on a specific task, but also to welcome the world back in through this wider awareness. In a place like New York, this awareness is instantly enriched.

Perhaps the emblem for preservationists is the longest-living natural thing, the oldest creature within the city, the Queens Giant, a tree in Alley Pond Park, is over 113 feet tall, and is probably 450 years old. It was here before

Verrazano, certainly here before Henry Hudson, certainly here before Nieuw Amsterdam became a reality, certainly here before New York became a reality, and yet it has endured all this time, just as we're trying to endure through yet another century.

I have to thank Tony Wood for his remarkable leadership in his field, and Carol Clark for wanting us to delve more deeply into these questions of immense importance to us as human beings and as citizens of a great city. Thank you for your attention this afternoon.

MR. SCHNAKENBERG: So that's the end of what I think was a pretty good day. Thank you everyone for joining us. I want to thank our funders and sponsors and our partners. I want to thank the Fitch Forum Planning Committee. Thank you Jerold Kayden and Tony Hiss. I want to thank, particularly, Janet Foster, who runs this building. Really this conference would not have happened without her. Thank all of you for being here, and really thank you Tony and Carol again, for putting the Fitch Forum together, envisioning it a year ago and really forcing it into being. So thanks to all of them as well. Thank you guys.