



**New York City Council
Committee on Parks & Recreation Oversight Hearing
The State of the City's Jointly Operated Playgrounds**

Monday, September 17, 2018

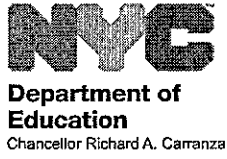
Testimony by: Matt Drury, Director of Government Relations, NYC Parks

Good Morning, Chair Grodenchik, and members of the Parks and Recreation Committee, I am Matt Drury, Director of Government Relations for the New York City Department of Parks and Recreation. Thank you for inviting us to testify today regarding the City's Jointly Operated Playgrounds, also known as JOPs, and the Schoolyards to Playgrounds program.

As my colleague from the Department of Education will outline in greater detail, both Jointly Operated Playgrounds and the Schoolyards To Playgrounds program are proof of the City's long-standing commitment to providing vitally important recreational open space for more New Yorkers. Regardless of who is chiefly responsible for day-to-day maintenance, be it NYC Parks in the case of JOPs, or DOE with Schoolyards To Playgrounds sites, we have jointly crafted a robust interagency partnership over the past 8 decades that taken these spaces, primarily used by schools during the day, and opened them to broader public access outside of school hours.

This is certainly one of our most notable interagency partnerships, but it's far from the only example. As you may be aware, NYC Parks manages numerous parcels that are in the jurisdiction of other City agencies or within the joint jurisdiction of NYC Parks and another City agency. The entities that have such jurisdiction over these properties retain decision-making authority over their use, even though the day-to-day management of the properties resides with NYC Parks. A familiar example of this is our Greenstreets program, which allows hundreds of public streets, medians or triangles under DOT jurisdiction and control to be improved with park-like features and then managed and maintained by NYC Parks, subject to DOT's present and future needs.

Though JOPs are under DOE's jurisdiction and control, NYC Parks is dedicated to providing a very high level of care and attention from our hard-working maintenance and operations staff, resulting in an extremely positive experience for visitors. We've been equally proud of our partnership with DOE in helping identify potential sites and funding for the Schoolyards to Playgrounds program since its launch in 2007. I'm pleased to be here today to offer you more background on our long-standing agency partnership, and happy to introduce my colleague from the Department of Education, William Estelle.



Testimony of the NYC Department of Education on the State of the City's Jointly Operated Playgrounds

Before the New York City Council Committee on Parks & Recreation Oversight Hearing

Monday, September 17, 2018

William Estelle, Executive Director within the Division of School Facilities

Good Afternoon, Chair Grodenchik and members of the Parks and Recreation Committee, I am Bill Estelle, Executive Director within the Division of School Facilities at the New York City Department of Education. Thank you for inviting me to testify today regarding the City's Jointly Operated Playgrounds and the Schoolyards To Playgrounds program.

The health and well-being of our students, their families, and the greater community is a priority for this administration and the New York City Department of Education. As the largest school system in the nation serving over 1.1 million students we know that our 1,800 schools are hubs for communities to be active, play, and stay well. The DOE works in partnership with the NYC Parks, whose primary mission is to offer resilient and sustainable parks, public spaces and recreational amenities for New Yorkers. It serves as steward of over 30,000 acres and oversees nearly 4,500 individual properties, ranging from parks and playgrounds to community gardens and Greenstreets.

We are here today to discuss the various ways in which our agencies work together to maximize the use of the City's existing resources, specifically the manner in which property adjacent to DOE schools, which primarily serve an educational purpose, can be made available to the general public to provide additional recreational space for New York City residents. This objective has been achieved primarily in two fashions. One is the creation and designation of Jointly Operated Playgrounds (also known as JOPs), where DOE has primary jurisdiction and NYC Parks plays an active role in the day-to-day maintenance and operations of the property. The other and more recent inception is the Schoolyards-To-Playgrounds program, which involves sites that the DOE has both primary jurisdiction and retains responsibility for maintenance and operations. In both cases, the general public can utilize these spaces outside of school hours, increasing access to much-needed open space in neighborhoods all over the City. JOPs and Schoolyards-To-Playgrounds sites are a vital component of the City's commitment to ensure equity of access to open space, as many New Yorkers are underserved by open space resources, and use these properties to help meet those needs.



**Department of
Education**

Chancellor Richard A. Carranza

The Jointly Operated Playground program was created to provide recreational opportunities for public school students during school hours, while allowing access to the public after school hours. Construction of the City's first Jointly Operated Playground was completed in 1941, and hundreds more were established over the ensuing decades. The program was largely inspired by the City's desire to avoid duplication of services and to minimize acquisition costs, related to school sites being acquired by DOE at the time. Under the JOP program, over 260 playgrounds adjacent to schools, under the jurisdiction of the DOE, are jointly operated by DOE and NYC Parks. Broadly speaking, portions of the JOPs are primarily used by the adjacent school during the day and available for use by the surrounding community during non-school hours, though the details of the management arrangement between NYC Parks and DOE may differ according to the needs of the individual school and the local community. These facilities may have athletic fields with large areas for team sports to occur; asphalt areas in playground space for basketball, shuffleboard, volleyball, etc; areas with playground equipment like slides and climbing apparatuses; and benches near where recreational activities take place.

The primary day-to-day responsibility for the management of JOPs, including maintenance, generally falls to NYC Parks. Most JOPs are marked by NYC Parks-branded signage, to notify visitors that NYC Parks' rules are in effect at these sites. Though specific implementation varies at each location, general care of the property is provided by NYC Parks maintenance staff, either by mobile crews or by fixed-post staff who report directly to the site, and are cleaned 5 to 7 times per week.

In addition to the daily operations, NYC Parks generally oversees the facilitation of major capital improvements for these properties as well, in close coordination with DOE. Since the beginning of the de Blasio administration, in partnership with elected officials and private donors, the City has completed 76 capital projects on JOP sites, with another 102 improvement projects underway, representing over \$225 million in investments to keep these properties in a state of good repair. Twenty-seven of these sites are part of NYC Parks' signature equity effort, the Community Parks Initiative (CPI), which is providing community-guided redesigns and complete reconstructions at sites in underserved communities.

In July 2007, as part of the City's PlaNYC, the DOE introduced its Schoolyards-To-Playgrounds Program, with the goal of converting DOE schoolyards adjacent to elementary and middle schools into community playgrounds for use by the general public outside of school hours, in neighborhoods in need of open space. While many of the initial sites were simply designated and opened to the public accordingly, other sites received capital funding to provide necessary upgrades such as new play equipment, greenery or asphalt sports fields. This administration has continued the DOE and NYC Parks interagency partnership, by together identifying additional



**Department of
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schoolyards to be designated as Schoolyards-To-Playgrounds, and investing over \$12M to date in capital funding. In total, this Administration has announced the opening of 21 school yards, of which 14 are open and operational and seven others are currently in the design and construction phase. NYC Parks and the School Construction Authority continue to work together on schoolyard reconstruction projects and are working to define additional schoolyards to join the program. These capital improvements have been delivered with the support from several partners, including the School Construction Authority, NYC Parks, the Department of Environmental Protection, and the Trust for Public Land. Since the inception of Schoolyards-To-Playgrounds, 254 schoolyards have since been designated as playgrounds and opened up more broadly to the public, which helps fulfill the City's goal of bringing 85 percent of New Yorkers within walking distance of a park by 2030. In a manner distinct from the shared agency operation of Jointly Operated Playgrounds, the day-to-day management and care of Schoolyards-To-Playgrounds sites resides fully under the auspices of DOE, but offer a very similar visitor experience as JOPs—active play areas, courts and fields, and seating areas for New Yorkers to enjoy.

The combined open space benefit of JOPs and Schoolyards-To-Playground sites for the general public is truly remarkable. Close to 850,000 New Yorkers would not live within walking distance of any open-space amenity without access to these JOPs and Schoolyard-To-Playground sites. The DOE and NYC Parks are committed to continuing our partnership to make sure these spaces are kept in good condition and available for New Yorkers everywhere to enjoy open space and recreational opportunities.

Thank you for allowing us to testify before you today and for the Council's partnership and support of both DOE and NYC Parks, as we work together to educate our City's children and provide fantastic open spaces for all New Yorkers. We would now be happy to answer any questions that you may have.



New York City Council Committee on Parks & Recreation
Hearing: Oversight – The State of the City’s Jointly-Operated-Playgrounds
September 17, 2018
Lynn Kelly, Executive Director

Good afternoon, my name is Lynn Kelly, and I am the Executive Director of New Yorkers for Parks (NY4P). I would like to thank the City Council Committee on Parks and Recreation for inviting us to speak on this important issue today.

As the citywide independent organization committed to research and advocacy for parks and open spaces, we are deeply concerned that the alienation of Marx Brothers Playground will set a very dangerous precedent for New York City parkland. We believe this development would leave 268 Jointly Operated Playgrounds, also known as JOPs, in New York City at risk of private development.

New York City is undergoing dense, rapid growth. As such, we understand the critical need to find opportunities for affordable housing and new schools, but we also believe that the provision and protection of public open space must accompany that growth – an equitable, living city depends on that balance.

The Jointly Operated Playground program, established over 75 years ago between the Board of Education and the Department of Parks & Recreation, is a wonderful example of what can happen when two City agencies work together to meet the needs of New York’s youngest residents and their families. Representing 37% of all current NYC Parks playgrounds, JOPs have truly become essential open space assets in almost every corner of the five boroughs.

Many JOPs have been in continuous use by communities for decades, if not generations, and from all outward appearances, are City parks. With NYC Parks signage, NYC Parks workers, and NYC Parks capital and expense dollars being spent to improve, program, and manage these valuable sites, it is clear that JOPs have long been considered a necessary component of our City parks system.

In fact, 26 of the 67 sites chosen to receive complete capital renovations as part of the Community Parks Initiative (CPI) are JOPs. In the past four years, the City has invested nearly \$95 million into rebuilding JOPs via CPI. Many of these parks received these City investments after years of community advocacy by residents who have become dedicated stewards of their local playground (some of whom are with us today).

Make no mistake: Jointly Operated Playgrounds are parks.

As such, they are protected by the State's Public Trust Doctrine, making them subject to alienation. There is a reason that alienation of parkland is complicated and arduous, with many public process thresholds – it is designed to protect the taking of a critical public asset for private and/or other public purposes.

In the case of Marx Brothers Playground, the City has sent a mixed message to the public about its view of JOPs as protected parkland. The City alienated the park but then assigned it transferrable development rights, which is both unprecedented for parkland and is a worrisome, slippery slope for the other 267 JOPs citywide. Simply put, if these JOPs are left legally unprotected, the city would have 402 fewer acres of playground space, almost half the size of Central Park.

I want to reiterate that NY4P is not arguing against the need for affordable housing, schools or other public purposes that are vital to the health of the city. However, these uses do not justify the alienation of public parkland as clearly set out in the State's Public Trust Doctrine.

Every child in New York deserves to have access to a safe environment for play, and we believe JOPs provide this critical amenity, both during school hours, and after. This 77-year-old program has been a boon to many neighborhoods that lack the opportunity to provide new public open space. To see the threat of development on the horizon as a possibility for these spaces is incredibly troubling.

Therefore, we ask the Council to contemplate ways to meaningfully protect these assets of our City Parks system. At a minimum, we would ask that Jointly Operated Playgrounds are always treated as “implied” parkland from a procedural perspective.

Thank you very much for the opportunity to speak and I welcome any questions you may have.

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For over 100 years, New Yorkers for Parks (NY4P) has built, protected, and promoted parks and open spaces in New York City. Today, NY4P is the citywide independent organization championing quality parks and open spaces for all New Yorkers in all neighborhoods. www.ny4p.org

NEW YORK CITY COUNCIL
COMMITTEE ON PARKS AND RECREATION

September 17, 2018, 1:00 p.m.

Oversight Hearing on Jointly Operated Playgrounds in New York City

Testimony of
Carter H. Strickland, Jr.
New York State Director
The Trust for Public Land

Thank you Chairperson Grodenchik and Members of the Committee for the opportunity to testify on the important topic of Jointly Operated Playgrounds in New York City.

My name is Carter Strickland and I am the New York State Director of The Trust for Public Land, a national non-profit organization that creates parks and protects land for people, ensuring healthy, livable communities for generations to come. One of The Trust for Public Land's guiding principles – supported by numerous studies – is that parks and open space are critical infrastructure that make cities and their residents healthier, happier, more prosperous, cleaner, greener, and more resilient. Since 1978, The Trust for Public Land has worked with New York City residents to improve their neighborhoods by creating public spaces where they can safely play, connect with nature and each other, and create resilient communities.

The fate of Marx Brothers Playground has created an important moment for New Yorkers to learn about – and protect – Jointly Operated Playgrounds, or JOPs. My testimony will discuss (1) the importance of readily accessible neighborhood parks to ensure a livable, healthy city, and the related point that outdoor play spaces are critical

for childhood education, (2) the importance of JOPs in New York City, (3) our statistics about parks and the impact of JOPs on New York City's overall park access score, (4) our recommendations against alienation of Marx Brothers Playground and (4) our suggestions for strengthening protection of JOPs.

Accessible Neighborhood Parks are Critical

Parks and open spaces provide recreational, health, and environmental benefits for all New Yorkers. The Trust for Public Land in New York has protected over 100 community gardens and created over 200 parks and playgrounds that are within a 10-minute walk of over 3.9 million New Yorkers, including the transformation of over 150 acres of barren asphalt school lots into green infrastructure playgrounds that are open to the general public after school hours and on the weekends. The results of our work, and of other civic organizations who have worked with the city in innovative public-private partnerships, have dramatically transformed the city from the depths of urban decay in the 1970s to the vibrant place that it is now. This reclamation of public space over the past 40 years has made New York City a place that attracts and retains families, workers, and tourists.

We know that close-by parks are critical, because those are the parks that people will use on a frequent basis. For example, when people live near parks they are more likely to engage in physical activity, a critical step for preventing or mitigating diabetes, obesity and depression, all of which are on the rise according to the New York City Department of Health and Mental Hygiene. Nearby parks also allow residents to meet their neighbors, creating true communities and improving mental health and social

resiliency, according to the Centers for Disease Control. That is why the Trust for Public Land's vision is for everyone in America should have access to a quality park within a 10-minute walk of home—and we are working with cities across the country to make that vision a reality by leading a national 10-Minute Walk Campaign to increase access to nature and parks that has been joined by over 220 mayors.

Jointly Operated Playgrounds and Park Access

JOPs are the quintessential neighborhood open spaces that provide benefits to nearby schools and nearby neighbors. The 268 JOPs sprinkled throughout the city are only 1.5 acres on average, but are next to schools and are in the neighborhoods where people live. They aren't "destination" parks but rather are convenient to visit on a daily basis – walking to these parks is a key part of city life and one of the secrets for New York's greatness as a city.

It is even more critical for our children to have outdoor places to play, and their use of parks increases by 400% when parks are closer to home. Even before the current epidemic of childhood obesity and attention deficit disorders, the State recognized in an 1895 law that nearby outdoor places would greatly aid education and decreed that "Hereafter no school house shall be constructed in the City of New York without an open-air playground attached to or used in connection with the same."¹ A report from the New York State Assembly has noted that the JOP program, where available, provides an excellent alternative to school operated play spaces, whereby

¹ The basic requirement of an open air playground remains largely unchanged from the 1895 law, and are currently codified in the NYS Education Law, Section 2556 (5), <https://www.nysenate.gov/legislation/laws/EDN/2556>. There are parallel provisions in the New York City Health Code that outdoor play areas "shall be available" near schools. Health Code 45:11(h).

schools can use JOPs during school hours, and the public afterwards.² The report noted that “parks Department staff maintains [JOPs] with upgrading, cleaning, renovation and upkeep with school custodians having no responsibility for cleanup or maintenance.”

The Trust for Public Land collects facts on parks every year for our City Park Facts Report, <https://www.tpl.org/2018-city-park-facts>, and also our ParkScore Report <https://parkscore.tpl.org>, for the 100 largest cities in the U.S. We use cutting edge computer mapping tools in combination with census data and park system information to look at the connections between people and parks. In the past year, New York City’s great park system ranked 9th in the country, in large part because over 97% of New Yorkers live within a 10-minute walk of a park – over 8.3 million people. If we remove JOPs from this count to test what would happen if they were not able to be used as parks, then New York City’s park access drops to over 94%, meaning that over 220,000 New Yorkers would lack access to a nearby park. That would be more people living in park deserts than live in Rochester, Yonkers, Syracuse, or Albany (the 3rd, 4th, 5th, and 6th largest cities in New York State).

Mark Brothers Playground

Whether municipally owned land is “parkland” is determined on a case-by-case basis. If municipally owned land is parkland, then it does not carry development rights that

² Noting the rise in childhood obesity and related health problems, the State Assembly report’s main conclusion was that laws requiring outdoor spaces at New York City public schools have been ignored, and that required play spaces are not adequately monitored or protected. No Room in the Playground, New York State Assembly Committee on Oversight, Analysis, and Investigation (2003), see <http://nyassembly.gov/comm/Oversight/20031009/>.

can be used or transferred. In addition, non-parkland use or transfer requires state “alienation” legislation and the provision of adequate substitute parkland.

These questions have come to the forefront in connection with the Marx Brothers Playground and sports field on 96th Street between 1st and 2nd Avenues in Manhattan, a JOP operated by the City. Marx Brothers Playground is well-used by the East Harlem and Upper East Side community and includes the only full-size athletic field on the east side of Manhattan in the 108-block (five-mile) stretch between East 6th Street (East River Park) and East 114th Street (Thomas Jefferson Park) in an area that is well below the applicable standards for parkland area per person. The Upper East Side has the least parkland per capita according to New Yorkers for Parks’ Manhattan’s East Side Open Space Index (2013).

The City has sought to develop the Marx Brothers Playground site, assigning air rights to the site to allow for two high-rise residential towers. The entire block would be gutted to make way for a 710-foot tall tower and another 185-foot tower developed by Avalon Bay with financing and assistance from the New York City Educational Construction Fund. Three schools will be relocated to the lower floors but the overwhelming character of the development will be private: the larger of the two towers, for example, will include 900,000 square feet for apartments and 135,000 square feet for a school. There is an ambiguous plan to include a mid-block open space that, if ever realized, would create a courtyard for the two towers that would be in deep shadow and a wind tunnel from the two towers, a stark contrast with the full sun and avenue frontage that characterizes Marx Brothers Playground today. But the New York City Council legislation and home rule message, the two State bills, and the Environmental Impact

Statement contain only a vague commitment for replacement parkland with no binding schedule or plan or even analysis of equivalent value. And the addition of many new residents to the area means that “adequate” replacement of the lost playground will require more recreational space than a one-for-one replacement.

Is Marx Brothers Playground “parkland” under state law? If yes, then it cannot carry transferable development rights and has to go through alienation to be used for other purposes; if not, then it does have development rights and it does not have to go through alienation. The City has confused the issue by assigning development rights for transfer to the tower developers, which is inconsistent with parkland, but then by going through the alienation process that is necessary for parkland.

The situation can be clarified by setting aside the City’s actions and claims, and instead looking at the facts and history of the site. This is the appropriate test under state law – has the City treated the playground as a park such that it should be considered “implied” parkland or even express parkland? State law is very practical on this point. If a site is operated, maintained, and functions as a park for years, then it is a park. It has been very difficult for us to obtain information from the City, even under Freedom of Information Law requests, but we do know that Marx Brothers Playground:

- Has a NYC Parks sign and flag;
- Is listed on the NYC Parks website as a recreational resource, <https://www.nycgovparks.org/parks/marx-brothers-playground>, as well as in official documents covering properties under the jurisdiction of NYC Parks, see Annual Report on Park Maintenance for Fiscal Year 2017, available at <https://www.nycgovparks.org/pagefiles/121/Annual-Report-on-Park-Maintenance-FY17> (Table 1, listing Marx Brothers Playground);

- Is used by sports leagues who are issued recreational permits by NYC Parks, with the funds going to NYC Parks;
- Is maintained by NYC Parks personnel;
- Is frequently inspected by NYC Parks for repair needs under its Parks Inspection Program, according to over 20 years of records;
- Has been repaired by NYC Parks for over 20 years; and
- Was considered "alienated parkland" when the Metropolitan Transportation Authority stored material on a portion of the site for construction of the Second Avenue Subway, with compensation funds going to NYC Parks.

Any reasonable New Yorker presented with these facts would say, "that's a park." Unfortunately, due to procedural breakdowns, there wasn't an adequate airing of the relevant facts before the development rights were assigned and before legislation cleared the path for development. Fortunately, the Governor has put the legislation on holding pending a review of whether Marx Brothers Playground is parkland.

In the meantime this deal, while purporting to affect only one JOP, sets a dangerous precedent that jeopardizes all 268 JOPs. If the City is allowed to assign development rights to public recreational land for private development at Marx Brothers Playground, then logically the pressures of development across all five boroughs mean that other developers will seek the same deal. Why wouldn't developers seek to obtain valuable air rights to build towers, essentially for free? Across a development cycle or two, we could lose many valuable play and recreation spaces, even as our growing city needs more parkland.

Protection of JOPs

There were several breakdowns in the process that led to the current proposal for Marx Brothers Playground that left unchecked would threaten all JOPs in the city. At a minimum, given the history of Jointly Operated Playgrounds and the facts of their operation, we believe as a policy matter that they should always be treated as implied parkland from a procedural perspective.

In addition, we suggest that the City Council pass legislation that would provide it and the public with timely input on land use decisions affecting JOPs and would inform the final determination of whether a particular JOP is implied parkland. This legislation could include the following elements:

- An inventory of all JOPs in the City, with information about the agencies responsible for operations, maintenance, capital repairs, permitting, and other management duties, as well as all City, State, and Federal funds used at each site;
- Notice to community boards, Councilmembers, Borough Presidents, school communities, and other interested parties when development is proposed on a JOP or purportedly using JOP air rights;
- A determination that the City Council Parks Committee needs to sign off on home rule messages and land use determinations concerning JOPs; and
- A policy determination that JOPs should not carry transferable air rights.

Thank you for the opportunity to testify on this important issue.

CHAIR

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September 17, 2018

MAS Comments to New York City Council Committee on Jointly Operated Playgrounds and Marx Brothers Playground

Background

For 125 years, the Municipal Art Society of New York (MAS) has worked to educate and inspire New Yorkers to engage in the betterment of our city. As a non-profit advocacy organization, MAS mobilizes diverse allies to focus on issues that affect our city from sidewalk to skyline. Through three core campaign areas, MAS protects New York's legacy spaces, encourages thoughtful planning and urban design, and fosters inclusive neighborhoods across the five boroughs.

Position

It is important to state right from the outset that MAS believes that balanced communities with adequate housing, schools, parks and other public amenities are what make New York City strong. We reject any implication that neighborhoods must choose schools over parks or parks over housing. The City has consistently acknowledged the importance of open space goals and improving park equity as a fundamental value.

Jointly Operated Playgrounds (JOPs) are crucial to the provision of quality, accessible parks in the city, particularly in underserved neighborhoods. We are before you today to make the case that JOPs are critical to the long-standing commitment that New York City has made to its neighborhoods, a commitment it must carry forth into the future.

Marx Brother Playground: A Negative Precedent

A recent development, initiated and approved by the City at the Marx Brothers Playground in East Harlem, sets a harmful precedent that may put JOPs at risk throughout the five boroughs. MAS, in partnership with several other prominent civic organizations, has filed a lawsuit to challenge the City's actions which have effectively allocated development rights to Marx Brothers Playground, a public park, for the purpose of contributing them to a private developer's 700-foot residential tower.

MAS, along with our coalition of partners at Carnegie Hill Neighbors, CIVITAS, the Friends of the Upper East Side Historic Districts, believes that both the process and the substance of the City's determination were fatally flawed for multiple reasons. The first is that the City's decision to assign development rights to a park is illegal and unprecedented. Parks do not have development rights and Marx Brothers Playground should not be an exception to the long-standing City policy. Second, the City has offered replacement open space that is inferior and could be developed for other purposes at any time. Lastly, the disclosures the City made throughout the process were at best confusing and, at worst, deliberately obscured the facts.

In the City's formal response to the lawsuit, the Department of Parks and Recreation confirmed our deepest fears when it asserted that the City reserves the right to use JOPs for any purpose that it wishes.

Furthermore, the City contends that Marx Brothers Playground was never protected parkland. Despite this characterization, they took an alienation action to the State Legislature "in an abundance of caution." The Governor stayed the implementation of the alienation pending a review of Marx

Brothers Playground's parkland status by the Commissioner of New York State's Office of Parks, Recreation and Historic Preservation.

MAS strongly affirms the status of Marx Brothers Playground as "implied" parkland under the State's definition and therefore demands the rigors of not just the alienation process but the commitment to replace in kind and VALUE, which is clearly not proposed as part of the current development plan.

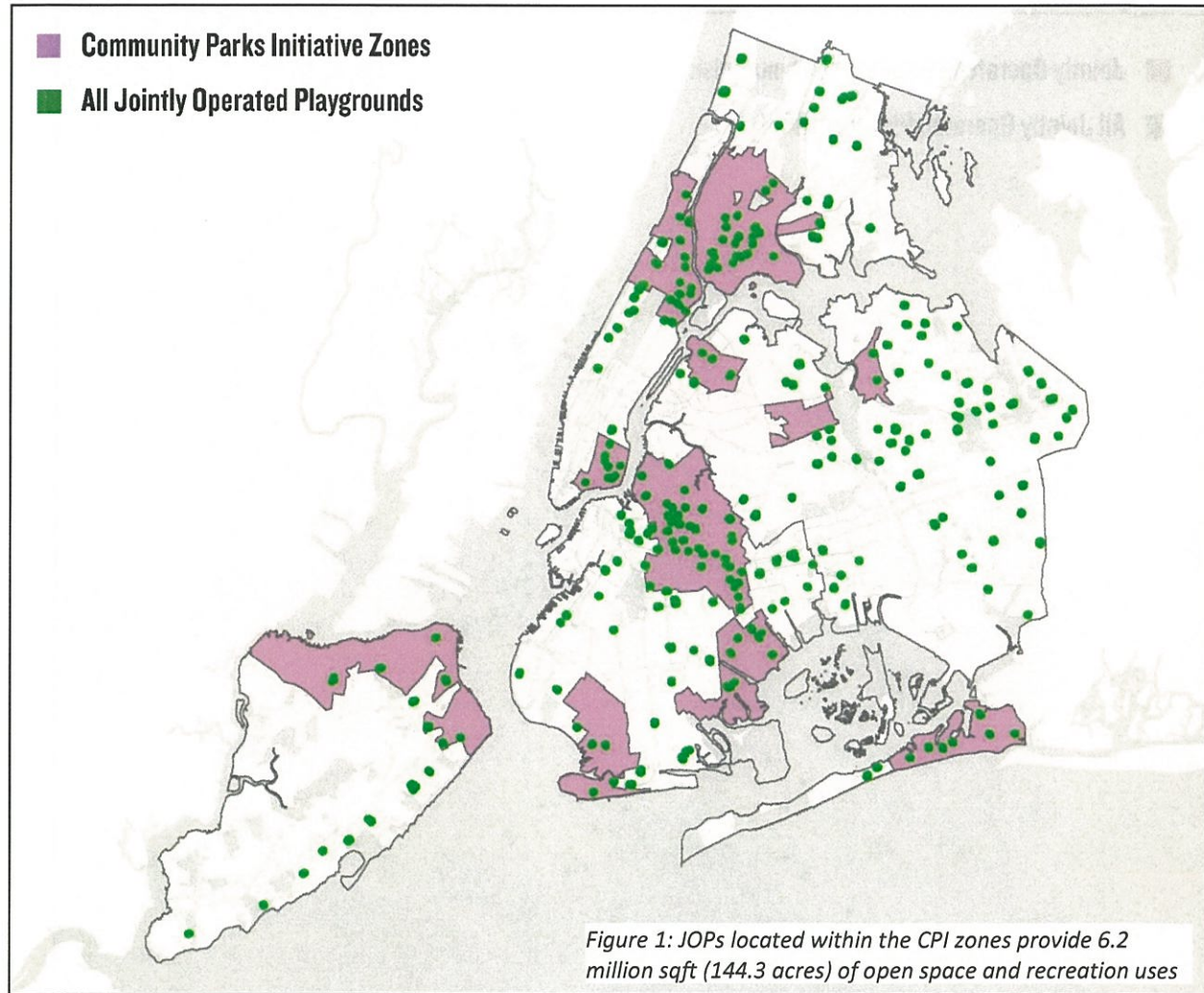
This decision sets a very negative precedent with city-wide implications, putting 268 playgrounds across the five boroughs, including the 116 located in underserved neighborhoods, at risk of a similar fate.

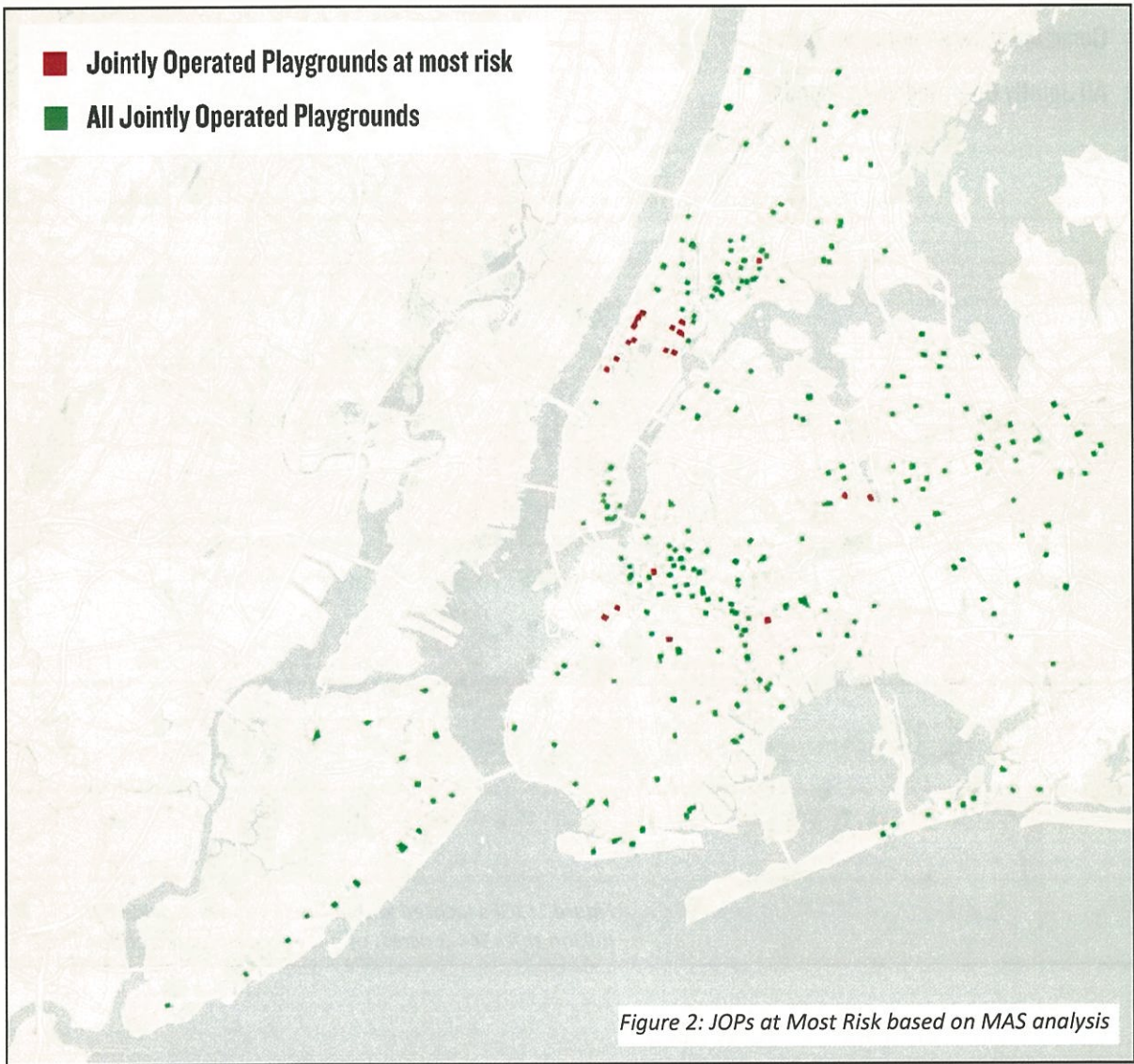
In an effort to understand the implications of the potential development of the Marx Brothers Playground, MAS conducted a risk analysis of properties categorized as JOPs. Conditions leading to the potential development of Marx Brothers Playground involve a range of factors including (i) school overcrowding or school seat capacity, (ii) allowed zoning floor area, and (iii) assessed property value. Based on these factors, MAS assigned "risk points" to each JOP.

Based on this methodology, MAS identified 20 playgrounds that have comparable levels of risk to Marx Brothers Playground. Twelve out of the 20 playgrounds that score the highest risk are located in Upper Manhattan (Figure 2). This result can be attributed to the higher density zoning districts and property values of the Upper East and West Side neighborhoods. Five high-risk playgrounds are located in Brooklyn, two are in Queens, and one is in the Bronx. At least three JOPs would be considered to be at higher risk than Marx Brothers Playground: Washington Park in Gowanus, Brooklyn (with 16 pts), Grace Playground in East New York, Brooklyn (with 12 pts), and Happy Warrior Playground on the Upper West Side in Manhattan (with 12 pts).

Conclusion

MAS strongly believes that parks and open space are vital to livable neighborhoods. The status of Marx Brothers Playground has significant implications for New York City residents who want assurance that they will have access to outdoor recreation. Allowing developers to claim air rights from JOPs challenges the protections that parks should have in New York City. The action affecting Marx Brothers Playground has harmful implications for the city that puts all 268 JOPs at risk of becoming development sites. We urge the City Council to ensure that Jointly Operated Playgrounds are always treated as "implied" parkland from a procedural perspective.





City Council Parks Committee Hearing

Monday September 17 1PM

250 Broadway 14 Floor

N.Y N.Y. 10007

**Statement from Seton Falls Park Preservation Coalition Bronx
New York Renee Patterson President**

The Seton Falls Park Preservation Coalition (SFPPC) has been a Friends group for Seton Falls Park since 1990 under the past president of Christine Foreman and reactivated in 2012 by Anita Heywood and Renee Patterson.

We request that playgrounds and parkland remain free from development and protected

The Coalition was fortunate enough to receive our first Park's Equity Initiative grant in 2017.

This grant enables the coalition to initiate our two goals preservation and promotion of Seton Falls Park and Stars and Stripes Playground.

The Coalition efforts to help preserve the park have culminated with the Parks Department Green Neighborhood Program selecting Seton Falls Park for a ten month residency to help remove invasive plants and care for the community street trees, in addition the Coalition has organized with Partnerships for the Parks and the community It My Park Day clean ups. Preservation of Seton Falls Park has led to our many initiatives to promote park.

The Coalition has promoted Parks Department Urban Park Rangers to conduct nature walks through the park trails.

We have hosted City Park Foundation Movies Under the Stars and the Coalition most talk about program Fitness In the Park an exercise program the Park Equity Initiative grant helps to maintain June thru October.

Seton Falls Park and Stars and Stripes playground is responsible for the outdoor recreation of the John Phillip Sousa Middle School Campus which houses the following three schools the Baychester School, Bronx Alliance School and One World School. Our park is over utilized. Where shall our children play and adults relax?

The Coalition is well aware of the affordable housing problem that plagues the City of New York but most residents when looking for dwellings usually ask how close the apartment or house is to a park or school.

New York City is not a pleasant livable place without parkland they deserve protection yesterday today and tomorrow.

Thank you for your attention.

Testimony
of
Mr. Brett Dakin
Jacob H. Schiff Playground Neighborhood Association
Before the
Committee on Parks and Recreation
September 17, 2018
Committee Room – 250 Broadway, 14th Floor

Good afternoon, Chair Grodenchik, and members of the New York City Council Committee on Parks and Recreation. I am Brett Dakin, a volunteer with the Jacob H. Schiff Playground Neighborhood Association. Thank you for the opportunity to speak today.

The Association is a group of volunteers supporting Jacob H. Schiff Playground, a park of about 4 acres in Hamilton Heights, Manhattan. We are located in District 7, and we thank Council Member Mark Levine for his support for our efforts to improve our park and enhance the quality of life in the neighborhood. We look forward to welcoming Chair Grodenchik to our beautiful park along with Council Member Levine later this week.

The Association strongly supports the call to protect our city's Jointly Operated Playgrounds, or JOPs, from future non-park development.

Jacob H. Schiff Playground may technically be classified as a JOP, but for our members and the thousands of folks who use it every week, Jacob H. Schiff Playground is a park. At nearly 4 acres, it is twice as big as the next largest JOP in our district. There is a children's playground in our park, but it represents a small portion of the footprint. We are also home to a synthetic turf field, a large seating area, two large lawns dotted with beautiful London Plain and Cherry trees, and several basketball and handball courts—which are slated to be reconstructed beginning next year as part of a \$1 million capital project currently in legal review.

Our local middle school uses the playing fields and courts during school hours, but outside of school hours, these resources are booked solid by sports leagues from the neighborhood and throughout the city. The rest of the park is used by teenagers, young families, children, and the elderly—from early in the morning until sundown, seven days a week.

Parks Department employees provide all horticulture, maintenance, repair, and cleaning in the park. We work closely with them as well as Partnerships for Parks and other non-profit groups to provide programming in the park. We have held several It's My Park volunteer days to clean up and plant flowers; I'm not sure how successful they would have been had we named them It's My Jointly-Operated-Playground volunteer days.

This summer alone, we hosted a Sing for Hope piano, a PuppetMobile puppet show, two corporate volunteer groups, four Creative Art Works murals, a Uni Project pop-up library, and a

screening of Disney's A Wrinkle in Time. Our members and all the folks who use Jacob H. Schiff Playground would be very surprised to learn that it is classified as anything other than a park. In fact, this summer a group of high school students from Creative Art Works made a short documentary film about the past, present, and future of Jacob H. Schiff Playground—and they named it “In the Park.”

We are here to ensure that our city's JOPs are protected from non-park development. We understand that schools and housing are important, but open space is a rare asset we must fight to protect. If any development is proposed in Jacob H. Schiff Playground—if anyone, for example, seeks to alienate it to facilitate the construction of a tower—we will be there to fight for our park and ensure that this essential open space remains available to our community forever.

Thank you for your work in support of our parks, and for your attention today.



George M. Janes

& Associates

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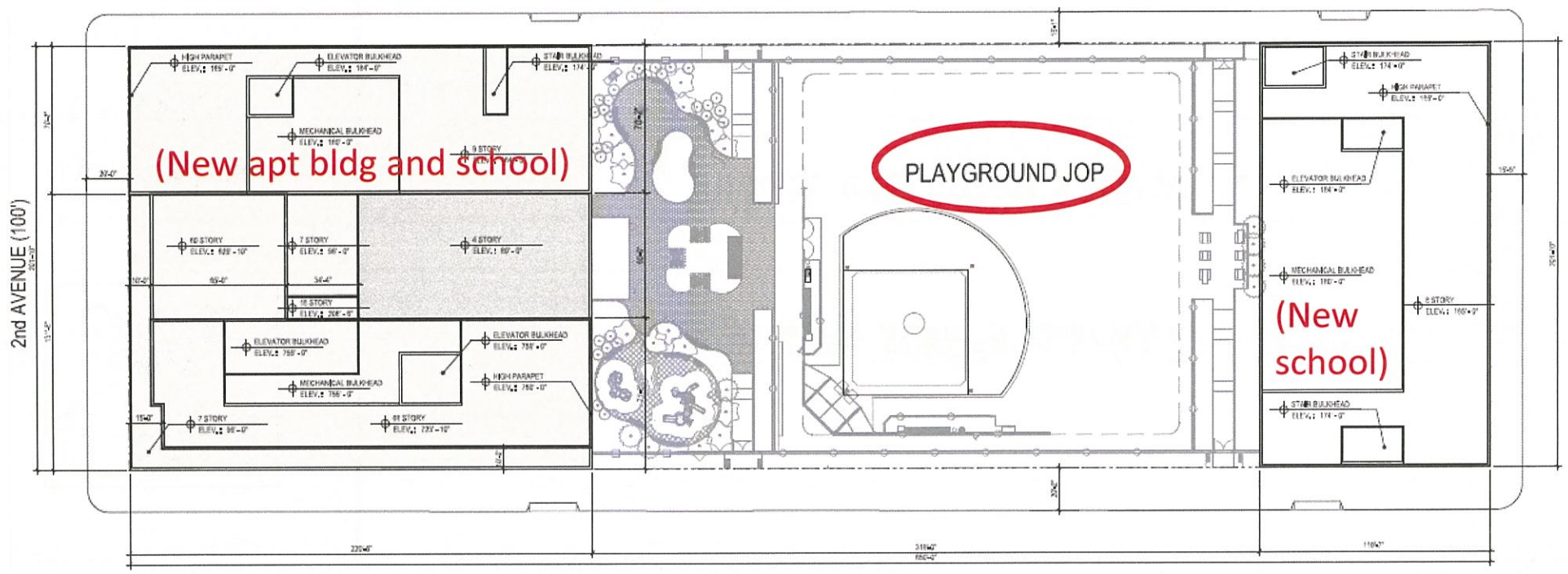
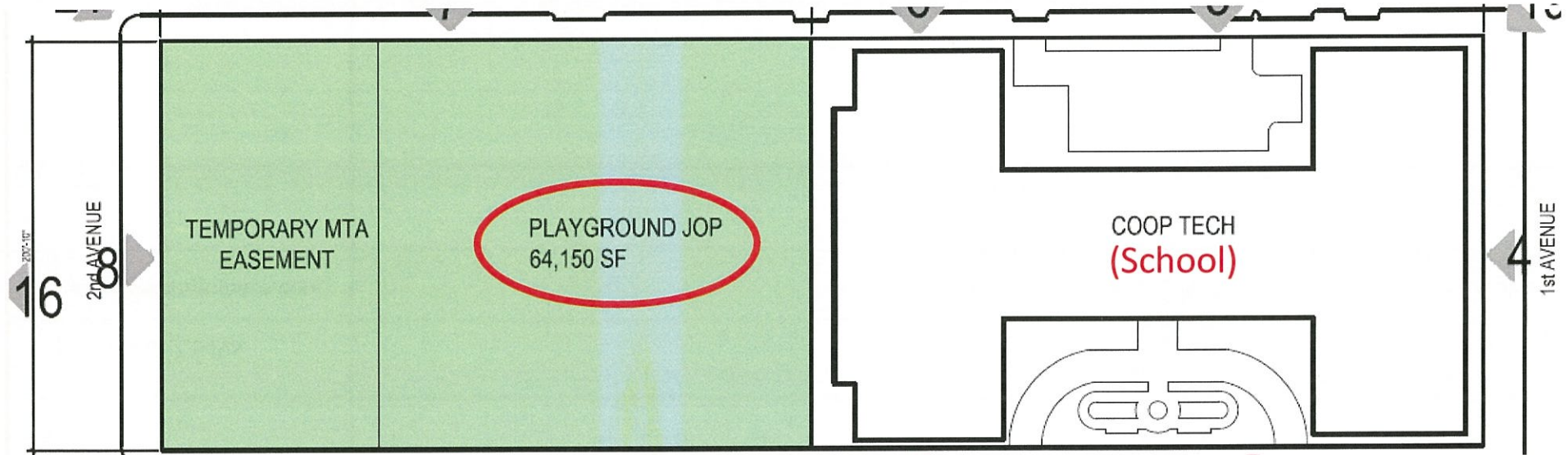
george@georgejanes.com

Are JOP's parks?

What we now know . . .

9/17/2018

ECF project at East 96th St. Existing (top) and proposed (bottom)



What is a Jointly Operated Playground? ECF says:

“The Marx Brothers Playground has always been a JOP and not a park”

“Out of an abundance of caution, and perhaps under the mistaken belief that the Playground was parkland, the MTA sought alienation legislation”

“Although the MBP is not and has never been parkland, the City and ECF have determined that . . . it is prudent to obtain new alienation legislation”

“We have discussed [with DCP] the status of the Playground under the Zoning Resolution and have been advised that, as a JOP, it is not considered a ‘public park’ ”

What is a Jointly Operated Playground? From PlanYC:



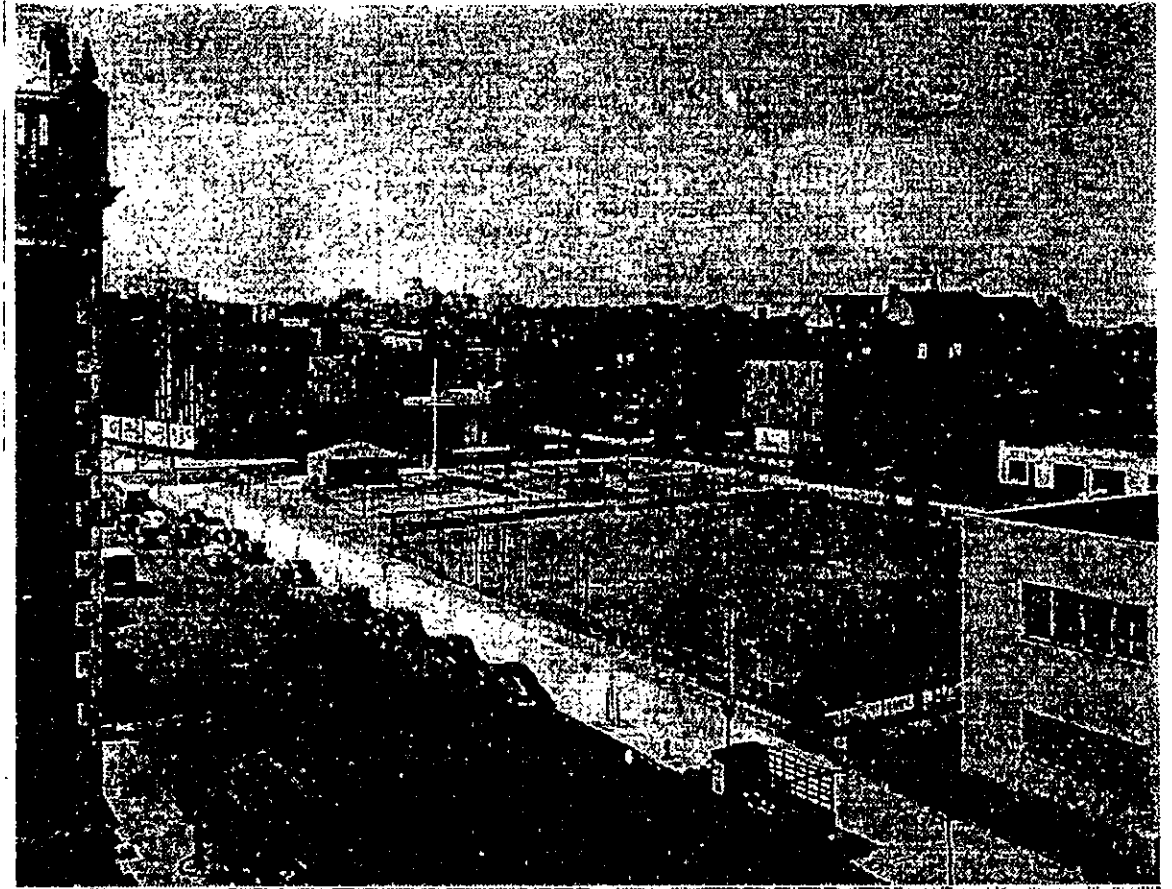
Since 1938, JOPs have been considered designated parkland, which restricts how the land can be used.

What is a Jointly Operated Playground? The research:

Overwhelmingly, the record shows that NYC has considered JOPs “parks” since 1938. The ECF’s position is entirely novel and unsupported by evidence

Why does it matter?

THE DEPARTMENT OF PARKS’ NEW MANHATTAN PLAYGROUND



The center, situated east of Second Avenue between Ninety-sixth and Ninety-seventh Streets, will be opened to the public on Thursday.

A new playground east of Second Avenue between Ninety-sixth and Ninety-seventh Streets will be opened to the public on May 1, the Department of Parks announced yesterday. It is adjacent to the Machine and Metal Trades High School. The playground will provide recreational facilities during school hours for the high school students and also for the pupils of Public School 150, immediately to the south. It also will serve the residents of the surrounding neighborhood at other times. The facilities will include a softball diamond, a wading pool, an open play area, a children’s section complete with swings, slides, seesaws and other apparatus and a comfort station. The entire block was acquired in 1941 by the Board of Education, and the high school was constructed on the easterly half a year later. The park department was unable to establish the playground area because of the war.

The zoning . . .

11-13 Public Parks

District designations indicated on #zoning maps# **do not apply to #public parks# . . .**

12-10 Block

A "block" is a tract of land bounded by:

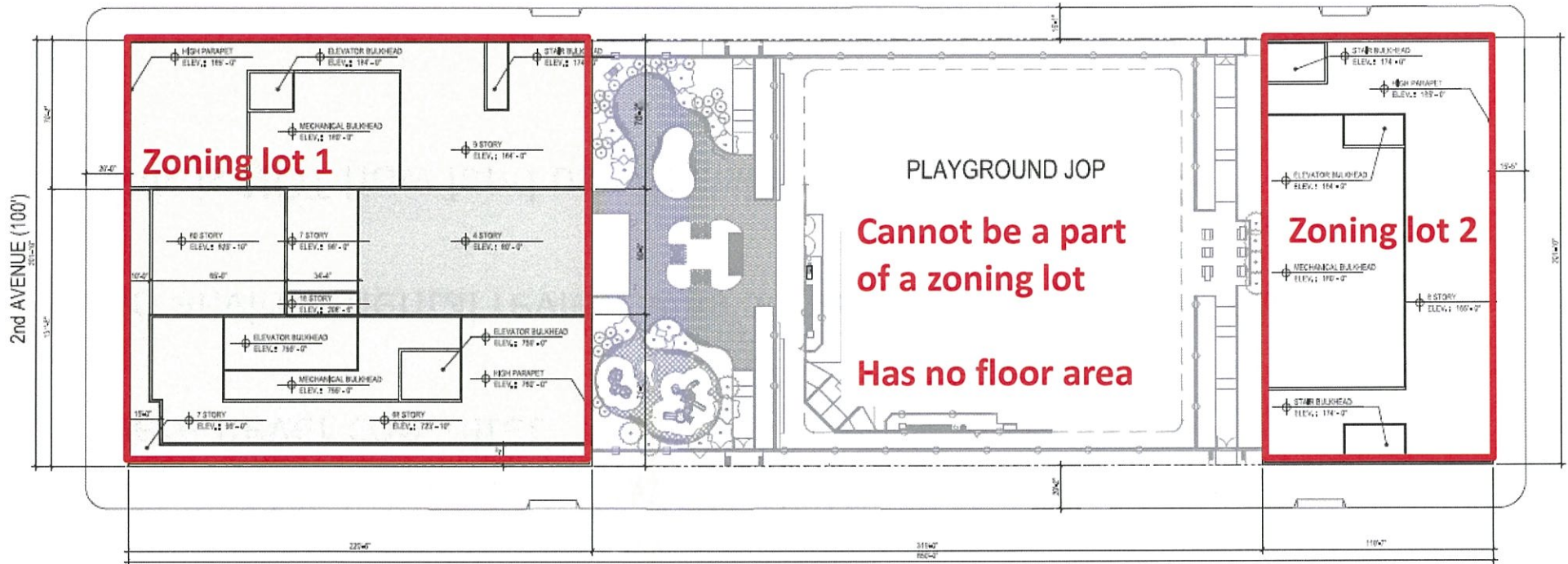
- (a) #streets#;
- (b) **#public parks#;**

12-10 Zoning lot

A "zoning lot" is . . .

a tract of land, either unsubdivided or consisting of two or more contiguous lots of record, **located within a single #block# . . .**

If JOPs are parks, this development is illegal



The Second Ave tower is overbuilt under both NYC zoning and the NYS Multiple Dwelling Law (~26 FAR)

If it gets built, then either JOPs cannot be parks, or this space cannot be a JOP

This has City-wide impacts

- If JOPs are not parks, the City just added ~270 publicly-owned development sites
- Making JOPs development sites for schools and affordable housing might be good for NYC, but that decision followed no process
- The public, community boards, Borough Presidents and City Council were never consulted
- No environmental review was done . . . this was a decree
- This is NOT how land use decisions are made in NYC

September 17, 2018

City Council Parks Committee Hearing on Jointly-Operated Playgrounds

Good afternoon, ladies and gentlemen. I am Marlene Pantin, Executive Director and Founder of Red Hook Conservancy. I and 7 core members, with support from hundreds of volunteers maintain and beautify 16 parks and open spaces throughout the year in Red Hook, Brooklyn, in Councilmember Menchaca's District 38. I reside in Brad Lander's Council District 39.

Like others here I am dismayed at the current plans for construction on what is now the Marx Brothers Playground in Harlem and the precedent that sets for other JOPs across New York City. I am concerned that similar efforts will ensue in the future where other JOPs, like the 6 that exist in Council Districts 38 and 39, are sacrificed in the either/or argument of housing vs parks, or education vs parks, or something else vs parks. There is no need to triage housing, parks, and education in NYC. They are all important. And like parks, JOPs are major recreational assets that should be protected from future development.

I don't think there is anyone who would argue with the addition of new schools or the availability of more housing, but this precedent will create a vague public policy where the criteria for a park shifts in the wind as real estate and power interests cloud the minds of decision-makers. One has to look no further for examples of the impact of obscure public policy than the hoodwink that is "affordable housing." At one time housing construction was described in terms of low income, or middle income or high income. But with the shift to the term "affordable housing," which means different things to different people, it has enabled an ambiguous and false narrative to take hold of New York's housing policy to the detriment of many New Yorkers. Similarly, efforts to circumvent the rules that JOPs are parkland will, I fear, lead to a slow, insidious policy change that re-frames and justifies the alienation of JOPs for future development.

I therefore ask that all council members stand firm and reiterate that JOPs are parks. And, like all parks, protective policies should be enacted to ensure that JOPs are available to communities well into the future.

City Council Parks Committee Hearing on Jointly-Operated-Playgrounds

Monday, September 17, 2018

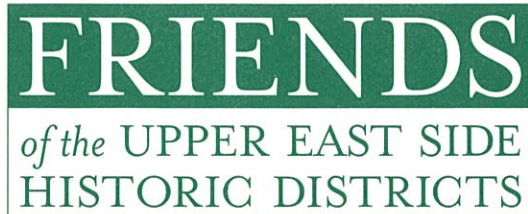
Testimony from The Friends of Astoria Heights Park

Good Afternoon and thank you for allowing me to provide testimony in support of protecting jointly operated park and playground spaces from future non-park development.

My name is Lynn Kennedy and I am the cofounder of The Friends of Astoria Heights Park, which is a group of volunteers from the neighborhood surrounding the park located at 46th Street and 30th Rd. in Astoria and adjacent to IS 10 Middle School. Our group has been in existence since 2013 when we began advocating with our electeds for a safer and more beautiful park space. We are the recipients of funding that has allowed for a renovation of the park space, recently reopened in May 2018. We received \$2.2 million on behalf of Mayor de Blasio through the Community Parks Initiative and Parks without Borders programs, \$1.5 Million from the Department of Environmental Protection, \$1.1 million from Councilmember Costantinides and \$1 million from Borough President Melinda Katz.

The Friends of Astoria Heights Park has been active since 2013 in hosting relevant programming for all members of the community. The park space is heavily utilized with many diverse ethnic groups of varying ages. The park is used by families with toddlers, youth for sports training, seniors for tai chi and relaxation, adults taking exercise classes, adolescents volunteering to take care of trees and much more. Our park group has also worked carefully to develop relationships with all neighborhood schools that utilize the park. Our newly painted track, renovated tennis courts and shady nooks created by more mature trees, are as popular as I have ever witnessed and provides much needed reprieve from the city's cement. Not only does the park group and Parks Department provide programming, but the park is a place where people see their friends and it feels like family.

There are simply not enough green and public spaces available to support our densely populated neighborhood's needs. Parks and playgrounds support a healthy lifestyle, physical and mental. We cannot afford to lose any park space especially in our district, which falls short of the citywide average of green acreage. In terms of developing NYC parks and playgrounds, our history is actually quite short and took the vision of more progressive thinkers to recognize the value and to educate others the importance of the spaces. As a mother of a younger child whom uses all of the Jointly operated spaces in the district, and as a co-founder of a group that has worked years to improve a park, I ask you to carefully consider protecting our city's park and playground spaces, especially those that are jointly operated and which are at higher risk of unthoughtful and likely unnecessary overdevelopment, which will undoubtedly have a negative impact upon the quality of all of our lives.



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EXECUTIVE DIRECTOR

September 17, 2018

**New York City Council
Committee on Parks and Recreation
Public Hearing
Testimony by Rachel Levy**

Re: Jointly Operated Playgrounds and Marx Brothers Playground

Good morning Chair Grodenchik and Council Members, and thank you for the opportunity to testify today.

FRIENDS of the Upper East Side is a 36-year old non-profit organization dedicated to preserving the livability and sense of place of the diverse neighborhoods that comprise the Upper East Side. This concern for neighborhood preservation necessitates sound planning as a vital tool of balanced urban development.

Among the most important elements that contribute to livable urban environments and neighborhood character is our parkland, providing critical recreational and open space in a dense city. In recognition of parkland as an essential yet finite resource in New York City, parkland has rightly been the subject of high standards of protection. Jointly Operated Playgrounds (JOPs), a subset of over 250 public parks spread across all five boroughs, are deserving of that same level of protection. JOPs fulfill the same open space and recreation needs for a wide variety of communities, often those who lack other nearby park access.

The recent development initiated by the City at Marx Brothers Playground raises troubling issues for JOPs citywide. Marx Brothers Playground sits at the intersection of the Upper East Side and East Harlem, a portion of the city where less than 1% of land area is devoted to parks and open space. Indeed, while Manhattan as a whole averages 567 residents per acre of parkland, on the Upper East Side, 4,267 people share that same acre. Since its dedication by the City over 70 years ago, Marx Brothers Playground has been in continuous public use as one of the only such open spaces in this park-starved neighborhood. It has been the site of Little League baseball games, soccer matches, and other recreational uses by countless individuals and families living within a five-minute walk.

The 1.3 million square foot development at the site of Marx Brothers Playground would eliminate this critical open space with no binding commitment to replace the parkland in kind or in value. By extracting air rights from the park to facilitate the private developer's 700-foot tall residential tower, it would also overturn the foundational principle that parks do not generate development rights. This unprecedented and illegal action is what led FRIENDS to join fellow civic organizations in filing a lawsuit to

FRIENDS

of the UPPER EAST SIDE
HISTORIC DISTRICTS

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Rachel Levy
EXECUTIVE DIRECTOR

challenge these actions. As stated by former Parks Commissioner Adrian Benepe in his affidavit in the case, "it is indisputable that the Marx Brothers Playground is a park with no development rights."

The taking of public parkland at Marx Brothers Playground to facilitate development contradicts long-standing policy on parkland, and creates a dangerous precedent for JOPs and other small parks citywide. These spaces are critical elements in the network of open spaces that serve the public, and deserve the same legal protections as other New York City parkland. FRIENDS urges the City Council to recognize the implications of the action affecting Marx Brothers Playground and to take steps to ensure the protection of Jointly Operated Playgrounds immediately.

Thank you.

Friends of Anibal Aviles Playground
111 West 108th Street
www.FO AAP.org

September 17, 2018

Dear members of the committee:

I am the founder and president of Friends of Anibal Aviles Playground. Located on West 108th Street, between Columbus and Amsterdam Avenues, in the Manhattan Valley neighborhood of the Upper West Side.

Five years ago, I stumbled upon this playground while searching for a space for my then two-year-old son to play outdoors in the summer months. All of the playgrounds we had previously encountered were in direct sunlight, but Anibal Aviles is not, it is shaded by some enormous Plane trees that keep it cool even in the summer. Eureka! We had found our playground. My son is now 6, and we are in Anibal Aviles Playground almost every weekend. Motivated by the lack of a security fence, I worked with other parents to form the Friends of Anibal Aviles Playground. We have gotten that fence, and with the generous support from the NYC Parks Department, Partnership for Parks, and the CityParks Foundation, and local Councilman Mark Levine, we have continued to upgrade the playground's equipment and grounds.

Recently, Councilman Levine's support for a \$5,000 Parks Equity Initiative grant paid for new signage and picnic tables, among other things, and a development of affordable housing adjacent to the playground will yield a new bathroom in near future, so things are going well for us in Anibal Aviles.

Thus, I am dismayed to hear that there is consideration of any proposal that would threaten the Playground. As I mentioned, this is the only playground in our neighborhood with any shade, in the summer months other playgrounds are virtually unusable as the play equipment becomes too hot for little hands to touch. I work in affordable housing, and the housing project going up next door to us is 100% affordable, so I know the need is great and welcome it to our community, but you cannot put the Jointly Operated Playgrounds, such as Anibal Aviles, at risk of development – they are special spaces and need to remain parkland. Small playgrounds such as Anibal Aviles are almost exclusively used by local children, providing safe spaces for them to learn and grow. To even think of putting these playgrounds at risk of development is to create a false choice – surely there is other sites in this city that would benefit from rezoning, but playgrounds should not be one of them.

Thank you.

Regards



Daniel Marks Cohen
President

Friends of Anibal Aviles Playground
danielmarkscohen@gmail.com
(917) 208-9168

Dear City Council Parks Committee:

Thank you for the opportunity to voice my concerns. My name is Frizz Linck, I am a member of the PS59 PTA and am also the chair of PS59 PTA's Harbor Learning Garden and Green Thumb Committee. I am submitting my testimony in writing as I am regrettably prevented from attending in person. Thank you for accepting my testimony in writing and making sure that my point is noted by the responsible officials.

I herewith request that New York City's Jointly-Operated-Playgrounds (JOP's), be protected from non-public open-space development.

I am a dedicated steward for open space in Staten Island. We the parents of Staten Island, need more public land that is child friendly, allowing our children to develop essential life skills via physical, social and cognitive stimulation. Playgrounds and parks improve the quality of life for children and their families. In my council district 25% of all playgrounds are JOP's. I look to you to protect JOP's for our current community and for future generations' use. Access to public parks and playgrounds should not be threatened by a growing city's need for essential infrastructure.

JOP's are highly valuable because they have co-evolved with the positive growth of the communities in which they are located in. Displacing the park and moving it to another site radically alters the neighborhood fabric and rational for many families to live in their own communities.

I would like to point out the following sad and disheartening lessons that my fellow citizens and I in my district have learned in regards to supporting public land being given to developers: in 2011 a large swath of existing prime, waterfront park/public land west of the staten island ferry was given to The New York Wheel development. We the people were promised by the developers in exchange for the public land more than 5 acres of open space, with undulating hills and paths winding amongst 200+ native trees as well as a 20,000+ square foot state-of-the-art playground. We find ourselves in the present, 7 years later, shocked: faced with a financially failed development, a giant hideous parking lot sitting on top of the former beautiful, frequently used public land with none of the promised return.

I request that you protect open spaces from future development. The New York Wheel project is a prime example of how giving public land to developers can result in erasure of such invaluable public assets.

Sincerely,
Frizzi Linck

Frizzi-Lilian Linck, MM, MS, CCC-SLP
Voice & Speech-Language Pathology

CARNEGIE HILL neighbors

CITY COUNCIL PARKS COMMITTEE MEETING
ON JOINTLY OPERATED PLAYGROUNDS
STATEMENT BY LO VAN DER VALK, PRESIDENT, CARNEGIE HILL NEIGHBORS
(September 17, 2018)

I am here to represent the views of Carnegie Hill Neighbors. We want to thank Chair Grodenchik and the other City Council Park Committee Members for holding this hearing and allowing those of us opposing the use of JOPs for development purposes to present our views.

Carnegie Hill Neighbors is a volunteer membership organization, founded in 1970, that seeks to enhance the quality of our neighborhood and as much as possible seeks to preserve the historic character and the human scale of the buildings in our community to help make it a living environment. Our catchment area is from 86th to 98th streets and from Fifth to Third Avenue. The JOP Marx Brothers Playground is just two blocks outside our area, while the JOP Samuel Seabury Playground (at 96th Street and Lexington Avenue) is within our area. We are fortunate to have a large historic district, which we helped to create. Our area with its individual landmarks, including the Carnegie Mansion, the Guggenheim Museum, and the Jewish Museum is a joy to visit for many New Yorkers as well as out of town and foreign tourists.

I will not repeat the many of the strong arguments that others have made, and that we agree with, namely: that JOPs should be protected as small parks they truly are and not be allowed to be used as bogus sources of development rights that will result in their loss of parkland status and diminish the access residents will have to the unfettered use of these treasured parks for sport and recreation. Rather I want to relate the confusion that existed at the CB11 hearings in 2016 and 2017 when the development proposal including the 760-foot residential and mixed-use tower was first presented by the developers and the Education Construction Fund.

Our initial opposition to the project (also referred to as the Co-op Tech project) was focused on the extra ordinary height of the residential tower which almost twice the height of even the tallest nearby apartment buildings in this residential community. We accepted the explanation put forward by ECF and the city that once the Marx Brothers playground was moved to the center of the block and construction of the tower and three schools had been completed the land of the playground would be returned to the City and again placed under the control of the Parks Department.

We did find it strange and unusual that this seemingly slight of hand sequence of actions could be allowed. But we accepted that the City had unusual powers and only until much later after the project was approved at by the City Council, did we realize the full extent of the contradictions and violations of zoning considerations involved to make the project work.

In fact our solution was to accept the ECF arguments, but asked instead for an alternative to the proposed single tall tower that would involve two towers of around 400 feet at either end of the block (that is, one tower bordering Second Avenue, the other bordering First Avenue. We asked our zoning consultant George Janes to create 3D model of this solution for presentation purposes. And even as we proposed the two-tower solution our pro-bono attorney Caroline Harris of Goldman Harris, initially made clear that we should abandon this proposal because it still involved the same extraction of development rights from the playground as the original proposal. She reluctantly agreed to a compromise where we proposed two cases: one, a cut back version (with less floor area) of a single tower that involved no transfer of development rights; and the other, a two-tower solution that did involve the transfer of development rights.

Shortly after the City Council hearing in June of 2017 and subsequent approval, we re-examined the issues and became convinced of the full import of the role of playgrounds as parks, and also the principle concept that once development rights are assigned to a built structure the land is "forever" tied to that structure, and cannot be returned as parkland. It is with these argument that we appealed to the Governor to veto the alienation bill. That appeal was heeded when the Governor on October 23, 2017, proposed his attenuated solution that before the project is allowed to proceed the State Commissioner of Parks should make a definitive determination whether indeed the Marx Brothers Playground could be deemed as either parkland or not parkland, and if the result was parkland he indicated that the there could be not development rights.



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9/17/2018

Dear members of the City Council Parks Committee,

CIVITAS Citizens Inc. was co-founded in 1981 by Genie Rice and August Heckscher. Its area of primary concern stretches on the East side of Manhattan from 59th Street to 125th Street. Its mission has been to improve the quality of urban life in this part of the City. During its 37 years, it has pursued a number of major zoning initiatives, community forums, master plans, suggested revised zoning text, participated in stakeholder groups, and represented residents and businesses at public hearings like this one. CIVITAS has spent a lot of effort recently to bring attention to our neighborhood's park needs including the East River Esplanade, individual parks, and Jointly Operated Parks. Through these initiatives in the Upper East Side and East Harlem, CIVITAS has directly led to planning and zoning changes that the City has adopted.

CIVITAS is a party to the Avalon Bay law suit with Carnegie Hill Neighbors, Friends of the Upper East Side Historic Districts, and the Municipal Arts Society that is challenging the action that the City has taken to alter the zoning status of the Marks Brothers Park on 96th St. It is our view that this Park, like all of the JOPs across the city, is under the effective control and jurisdiction of the City Parks and Recreation Department and thus, while a "small park", enjoys all of the legal protections of a public park. If the City changes its policy, interpretations, management structure, or ownership of these small spaces, none of the other JOPs will have the protections that the neighbors have come to expect. Parks will be allowed to have zoning designations and thus assigned development rights that the City will be very tempted to exploit through transfers to adjacent developers. The end result will be greatly diminished long-term legal and political protection for these critical, intensively used neighborhood recreational parks that often have minimal connection to any school and much taller buildings (like the Avalon Bay structures envisioned as being 700 feet tall). The City claims that the Avalon Bay development will provide "equivalent" park space, but this is simply not the case in terms of long-term legal protection let alone neighborhood characteristics that make the JOPs such recreational gems central to the City's quality of urban life.

For these reasons, CIVITAS and its board urge the City Council to take the action endorsed by our partners the MAS, CHN, FUESHD, NY4P and TPL to assure the long-term protection of our JOPs as public parks under the effective control and jurisdiction of City Parks Department. We would like to see the City Council, beginning with this Parks Committee, take a stand on setting clear intended policy in regards to JOPs. Ideally, we believe these properties should be officially designated park land on all zoning maps to protect our remaining parks for generations to come.

Thank you,

Alexander Adams
CIVITAS Executive Director

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THE CITY OF NEW YORK**

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in favor in opposition

Date: 9/17/18

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Address: _____

I represent: CARNEGIE HILL NEIGHBOORS

Address: 1326 Madison Ave, 10128

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in favor in opposition

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I represent: HDC

Address: _____

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Address: Administration - LPC

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Name: Michele Bonan - Assistant Commissioner

Address: 66 John St. Administration for

I represent: ACS LP Children's Services

Address: 25 BWAY

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in favor in opposition

Date: 9-17-2018

(PLEASE PRINT)

Name: Mohamed B. Mohamed

Address: 78 Hoyt Street, Brooklyn, NY 11201

I represent: Myself and the neighborhood as an owner

Address: 358 Atlantic / 360 Atlantic Avenue, Brooklyn, NY

Please complete this card and return to the Sergeant-at-Arms

11201

THE COUNCIL
THE CITY OF NEW YORK

Asst. Dist.

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Goldwyn

Address: _____

I represent: NY Landmarks Conservancy

Address: 1 Wintchall Pl NYC 10004

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

151

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/17/12

(PLEASE PRINT)

Name: JOSEPHINE HAGGERTY

Address: 408 ATLANTIC AVE BRUN NY 11201

I represent: MYSELF AS PROPERTY OWNER AND RESIDENT

Address: SAME ADDRESS

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

151

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JEROME HAGGERTY

Address: 408 ATLANTIC AVE.

I represent: SELF, RESIDENT & OWNER

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

151

I intend to appear and speak on Int. No. Historic District Res. No. _____

in favor in opposition

Date: 09/17/18

(PLEASE PRINT)

Name: Wendy Feuer

Address: 239 Bergen St Brooklyn NY 11201

I represent: Myself (resident) + 15 neighbors who between

Address: 234 Bergen St. + 15 Bond + neighbors who signed the petition

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Sept 17, 2018

(PLEASE PRINT)

Name: Quddus Shaikh

Address: 150 William Street, NYC, NY 10038

I represent: Administration for Children's Services

Address: Same as above.

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. HISTORIC DISTRICT Res. No. _____

in favor in opposition

Date: 9-17-2018

(PLEASE PRINT)

Name: SANDY BARBOZA

Address: 321 ATLANTIC AVENUE, BROOKLYN

I represent: BROOKLYN HILL LANDMARKS SUB-COMMITTEE

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Historic District Res. No. _____

in favor in opposition

Date: 9/17/18

(PLEASE PRINT)

Name: Ann-Isabel Friedman

Address: 200 Dean Street, Brooklyn

I represent: Boerum Hill Assoc. Landmarks Subcommittee

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. HIST-DIST Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: KATE PERRY

Address: 318 STATE ST. BKLYN.

I represent: MYSELF / 369 ATLANTIC AVE

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/17/2018

(PLEASE PRINT)

Name: JONATHAN BRECHT

Address: 269 WADSWORTH ST BK 11201

I represent: BOERUM HILL ASSOCIATION

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CARTER STRUCKLAND

Address: _____

I represent: THE TRUST FOR PUBLIC

Address: LAND.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: LYNN KELLY

Address: New Yorkers for Parks

I represent: _____

Address: 55 Broad St.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Elizabeth Eghaen

Address: MAS 488 Madison Ave, Suite 1900

I represent: Municipal Art Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/17/18

(PLEASE PRINT)

Name: BRETT DAKIN

Address: 504 W 136

I represent: JACOB SCHIFF

Address: 304 WEST 136

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/17/18

(PLEASE PRINT)

Name: MARLENE DANTIN

Address: 637 HENRY STREET 4R Bklyn 11231

I represent: Red Hook Conservancy

Address: P.O. BOX 310482 Bklyn 11231

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/17/18

(PLEASE PRINT)

Name: Lynn Kennedy

Address: 25-78 47th St. Astoria, NY 11103

I represent: Friends of Astoria Heights Park

Address: 46th St. & 30th Rd.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9.17.18

(PLEASE PRINT)

Name: Lynn Kelly

Address: 55 Broad St, 23rd Fl. NY, NY 10004

I represent: New Yorkers for Parks (NY4P)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. JOPs Res. No. _____

in favor in opposition

Date: 9/17/18

(PLEASE PRINT)

Name: Rachel Lewy

Address: Friends of the Upper East Side

I represent: _____

Address: 966 Lexington Ave 3E, NY, NY 10022

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/17

(PLEASE PRINT)

Name: Bill Estelle

Address: _____

I represent: DOE School Facilities

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9-17-18

(PLEASE PRINT)

Name: RENÉE PATTERSON

Address: 3625 DEPEW AVE Bx NY 10466

I represent: SETON FALLS PARK PRESERVATION COALITION

Address: P.O. Box 690018 Bx NY 10469

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/17/18

(PLEASE PRINT)

Name: Matthew Drury

Address: 830 FIFTH Avenue NY, NY

I represent: NYC Parks

Address: 830 5th Avenue NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. PARKS/SDP Res. No. _____

in favor in opposition

Date: 9/17/18

(PLEASE PRINT)

Name: Alexander Adams

Address: 1457 Lexington Av

I represent: CIVITAS

Address: 1457 Lex Av

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 09/17/18

(PLEASE PRINT)

Name: JOANNA CAWLEY

Address: 128 EAST 31ST NYC

I represent: CARNEGIE HILL NEIGHBORS

Address: 1326 MADISON AVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/17/18

(PLEASE PRINT)

Name: GEORGE JAMES

Address: 250 E 87TH ST #5C

I represent: GMSAA (MYSELF)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 7/17/18

in favor in opposition

Date: 09/17/18

(PLEASE PRINT)

Name: LO VAN DER VALK M M

Address: 11 EAST 92ND ST.

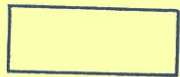
I represent: CARNEGIE HILL NEIGHBORS

Address: 1326 MADISON AVENUE

EXERCISE BOARD 14 2018

THE COUNCIL THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 3/8/18

(PLEASE PRINT)

Name: BRIDGET FELIX

Address: 3881 SEDGWICK AVE # 6J

I represent: REV. / CGT

Address: _____



Please complete this card and return to the Sergeant-at-Arms



DSIS 3/8/18
my 2-2018 4-2-18 2-2018 3/8/18

3/8/18