



**Greenwich
Village
Society for
Historic
Preservation**

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December 2, 2008

Hon. Robert Tierney
Chair, New York City Landmarks Preservation Commission
One Centre Street, 9th floor
New York, NY 10007

Re: Finding of Hardship in the case of St. Vincent's Hospital

Dear Chair Tierney:

I write regarding the recent 6-to-4 vote by which the Landmarks Preservation Commission found that St. Vincent's Hospital had proven a hardship in its application to demolish the O'Toole Building in the Greenwich Village Historic District. As you know, this decision has the potential to set tremendous precedent, which is of great concern to the Greenwich Village Society for Historic Preservation and, no doubt, many others. It must be recognized that more so than perhaps any other decision the Commission makes, hardship findings, especially for non-profits, set precedents which can and likely will be used by future applicants to secure similar exemptions from landmarks regulations. Thus while we recognize the tremendous importance of the vital services St. Vincent's Hospital provides, we nevertheless feel very strongly that such decisions must not undermine the strength and integrity of the landmarks law, and that the standards for establishing hardship must be kept high and fair.

Therefore we have very serious questions about the Commission's decision in this case, and would like to ask for further clarification regarding the basis for and reasoning behind that decision. Among the questions which we believe must be settled in addressing a hardship application of this sort are:

- Have reasonable alternatives been exhausted, and how was this proven?
- How does this finding address the standard set in the Grand Central case?
- How can a hardship be found if the building in question was purchased with landmark designation in place, and the building is still useful for the purposes for which it was purchased?

We would appreciate further clarification from the Commission regarding how they believe these questions were answered with this decision. Further, we would appreciate clarification from the Commission on the question about which we have the most concern in this case – what standard does this decision articulate for the finding of hardships, which can then be used in future cases?

I appreciate your attention to this matter, and look forward to hearing back from you.

Sincerely,

Andrew Berman
Executive Director