

A Historic District Is Proposed, and Buildings Are Soon Altered



CHESTER HIGGINS JR./THE NEW YORK TIMES

Scaffolding for alterations at 12 Leroy Street, a two-family townhouse in the proposed South Village Historic District.

The South Village Offers Lessons in the Long Process of Designating Landmarks

By ROBIN POGREBIN

In January 2007 the New York City Landmarks Preservation Commission received a proposal for the creation of a new South Village Historic District to protect what advocates say is an area important for its architecture and its place in the city's heritage.

In the months after, as the commission studied the proposal, owners of buildings in the area began filing for permits to alter or demolish their properties. At 12 Leroy Street, an 1835 town

house with elements of both the Federal and Greek Revival styles, the owner obtained a permit to alter the existing two-family home; part of the facade has already been destroyed.

At 178 Bleecker Street, part of a strip of 1861 houses that included Le Figaro Cafe and the top-floor studio of the author James Agee — where he wrote "Let Us Now Praise Famous Men" — the interior has been gutted, and the owner has obtained a permit to demolish the building.

Now, more than two years after the original preservation pro-

posal, the commission has scheduled a community meeting on Tuesday to discuss the designation of the district: a swath of the city extending south from Washington Square Park and West Fourth Street to Broome Street, and bordered by La Guardia Place to the east, and Seventh Avenue South to the west. But some preservation advocates say too many properties have already been lost or are at risk.

"One of the frustrations is there is such a long period between proposing a district for designation, and the commission

moving on it," said Andrew Berman, the executive director of the Greenwich Village Society for Historic Preservation, which made the proposal. "Inevitably a lot of properties are lost during that time period."

The Landmarks Commission said it had been using the time to evaluate the area, conducting a walking tour of each of the 38 blocks in late 2007, surveying the area in the spring of 2008 and meeting with preservation advocates, elected officials and other interested parties to discuss the

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boundaries and timetable.

"There are hundreds of requests for historic districts, and you have to weigh them," said Robert B. Tierney, the chairman of the commission, pointing out that his agency was also in the midst of evaluating for possible designation Prospect Heights, Brooklyn; Ridgewood, Queens; and Audubon Park in the Washington Heights section of Manhattan.

"I haven't gone and checked every building every few weeks to see if there have been alterations or demolitions," he said of the proposed South Village district. "But the integrity of the overall study area and proposed designation have not been compromised."

Mr. Tierney said he believed that few property owners try to alter or demolish buildings before they can be designated. "If one could ever prove that it was directly in an effort to thwart preservation, then that's not only regrettable, it's terrible," he added. "On the other hand, we need to function as a governmental agency, and we need to respect the rights of citizens and homeowners."

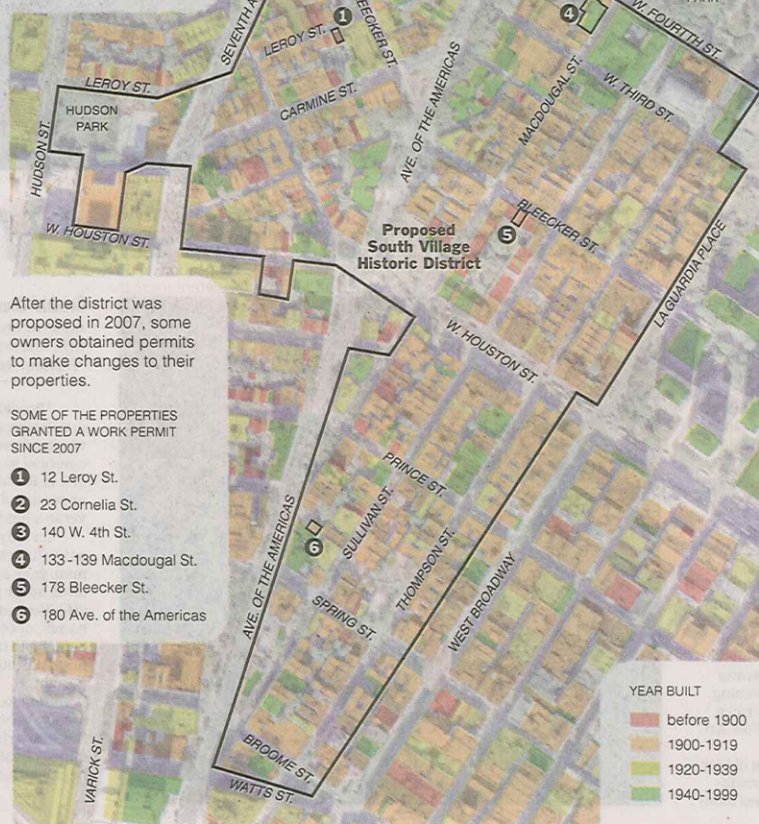
The city's landmark laws protect structures only after the Landmarks Commission has scheduled a hearing on a district for property. Before that, owners are free to file for demolition or alteration permits. And if a permit is secured before a hearing is scheduled, the work may proceed without penalty, even if a building ultimately attains landmark status.

In the South Village area, New York University has already started work on 133-139 Macdougall Street, the home of the Provincetown Playhouse theater. The theater was considered "the birthplace of modern American theater," according to the Village preservation society, where luminaries like Eugene O'Neill, Edna St. Vincent Millay, Edward Albee and John Guare started their careers. N.Y.U. is now turning the site into a research center for its law school; it will preserve the building's facade and use part of the interior for theatrical events.

Alicia D. Hurley, the university's vice president for government affairs and community engagement, said N.Y.U. was not trying to circumvent possible landmark protection.

Preserving the South Village

The New York City Landmarks Preservation Commission is considering the creation of a new historic district.



After the district was proposed in 2007, some owners obtained permits to make changes to their properties.

SOME OF THE PROPERTIES GRANTED A WORK PERMIT SINCE 2007

- 1 12 Leroy St.
- 2 23 Cornelia St.
- 3 140 W. 4th St.
- 4 133-139 Macdougall St.
- 5 178 Bleecker St.
- 6 180 Ave. of the Americas

"Certainly we were aware of conversations that were happening about these historic districts moving forward," Ms. Hurley said. "The timing for this building was much more linked to the law school's planning efforts and needing to consolidate their research centers."

The owner of 178 Bleecker, John Wu, said in an interview that he planned to replace the building with a condominium, with space for a cultural organ-

ization on the ground floor. He added that the structure was not architecturally significant and that for preservationists to pressure developers like himself was "intruding on ownership rights."

"Those tenement buildings are not meant to be historical, are not meant to stay for 100 years," Mr. Wu said. "Those buildings are temporary buildings."

David Aldea, owner of the nearly 100-year-old stable at 23 Cornelia Street, which is now un-

der renovation, said the timing of the work was unrelated to landmark considerations.

As someone who cares about maintaining the integrity of the Village, Mr. Aldea said, he is not the enemy. "Why not spend time fighting the Donald Trumps who are putting up ridiculous hotels in SoHo?" he said. "That's what we've got to stop."

Preservationists argue that the commission's process gives owners too much time to pre-empt

landmark protection of their properties. "Once the Landmarks Commission announces it is going into a neighborhood, that inevitably gives the green light to all sorts of individuals who could undermine that designation, and we all have examples of a rush for permits," said Jeffrey Kroessler, a director of the Historic Districts Council, an advocacy group.

Advocates cite other examples of what they consider pre-emptive alterations or demolitions, like the former screw factory at 30 Great Jones Street in the NoHo Historic District, which was taken down while an extension of that area — ultimately designated in 2008 — was under landmarks consideration.

Similarly, just 12 days before the commission held a hearing on the Madison Square North Historic District in 2001, permits were obtained to convert the former American Society for the Prevention of Cruelty to Animals headquarters at 50 Madison Avenue, at 26th Street, into a condominium; the district was approved with the building excised.

More recently, in March, the Consolidated Edison Company removed the last of six smokestacks from its IRT powerhouse on 11th Avenue at 58th Street, in Clinton. That building, completed in 1904 by McKim, Mead & White, has been under landmark consideration since 1979. The commission will hold its third hearing on the proposed landmark status on July 14.

"There is a problem where there is a long lag between notification and action," Simeon Bankoff, executive director of the Historic Districts Council, an advocacy group, said. "It would make good public policy if an agency could act soon after notifying everyone they're going to act."

At least two bills have been proposed in the City Council that would address the need to improve communication between the Landmarks Commission and the Buildings Department, but neither has made any progress.

"I've lost my patience," said Jessica S. Lappin, chairwoman of the Council landmarks subcommittee.

The permit problem is exacerbated, advocates say, because the commission notifies owners well in advance of putting a property on its hearings calendar. In an e-mail message to Mr. Tierney on

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April 15, Mr. Berman expressed "strong concerns about the ongoing and accelerating rate of loss in the South Village."

In the message Mr. Berman urged the commission to schedule its first public meeting on the proposal at the same time that it put the district on its calendar for a hearing, so as not to encourage "bad actors to secure demolition or alteration permits which supersede any subsequent landmark designation." (Once a property has been scheduled for a hearing, the Buildings Department will not issue any permits for up to 40 days without the approval of the Landmarks Commission. The commission can use that period to decide on a designation.)

But the next day, April 16, the commission sent letters to all building owners in the area, notifying them of the community meeting, sponsored by various public officials, to be held on Tuesday.

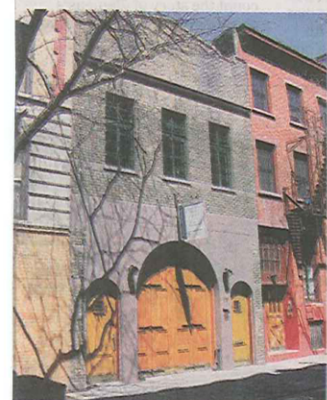
The commission has argued that it informs owners not just as a courtesy, but also to involve them in the landmarking process and to educate them on the possible benefits of designation, like possible tax breaks for restoring buildings.

"Preservation works best when it's inclusive, and people are partners or buy into what you're trying to do," Mr. Tierney said.

To notify owners of a possible landmark designation only when a hearing is scheduled would exclude them from the process, Mr. Tierney said. "That sort of preempts the question," he said. "It's like shoot first and ask questions later."

But preservation advocates like Anthony Wood, author of "Preserving New York: Winning the Right to Protect a City's Landmarks," argue that there is nothing in the landmarks law that obligates the agency to obtain building owners' consent, and that the commission's current policy puts too much power in their hands.

"You have a de facto situation where the landmarks law is applied based on owner consent," Mr. Wood said. "Not legally but operationally."



GREENWICH VILLAGE SOCIETY FOR HISTORIC PRESERVATION
23 CORNELIA STREET A nearly 100-year-old stable is undergoing changes.



ANDREA MOHIN/THE NEW YORK TIMES
133-139 MACDOUGALL STREET N.Y.U. is renovating this longtime theater.



CHESTER HIGGINS JR./THE NEW YORK TIMES
178 BLEECKER STREET Andrew Berman, a preservationist, is in front of this building. Part of a strip of 1861 houses, it is slated to be razed.



OFFICE FOR METROPOLITAN HISTORY
30 GREAT JONES STREET This NoHo factory, shown in 1942, was demolished.