



**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](http://www.ny4p.org) (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](http://www.ny4p.org)*