

OCULUS

on current new york architecture

The New York Chapter of the American Institute of Architects

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The Old Merchant's House, 1832, at Christmas time. (Photo: Stan Ries/ESTO)

OCULUS

Chapter Reports

Names and News

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Oculus

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by George Lewis

Meeting with George Notter

Several Chapter officers and past officers met in October with George Notter, who will be AIA president in 1984, and with David Meeker, AIA executive vice president, to go over some Chapter-AIA matters, particularly the upcoming 1985 national convention. A preliminary committee, Peter Samton, chairman, had blocked out proposals to take wide-ranging advantage of New York's resources, including involvement with other organizations. Because such a convention will require careful local-national cooperation, Meeker volunteered to come to New York in December to lay the groundwork.

Other matters discussed included "Directions '80s" emphasis on greater local responsibility for services to members and how that could be funded and implemented, as well as plans for central point dues billing now that the AIA has a greatly expanded computer capability.

Practice Abroad

At a well-attended meeting of the Overseas Practice Committee, Robert Kupfer of Turner International called attention to the lack of support in Washington for American construction abroad. He pointed out that although U.S. technology is superior and its design professions more adaptable in situations requiring cooperation among strangers, and although other countries, such as Japan, France, and England vigorously promote exporting their construction capabilities, this country, where construction is the largest industry, is neglecting the opportunity to create many new jobs and to redress the balance of payments.

Interior Design

The new Interiors Committee, of which a steering group, chaired by Kenneth van der Kolk, has been planning meetings, has attracted considerable attention from interior designers in architectural firms—designers who have not to date had a mutual forum. There will be an open

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"American Architecture—A Living Heritage" is to be the theme of AIA's 1983 National Convention in New Orleans, May 22-25. It will include the exhibition, "America's City Halls" celebrating the 50th anniversary of HABS . . . Romaldo Giurgola lectured on the Parliament House in Canberra at Columbia's Avery Hall in October . . . Norman Pfeiffer and Arata Isozaki spoke at a symposium, "Who Designs Museums," at the ArtTable October program in Sotheby's redesigned building at 72 Street and York Avenue . . . Perkins & Will are the designers of a new addition for New York Hospital now under construction on the north end of the main building . . . The RESTORE program for the teaching of restoration training and preservation skill, which has been sponsored by the Municipal Art Society since 1976, became an independent organization in October still under the direction of Jan C.K. Anderson and located at 19 West 44 Street . . . Hardy Holzman Pfeiffer have been named architects for a proposed \$8.5 million sports center at Wellesley College . . . Kenneth Frampton joined Stanford Anderson and Kurt Foster of MIT's School of Architecture and Planning last month in a symposium on The Sketchbooks of Le Corbusier at The National Academy of Design . . . The Landmarks Preservation Commission has unanimously approved the overall design for the Pier 17 building in the South Street Seaport Historic District . . . Robert A. Djerejian and Frank J. Waehler, managing partners of Haines Lundberg Waehler, delivered keynote addresses at AT&T International Headquarters in Basking Ridge, New Jersey, to discuss "Teamwork—Internal and External." . . . John J. Chaloner has joined The Gruzen Partnership as a director and the manager of its Interiors and Graphic Design Departments . . . Beyer Blinder Belle along with Anderson, Notter, Finegold Inc. of Boston and Washington, D.C. have been appointed consultants for the rehabilitation, restoration, and preservation of Ellis Island by the National Park Service . . . Swanke Hayden Connell have been commissioned by Lloyds Bank

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CRISIS IN PRESERVATION

by George J. McCormack

I have been asked to beard the lion in its den by presenting the other side of the landmarking issue in the very forum of those who most appreciate architectural beauty. As a person who also delights in our architectural heritage, I feel doubly hesitant in taking up my pen. Yet I have in recent months come to believe that if the proponents of unrestrained landmarking are permitted at whim to sequester private property without compensation and thereby to put the cause of historic preservation above the often desperate human needs of our people, we will have unwittingly bred an antisocial monster. The inevitable reaction will increase alienation between the rich and poor and will irreparably harm even the legitimate claims of those who, like myself, genuinely value our cultural and architectural heritage.

I say sequester property "at whim" because the New York City landmarks law has no meaningful criteria for determining what is of landmark quality. Any building over 30 years old that has "special character" can be landmarked. Every building in town built before 1952 meets this non-standard. I would propose that the law be changed to provide that a building can be landmarked only if it is over 75 years old, if it has been continuously and publicly recognized as a prime example of certain specified standards of historic or aesthetic preeminence, and if there are no other already landmarked buildings of similar type in the City.

I say sequester property "without compensation" because landmarking can destroy or seriously impair the market value of a property. If a building on a site having development value is landmarked, a large part of the value of the site may be destroyed. In fact, if the landmarked building is no longer useful, mere ownership of the site may become a liability. This goes far beyond the minor costs of every owner's obligation to comply with fire, health, and safety laws. If it is really in the public interest to convert a building into a monument to

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Editorial

Architectural landmarks are being threatened in a concerted effort now and the entire Preservation movement is consequently more and more embattled. It is a threat waged on three fronts—or three strata of interest and concern—and the profession of architecture should be clear in distinguishing each of the three:

At the most particular or smallest scale is the series of criticisms and complaints against the NYC Landmarks Preservation Commission, which is accused of being a design jury that architects must submit to in front of their clients and which is also accused of reviewing ab ovo at each round of review so that the process, they say, becomes "outrageously and unnecessarily" lengthy and costly. In addition, critics of the LPC claim that more landmarks than deserve preservation have been designated—far beyond what we need to preserve a record of civilization or continuity.

In the middle stratum is the organized and consolidated campaign to remove all religious buildings from Landmarking consideration. This battle will be waged over a bill that will, it is anticipated, be presented in the New York State Legislature this year.

Both of these campaigns are waged here also in the following articles by George McCormack and Ralph Menapace.

Third, both of the above campaigns ultimately threaten to weaken the entire cultural movement of preserving the architectural heritage of this country.

Architects must clearly distinguish these three issues and weigh them against the mandatory support of the profession for its own historical record and continuity. If architects do not take the lead in defending their own heritage, the lesser informed public can have no model, teacher, or leader to follow in this crisis war. Discernment, discrimination, and support are essential now.

by Ralph C. Menapace, Jr.

At the next session of the New York State Legislature, legislation will be introduced that would, in effect, exempt properties owned by religious organizations from any mandatory regulation under the landmarks preservation laws enacted by New York City and dozens of other municipalities throughout the State. Legislation to this effect was introduced at the last session of the Legislature but was not acted upon; it appears almost certain that it will be reintroduced at the coming session. The intent and effect of the proposed legislation would be to permit religious organizations to exploit commercially the unused development potential of landmark properties owned by them free of the restrictions to which other owners of landmark properties are subject. I submit that there exists no basis in law or in policy that would support such a radical—and potentially unconstitutional—reversal of long-standing public policy.

The proponents of the legislation—principally an interfaith commission appointed by the Committee of Religious Leaders of the City of New York—have advanced three principal arguments in support of the legislation: (1) that landmark regulation is "tantamount" to condemnation and that it is unconstitutional to impose such regulation on a property without compensation to the owner; (2) that landmark regulation as applied to properties owned by religious organizations violates the First Amendment's prohibition on state interference with the free exercise of religion; and (3) that the hardship provisions of the landmarks law applicable to properties owned by non-profit organizations are "inherently defective" and that as a practical matter religious organizations are denied "even the extremely limited relief [the Law] allows to commercial organizations." The first two assertions are flatly contradicted by authoritative decisions of the highest Courts of the State of New York and of the United States; the third assertion—insofar as it is directed at the

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George J. McCormack

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history or to architecture (and I believe this often is in the public interest), the public should pay for it. I propose that the landmarks law be amended to provide that the owner of a landmarked building shall be compensated for any loss in the resultant value of the landmarked site. Of course, the City always has the right to condemn (purchase) a building for fair value.

Critiques of Commission Procedure

Spokespersons for the aesthetic community maintain that the responsibilities of the owner of a landmarked building are no heavier than those of any other owner who must maintain his building in accordance with fire, safety, and health laws. This is quite deceptive because a non-landmarked owner may paint his building a different color, put up a wooden fence to replace an iron fence, or alter or demolish his building without having to go through an onerous, time-consuming, demeaning, and often unsuccessful procedure to get the prior approval of the Landmarks Commission. I say demeaning because, as a professional person, I suppose it must be extremely humiliating to an architect, having presented his plan before the Landmarks Commission, to be told, in the presence of his client, that for this historic district the building should have pink bricks instead of yellow or three arches instead of four. And when he humbly comes back with his revised plans to this governmental design jury, the architect is likely to find that everything is "de novo" and that mauve brick has now become de rigueur for the historic district in question. His professional status is debased in a hopeless cause. In order to recognize the professional status of architects I suggest that the City landmarks law be changed to provide that a professional architect's plan shall be accepted unless the Landmarks Commission can show by a preponderance of the evidence that the architect made no reasonable, good-faith effort to complement the historic character of the building or

district. Again, this extraordinary burden of landmarking argues for fair compensation to the owner.

A Sovietesque characteristic of the Landmarks Commission is that owners and their architects appear before it for a hearing on an issue on which the Commission has already reached a conclusion. The Commission has a professional staff that preliminarily researches every building proposed for landmarking to determine whether it is of landmark quality. Five of the eleven Commission members are required to be professionals in architectural and related fields. Only if the Commission accepts its staff conclusion that the building is of landmark quality does it calendar the building for a hearing on the very issue on which it has already reached a conclusion. This is the system known as "inquisitorial jurisprudence" and it is repugnant to the Anglo-American concept of "adverse-party jurisprudence," which calls for the presentation of a case by two opposing parties before a neutral tribunal that has not already examined the question and reached its own conclusion. I propose that the City landmark laws be changed so that the Commission shall consist of eleven members, at least one from each Borough, (as is now the case), but none of whom need be of any particular profession, and that there shall be no prejudgment of the issue by means of a prior staff study. A preservationist group could then propose a building for landmarking and present the testimony of its own architects and architectural historians, and the owner could rebut on the evidence of his own architects and architectural historians.

If the owner of a non-tax exempt building wants to get his building de-landmarked so it can be demolished and the site developed, he must prove "hardship," generally defined as an annual net return of less than 6% of the assessed value of the property. Even if hardship is proved, the development is held up for months to give the Landmarks Commission time to devise an alternate plan whereby

the property would produce a reasonable return without the alteration or demolition of the landmarked building. Since it is, almost by definition, the presence of the landmarked building that is preventing development, it is hard to imagine how such a plan will ever be devised. After the requisite time has elapsed, the City then has 90 more days in which to exercise its right to buy the facade easement and thus, for a nominal price, fossilize the entire building just as if it had remained landmarked! No developer would walk into such a can of worms, and thus the market value of the site will have been destroyed or almost destroyed by landmarking. I would suggest that the landmarks law, as to non-tax exempt properties be amended as follows: (1) the hardship rate should be based on market value, not on the notoriously arbitrarily low assessed value and the rate should reflect current economic realities; (for example, Con Edison's rates are, I believe, currently pegged to a 13½% return on the *market* value of its real property); and (2) if hardship is shown, the property should be immediately de-landmarked, and without waiting for the devising of an alternate plan. The City, of course, always has the right to condemn for fair value.

As a spokesperson for the Landmarks Commission recently said, the Commission operates "with blinders on" in that when a property is calendared for landmarking, the Commission cannot consider hardship or any other issue except aesthetic merit. The owner is thus forced to start a separate procedure later to prove hardship. I would suggest that the blinders be removed and that the landmarks law be amended to provide that on the hearing for initial designation the Commission be required to weigh *all* evidence, including that of existing, resultant, or future economic hardship.

At present, if the Commission landmarks a building, its decision is reviewed by the Board of Estimate. The Commission has taken the

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The Church of St. Paul and St. Andrew on West End Avenue and 86th Street by R.H. Robertson & W.A. Potter, 1895. (Photo: Stan Ries/ESTO)

Ralph C. Menapace, Jr.

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landmarks law of the City of New York — is based on misreading of the terms of that Law and a complete disregard for the decisions of the Courts in applying the Law and the actual experience of non-profit organizations under the Law.

The constitutionality of landmark regulation — both in terms of historic district regulation and regulation of individual landmarks — has been upheld repeatedly and consistently by the courts. The U.S. Supreme Court in its decision in the Grand Central Terminal case upheld the application of the New York Landmarks Law to prevent the construction of an office tower on top of the terminal even though this deprived the railroad of potential additional revenue of several million dollars a year. The Court held that land-use regulations designed to preserve landmark structures are valid even though their application may deprive the owners of the

opportunity to exploit the full development potential of their properties. In short, the owner of a landmark structure does not have a constitutionally protected right to the "highest and best use" of the property.

It is not enough for the owner of a landmark property — whether a religious organization or a commercial developer — to assert simply that it could make more money from the property if he were permitted to destroy or deface the landmark. As discussed below, he must, however, be permitted to proceed with redevelopment if an adequate showing of hardship can be made, i.e., if he can, in effect, show that the landmark is no longer economically viable.

The First Amendment Issue

The contention that landmark regulation as applied to properties owned by religious organizations violates the First Amendment is equally groundless and was expressly rejected by the New York Court of Appeals in its decision in 1980

upholding the landmark designation of the meeting house of the Ethical Culture Society.

The court there held that when a religious organization elects to embark on a secular activity such as commercial development of its property (in that case, a proposed high-rise apartment house), it is subject to the same land-use regulations as any other landowner. This principle has been repeatedly applied by the Courts, including the U.S. Supreme Court, in a wide variety of contexts to require religious organizations when engaged in commercial activities to comply with public regulations affecting such activities without regard to personal religious beliefs. Obviously, the fact that the religious organization's share of the proceeds of the commercial real estate development — after the developer takes his cut — will be used for the upkeep of the church or the conduct of its charitable activities does not convert the commercial activity into a religious exercise any more than the fact that the proceeds of a bingo game that go to the upkeep of the church exempts the game from gambling laws of general application.

Indeed the position asserted by the proponents of the legislation — that religious organizations be relieved of regulations imposed on all others engaged in commercial real estate development — would, if adopted, raise a quite different constitutional issue. That is, whether the First Amendment's prohibition on establishment of religion and the 14th Amendment's equal protection clause permit religious organizations alone to be exempt from laws that properly govern all other elements in our society.

Economic Hardship

As indicated above, statutory schemes of landmark regulation must provide for relief from regulation for owners of landmarks in cases of economic hardship. The landmarks law of New York City contains such provisions. If the landmark property is subject to real estate taxation — roughly
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CONTINUING EVENTS

Oculus welcomes information for the calendar pertaining to public events about architecture and the other design professions. It is due by the 7th of the month for the following month's issue. Because of the time lag between information received and printed, final details of events are likely to change. It is recommended, therefore, that events be checked with the sponsoring institutions before attending.

Send Oculus Calendar information to:
New York Chapter/AIA, 457 Madison
Avenue, N.Y. 10022.

HELMUT JAHN

Exhibition of recent work. Yale Art & Architecture Building, 180 York St., New Haven. 203-436-0853. Closes Dec. 3

HASSAN FATHY

Exhibition. Columbia Graduate School of Architecture & Planning, 100 Level, Avery Hall, Closes Dec. 17.

PATTERN: AN EXHIBITION OF THE DECORATIVE SURFACE

American Craft Museum II, International Paper Plaza, 77 W. 45 St. 397-0632. Closes Jan. 28.

AMERICAN PICTURE PALACES

Exhibition of "Golden Age" of movie houses. Cooper-Hewitt Museum, 2 E. 91 St. 860-6868. Closes Feb. 27.

TUESDAY 7

STREET AS THEATER

Exhibition of New York photographs 1850-1950, sponsored by Municipal Art Society. Upstairs at the Urban Center, 457 Madison Ave. 935-3960. Closes Jan. 8.

PRECURSORS OF POST MODERNISM

Photographs of Milanese architecture 1920s and 30s. The Architectural League, 457 Madison Ave. 753-1722. Closes Dec. 18.

MEMORIAL EXHIBITION

Works by 5 recently-deceased members of the American Academy and Institute of Arts and Letters including Marcel Breuer and Wallace K. Harrison. Broadway and 155 St. 582-5544. Closes Dec. 19.

WEDNESDAY 1

ARCHITECTURE THE STATE OF THE ART

Moshe Safdie on "Private Jokes in Public Places" in series co-sponsored by NYC/AIA. 8 pm. Metropolitan Museum. 879-5510.

LECTURE

Raimund Abraham. Columbia Graduate School of Architecture & Planning. Wood Auditorium, Avery Hall. 6 pm.

WEDNESDAY 8

FORUMS ON FORM

Robert A.M. Stern on his book, *East Hampton's Heritage, an Illustrated Architectural Record*. Introduction by Joan Davidson. 12:30 pm. Urban Center Books, 457 Madison. 935-3595.

IRWIN S. CHANIN

Exhibition. Houghton Gallery, The Cooper Union, Third Ave. and 7th St. 254-6300, ext. 308. Closes Jan. 28.

LECTURE

Peter Papademetriou on "O'Neil Ford and his search for an indigenous architecture." Architectural League, 457 Madison Ave. 6:30 pm. 753-1722.

THE BIRTH OF NEW YORK:

NIEUW AMERSTERDAM 1624-1664 Exhibition. The New York Historical Society, 170 Central Park West. 873-3400. Closes Dec. 31.

SCANDINAVIAN MODERN: 1880-1980

Exhibition of furniture, ceramics, glass, metal work. Cooper-Hewitt Museum, 2 E. 91 St. 860-6868. Closes Jan. 2.

THURSDAY 2



THURSDAY 9

AIA/NYC COMPUTER SEMINAR

Lecture by Lee Kennedy on "Getting Your Feet Wet—The Computer in a Small Firm." 5:30 pm. The Urban Center, 457 Madison. 719-3828.

BATH: 18TH CENTURY CENTER OF WIT AND SOCIETY

Lecture by Barbara Wriston in Royal Oak Foundation series. 6 pm. The Mayer House, 41 E. 72 St. 861-0529. \$5 members, \$6.50 nonmembers.

BONJOUR MONSIEUR LARTIGUE

Exhibition of photographs taken between 1902 and 1939 by Jacques-Henri Lartigue. International Center for Photography. 1130 Fifth Ave. at 94 St. 860-1783. Closes Jan. 9.

JAPANESE BUDDHIST SCULPTURE AD 600-1300

Exhibition. Japan House Gallery, 333 E. 47 St. 832-1155. Closes Jan. 16.

SCOTT BURTON

Exhibition of new work. Max Protetch, 37 W. 57 St. 838-7436. Closes Dec. 30.

FRIDAY 3

FRANK LLOYD WRIGHT

Exhibition of architectural drawings, furniture, ceramics by Wright. The American Wing, Metropolitan Museum. 879-5500. Closes March 1.

WRIGHT LIVING ROOM

Opening of living room from the Francis Little house, Wayzata, Minn. designed by Wright. Met Museum.

ART AND ARCHITECTURE

2-day interdisciplinary conference (Dec. 3-4). The Great Hall, The Cooper Union. \$35. 254-6300, ext. 308.

FRIDAY 10

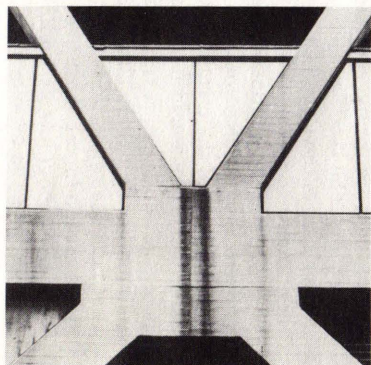
SANDSTONE RESTORATION

One-day symposium sponsored by the New York Landmarks Conservancy and co-sponsored by NYC/AIA, Columbia Graduate School of Architecture and Planning, the Preservation Assistance Division of the National Park Service, the Preservation League of New York State, and RESTORE. At Association of the Bar, 42 W. 44 St. 736-7575.

ART NOUVEAU AND ART DECO AUCTION

Including furniture by the Greene brothers for the Robert Blacker House in Pasadena. Christie's, 502

MONDAY 6



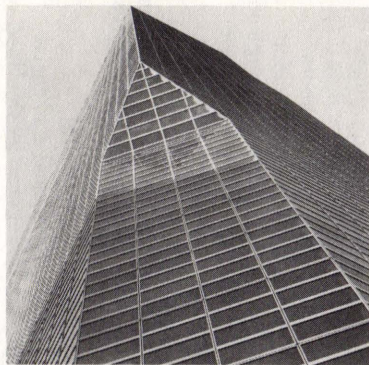
MONDAY 13

INTERIORS COMMITTEE
Meeting of NYC/AIA's Interiors Committee, 6 pm. The Urban Center, 457 Madison Ave. 719-3828.

BARD AWARDS

Deadline for entering the 1983 Bard Awards: City Club of New York, 33 W. 42 St., New York 10036. 921-9870.

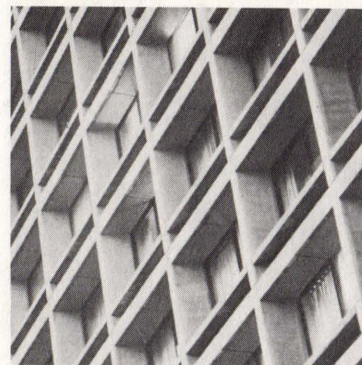
TUESDAY 14



WEDNESDAY 15

ARCHITECTURE
THE STATE OF THE ART
Charles Gwathmey on "After Post-Modernism," final lecture in 9-week series co-sponsored by NYC/AIA. 8 pm. Metropolitan Museum. 879-5510.

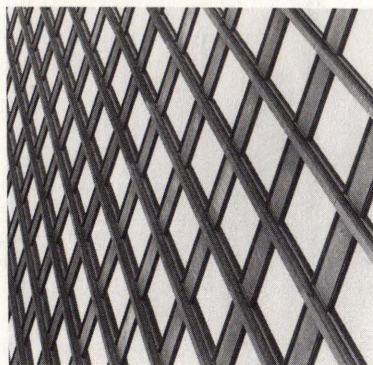
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FRIDAY 17

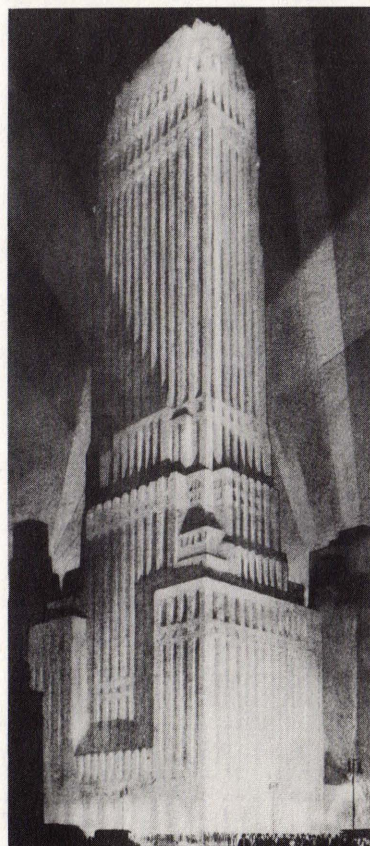
AMERICAN PLANNING ASSOCIATION PARTY
Sarah Delano Roosevelt Memorial House, 49 E. 65 St. 6-8 pm.

MONDAY 20



TUESDAY 21

WEDNESDAY 22



THURSDAY 23

FRIDAY 24

Merry Christmas

MONDAY 27

TUESDAY 28



THURSDAY 30

REYNOLDS AWARD 1983
Deadline for submitting data binder to: R.S. Reynolds Memorial Award, American Institute of Architects, 1735 New York Ave. N.W., Washington, D.C. 20006.

FRIDAY 31



George J. McCormack

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position that its decision must be rubber-stamped since the Board of Estimate lacks aesthetic expertise. Amazingly, no architectural background is presented to the Board of Estimate and it does not even look at slides of the building! I propose that the landmarks law be changed so that the same evidence that is presented to the Landmarks Commission, including hardship evidence, must also be presented to the Board of Estimate so that it has the facts on which to make an informed decision.

Tax-Exempt Properties

When we enter the realm of the tax-exempt property owner, matters become quite extra-terrestrial. To prove "hardship" the tax-exempt owner must show that its property would be capable of earning a reasonable return (e.g. 6% of assessed value) *if it were not tax-exempt*. This is an impossible task! One can fantasize a commercial use for St. Patrick's Cathedral—perhaps a shopping arcade along the main aisle, condos cantilevered between the lower arches and the nave ceiling, etc. Then, please, hypothesize the annual rate of return on this fantasy. "Hardship" can never be proven because fantasy is not proof and because, in any event, it was not landmarking that caused the hypothetical hardship but rather the original design of a structure built for worship not commerce. Furthermore, this fantasy applies only to a tax-exempt organization that wishes to sell or lease its property. If, for example, a church or synagogue wants to retain ownership of its site and put up residential apartments with religious facilities on the lower floors, the law provides no procedure for removing the landmarking.

Churches and synagogues are not just buildings—they are, more importantly, groups of people who come together to worship God and serve their fellow man. Their buildings were donated to serve these religious purposes—not the non-religious cause of historic preservation. When landmarking prevents a religious organization from

utilizing a resource, such as a land site, in furtherance of its religious ministry and mission, whether to expand, relocate, or both, there is an unconstitutional governmental interference with the free exercise of religion. Even if, perchance, the religious organizations were to use its property for rental apartments (which would rightly be taxed according to law), any net profits after taxes must go exclusively toward the religious purposes of the organization and the organization has the right to so use such funds and not have its useless property fossilized as a perpetual shrine to preservationism. When a property is fossilized, the chief victims are the poor and disadvantaged who, in disproportionately large numbers, look to our religious organizations for the support the government cannot, or does not, and often should not, give. To my shock, I have come to see a preservationist establishment that, without realizing the consequences, values some of their fellow citizens less than objets d'art. Although a serious preservationist myself, I find this insensitivity deplorable. Our country will rise or fall on the quality of our people—not our buildings. I suggest that the landmarks law be amended to provide that a structure used for religious purposes shall not be landmarked, or shall be de-landmarked, if and when the owning religious organization certifies to the Landmarks Commission that the landmarking would interfere with the free exercise of its religious mission and ministry.

The real-life operation of the landmarks law is illustrated by the fascinating case of the United Methodist Church of St. Paul and St. Andrew at West 86th Street and West End Avenue. This church has a building which is dangerously crumbling. The dwindling congregation is in a deficit position and cannot even afford fuel. The church decided to demolish its undistinguished and useless structure and erect an "as of right" apartment building with church facilities on the lower floors. This would support the overall zoning policy of the City to



encourage development of the Upper West Side. It would help alleviate our City's housing shortage. As soon as the neighbors got wind of the church's plan, their tactic was to petition the New York City Landmarks Preservation Commission to landmark the structure because they did not want new people in the neighborhood and did not want the views from their own apartments obstructed. The Landmarks Commission then landmarked the structure, thus killing the proposed development plan. The Commission decided that the structure must be landmarked because it is allegedly the only church in New York City built in the style of "scientific eclecticism", (a self-contradictory term!). The structure's own architect refused to have it listed in his biography. No one in 80 years even suspected that the structure was of any architectural distinction. The congregation is now doomed to support its white elephant as an everlasting memorial to scientific eclecticism, while its worship, free food program, and other ministries are destroyed. The Landmarks Preservation Commission abused its own law by using it to give illegal spot-zoning benefits to the neighbors, whereas the law was intended for aesthetic purposes only. Although our City government would abet those who would exterminate this little congregation, there are people who are contributing toward the thousands of dollars needed to seek legal redress.

I believe that fundamental constitutional, political, and social values are endangered by the New York City landmarks law as it now exists and as it is supported by a mind-set of undoubtedly well-intentioned people. This amounts to preferring our old bricks and mortar to our people and to their need for housing, offices, and the spiritual and human support they receive from our synagogues and churches.

George J. McCormack is a member of the New York City law firm of Cusack, Stiles & Hale and is a member of the Interfaith Commission to Study the Landmarking of Religious Property.

Ralph C. Menapace, Jr.

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speaking, if it is property used for other than charitable purposes — the owner must be permitted to proceed with redevelopment of the landmark site if he can show that the property absent such redevelopment is incapable of yielding a “reasonable return.” “Reasonable return” for this purpose is defined as 6% of the assessed value of the property for real estate tax purposes.

If a landmark property is used for charitable purposes — or if, as was the case with Grand Central Terminal, the property is otherwise exempt from real estate taxation — the hardship test is not “reasonable return” but whether the property (a) would not be capable of earning a “reasonable return” if it were not free from real estate taxation, and (b) “has ceased to be adequate, suitable, or appropriate for use in carrying out both (1) the purposes of the owner to which it is devoted, and (2) those purposes to which it had been devoted when acquired unless such owner is no longer engaged in pursuing such purposes.” In the case of churches or synagogues, which cannot normally be utilized for commercial gain, it can be easily shown that a “reasonable return” could not be obtained with or without real estate taxation. (This might not be in the case, say, of an office building used by charitable organizations.) Therefore, with landmark churches and synagogues, the only test that would in effect be applicable would be the “adequate, suitable or appropriate” test.

Interference with Charitable Purpose

The landmarks law of the City of New York does not by its literal terms provide a hardship remedy for properties that are exempt from real estate taxation except in cases where the owner wishes to sell or to lease on a long-term basis the landmark site — as contrasted with the situation where the owner wishes to redevelop the property itself. However, the New York Courts have read a remedy into the law in such cases and have held that the owner of a landmark used for

charitable purposes must be permitted to proceed with a proposed redevelopment if the owner establishes the “maintenance of the landmark either physically or financially prevents or seriously interferes with carrying out the charitable purpose” of the owner.

Notwithstanding the judicial decisions that have cured this apparent omission in the landmarks law, spokesmen for the religious groups seeking to escape landmark regulation regularly cite the omission in the statutory language as creating a serious problem for non-profit organizations without referring to these decisions, which, of course are binding upon the Landmarks Commission.

The charge that the relief provisions of the landmarks law, as a practical matter, deny religious organizations “even the extremely limited relief [the Law] allows to commercial organizations” ignores the actual experience of non-profit landmark owners who have sought relief from the Landmarks Commission on hardship grounds. In the history of the New York City law, there have been only a handful of applications by non-profit owners, but in every case of which I am aware, the owner has been granted relief. The most recent example is, of course, the approval given by the Commission to the Marymount School on Fifth Avenue to proceed with the construction of a gym on the roofs of the Beaux Art mansions that comprise the school.

In another current situation, the Commission has informally invited the Church of St. Paul and St. Andrew to file for relief under the hardship provisions of the Law. It seems clear that relief would be given to the Church if its financial condition, and the physical condition of the Church, are as bad as generally reported. The Church, however, has chosen the far more expensive and time-consuming, as well as much-less-likely-to-succeed path of challenging the designation of the Church in the courts on First Amendment grounds. This choice,



which appears contrary to the best interests of the congregation itself, appears to serve principally the interests of the groups outside the congregation who are financing the litigation.

In short, there is simply no basis, either on the face of the landmarks law, or in the history of its application, for a claim that the hardship provisions of the Law do not give an owner — whether commercial or non-profit — of a landmark adequate and effective relief when the owner can show that continued maintenance of the landmark in its existing form is not economically feasible.

Rally for Support

In reality, the issue is purely and simply whether religious organizations — unlike other owners of landmarks — should be permitted to commercially exploit the unused development potential of landmark properties owned by them even if such exploitation destroys or defaces the landmark. The argument that the profits of such exploitation will be used for “good purposes,” such as support of the religious organizations and of the charitable work they perform, is simply an insufficient basis for, in effect, repealing the landmarks law as it applies to the great landmark churches of our City. Landmark churches and synagogues — like landmark office buildings such as the Woolworth Building, Lever House, and others — should not be destroyed simply because bigger and more profitable structures can be put in their places unless it can be proven in an appropriate public forum — the Landmarks Commission — that they are no longer economically viable in their existing form. This, in short, is what the landmarks law provides, and this, I submit, is what citizens of New York interested in the preservation of our cultural heritage must rally to support.

Ralph C. Menapace, Jr. is a member of the New York City law firm of Cahill, Gordon & Reindel and chairman of the Municipal Art Society.

Chapter Reports

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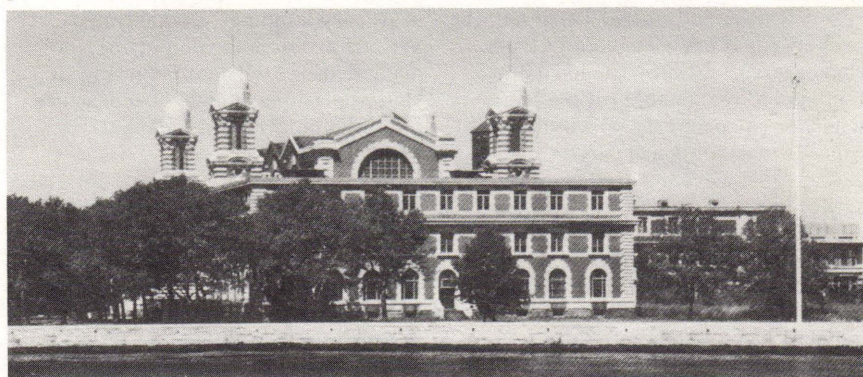
committee meeting on December 13 to discuss future plans and programming.

Theater Preservation

A Chapter committee is being formed by Theodore Liebman to consider the extremely difficult and widely discussed issue of how New York's theaters—"Broadway theaters" (only very few like them anywhere else)—can be preserved in a fair economic situation for their owners. At the core of the problem is the ready appeal of air rights transfers versus the threat of milieu-destroying density. The Landmarks Commission is pursuing, for the moment, its own course of considering designation of exteriors and interiors—the latter strongly opposed by theater owners as impeding alterations for productions such as "Cats."



1



2

Names and News

cont'd. from p. 2

International to design 230,000 square feet of offices to house its new New York City headquarters at Seaport Plaza, 199 Water Street, designed by the same firm . . . The Ehrenkrantz Group has appointed Denis Glen Kuhn, Mary L. Oehrlein, and Robert J. Zimmerman as senior associates; and Michael F. Doyle and Jean Parker Murphy as associates . . . Geddes, Brecher, Qualls, Cunningham of Philadelphia won the 1982 PSMA Management Achievement Award for an entry featuring a manual of practice developed by the firm to provide a vehicle for quality control and to clarify its operational character and standards . . . Three model condominiums on the 19th floor of the Cesar Pelli-designed Museum Tower have been decorated by McMillen Inc., Parish-Hadley Inc., and Bray-Schaible Design, Inc. . . . The one-day symposium on Sandstone Restoration being sponsored by the New York

Landmarks Conservancy on December 10 (see calendar) will include speakers involved in the restoration of sandstone buildings followed by a panel discussion . . . The New York City Department of Buildings has a vacancy for the position of Deputy Borough Superintendent—Bronx, open to an experienced engineer/architect, according to Director of Personnel William Gravitz, 248-8750 . . . Community Board 5 recommended that 36 Broadway theater interiors and 20 exteriors be designated landmarks during a day-long hearing on October 19 before the Landmarks Preservation Commission, which is considering 45 legitimate theaters for designation . . . More than \$80,000 in prizes will be awarded by Formica Corporation in two "Surface & Ornament" competitions to encourage the use of the new surface material Colorcore: Competition I (Conceptual) with a deadline of February 15, 1983, is open to all designers including students; Competition II (Built or Installations) with a deadline of February 15, 1984,

is open to professional architects and designers. Winning projects will be built, published, advertised, and incorporated into a traveling exhibition along with those of invited architects and designers Emilio Ambasz; Ward Bennett; Frank O. Gehry; Milton Glaser; Helmut Jahn; Charles W. Moore; Stanley Tigerman; Venturi Rauch and Scott Brown; Massimo and Lella Vignelli; and SITE, Inc. For information: Colorcore "Surface & Ornament" Competition, Formica Corporation, One Cyanamid Plaza, Wayne, N.J. 07470 . . . The NIAE/AIA's 6th Annual Career Day held on October 16 at the High School of Art and Design attracted 300 enthusiastic students and 267 parents. It opened with an introduction by Stanley Salzman followed by keynote speaker Harry Simmons; Denise Scott Brown was the luncheon speaker. Workshops included Architectural Futures with William Katavolos, Housing with Harry Simmons, Energy Conservation with Brent Porter, Urban Landscape with Jack Vreeland, Architectural Presentation and

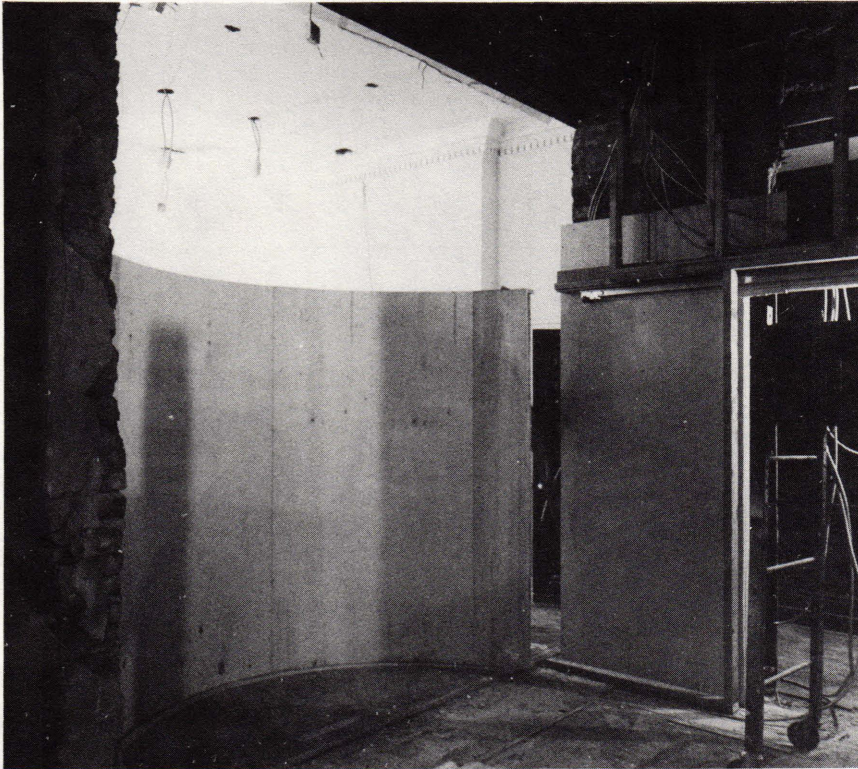


1. Museum Tower, Model Living Room by MacMillen, Inc.

2. Ellis Island

3. Denise Scott Brown, NIAE/AIA Career Day lunch speaker (Photo: Ms. Robin Andrade).

4. Inside the Headquarter's renovation, the new Conference Room is taking shape. (Photo: Stan Ries/ESTO)



Rendering with Charles Spiess, Historic Restoration and Preservation with Theo Prudon; Computer Graphics with Michael Diamond; Women in Architecture with Jocelyn Brainard, Interior Architecture with Gamal El-Zoghby, and a Special Workshop for Parents: Educational and Professional Opportunities. Paying for Professional Education with Richard McCommons, Executive Director, Association of Collegiate Schools of Architecture; Eleanor Pepper; Alan Schwartzman; Stanley Salzman among other members of AIA and NIAE . . . The Girard Wing designed to house Alexander Girard's collection of 350,000 pieces of folk art was previewed at the Santa Fe Museum early this month . . . The officers and members of NY Chapter mourn the passing of Elizabeth S. Thompson, long active in the Womens' Architectural Auxiliary and wife of Rolland D. Thompson . . . George Henkel, husband of Margot Henkel who administered the Chapter for so many years, has recently passed away. Condolences can be addressed to Ms.

Henkel at the New York Society of Architects, 16 East 42 Street . . . We mourn the death of Jeanne Davern, long a managing editor of the *Architectural Record* and the author and editor of numerous books, who died suddenly on November 14. She was proud of her Honorary Membership in AIA . . . At the NY State Association of Architects convention in Syracuse, all the design awards went to Chapter members: Alfredo De Vido for the Word of Mouth Restaurant, NY; R.M. Kliment and Frances Halsband for an Apartment Renovation in NY; Voorsanger & Mills for 'Dianne B' Boutique, NY; Mitchell/Giurgola Architects for the Concert Theatre, C.W. Post Center, Long Island; Paul Segal for Executive Offices in NY and for the North Company Houses in Sagaponack, NY; and Skidmore Owings & Merrill's Vista International Hotel, NY . . . January 7th is the deadline for mailing entry slips in the Louis Sullivan Award for Architecture to the AIA, 1735 New York Avenue, N.W., Washington, DC 20006.

The New York Chapter/AIA and *Metropolis Magazine* jointly sponsor a series of public lectures at the Urban Center, 457 Madison Avenue, 6 p.m. Lectures will be introduced by Arthur Rosenblatt, Vice-President of the Metropolitan Museum of Art and President of the New York Chapter/AIA. Checks for the series should be sent to the New York Chapter/AIA, 457 Madison Avenue, New York, New York 10022. Tickets will be available at the door.

Seven Thursdays on Architecture and Design

January 20

Housing for Changing Lifestyles:
Theodore Liebman

January 27

Housing, Architecture, and the City:
Lewis Davis

February 17

New Furniture from Knoll: Jeff Osborne

February 24

Getting Published: A Panel with
Suzanne Slesin, Martin Filler, and
Mildred Schmertz, moderated by
Metropolis Editor Sharon Lee Ryder

March 17

An Evening with Romaldo Giurgola

March 24

An Evening with Hugh Hardy

March 31

Urban Green, Parks and Public Space:
Terry Schnadelbach

Members Free. Non-members \$5.00.
Series of seven, \$25.00.

Three Thursdays on Computer Applications in Design

January 13

Computer Design and Drafting
Applications: Graham Copeland and
Michael Corden

February 10

The Computer in the One-Man Firm:
Lee Kennedy

March 10

Computer Manufacturers/Users
Roundtable

Members Free. Non-members \$5.00.
Series of three, \$10.00.

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The Knoll Building
655 Madison Avenue
New York, NY 10021
212 826-2400**

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