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Recommended Citation

Cimbol, Lauren, "To Landmark or Not to Landmark: The Strand's Battle Against Landmarking Their Building" (2019). *AEJ Blog*. 192.

<https://larc.cardozo.yu.edu/aelj-blog/192>

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To Landmark or Not to Landmark: The Strand's Battle Against Landmarking Their Building

BY [LAUREN CIMBOL](#)/ ON FEBRUARY 14, 2019



On February 19th, a final hearing will be held regarding whether landmark status should be designated to The Strand Bookstore located near Union Square.^[1] The iconic Strand Bookstore opened in 1927 on 4th Avenue and moved to its current location on 12th Street and Broadway in 1957.^[2] The Strand has become a New York cultural institution with its famous slogan "18 Miles of Books" known by so many and its iconic beige tote bags carried by men. The Strand carries over 2.5 million new, used, and rare books covering a diverse range of topics. In addition to wide range of literature, The Strand carries literature inspired gifts including mugs, socks, and tote bags.^[3]

For many, designating The Strand bookstore in its 1902 Italianate building would be a no brainer, especially in an area of the city popular to real estate developers.^[4] However, Nancy Bass Wyden, the third-generation owner of The Strand is fighting against the Landmarks

Preservation Commission's attempt to grant the building landmark status.^[5] Wyden argues "that landmark regulations would saddle her unionized, thin-margin business with potentially crippling burdens."^[6] These concerns are all the more pressing in light of the number of retail bookstores that have closed as a result of online shopping and companies like Amazon.^[7]

New York City's Landmarks Preservation Commission was established in 1965 primarily as a response to the destruction of Penn Station, completed in 1911, and destroyed in 1953 to build Madison Square Garden and a train station.^[8] As outlined under New York Landmark Preservation law

"The purpose of [landmark status] 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."^[9]

Many, including Wyden, argue that landmark status often causes increase expenses regarding maintenance and renovations because of the need to seek approval by the Landmarks Commission.^[10] Furthermore, it can often be the case that, "the burdens fall onto owners of landmarked property, while the benefits, such as increased land values in the surrounding area and the historic value of the site itself, largely benefit the public."^[11] An owner of a landmarked building must file to receive a permit from the Landmarks Preservation Commission before working on their property "to ensure the proposed alterations are appropriate to the building's scale, style, [and] character"^[12] When filing for a petition,

landmarked building owners must “provide drawings, photos and other documentation and specifications that thoroughly explain the proposed alterations.”[\[13\]](#) Once the application for a permit is complete, it can take anywhere from 5-90 business days for approval depending on the request.[\[14\]](#) A violation of any of the landmark preservation laws can carry civil and even criminal penalties.[\[15\]](#)

The New York Landmark Conservancy, an organization that advocates for landmark status of buildings and provides support to landmarked building owners,[\[16\]](#) claims that the concerns of Wyden are unfounded.[\[17\]](#) Christabel Gough from the Society for Architecture of the City stated, “[t]he reservations raised with respect to The Strand seem to us to be unfounded in reality, unless they plan to sell.”[\[18\]](#) However, Andrew Berman the executive director of Greenwich Village Society for Historic Preservation, which usually advocates for landmark status, accused the Landmarks Preservation Commission of “cherry picking” buildings to be designated as landmarks that “were not vulnerable to development . . .”[\[19\]](#) Wyden argues that The Strand is not vulnerable to development primarily because there are no air rights, and existing zoning regulations would only allow for a building half its size if demolished.[\[20\]](#)

Even though the landmark status would only apply to the exterior of the building,[\[21\]](#) the landmark status could definitely burden The Strand’s business. While the Landmarks Preservation Commission’s sentiment is understandable , it is unfortunate that landmark status can pose a high burden on a building owner. There are currently 36,000 landmarked properties in New York City. Unfortunately, there are only around 40 people on staff at the Landmarks Preservation Commission. The result is that the permitting review process can proceed extremely slowly, even for a minor repair.[\[22\]](#)

The Strand is a New York cultural gem that not only provides visitors with a unique experience, but also provides its employees with a livable wage and health insurance.[\[23\]](#) Although many argue that landmark status would not destroy The Strand, it will undoubtable burden the store. Wyden understands the significance of building. When a sewer fire caused damages to the building in 2017,[\[24\]](#) The Strand independently decided to restore the building’s façade.[\[25\]](#) At a time when brick and motor bookstores are hard to come by, the Landmarks Preservation Commission should be especially careful in designating landmarks so as not to harm the businesses within the buildings.

The Strand has started a petition to advocate against landmark status.[\[26\]](#) On their website they write, “Wouldn’t it be ironic if by landmarking The Strand, a community treasure already considered a landmark, put it in peril?”[\[27\]](#)

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[1] See *Protect Strand*, Strand Books, <https://www.strandbooks.com/protect-strand> (last visited Feb. 9, 2019).

[2] See *Our History*, Strand Books, <https://www.strandbooks.com/strand-history> (last visited Feb. 9, 2019).

[3] See *id.*

[4] See Michael Kimmelman, *The Battle to Make the Strand a Landmark Is About More Than a Building*, N.Y. Times (Jan. 30, 2019), <https://www.nytimes.com/2019/01/30/arts/design/strand-bookstore-landmark.html?action=click&module=MoreInSection&pgtype=Article®ion=Footer&contentCollection=Art%20&%;20Design>.

[5] See *id.*

[6] *Id.*

[7] See *Protect Strand*, *supra* note 1.

[8] See *About LPC*, N.Y.C. Landmarks Pres. Comm'n, <https://www1.nyc.gov/site/lpc/about/about-lpc.page> (last visited Feb. 9, 2019).

[9] N.Y.C. Admin. Code § 25-301 (1985).

[10] See Corey Kilgannon, *Declare the Strand Bookstore a City Landmark? No Thanks, the Strand Says*, N.Y. Times (Dec. 3, 2018), <https://www.nytimes.com/2018/12/03/nyregion/strand-bookstore-landmark.html>. See also *Protect Strand*, *supra* note 1.

[11] Joachim Beno Steinberg, *New York City's Landmarks Law and the Rescission Process*, 66 N.Y.U. Ann. Surv. Am. L. 951, 957 (2011).

[12] Landmarks Preservation Commission Permit Application Guide, NYC Landmarks Pres. Comm'n, 3 (2012),

https://www1.nyc.gov/assets/lpc/downloads/pdf/pubs/App_Guide_Complete_Version.pdf.

[13] *Id.*

[14] See *id* at 4.

[15] See N.Y.C. Admin. Code §§ 25-317-3.17.1 (1998) (2005).

[16] See *About Us*, The New York Landmarks Conservancy, http://www.nylandmarks.org/about_us/ (last visited Feb. 9, 2019).

[17] See Kilgannon, *supra* note 10.

[18] Clarie Lampen, *The Strand's Owner Fights City Plan To Protect Building With Landmark Status*, Gothamist (Dec. 4, 2018, 4:14 PM), http://gothamist.com/2018/12/04/strand_landmark_fight.php.

[19] Kilgannon, *supra* note 10.

[20] See Kimmelman, *supra* note 4. See also Lampen, *supra* note 18.

[21] See Kimmelman, *supra* note 4.

[22] See *The Problem with Landmarking The Strand*, WNYC (Feb. 4, 2019), <https://www.wnyc.org/story/problem-landmarking-strand/>.

[23] See Lampen, *supra* note 18.

[24] See Chelsia Rose Marcius & Graham Rayman, *Multiple Manhole Explosions Shatter Strand Bookstore's Windows Near Union Square*, N.Y. Daily News (Mar. 31, 2017, 5:39 PM), <https://www.nydailynews.com/new-york/manhattan/manhole-blasts-shatter-strand-bookstore-windows-union-squa-article-1.3014939>.

[25] See Lampen, *supra* note 18.

[26] See *Protect Strand*, *supra* note 1.

[27] *Id.*