

What's a Landmark?...

Pity the poor Landmarks Preservation Commission. It designates landmarks, and if the owner doesn't like it, he goes to court. And if the court doesn't like it, as in the case of the Morgan House on Madison Avenue, where the Appellate Division of the New York Supreme Court has voided the landmark designation, the commission can prepare to fight a host of other battles, or stop designating.

What the court is saying, in effect, is that its own judgment on landmark criteria is superior to the judgment of an administrative body with the highest professional qualifications. As a dissenting justice pointed out, the court should be limited to deciding whether or not the commission acted on substantial evidence in making the designation. To change this into whether or not the court agrees with the evidence is a subversion of justice.

The judicial mind, like many others, is often far behind the professional understanding of landmark quality and character. The common definition insists on grandeur and monumentality; it is erroneously supposed that a landmark must always be an architectural masterpiece, or that, at least, George Washington must have slept there. The professional definition weighs many other factors. It balances history and art on a scale of urban amenity. It relates the building to its surroundings and to the city. It considers treatment of plan, space and site, and its impact on the city's fabric.

The present Landmarks Law depends on destructively narrow definitions. There are unresolved quicksands of property rights, or the individual's right to destroy the larger public interest—although attempts are now being made to reconcile private gain and the public good with new tools, such as air rights transfer zoning and the proposed Environmental Protection Tax Act.

Cases currently under consideration, such as the suit to void the Landmarks Law over the designation of Grand Central Terminal, pose large problems of sensibility, conscience and law. The public has rights at least equal to corporate enterprise. Landmark preservation is neither nostalgia nor discrimination against the developer. It is the heart and soul of the city's role as caretaker and catalyst of what history calls civilization, and of those places that mark its meaning.