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## CONFRONTING EXCLUSION

Redefining the Intended Outcomes of Historic Preservation

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Figure 1. Mott Haven Historic District, Bronx, New York. (Photo by Alberto Sanchez Sanchez)

The processes involved in designating historic properties have become increasingly participatory over the past quarter century, allowing more diverse publics to ascribe value to and preserve places. However, it is unclear whether such processes can ensure just and inclusive engagement and outcomes for the populations of historic districts post-designation and for other publics with a stake in preservation's effects. This paper examines the issue of exclusion through the lens of preservation as a form of public policy. It specifically investigates the societal aims-cum-benefits that preservation is intended to achieve through legislative mandates; how regulatory criteria address these public policy aims; and how/if these aims are shared by communities. By exploring how preservation success is defined through both public policy (comparative policy review) and the public eye (online survey), this research seeks to identify opportunities for and barriers to policy reform.

The processes involved in designating historic properties have become increasingly participatory over the past quarter century, allowing more diverse publics to ascribe value to and preserve places. However, it is unclear whether such inclusion at the “front end” of preservation—i.e., the designation and regulatory review process—can serve to ensure just and inclusive outcomes for the populations of historic districts post-designation. Multiple factors may influence changes in communities beyond the protection of physical form, including the increase in property values, the displacement of residents and businesses, and other outcomes that could be associated with gentrification.<sup>1</sup> At present, the preservation toolbox has limited engagement with these social-spatial dynamics despite their integral relationship to the cultural significance of places and to the benefits (or negative effects) that the heritage enterprise can generate for communities.

This paper seeks to explore historic preservation's relationship to gentrification by raising questions of inclusion/exclusion, namely the inclusion/exclusion of diverse publics in decision-making about what to preserve and how (“process”), as well as the inclusive/exclusive effects of said decisions on diverse publics (“outcomes”). Toward this end, this research examines preservation as a form of public policy, instituted and implemented by government agencies, so as to understand how the policy infrastructure and its underpinnings may support or limit inclusive processes and outcomes. It specifically investigates the public aims-cum-benefits that preservation is intended to achieve through legislative mandates; how regulatory criteria incorporate—or fail to incorporate—these public policy aims in the selection and review of properties; and how/if these aims are shared by communities as analyzed through a localized sample survey conducted in New York City in the fall of 2016.

By exploring how preservation success is defined through both public policy (comparative policy review) and the public eye (online survey), this research seeks to identify barriers to and opportunities for policy reform that could facilitate action toward more inclusive preservation and measure outcomes to guide success.

## Methodology

This research developed along two lines of inquiry. The first sought to understand the codified public policy rationales for preservation, how the criteria used to regulate historic properties reinforce (or do not reinforce) these rationales, and how contemporary discourse about the outcomes of preservation reflect or influence said rationales. The second sought to shed light on public perceptions about preservation policy and its aims through a localized survey about the role of historic districts in New York City.

### Literature and Policy Review

This aspect of the research involved a review of secondary literature regarding preservation law to examine evolving rationales and the way in which they have shaped policy and practice. This review also incorporated an exploration of contemporary discourse regarding the outcomes of preservation—both positive and negative—to understand how the perceived effects of preservation policy are characterized and critiqued.

A comparative policy review supplemented the literature review through an analysis of U.S. municipal-level preservation ordinances, with the aim of examining common rationales cited for government action in the designation and regulation of historic places as well as shared criteria for evaluation. The review focused on a judgment sample of eighty-eight ordinances from across the fifty states and the District of Columbia to ensure geographic distribution. The sample comprises: 1) the largest municipality in each state by population (representing a concentration of people), and 2) the state capital (representing a concentration of public institutions).<sup>2</sup> These two categories of capital cities and most populous municipalities aim to characterize the important urban areas in each state, where the most robust historic preservation legislation with greatest impact may likely be found.

### Survey

This aspect of the research included an anonymous online survey to capture public perceptions of the role of historic districts in urban life and the aims of preservation policy. The questionnaire drew from the aforementioned review of municipal ordinances, the specific public policy rationale of the New York City Landmarks Law and key themes raised by contemporary discourse to identify a total of twenty-eight potential aims-cum-community benefits associated with the designation and regulation of historic districts. The survey used a Likert scale method (1 to 5), allowing respondents to rank the aims from least to most important.

The authors conducted the online survey from August 22 to October 10, 2016. It was open to all New York City residents. The authors sought to reach a broad cross-section of the city's population, and in particular the growing range of stakeholders interested in

urban issues within and beyond the traditional core of preservation. The questionnaire was provided in both English and Spanish.

The research team sent the initial survey recruitment email to nearly three hundred organizations representing broad but relevant constituencies, in an effort to solicit a wide cross-section of individual respondents. These included all New York City Community Boards, business improvement districts, historical societies, the offices of all five borough presidents, New York City-based historic preservation organizations, neighborhood and park associations, community-based and community development groups (including several focused on immigrants, business owners, women, and workers), professional organizations (related to preservation, architecture, real estate, and urban planning), cultural institutions and museums, and media outlets (primarily newspapers and blogs). A total of 1,606 individuals completed the survey.

## Building Rationales

A substantive body of literature exists on U.S. preservation legislation, including historical overviews as well as a host of articles discussing the major legal decisions involving preservation.<sup>3</sup> These texts lend important insight into the rationales behind preservation that have guided the justification of government action. In many ways, these evolving rationales provide a lens into how the dominant perspectives and politics of particular eras have influenced the development of public policy and the legislation that now serves as the foundation of the preservation establishment.

### Inspiration and Stewardship

Carol Rose speaks to the nineteenth-century underpinnings of U.S. preservation law through the concept of “inspiration.” Nation-building efforts of the period included a civic education that roused sentiments of patriotism, unity, and a shared past and future, particularly in the peri-Civil War era. Places became an important trope for conveying collective history. Stemming from the notion that “visual surroundings [can] work a political effect on our consciousness,” buildings and sites with historical associations were thought to inspire the observer with a sense of nationalism and instill the duty of stewardship.<sup>4</sup> Thus, historic preservation rationales in the nineteenth century became closely allied to the philosophies underlying the environmental movement of the time, which idealized wilderness and established vehicles for the protection of landscapes.

One of the first legal decisions to influence the future development of preservation law was *United States v. Gettysburg Electric Railway Co.* in 1896, which justified the taking of a property for the “public purpose” of creating a national battlefield memorial at the Civil War site of Gettysburg for the benefit of all citizens. This obligation of government to inspire political solidarity through preserving places of historical import was codified a few years later in the Antiquities Act of 1906, which focused primarily on landscapes (through the declaration of national monuments) and provided some regulatory structure for the excavation of archaeological sites. This federal role in preservation policy expanded

more explicitly to the built environment with the establishment of the National Park Service in 1916 and the Historic Sites Act of 1935.

### Aesthetics

While federal legislation was built upon the aforementioned foundations of political inspiration and stewardship, most of the local landmark regulation in the United States is premised on an argument of aesthetics that emerged in the late-nineteenth century and began to take shape in the early-twentieth century.<sup>5</sup> This shift in preservation rationale to aesthetics—and specifically to architectural merit—was manifested in local ordinances to protect and regulate historic neighborhoods, as in the 1931 zoning ordinance to protect the historic district in Charleston, South Carolina and the establishment of the Vieux Carré commission of New Orleans in 1937 to protect the heart of the French Quarter. The aesthetics rationale was legally codified in the 1954 decision of the United States Supreme Court in the case of *Berman v. Parker*, drawing upon what John Costonis refers to as a “beauty-based rationale” for preservation that is deeply rooted in notions of connoisseurship, professional and scholarly expertise, and curatorial management of the built environment.<sup>6</sup> During the post–World War II period of expansive construction, the opinion of the court emphasized the right of a community to regulate private property on the basis of community aesthetics and appearance. This paved the way for the New York City Landmarks Law of 1965, which has served as a paragon for municipalities across the country.<sup>7</sup>

Ironically, this same justification of the value of architectural aesthetics to the public good paved the way for a host of urban renewal projects that razed inner city neighborhoods and raised the ire of the likes of Jane Jacobs a decade later. In fact, the *Berman v. Parker* case—which has so often been cited in judicial opinions favoring public preservation—was a decision that favored destruction of an existing building to make way for an urban renewal project.<sup>8</sup>

### Procedural Protection

As some of the more devastating effects of modernist planning were revealed through major urban renewal efforts during the mid-twentieth century, the legal infrastructure for preservation became increasingly focused on procedural issues designed to protect communities from the negative impact of federal projects and center-city disinvestment. The backlash against large-scale urban renewal gave preservationists strong political currency that translated to significant legislative safeguards, most notably the National Historic Preservation Act (NHPA) of 1966, which established the National Register for Historic Places and the Advisory Council on Historic Preservation and required impact assessments for any federally funded projects affecting Register properties. The National Environmental Act provides similar procedural protections by requiring an assessment of the impact of federal agency actions on historic resources, as does Section 4(f) of the Department of Transportation Act.

The policies and institutions established by this cadre of legislation mark an important shift in the role of the federal government vis-à-vis municipalities: this procedural

mandate further serves to codify the power of local communities to monitor federal action impacting historic resources and vulnerable communities, and to self-determine their physical environment. In this sense, it is an early foray into assessing the impacts of development on historic preservation that may serve as a procedural example for how to assess the impacts of preservation on communities.

### Common Good versus Individual Rights

As preservation regulation developed into a more stringent set of criteria and review, the potential burden posed by landmark designation sparked a debate between preservation and property rights. The legislative milestone in this shifting preservation discourse was the *Penn Central* case, in which the New York Landmarks Preservation Commission (LPC) denied a building permit for construction of a 55-story office tower atop Grand Central Station. The Supreme Court sided with the LPC, arguing that in the case of landmarks, a reasonable rate of return is not necessarily hinged on highest and best use given that the common interests served by landmarks outweighed private interests.<sup>9</sup> As Justice Brennan noted in the *Penn Central* decision, “Historic conservation is but one aspect of the much larger problem, basically an environmental one, of enhancing—or perhaps developing for the first time—the quality of life for people.”<sup>10</sup>

### Emerging Issues and Indicators of Success

Who determines this quality of life and how is success defined and assessed vis-à-vis preservation and communities? With the maturation of the preservation enterprise and the development of policy infrastructures in the last half-century, the field of preservation confronts increasingly challenging questions. Its capacity to remain relevant ultimately hinges on how it demonstrates its benefits to society and the environment through inclusive preservation processes and just long-term outcomes.

### Beyond Aesthetics

While the *Penn Central* decision reinforced the aesthetics foundations for much of preservation law and strengthened its position in relation to property rights, there has been growing concern among the legal community in recent years that the “beauty-based rationale” underpinned by *Berman* has had unintended consequences. Legal aesthetics have created stronger linkages between people and their environment, though preservation law is often co-opted to combat NIMBY (“Not In My Back Yard”) issues and battle controversial development. The potential arbitrariness of applying aesthetic arguments regarding the maintenance of architectural integrity and harmonizing with surrounding resources begs a more compelling theory for how preservation of the built environment benefits all citizens.

Costonis speaks of the “symbolic environment” as physical host to our cultural values and understanding of self. He suggests replacing the beauty-based rationale with a stability-based one, citing preservation’s capacity to orient and secure a community beyond the effects of physical form.<sup>11</sup> Rose notes that a community-building argument for

preservation has, in fact, been threaded throughout the legal discourse since *United States v. Gettysburg Electric Railway Co.* She contends that “a major public purpose underlying modern preservation law is the fostering of community cohesion, and ultimately, the encouragement of pluralism. . . . The most important substantive contribution of preservation law has been recognition of the political aspect of our physical surroundings . . . and the consideration of which kinds of physical environment are appropriate to a nation of democratic communities.”<sup>12</sup>

### Pluralism and Participation

However, demonstrating the community-building benefits of preservation requires more than eloquent and impassioned rhetoric. Decision-making about the built environment has profound consequences for social conditions, among them gentrification, displacement, and exclusion.<sup>13</sup> Social and spatial inequalities often persist because of the flawed knowledge and injustice rooted in normative ideals and because of attempts to promote a common good that is entrenched in dominant ideology. Some perceive such decision-making as beyond the purview of planners and preservationists, as it is often brokered in the power structures between business and politics. But many contend that enterprises engaged in managing the built environment, like preservation, have an affirmative obligation to seek and ensure just processes and outcomes, including the equitable distribution of social benefits, the promotion of social mobility, and the transformative power of communicative planning and democratic inclusion.<sup>14</sup>

Some see preservation, broadly defined, as a tool for confronting social and spatial injustice. Acknowledging that some practices of managing the built environment can perpetuate dominant culture, foster exclusion, and create bias toward the “architectural legacy of wealth and power,” Dolores Hayden suggests that the concept of place has the potential to support greater diversity, inclusion, and “cultural citizenship” through participatory processes of memory preservation.<sup>15</sup> Leonie Sandercock similarly views the use of memory as a more just form of planning and re-inventive place-making in urban contexts that are growing increasingly plural and contested: “Stories about the past have power and bestow power. The impulse to tell new stories about the past points up the fact that time itself is a perspective in the construction of histories.”<sup>16</sup>

However, the extent to which preservation as a form of public policy can accommodate more diverse actors and changing narratives and values is a point of debate. While civic engagement happens in discrete contexts and is mandated in a few municipal policies, some argue that the curatorial bent of the existing preservation enterprise has yet to fully embrace the political revolutions and aggressive democratization of the 1960s era in its expert-driven professional practice and government protocols.<sup>17</sup> Community-based activism remains a cornerstone of preservation, and examples of the preservation enterprise serving underrepresented communities and narratives are becoming more prevalent. But there is likewise debate over the racial and socioeconomic diversity of prominent advocacy groups and the residential communities that benefit from landmark protections. A cross-sectional study of New York City, for example, found that residents of historic districts were higher income, more highly educated, and more likely to be white.<sup>18</sup>



## Gentrification and Affordability

The outcomes of preservation decision-making on spatial justice are also increasingly called into question regardless of whether the processes involved in said decision-making are inclusive or not. A number of studies show a zero to net-positive effect of historic district designation on residential property values, and have been used by advocates to quantify the positive community economic benefits of preservation and demonstrate success.<sup>19</sup> At the same time, preservationists have pushed back against accusations of preservation's potential role in displacement and gentrification by adopting affordable housing as a new indicator of success (parallel to and at times in conflict with findings related to the influence of designation on property values). Some research probes this issue with respect to historic districts and demonstrates no causal relationship between designation and gentrification,<sup>20</sup> Similarly, a study by the Historic Districts Council in New York City found that housing affordability subsidies were maintained at a slightly higher rate within historic districts versus outside of those districts.<sup>21</sup> Others look to the opportunities available in undesignated areas to counter these assertions. In response to findings of the Real Estate Board of New York that claimed correlative effects, the Landmarks Conservancy raised the question of how the relatively limited geography of landmark regulation (4.4 percent of the lot area over the city as a whole) "is stopping development of affordable housing on the 95.6 percent of New York City lot area over which there is no landmark designation."<sup>22</sup>

Brian McCabe and Ingrid Ellen, however, characterize a more complex dynamic in New York City: ". . . on average, neighborhoods that comprise historic districts experience an increase in socioeconomic status relative to other nearby neighborhoods after designation. Some may welcome this result as offering new evidence that historic districts spur investment in neighborhoods. Yet others may view our findings as supporting the charge that the designation of historic districts can lead to gentrification and residential displacement."<sup>23</sup> Edward Glaeser's research contends that district designation contributes to the latter, arguing that historic preservation constricts the supply of real estate and drives up the cost of living and working.<sup>24</sup>

However, historic preservation is not necessarily a lone culprit. As Emily Talen, Sunny Menozzi, and Choe Shaefer find, regulating for positive physical qualities of neighborhoods (which include but are not limited to historic character) correlates to "a pattern of loss of affordability, racial diversity, and economic diversity."<sup>25</sup> And as John Mangin argues, historic preservation is but one of a host of land use regulations and review processes that contribute to a new form of exclusionary zoning.<sup>26</sup>

## Density and Economic Vitality

The related call to increase housing density near transit hubs and concentrate population in high-energy urban centers also compels the preservation establishment to adopt residential density as yet another measure of preservation's socioeconomic and environmental benefits. A study by the Preservation Green Lab found that older districts in San Francisco, Seattle, and Washington, D.C. are home to significantly higher levels of residential

density—more households per acre, housing units per acre, and people per square mile.<sup>27</sup> Cross-sectional studies in New York City demonstrate slightly higher residential population densities within historic districts versus outside districts.<sup>28</sup> However, limited longitudinal analyses suggest possible decreases in population density in longstanding New York City historic districts.<sup>29</sup>

The Green Lab study also found that older districts housed more businesses per square foot and, in Seattle and Washington, D.C., supported higher percentages of women- and minority-owned businesses, thus demonstrating preservation's contributions to inclusion. In New York City, historic districts account for 10 percent of the city's jobs in small firms.<sup>30</sup> These studies complement a growing cadre of input-output-modeled economic impact analyses that demonstrate the positive benefits of preservation investment on jobs, revenue, and growth.<sup>31</sup> Such studies have become a critical tool for preservation advocacy and political influence, signifying the field's complicit acceptance of economic indicators to demonstrate success and community benefit.

#### Environmental Sustainability, Energy Efficiency, and Avoided Impacts

While beyond the purview of this research, climate change and sustainability concerns have triggered renewed and growing interest in demonstrating the environmental benefits of preservation to encourage public investment. An expanding number of studies analyze the energy performance of historic structures and the avoided environmental impacts of reusing older buildings.<sup>32</sup> Much like the economic indicators noted above, these sustainability benefits are serving as increasingly important indicators of preservation's contribution to society and the environment.

### **Preservation as Local Public Policy**

The development of municipal-level preservation legislation in the United States throughout the twentieth century is fundamentally driven by a desire to protect historic resources in the built environment. Local policy also reflects many of the rationales that developed through early federal legislation as well as a number of the emerging issues outlined above that have shaped the discourse in the last several decades. To understand additional common aims and anticipated outcomes, as well as the agency implied by government commitment, the rationales underpinning municipal ordinances were analyzed through the aforementioned judgment sample of eighty-eight municipalities from across the United States.

#### Social

The social benefits of preservation were found to be the most prevalent rationales for government action. Education (65.9 percent), public health and welfare (60.2 percent), and pleasure/enjoyment (43.2 percent) anchor public policy at the municipal level. Ancillary to the above are place-making benefits that underpin social cohesion and echo early rationales of inspiration and stewardship, including fostering civic pride (45.5 percent), civic

identity (6.8 percent), a sense of place (4.6 percent), and quality of life/livability (9.1 percent).

Stabilizing communities and neighborhoods is called out in nearly 16 percent of the sampled municipalities, though the language is skewed toward physical continuity and environmental quality in most cases. With regard to inclusion, broad public engagement or civic participation as a rationale for preservation is called out in only 10.2 percent. Only two ordinances include language related to the question of displacement: Philadelphia, which explicitly articulates the need to prevent displacement of elderly, long-term, and other residents; and Des Moines, which does so more indirectly by justifying preservation to provide a variety of living experiences for both old and new residents.

### Economic

Economic interests are a prevalent aspect of preservation's public policy rationale at the local level. More than half of the ordinances sampled include justification to strengthen the economy and/or stimulate economic growth (53.4 percent). Nearly as many specifically note the stabilization and improvement of property values (51.1 percent).

Tourism serves an equally strong role as a preservation policy driver, with 58 percent rationalizing preservation as a means of attracting tourists so as to promote business and industry. Many ordinances also underscore the regenerative role of preservation through rehabilitation, redevelopment, and new construction (27.3 percent), the prevention of blight (5.7 percent), and the attraction of residents (20.5 percent).

### Environmental and Urban Planning

More than a quarter of the ordinances sampled (27.3 percent) emphasize the role of preservation in managing urban growth and efficient development. However, no ordinances call out the issue of urban or population density. Only 9 percent of municipal ordinances include a specific call to protect and enhance open space and environmental quality, though this derives from early notions of stewardship in preservation policy. Even fewer mention issues of sustainability and energy efficiency (4.5 percent), which predominate in contemporary discourse.

More municipalities sampled indicate the requirement to integrate preservation with environmental and urban planning through procedural links to other reviews, plans, and policies (12.5 percent), reflecting shifts toward procedural protection. It should also be noted that 73 percent include preservation within comprehensive urban plans, further underscoring the public policy mandate to integrate preservation within a larger context of decision-making.

### Aesthetic

While aesthetics continue to serve as a legal foundation for preservation legislation, there is limited language in the municipal ordinances that explicitly refers to aesthetics as a policy rationale. Some might argue that the concept of aesthetics is inherent in the spirit of the laws, in that they serve to protect physical resources. However, enhancing visual

### **NATIONAL REGISTER CRITERIA FOR EVALUATION**

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A.** That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B.** That are associated with the lives of significant persons in our past; or
- C.** That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D.** That have yielded or may be likely to yield, information important in history or prehistory.

Figure 2. National Register Evaluation Criteria.

and aesthetic character or fostering civic beauty is noted in less than 15 percent of cases. Regulating design to ensure compatibility and harmony is more prevalent at 20 percent.

### **Regulatory Criteria**

In conjunction with the comparative review of municipal level rationales for preservation policy, the criteria associated with said policies were also reviewed to understand the way in which rationales play out in designation and design regulation.

Municipal level ordinances clearly build a rationale for public investment in preservation on a broad foundation of social and economic benefits to communities. Aesthetic regulation, however, remains a dominant function of most municipal level preservation commissions and agencies. The criteria for selecting properties for protection and against which change is evaluated are vastly similar across cities. The overwhelming majority (86 percent) of municipal ordinances cite or use standards similar to those of the National Register (Fig. 2), whether quoting them directly as the criteria for local designations or granting local protection to properties that are listed on or eligible for the National Register (or the State Register in very few cases). These criteria represent largely aesthetic, historical, and associative values. In the case of New York City, for example, criteria include “a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the City, state, or nation.”<sup>33</sup>

While these are significant factors in the decisions about what and how to preserve, the public policy rationales outlined in the previous section clearly indicate anticipated outcomes and community benefits that are not included in regulatory review processes. For example, in New York City a landmark’s success in serving an educational function is not assessed in relation to visitation or interpretation, but rather on physical appearance and the protection of character-defining features. The contributions of a historic district to social welfare or economic growth are likewise absent from deliberations. The majority of economic, environmental, and social benefits that preservation is to provide, and which justify public investment, are neither explicitly represented in designation decision-making nor used to evaluate acceptable change. Some may argue that many of the aims described

in the policy rationales of ordinances are derivative; preservation of these historic resources to accepted standards is the prerequisite to achieving these broader benefits, which extend beyond the purview of preservation regulation. However, can governments and other preservation actors ever understand if their work is meeting these measures of policy success if evaluation of these outcomes is outside of preservation's remit? And can these benefits ever be effectively achieved or fairly evaluated if they are not considered in preservation decision-making from the onset?

## Public Perceptions of Preservation

As noted above, an anonymous online survey was conducted in the fall of 2016 to gauge public perceptions of the aims and benefits of historic district designation in New York City. The survey was open to all New York City residents, and a total of 1,606 individual responses were received. These data shed light on community perspectives and priorities in relation to preservation policy in order to understand how the rationales for government action comport—or do not comport—with contemporary public sentiment.

### Respondent Profile

**Race and Ethnicity:** 85.8 percent of survey respondents report their race as white (the overall population of New York City is 33 percent white, per the 2010 U.S. Census). Blacks or Africans constitute 4 percent of respondents, Asians 2.4 percent, and mixed and other 2.6 percent (5.2 percent opted not to respond). Among respondents, 6 percent identify as Hispanic or Latino.

**Age and Gender:** There are more female respondents (59.2 percent) than male (38.2 percent), with 2.4 percent not reporting or reporting as other. The age distribution skews significantly. More than half of the respondents are age fifty-five years or older (53.4 percent) and only 14.3 percent are under the age of thirty-five.

**Income and Education:** Of respondents, 80.9 percent report an annual income of \$50,000 or more (the median income for New York City in 2015 per the U.S. Census American Community Survey was \$53,373). More than half indicate an annual income of \$100,000 or over. The majority of respondents hold a bachelor's degree or higher (91.1 percent), compared to a New York City average of 35.7 percent, and 65.6 percent of respondents have pursued some graduate work.

**Geographic Distribution:** The overwhelming majority of survey respondents reside in Manhattan (45 percent) and Brooklyn (37.8 percent), which is reflective of the geographic distribution of designated historic districts within the city. However, 46.8 percent of respondents do not live within a historic district, while 45.8 percent do (7.4 percent were unsure).

**Preservation Connection:** Fewer than half of the respondents (41.3 percent) report a connection to preservation either through their profession or advocacy. The remainder identify as a concerned citizen (31.8 percent), property owner or manager (19.5 percent), or other (7.4 percent).

Preservation Attitude: Overall, 95 percent of respondents support the designation of historic districts as-is or with improvements to the process (53 percent and 42 percent, respectively). These ratios of support are fairly consistent among respondents who live in historic districts (57 percent and 39 percent) and those who do not (48.9 percent and 46.1 percent).

It is no surprise, given the subject matter, that those who responded to the survey have an inherent affinity toward preservation. However, the dominant demographic profile of respondents raises a number of issues in relation to questions of inclusion/exclusion. The extremely limited non-white representation within the respondent pool prompts questions about whether the preservation-minded community includes, and thus represents, the interests of diverse publics. The higher than average income levels and the significantly higher education levels equally raise questions of socio-economic diversity. Age is also likely a factor in a wealthier respondent pool. The fact that more than half of the respondents were fifty-five years or older, despite less than a quarter of New York City's overall population being in that same age bracket, further suggests a lack of diversity within the preservation-minded community. This profile—older, whiter, wealthier, and more educated—raises concerns of social inclusion, especially when viewed vis-à-vis the previously analyzed policy rationales, which clearly intend preservation to have broad benefits to all publics.

#### Priority Outcomes

As mentioned, the core of the questionnaire listed priority outcomes associated with the designation and regulation of historic districts. Development of the list incorporated key issues raised by contemporary discourse and the intended policy aims that were elucidated through the review of municipal ordinances, along with the specific aims included in the public policy rationale of the New York City Landmarks Law<sup>34</sup> (Fig. 3). Respondents ranked each from least to most important, using a scale of one to five, and the results were compiled for all 1,606 responses. The overall rankings are included in Figure 4.

A number of the rankings align with the rationales reflected in municipal ordinances (overall and New York City specifically), along with some significant disparities. The aim of protecting historic architecture and features is paramount at number 1. Physically-oriented community benefits rank very high as well, with preserving walkability and street life at number 2 and maintaining the aesthetic character of neighborhoods at number 3. This cluster of rankings suggests a high prioritization of architectural design and fabric and their role in human-scale livability within the urban landscape. Designation criteria and design review processes in the New York City context reflect this orientation.

Reflecting larger ordinance trends, the social benefits of education rate highly through communicating the city's architectural history and heritage (at no. 4) and its cultural, social, economic, and/or political history and heritage (no. 5), as well as educating the public about the past (no. 6). Socially-oriented outcomes are also reflected in fostering civic pride (no. 8) and creating a shared history or identity for New York City residents

NYC Landmarks Law—§ 25-301 Purpose and declaration of public policy

b. It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements and landscape features of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- (a) effect and accomplish the protection, enhancement and perpetuation of such improvements and landscape features and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
- (b) safeguard the city's historic, aesthetic and cultural heritage, as embodied and reflected in such improvements, landscape features and districts;
- (c) stabilize and improve property values in such districts;
- (d) foster civic pride in the beauty and noble accomplishments of the past;
- (e) protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- (f) strengthen the economy of the city; and
- (g) promote the use of historic districts, landmarks, interior landmarks and scenic landmarks for the education, pleasure and welfare of the people of the city.

Figure 3. NYC Landmarks Law—§ 25-301 Purpose and declaration of public policy.

(no. 10). While such social benefits are echoed in many ordinances, these aims are not prominent in the emerging research rationalizing preservation in today's society. Likewise, these potential outcomes are not explicitly assessed in designation and design review processes, further suggesting a disconnect between public perception and the policy infrastructure guiding historic district preservation.

In terms of participation in preservation processes, promoting civic engagement is ranked within the top ten (no. 9), reflecting a trend toward/desire for greater inclusion within the preservation field. While there is no overt reference to such participation in the New York City policy rationale, practices such as open meetings and Community Board reviews demonstrate that a policy infrastructure does exist to support this aim. As mentioned previously, explicit mandates for community engagement and inclusionary decision-making appear in only a few ordinances, suggesting that the empirical trends toward broader stakeholder involvement in deciding what and how to preserve have yet to be formally codified in most legislation.

Turning to the question of inclusive outcomes, maintaining and promoting cultural diversity within historic districts (no. 13) and preventing residential (no. 14) and commercial (no. 15) displacement are not ranked as high a priority. Given correlations between affordability and displacement, there is a further disconnect with the aims of maintaining affordable housing and affordable commercial space, which fall at numbers 18 and 19 respectively.

This conflict in inclusion-related outcomes is further underscored by the aim/benefit of property value improvement ranking lowest at number 28, even though the New York

#### Aims/Benefits of Preserving Historic Districts in New York City

Survey results—ranked by importance:

1. Protecting historic architecture and features
2. Preserving walkability and street life
3. Maintaining the aesthetic character of neighborhoods
4. Communicating the city's architectural history and heritage
5. Communicating the city's cultural, social, economic, and/or political history and heritage
6. Educating the public about the past
7. Preserving viewsheds and skylines
8. Fostering civic pride
9. Promoting civic engagement
10. Creating a shared history or identity for NYC residents
11. Managing change of the built environment
12. Promoting sustainable development
13. Maintaining or promoting cultural diversity within neighborhoods
14. Preventing the displacement of residents
15. Preventing the displacement of businesses
16. Reducing construction waste
17. Reducing energy consumption
18. Retaining and creating affordable housing
19. Maintaining or improving the affordability of commercial space
20. Stimulating economic growth
21. Creating jobs
22. Limiting new development
23. Maintaining population density
24. Attracting new businesses or industries
25. Preventing property taxes from increasing
26. Preventing property values and/or rental rates from increasing
27. Promoting tourism
28. Increasing property values and/or rental rates

Figure 4. Aims/Benefits of Preserving Historic Districts in New York City. Survey results, ranked by importance.

City Landmarks Law, along with many other ordinances, explicitly calls out stabilizing and improving property values. While this is in part driven by the high-priced real estate environment of the city, even outcomes associated with *preventing* increases in property values and taxes fell to the bottom of the list (nos. 25 and 26).

Despite the emphasis on economic benefits in municipal ordinances writ large and in New York City specifically, and the focus on the economic impacts of preservation in contemporary discourse, all economic-oriented outcomes rank in the lowest third in the survey results. In addition to property value aims, these include stimulating economic growth (no. 20), creating jobs (no. 21), attracting new businesses or industries (no. 24), and promoting tourism (no. 27). Since most policy research related to preservation focuses on economic outcomes, with many impact studies commissioned by government entities, this low prioritization suggests a profound disconnect between the political rationales used to justify public investment and how policy is implemented and perceived on the ground.



While preservation in New York City is often stereotyped as anti-development, limiting new development ranks low at number 22. Managing change in the built environment (no. 11) and promoting sustainable development (no. 12) are higher priorities, suggesting some traction for integrating preservation within environmental and urban planning even though this is not a defined policy mandate. Likewise, other sustainability concerns, including reducing construction waste (no. 16) and reducing energy consumption (no. 17), are coming to the fore in light of climate change challenges, suggesting that policy can, and should, evolve. This comports with a growing body of research and advocacy related to the ecological benefits of preservation. However, the near absence of public policy rationales to edge preservation in this direction will make sustainability-oriented criteria increasingly challenging to operationalize.

## Conclusions

Contemporary discourse has highlighted concerns about the potentially exclusionary aspects of preservation in multiple ways. The lack of diversity among advocates and decision-making actors challenges the processes of designation and regulation and suggests possible indirect effects on underrepresented communities, in both social and spatial terms. If the demographics represented by respondents to the New York City online survey serve as a proxy for those with an affinity for preservation, the socioeconomic attributes suggest a profound need to explore new means of public engagement around the issue of heritage to break down the barriers contributing to exclusion. However, the limited mandate for civic engagement in municipal level ordinances potentially hinders government action toward more inclusionary and deliberative participation in preservation decision-making.

The potentially exclusionary outcomes of designation and regulation and their effects on communities within designated areas and districts are also an increasing area of debate. Preservation's contested influence on affordability and displacement may not yet be well understood, but that does not negate the affirmative obligation of government to ensure that preservation serves the public welfare, a rationale widely represented in municipal ordinances. While political and profit-driven interests may always challenge the importance of preservation as a realm of public investment, the future of preservation cannot simply focus on finding new arguments to protect the status quo. In order for preservation outcomes to be more socially beneficial, preservation aims and processes must change.

If the demographics of New York City historic districts are in any way representative, the question is less about whether preservation causes or correlates to gentrification and more about the agency required to challenge exclusion in the heart of preservation's protected resources, whatever the contributing factors. New avenues of research could provide critical insight, but without public policy rationales that clearly mandate promoting inclusion and preventing exclusion, such research could be relegated ad hoc to advocacy organizations with limited capacities and resources, and missions not geared toward scholarly or policy research.

Many may dismiss this as mission creep or another instance of preservation bending

toward the latest public sentiment in order to rationalize its cause. However, the review of municipal ordinances serves as a stark reminder of the public obligation borne by that cause. Now more than ever, municipal level agencies are compelled to move beyond largely aesthetic criteria for designation and design review and to institutionalize evaluative processes that measure success and robustly reflect their public policy rationales, updated to incorporate relevant contemporary challenges and hard learned lessons. The New York City survey provides tangible evidence that some long-standing rationales are still ill-perceived by preservation-supportive constituents, such as the economic benefits of preservation. Nonetheless it offers hope that emerging issues, such as diversity and sustainability, have entered the public consciousness.

Can contemporary discourse and public views help to shape a vision for preservation that enables a better future? Can awareness about and a policy mandate to prevent exclusion lead to new criteria and new forms of inclusionary preservation? The history of preservation's evolving rationales suggests that these are indeed possibilities. Views toward heritage have shifted and will continue to do so throughout time so as to ensure the relevance of the preservation enterprise to social, environmental, and economic conditions. Two critical challenges facing the field today are institutional infrastructures that do not allow for nimble policy reform and fears of undermining the legal footings of preservation by opening up municipal ordinances—especially the New York City law—to amendments. This is where the historical shift toward procedural protection can serve as an important reminder of the interconnectedness of just processes and just outcomes, and inspire a new chapter in preservation's role in the future.

## References

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1. Acknowledging the varied definitions and indicators of gentrification, use of the term in this paper refers to the place-based process by which a neighborhood shifts from lower value to higher value. This draws upon the Center for Disease Control's characterization of gentrification as part of its now defunct Healthy Community Design Initiative (last active in FY2015). The gentrification process may involve or contribute to changes in demographics, including race, income and education levels, age, etc. These changes may be a factor in the displacement of existing residents and/or businesses; they may also create barriers of access to new residents and/or businesses. Likewise, the gentrification process may be influenced by power relationships. Actors and advocates engaged in decision-making that valorizes neighborhoods may not be representational of place-based communities and public interests writ large.
2. In seventeen instances, the most populous municipality is also the state capital. For two municipalities in the sample group, the text of the historic preservation ordinance either did not exist or could not be found (Birmingham, Alabama and Burlington, Vermont). Nevertheless, these two cities include historic preservation in their comprehensive plans and relevant data was extrapolated. Four additional municipalities were added to the sample (San Francisco, California; St. Petersburg, Florida; Savannah, Georgia; and Charleston, South Carolina), as their ordinances are deemed significant for being among the oldest laws, serving as models for others, or most commonly cited in historic preservation litigation.

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