



**Greenwich
Village
Society for
Historic
Preservation**

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From the first announcement of plans for a new hospital and residential development on the current site of St. Vincent's Hospital, the Greenwich Village Society for Historic Preservation has been deeply and vigorously engaged in the public review process for this very large and complicated proposal. GVSHP has sought to balance the need for a state of the art hospital to serve our neighborhoods with our primary mission as a historic preservation organization. The organization has commented extensively upon and sought to educate the public about St. Vincent's and Rudin Management's plans, and their appropriateness for the Greenwich Village Historic District.

However, with the finding by the Landmarks Preservation Commission (LPC) in favor of a hardship application by St. Vincent's to allow the demolition of the O'Toole Building, a building the LPC determined would not be appropriate to demolish, a larger issue extending beyond the particulars of this proposal emerged. It is the belief of the Greenwich Village Society for Historic Preservation that the LPC incorrectly applied the landmarks law and case law in the finding of hardship in this case. With this decision and with the criteria it establishes for the finding of hardship for non-profit institutions, it is our belief that the landmarks law may be severely undermined, and the door would be open to many other non-profit or educational institutions securing permission for demolition of landmarked properties based upon a finding of hardship that is in fact inconsistent with both the policy and the principles that the law and prior court cases have established.

Because of GVSHP's mission in relation to upholding the integrity of the landmarks law, and because of the myriad non-profit institutions located in our neighborhood which will potentially be affected by this decision, we feel compelled to share with the court hearing this case our fundamental disagreements with the basis for the LPC's decision.

Neither GVSHP's basis for its disagreement nor the case before the court deal with the architectural or historic merits of the O'Toole Building; GVSHP disagreed with the LPC's decision regarding the significance of the O'Toole Building, and that remains unchanged. But the core of this case revolves around how a hardship can be established for a non-profit institution under the landmarks law. By establishing a "campus exemption," we believe the LPC's decision could have a dangerous and deleterious impact upon the landmarks law.

Prior decisions in hardship cases for non-profits have established a test based upon whether or not a property may continue to be used for the purposes for which it was acquired; this standard was not applied in this case, and the lack of application of such a standard in future cases could have far-reaching consequences for neighborhoods like Greenwich Village, the East Village, and NoHo. Further, the landmarks law makes clear that alternatives to the proposed demolition must be pursued as part of the finding of hardship; in our opinion, such reasonable alternatives were not adequately explored, by the applicant, the city, or the state.

In signing on to this amicus brief, it is the hope of the Greenwich Village Society for Historic Preservation that a more appropriate standard for determining hardships in landmarks cases, which upholds the landmarks law while allowing reasonable but rare exceptions for proven hardships, will be adhered to, in this case and in the future.