

## GSAPPNEW2011Recordingon201102050906part4

David: Thank you Kate, thank you Tom, and thank you of course Tony. We're going to wrap up  
\*\*\*[01:44:10] Tony Hiss and to introduce Tony we've asked Vin Cipolla to have that honor and  
you, I'm very pleased to introduce Vin to all of you. Vin is the president of MAS and sort of  
began his tenure as president during my fellowship as the Ralph Menapace legal fellow at MAS  
and 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. So quickly, Vin, before joining MAS was  
the president and CEO of the National Parks Foundation, continues to serve on its board as the  
citizens chairman, before that we he was Vice President of the National Trust for Historic  
Preservation. Vin has done many other things that are on the website and it's in the printed  
material so here's Vin to introduce Tony.

Vin: 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, this 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 its really nice to see Paul and Tom, the brilliant Tom Mayes and Paul Edmonson  
who continued 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 Butzall 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 in community in this period of rapid change that  
we've all been talking about and finding the right balance between preserving important  
structures and build our future 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 this 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 and that conference really  
worked at bringing together as Kate mentioned, the importance of preservation and  
sustainability. Two aspects of building our city that haven't always gone hand in hand and  
actually have a tremendous amount in common which was pointed out by ann.

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 certain future and 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

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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 and truly one of our most treasured places and a hot spot for all kinds of entrepreneurial-ship both social and commercial. MAS.org is a very splendid website with information on so many things and so the Columbia students in the room, if you're not a member of MAS complementary membership 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 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 is an acclaimed author who explores the way we think about an interact with cities. Tony was a writer at the New Yorker for more than 30 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 Recreational Park National Literary 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 13<sup>th</sup> and most recent book, "In Motion" looks at our daily travels in some of the most public spaces and how simple changes in our view points 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 and a dear friend of mine and I know many of you, Tony Hiss.

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 notice was that it was built on several deliberate oddities cutting across so many different grains. Not too many people usually turn out for a 45<sup>th</sup> 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, a 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 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 US we didn't get started until the Antiquity Act of 1906 which drew the first line in the sand and as she said we've barely begun. 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 versus 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 descent from

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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 and he promised to be the 2056 conference keynote. I'm sure Tony will hold him to that. He talked about broadening the histrionic understanding because, he said, landmarks guarantee emotional stability in a world faced by frightening change and then he posed the intriguing question, was historic preservation a universal right? We then got into a wonderful discussion in which Paul Edmonson talked about how landmarking planning laws now recognize the importance of land marking 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 as vulnerable rhetorically, talked about cutbacks in funding, 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, a few more youthful people in the room that Tersh or Otis, an actual fact, he acknowledged there are very few in the District of Columbia who understand what land marking is all about, a very esoteric field. He said universal rights scare me, I like operating under the radar, said we have problems with educating people and with bundling nonsense but not with the law. Jerry came back to say that view shed protection has been a standard for years for natural views and ken Livingston, the former mayor of London, extended the principal to London management protection of river views and downscape 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 being. We may not have loved the World Trade Center towers but boy, do we miss them. We got the wonderful contributions form the wonderful people around the country, Linda, Brian and Karen.

Linda pointed out that the LA ordinance is older than the New York City's ordinance, more power to them and 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 LA county, when they did a survey seven of the 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. My message she said, use all the tools, have really good friends, ultimately it's about saving buildings and make 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 say do we dare squander Chicago's great architectural heritage? They now have 53 historic districts to 10,000 building, two thirds in the last 20 years. Their department as merge with the planning department in the 90s and he said it's a good thing for them. Yes, there's competition for limited money. Yes we have to streamline how we give permits but it contributes to the economic well being of the city. He brought up the intriguing idea of local thematic designation where buildings connected not physically but by their use and purpose and meaning

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and intent, including the black metropolis on the south side of Chicago and the black literacy 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 gives us a much more compelling story and argument. He asked a lot of timely questions; how do you establish priorities? Must all 50 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 50 year properties actually be designated? Karen said in Seattle the law is modeled on New York came about in '73 but they don't just designate places like Pioneer Square, they designate the Space Needle and the Monorail and historic vessels and filling stations and fire stations, a church battle that took 25 years. It was an issue when she got therein '84 and has only just been resolved. Asked the question, she said I don'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 that would gather a following for them and one that a preservationist 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 and that 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' and Tom said the perception that modernisms 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 Adams' expressions and then it took a long time to accept Art Deco as historically worthwhile for preservation. Linda talked about the depredations in Pasadena when a Texas truck driver drove up in the middle of the night to steal the lights from one of the 33 Green and Green houses, each one of the light fixtures worth more than the entire house. Some 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 missed the specific information she used to get in the preservation law reporter that gave her help on how to apply various review standards. Someone else said I see a pushback, a wave of enthusiasm has led to acceptance and then ascendance by preservation and then bureaucratization and a pushback.

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 hole, 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 '58 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 Butzell asked can we depend on the commission administering and interpreting the law even though the law itself is brilliant. Mark said, we have to separate out the

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impulse to think of other issues needing to be handled by land marking. 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 its often a threat that gets people thinking and 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 temporary diminished by some bad apples over selling the product, eliding to an overreaction by the IRS. We talked about demolition by neglect. a more, again, ambiguous questions because some people neglect it because they don't know any better or can't afford to do anything and other neglect it because they are uncaring and then Carol talked about the whole question of conservation districts as a way of extending protections to perhaps 50 neighborhoods that may never meet the standards of the landmarks commission itself.

At the end of the questions when the moderators got together. Tony asked, has land marking become a nicety rather than 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 age, revolutionary and radical approach, when is it 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 as taking it's a giving. Its 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, earlier to be a preservationist in New York 45 years ago. The city stayed the same for the first time for 1929 to 1946 basically and then faced a huge explosion of change in the '50s 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 to our sorrow that the physical is inherently fragile and temporary, although the spirit isn't. We now meet in the context of the goals put forward by the Plan YC 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 of the Triangle Shirt 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 Row seem doomed. What is it that were carrying forward? To me, land marking 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 21<sup>st</sup> century as it was an

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emblematic city of the 20<sup>th</sup> 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 land marking' but land marking is about changing the way change comes so that it comes at several different places so that everyone has an anchor. Why do people stay put, why do they move on? Landmarks help us in staying 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 Jen was kind enough to hold up, talks about a neglected form to awareness that I called deep travel that's built into everyone and it's just now getting rescued and appreciated. Much of our connection to the places that mean most to us come 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, long story that began generations ago and is far from finished. These places held into a larger sense of a here that we are part of and a 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, clothing being our second skin. Landmarks in this sense, are part of our Fourth skin because they are the context of experiences and connective-ness 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 the embodied energy, they are embodied skills and 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 of our surroundings as it is conservation of our surroundings. They are in a sense older brothers. They are things we can count on. Land marking, it's like packing for the future. What is it we want to have with us when we get there? If they give us a different sense of permanence. Plan YC not only tells us to expect 60,000 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, can we as one among millions of species make it in tact through the 21<sup>st</sup> century. We've been handed, without being 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 and 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.

E. O. Wilson, the great biologist calls it the great bottle impact but I think part of the reason that the whole conversation seems slippery or vague or ambiguous, perhaps, it's a left brain-right brain kind of split. So much of what preservation does, yokes on the together on the one hand the very practical and the very specific and on the other hand, 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 of 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, specious and well balanced and the New York

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City landmarks law of 1965 said that buildings with a special character have been uprooted. Their absence is an irreplaceable loss of 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 in between in this unexpected realm, within the brain. there's something called the corpus collosum, which is the only piece of brain tissue that connects the left brain to the right brain and maybe that's where we find ourselves embodied and yet, we have within us, every one of us, a talent not only to exclude the world when we day dream or when we focus our attention on a specific task but also to welcome the world back in through this wider awareness, which in a place like New York is instantly enriched as someone was telling me earlier, whenever we walk outside because there's so much there to take in, there's so many people, trees, that want to tell us their story if we just open ourselves up to it again. Perhaps the emblem for preservationists is the longest living natural thing, being preacher within the city. The Queens giant, a tree in Alley Pond Park it's over 113 feet tall and it probably is 450 years old. It was here before Verrazano, certainly here before Henry Hudson, certainly here before Amsterdam, certainly here before New York has become a reality and yet 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 to us as citizens of a great city and thank you for your attention this afternoon.

David: 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 Jerald Kayden, thank Tony Hiss, I want to thank particularly Janet Foster who runs this building and really this conference would not have happened without her, thank all of you for being here and really thank Tony and Carol again for putting the Fitch Forum together, envisioning it a year ago and really sort of forcing it into being so thanks to all of them as well.

Thank you guys.

[End of transcription]