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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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November 18, 2011

Amanda M. Burden, FAICP
Chair
NYC Department of City Planning
22 Reade Street
New York, New York 10007

Dear Ms. Burden:

At its Full Board meeting November 17, 2011, Community Board #2, adopted the following resolution:

A Resolution regarding the design and use of public open space to be created in connection with ULURP Application #120029ASM, #120030ZSM, and #120031ZSM for the St. Vincents Hospital Campus Redevelopment.

Whereas

1. Community Board No. 2, Manhattan ("CB2") is appreciative of the extraordinary and unusual opportunity to participate in the creation of a new public park in our park-starved and built-up community.
2. CB2 has engaged in three months of public consideration of issues pertaining to the development of the new park; and
3. CB2 intends to give full consideration to proposals which seek to blend a significant commemorative and educational aspect within this park and which aspire to use the underground space in their projects; and
4. The CB2 position regarding this park is informed by the following statements regarding 1. Park Design; 2. Commemoration Opportunities; 3. Use of Underground Space; and 4. Legal Framework for Park Development and Operations:

1. Park Design

1. These comments add to and support the comments included in the CB2 resolution of October 20, 2011, which continue to apply.
2. The proposal presented is generally responsive to that resolution and received many positive comments.
3. The plan shows alternative versions: one is based on removal of the gas storage facility at the west end of the triangle, an important CB2 priority for this site. The other inappropriately shows the gas

4. tank site unchanged, although the gas requirements for the new medical facility should be much reduced. If the use of this site for tanks is still considered, the structure needs to be redesigned to be as small as possible, compatible with this important park entrance, and the loading areas should be incorporated into the park space.
5. Widths of entrances and paths are appropriate.
6. The use of a water feature is desirable. The appearance and sound of moving water enhances the park experience and it works well to combine this with a play aspect as an attraction for children.
7. Perimeter Fence
 - a. The fence design is appropriate.
 - b. The fence including curb should have a maximum height of 42" from the perimeter sidewalk to the top of the fence, including any curbs or walls.
 - c. The iron archway over the southeast entrance is an attractive feature that echoes nearby park entrances including Jackson Square and Christopher Park. It contributes to a desirable sense of place and emphasizes the importance of the transition from street to park.
 - d. The simple unadorned gates for the other two entrances are appropriate.
8. Pavements
 - a. The use of traditional paving types including asphalt hex blocks is appropriate. The two gray shades proposed are attractive and will hide stains.
 - b. The avoidance of stone pavers and other nonstandard pavers that are difficult to maintain is appropriate.
 - c. The use of granite curbs, steps, and low walls is appropriate.
9. Lawn
 - a. The central lawn area is a desired feature and is an appropriate size.
 - b. The undulating shape can provide an attractive illusion of greater size and provides opportunities for social seating.
 - c. The rise of the lawn will reduce active use, provide interest, and offer a desirable attraction for small children.
 - d. If lawn entrances directly opposite park entrances lead to pedestrian traffic across the lawn causing desire line wear the location of planting areas can be adjusted.
 - e. Trees placed on the lawn should be chosen to assure sufficient sun on all areas of the lawn and should be planted to avoid disruption of the lawn by shallow root systems.
10. Perimeter
 - a. Replacement of all perimeter sidewalks with a uniform tinted concrete sidewalk is appropriate
 - b. Benches placed along the straight perimeter wall outside the park on 7th Avenue are desirable, but need to be well lit.
 - c. Replanting of all tree pits and the addition of six new trees on 12th Street and three on 7th Avenue will create an attractive perimeter environment. The development project should include a full evaluation to maximize tree locations on *both sides* of the perimeter streets as well as all surrounding streets.
11. Trees and plantings
 - a. The ratio of green space to paved area is appropriate and in any case the amount of paved area should not be increased.
 - b. The plan includes an appropriate variety of perennials and ornamental grasses, as well as locations for densely planted colorful annuals.

- c. The plan alternative without the gas tanks shows types and locations for 26 shade trees and eleven ornamental trees to be planted at a desirable 5.5” caliper or 22-foot height for multi-stem trees.
- d. A requested plan showing the intended shade-sun concept, referring to the shade studies done for the new development, is still needed so a mix of shaded and sunny areas is available throughout the day.

12. Seating

- a. The proposed benches are attractive and suggestive of historic NYC arks benches. The addition of 2 permanent tables is welcomed but more should be considered.
- b. Requested information on the appearance of moveable furniture was not provided.. The number of moveable tables and chairs provided is appropriate and should not be increased.

13. Accessibility

- a. Accessibility is provided to all areas in the park.
- b. At least one curb cut to allow wheelchair access to the lawn is required.
- c. Use of a retaining wall to raise a planting bed should be considered to allow a closer connection for people in wheel chairs.

14. Lighting

- a. The use of the standard “B” pole. Metal halide or LED lamping is essential. The use of Central Park luminaires adds desirable variety and interest.
- b. Locating light poles in lawn areas creates maintenance difficulties and often causes bare spots. Paved areas or planted areas should be used.

15. Entrances

- a. The location for park signs at all entrances should be considered in advance to avoid unattractive random placement to the detriment of attractive park features.
- b. The stairs at the southeast point are attractive and along with the proposed decorative gateway provide an important sense of place for the park. The steps should be designed to discourage use by skate boarders.
The large area outside the park is a good place for a combination commemoration and/or object to encourage its use as a meeting area.
- c. Consideration should be given to reconfiguring the fence at the west entrance to slightly increase the size of the walk-through area outside the gate and so the gate is not recessed.

16. Attractions for Children

- a. The proposed design offers desirable features that will attract families with children to visit the park, but will not interfere with use by others. They provide opportunities for play in an environment that is not a playground.
- b. The terrain of the lawn should be specifically contoured to be fun for very young children.
- c. The water element including water jets is an important feature of the park and work well with the “amphitheater” steps. However, portions of the steps need to be designed for access to the lawn from the west, but larger portions should provide better opportunities for seating facing the “plaza”.
- d. The proposed sculpture suitable for climbing should be a unique piece such as the Alice in Wonderland sculpture in Central Park, adding something special to the park even when not used for play. A proposed design for this piece was not provided. The piece will be an important central feature of the park and needs to be developed with presentations to the community at all phases of an open public process.

2. Commemoration Opportunities

A strong case has been made to include on the site, a memorial to the history of the AIDS Crisis. As stated in our resolution of October, 2011, we welcome the idea. Another commemoration concept has been proposed to acknowledge the long history of St. Vincent's Hospital in Greenwich Village, which would necessarily incorporate their role in the AIDS Crisis. Both histories have special importance in the local community, and for both the specific location of the park is uniquely appropriate. *We endorse an AIDS memorial and a tribute to St. Vincent's Hospital subject to the parameters discussed below.*

Meaningful memorials can only be developed when there is sufficient time to discuss and understand all of the issues, to create a design that adequately represents the core ideas, and to bring the community together around the commemoration. At this time, we have not been presented with specific ideas, and have not had the opportunity to thoroughly vet the initial concepts. Given the time constraints of the current review, CB2 does not want to rush to any conclusions. We would prefer, and think it is more appropriate, to work with all of the interested parties to create a process, outside of ULURP, that would allow us to adequately evaluate all options, and consider modifications at a later date.

Ours is a park-starved community. Land is of very high value so opportunities for new parks are exceedingly rare. The community strongly rejected an initial concept for the park because as an open public plaza, it did not provide "a community park". It did not serve the community's need for a place of respite with a distinct neighborhood character providing public and open opportunities for social interchange.

Therefore, the ULURP should define important parameters for a design and development process for memorials:

1. Designs should contribute to the neighborhood character of the park and be seamlessly integrated into it.
2. The design should not create a 'destination' site, it should celebrate and accommodate the local community.
3. Any elements of commemoration should not be monumental in style or obstructive of the view plane.
4. A design competition may be part of the process, but design oversight by the Parks Department, and other affected city agencies is essential.
5. Participation in all phases should involve CB2 and neighborhood groups, and final approval from Landmarks and the Design Commissions will be required.
6. Proposing entities should seek funding for the process, and for any modifications required.

3. Underground Space

CB2 has had many difficult deliberations about the retention of 10,000 square feet of space currently available under the Triangle site. The issues fall into two categories. First, how the retention of this space will impact the above ground park, and second, what would be the official mechanisms

necessary to build out the space and maintain it, and how would it affect the completion of the park in time to meet the applicant's obligation to complete the project within 30 months.

In our October, 2011, resolution, we stated that the underground space could not dictate the design of a community park. We further stated that "its retention ... cannot delay or interfere in any way with the opening of the park," and that "reuse of the underground space also raises administrative and funding issues and potential environmental impacts [that] were not studied as part of the scope of the EIS."

Among our specific concerns are:

1. Our district has many interior privately controlled spaces that are not accessible to the public. CB2 insists that everything associated with this site be fully in the public realm.
2. We have strong reservations if retention means that there is a reduction in the size of the above ground park, or if the design of the park is compromised. We are specifically concerned about any effect on the size of trees that could be planted, maintaining sight lines through the park so there are no pockets for hidden activity, and general accessibility.
3. The underground space should not be retained if its development is likely to cause substantial delay to the opening of the park, or if its development creates risk or uncertainty for the process to getting the park designed and built.
4. The question of whether to retain the underground space must be made independently of the proposed use. The selection of a user for the space must be a fair one, with proposals presented in response to criteria serving public needs. Potential users will have to prove their ability to fund the building out of the space including access and mechanical services, and cover all operating and maintenance costs.
5. Building out the underground space in such a way as to meet all New York City Building Codes, may impact the construction, maintenance, or estimated lifespan of the above ground park.
6. Use of the basement may affect the applicability of the project Draft Environmental Impact Statement or establish a need for an additional EIS or ULURP.
7. A roof membrane beneath the park may reduce the life expectancy of the park and park reconstruction including tree removals may be required for membrane repair or replacement.

In addition to these concerns, the property owner has clearly stated that they are not willing or able, in the confines of this ULURP application, to deliver the space to the public.

Recognizing the challenge of providing a plan for such a use, CB2 notes that no clear concept has been articulated, no preliminary analysis of funding and visitation has been provided, and no design presentation has been prepared to elaborate the appearance of a park built on the roof.

We have heard in our public hearings that there is interest and support for an AIDS Learning Center to be located in the underground space. We support this use, but because of the concerns outlined above and the position of the applicant, this may not be the appropriate location for such a facility or for other community use. We advocate working with the proponents, the community, and elected officials to find an appropriate space in the vicinity of the Triangle site.

The parameters for the potential use of the underground space set a high bar for any proposal. Unless all of these concerns can be answered satisfactorily, then CB2 does not see how this space can be retained.

4. Legal Framework

CB2 requests that the agreements included in ULURP be designed to achieve the following goals:

1. The park should be protected parkland in perpetuity under the public trust doctrine. While it may be unnecessary and complicated to map the land as parkland, this goal can be achieved by transfer of all land rights to the Parks Department except such rights required by zoning provisions to provide open space for the proposed Large Scale General Development project.
2. The park should look and feel like other Greenwich Village parks. This applies not only to initial design, but to all aspects of the park experience. The park should be a public park, not a publicly accessible private space: hours of operation and permitted uses should conform to rules in other parks; calls for services should be to 311 and 911; signs should have Parks Department logos and should be posted only upon its consent; future renovations and

3. alternations should be approved by the Parks Department upon completion of the same process as at other city parks.
4. Funding from Property Owners within the LSGD should be applied in a manner to efficiently deliver a high level of maintenance per written standards. Whatever entity may become directly responsible for maintaining the park should do so under terms of a revocable contract with the Parks Department. A suitable guarantee, such as annual posting of a bond equal to the project cost of maintenance for the year, should be in place to assure continuity of maintenance in the event of any disruption of funding. In addition to regular maintenance, a method should be in place to provide for periodic major repairs, deferred maintenance, and capital reconstruction.
5. Beyond responsibility for maintenance costs, the Property Owners should not have rights or responsibilities that will create an incentive to seek a special relationship of any kind with respect to influencing policies, operations, and uses of the park. Peace officers of the City of New York should have the same rights and responsibilities of patrol and law enforcement as they have in any other public park and there should be no private security presence in the park. To avoid any perceived need on the part of the Property Owners to influence the design, policies, maintenance, use, and operations of the park, the City should assume full responsibility for legal claims for damages or injury within or resulting from the park property. Property Owners should pay to the City an annual amount in lieu of a requirement to provide insurance.

The following provisions are suggested to achieve these goals. CB2 requests, to the extent other provisions are substituted, that the result be substantially the same.

1. Subject to the compliance with the provisions of Section 93-78 of the Zoning Resolution and conditions herein, the Declarant shall construct the Public Access Area (Triangle Park).
2. Upon certification by the Chair, in consultation with the Parks Commissioner, pursuant to Section 93-78(d) of the Zoning Resolution that construction of the Triangle Park is substantially complete, the City shall enjoy, wield, and have the right to and the benefit of and be granted, conveyed and transferred an exclusive easement in perpetuity for the benefit of the general public, unobstructed from the ground to the sky and including all underground uses and rights, for the purpose of passive and active recreational use by the general public after which the Declarant shall retain all rights associated with the property as pertain to the use of the property to meet open space requirements of the LSGD, and only such rights.
3. Rules for the park are established by the Parks Department and enforced solely by peace officers of the City of New York (PEP and Police).
4. Minor alterations to the design of the park approved during ULURP shall be only as overseen by the Parks Department.
5. Construction of the park to be completed by the Project Developer within 30 months of agreement with financial penalties for failure to complete on time. The developer shall commit \$10 million to the design and construction of the park. Any funds remaining after completion the construction of the park may be used to fund up to approved commemorative elements within the park and/or shall be made available through an appropriate account for maintenance of nearby parks.
6. No part of the new residential development shall be occupied prior to opening of the park.
7. Applicant to be released of liability upon acceptance of the completed park by the Parks Department.
8. The developer and its assignees are responsible for the cost of maintaining the park for the life of the development, with payments to be made at the start of each year to a Trust and Agency Account, or to a non-profit organization under contract with the Parks Department to manage the park, or another appropriate vehicle approved by the Parks Department.

9. The Parks Department may establish a contract with a suitable non-profit group to manage the park, but such group shall not be under substantial control by the developer or its assignees or agents or the condo association of the project.
10. Development of any commemorations within the park, however conceived and funded, would proceed under the auspices of the Parks Department, and the design for any commemorations will be reviewed by CB2 prior to submission to the Landmarks Preservation Commission and the Design Commission.

Therefore it is resolved that

1. CB2 Manhattan appreciates the cooperation of the development team and the Department of City Planning to enable a park design that is responsive to the public open space needs of our community.
2. CB2 substantially supports the park plan in the form presented on November 16th, 2011, with exceptions and considerations as discussed above.
3. CB2 reiterates the priority of removing the gas tanks from the site, and if they must remain at the site, re-design of the structure, and reduction of size of the facility and its incorporation into the park design to create an attractive park entrance at this location, with the re-designed storage facility included as an alternative park design.
4. This site should become a public park on publicly held land and all rights associated with the land should be transferred to the City except such rights as are required to support the open space requirements of the Large Scale General Development project.
5. CB2 anticipates that the development of the park will be the responsibility of the project developer at an estimated cost of \$10 million, and if the cost of the park is less, the difference will be made available for public open space improvement within CB2.
6. CB2 anticipates that appropriate requirements will be established to assure that the park is open to the public within 30 months after the acceptance of the agreements under ULURP.
7. CB2 anticipates that the developer and/or condominium association, and/or other eventual property owners at the development site will be fully responsible for the cost of providing a specific standard of maintenance of the park in perpetuity, and that appropriate means will be established to guarantee the excellent and efficient maintenance of the park.
8. CB2 considers the park design including light fixtures, fences, benches, and pavings to be appropriate for the Greenwich Village Historic District but designs for commemorations and sculpture to be added later will require separate consideration.
9. CB2 favors commemorations of the history of St. Vincents Hospital and the AIDS Crisis at this site and the specifics of these will be taken up in a separate process.
10. CB2 Manhattan request that no efforts be taken that would destroy the underground space and make it unusable throughout the period that this Community Board continues to vet additional uses of the park, even though this process may go beyond the ULURP process, unless and until such time as CB2 has voted against the re-use of the underground space.

Vote: Passed, with 39 Board members in favor, with 1 against-(D. Diether)

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



Tobi Bergman, Chair
Parks, Recreation & Open Space Committee
Community Board #2, Manhattan

BH/gh

c: Hon. Scott M. Stringer, Manhattan Borough President
Hon. Jerrold L. Nadler, Member, U.S. House of Representatives
Hon. Thomas K. Duane, Member, NY State Senate
Hon. Daniel J. Squadron, Member, NY State Senate
Hon. Deborah J. Glick, Member, NY State Assembly
Hon. Christine C. Quinn, NYC Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
William Castro, Manhattan Commissioner, Department of Parks and Recreation
Pauline Yu, CAU
Vivian Awner, Community Board Liaison, Dept. of City Planning
Land Use Review Unit, NYC Dept. of City Planning
Calendar Office, NYC Dept. of City Planning