



**Comments on NYU's 2031 Expansion Plan
Submitted and delivered publicly to the NYC Council Committee on Land Use
June 29, 2012**

New Yorkers for Parks (NY4P) is the independent research-based organization advocating for quality parks and open spaces for all New Yorkers in all neighborhoods. We offer the following comments on NYU's 2031 plan based on our guiding principles that public open spaces should serve the greatest number of constituencies, and be preserved and well maintained in perpetuity.

New Yorkers for Parks supports NYU's goals of increasing public open space within this two-block area and making the new open spaces more publicly accessible and welcoming than the current configuration. We commend NYU and the City on making changes to the 2031 plan that improve the public space components, including:

- eliminating the temporary gym so that Mercer Playground will remain untouched until at least 2025,
- reducing the size of the Bleecker Building adjacent to LaGuardia Community Garden,
- establishing a legally-binding long-term maintenance agreement for the open space,
- committing to map the Mercer Playground site and several other strips of DOT-owned land as permanent parkland, and
- easing the process to modify the northern block's open space plan so that the community can participate in its design and programming closer to the time of construction.

However, we ask that several additional critical commitments be made to this project:

1) **Preserve LaGuardia Community Garden:** NYU and the City must enter a Memorandum of Understanding to protect this essential community open space by committing to:

- a. not encroach on the garden during any construction that occurs in its proximity. This includes not staging construction on or near the garden, and not shedding the garden during construction. There is precedent at Liz Christy Community Garden, where an agreement was reached among the City, the gardeners and the developer of a building directly adjacent to the garden to use only netting rather than shedding during construction, so long as the garden was closed and inaccessible during hours of construction.
- b. transfer jurisdiction of LaGuardia Community Garden and Time Landscape from DOT to the Parks Department. New Yorkers for Parks also believes Time Landscape should be folded into the garden's GreenThumb license agreement since the gardeners are already maintaining it, and since it would be a greater asset to the community if it is publicly accessible.

2) **Further strengthen the maintenance and operations agreement:** The restrictive declaration for this plan incorporates an agreement that lays out rules for governance and oversight, compliance, and use for the privately-owned public space on the northern block, but it does not go far enough in its scope or specificity. We would like the agreement to encompass both blocks, as well as the publicly-owned strips adjacent to NYU's land, and additional provisions should be added to cover hours of access, closures, notification requirements, permitting, enforcement and detailed standards of management, maintenance by season and repair.

3) **Create an annual maintenance budget requirement and endowment fund:** As part of the annual compliance process, a budget for both operations and capital maintenance should be required. NYU should also be required to create an endowment or other type of maintenance fund to which it contributes sufficient funds for ongoing operations and capital maintenance, and a mechanism should be established whereby a third party – whether that's the Parks Department or another entity – can step in to maintain the open space and draw from the maintenance fund accordingly if NYU is out of compliance for a specified period.

The details of such a fund need to be worked out, and we look forward to discussing this further with NYU, the Administration and the Council.

Thank for the opportunity to address this Committee today. New Yorkers for Parks is committed to working with the Council to ensure that the public open spaces created under this plan are accessible to the broad public and well maintained for generations to come.