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COMMUNITY BOARD No. 2, MANHATTAN

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December 3, 2010

Adrian Benepe, Commissioner
NYC Department of Parks & Recreation
The Arsenal/Central Park
830 Fifth Avenue
New York, New York 10021

Janette Sadik-Khan, Commissioner
NYC Department of Transportation
Street
New York, New York 10013

Dear Commissioners Benepe and Sadik-Khan:

At its Full Board meeting on November 18, 201, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Resolution Regarding NYU Superblocks

Whereas open space is in intense demand in downtown Manhattan because these areas were built up prior to societal recognition of the need for public open space in densely populated urban areas; and

Whereas CB#2, Man. has only four tenths acres of open space per 1,000 residents, or just 16 percent of New York City's benchmark of 2.5 acres needed to adequately serve a densely populated urban area; and

Whereas the dearth of public open space is a long-recognized detriment to the quality of life in our district and the preservation and improvement of open space has consistently been a top priority of the board since its creation; and

Whereas on rare occasions, such as the extension of 6th Avenue, demolition of the Womens' House of Detention, and the reconstruction of Route 9A, opportunities have arisen to create new open public spaces, and our community always recognized those opportunities and successfully advocated for new parks; and

Whereas in 1954 an Urban Renewal project created three "superblocks" by de-mapping Wooster and Greene from West Houston to West 4th and transferred portions of the properties to the Department of Transportation for future street widening along La Guardia and Mercer between West 4th and West Houston, and along West 3rd and Bleecker, between La Guardia and Mercer; and

Whereas through the efforts of this board and enlightened community leaders the street widening proposals were rejected and over a period of years these DOT properties were designated for a variety of public open space uses; and

Whereas today, the New York University (NYU) administration has stated that, as part of a ULURP application, it will ask for six of the seven remaining strips to be transferred from DOT to the University in order to facilitate development on the two residential superblocks between West 3rd and West Houston, and La Guardia and Mercer; and

Whereas the strips the NYU administration now seeks to acquire are along La Guardia Place between West 3rd and West 4th Street, Mercer Street between West 4th and West Houston Streets, the south side of Bleecker Street between La Guardia Place and Mercer Street and part of West 3rd Street between La Guardia Place and Mercer Street; and

Whereas these spaces now include La Guardia Park, La Guardia Corner Garden, Time Landscape, Mercer Playground, the Children's Playground, and the Mercer Houston Dog Run, and the new sitting area above the new NYU cogeneration plant built beneath this public land; and

Whereas community members have a commitment to many of these areas deepened through a long tradition of community voluntary involvement, especially in the strips along La Guardia Place and the Mercer Playground; and

Whereas these spaces are important historical markers of the battle against Robert Moses' efforts to cut an arterial roadway from the south end of Fifth Avenue, into Washington Square, and through the heart of the South Village; and

Whereas these areas also include planted areas along Bleecker Street with irreplaceable mature trees; and

Whereas CB#2, Man. has long called for these areas to be transferred to the Department of Parks to guarantee their public character in perpetuity, and the Department of Parks and Department of Transportation have been generally open to such transfer; and

Whereas the NYU administration has consistently opposed such transfer; and

Whereas as part of its 2031 Plan, the NYU administration now seeks to acquire all these spaces except the strip along La Guardia Place from West Houston to Bleecker; and

Whereas the NYU administration states that its plan seeks to create new publicly accessible open space, including a large area on the current supermarket site at La Guardia and Bleecker, and alter the landscaping of the two superblocks to integrate open space so that underused areas of open space on their property are more accessible to the public; and

Whereas NYU has announced it will propose to build a tower in the supermarket site, it has apparently already retracted its offer to create new open space there; and

Whereas NYU has a history of failing to fulfill both its commitments to provide stewardship and maintenance of public open space and its commitments to provide public access to open space within its properties; and

Whereas the design and management of publicly accessible private open space typically conforms first of all to the needs of the owner, and therefore these spaces are fundamentally different in character from publicly owned open space; and

Whereas although public access to privately held space throughout the city can be very beneficial, the experience with these spaces shows how they differ from public open spaces and demonstrates the benefit of retaining public ownership of open space intended for public use, in general, and on these superblocks in particular; and

Whereas the DOT property along La Guardia Place between Washington Square South and West 3rd Street was transferred to NYU in the 1960's in connection with the development of Bobst Library, thus interrupting the LaGuardia Place greenway that previously connected to Washington Square Park, in exchange for new public open space to be created at Gould Plaza; and

Whereas Gould Plaza, while technically accessible to the public has a private character that discourages public use and serves a private purpose; and

Whereas amendment in 1978 to the Urban Renewal Plan to allow construction of the Coles Athletic Center was based on a commitment by NYU to “rebuild and physically maintain the Mercer Street strip in accordance with the Community Board’s preferences,” but the playground and the reflecting garden in this area have been kept closed for many years because of sunken pavements; and

Whereas the amendment also required NYU to build a public playground on the roof of Coles but this playground was immediately closed because of safety considerations, and NYU has not sought to create alternative public space to compensate for its failure to meet this commitment; and

Whereas CB#2, Man. held a public hearing attended by more than 200 people on October 18, 2010, regarding the public space in the superblocks; and

Whereas 37 community members spoke in favor of maintaining existing public open space and transferring the space to the Parks Department, and against transfer of the public land to NYU while no one spoke in favor of the transfer to NYU; and

Whereas New Yorkers for Parks made a presentation about the alienation of parkland, and CB#2, Man. believes that the transfer of public open space to NYU is contrary to the Doctrine of Public Trust;

Whereas New York University is an outstanding institution of great importance to our city and our community, as well as a source of pride to its students, faculty, alumni, and employees, many of whom are residents here and all of whom are welcome members of our community; and

Therefore it is resolved that CB#2, Man., supports the goal of the NYU administration to improve public access to open spaces within its property; and

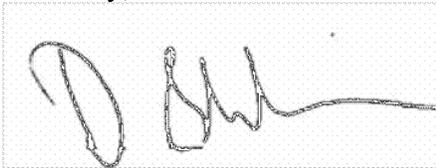
It is further resolved that CB#2, Man. urges the NYU administration to remove from its development proposals and ULURP application any transfer of publicly owned land to private ownership, and

It is finally resolved that the best way to preserve the public open space is to keep it in the public domain and the best way to guarantee its public use and character in perpetuity is to transfer these properties to the Parks Department.

Vote: Passed, with 46 Board members in favor and 1 in opposition (I. Dutton).

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

Sincerely,



David Gruber, Chair
Arts & Institutions Committee
Community Board #2, Manhattan



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



Jo Hamilton, Chair
Community Board #2, Manhattan

JH/fa

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Thomas K. Duane, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Sandy Myers, CB2 Liaison, Man. Borough President's office
Lolita Jackson, Manhattan Director, CAU
Alicia Hurley, Director, Office of Community Relations, New York University
William T. Castro, Manhattan Borough Commissioner, NYC Department of Parks
Margaret Forgione, Manhattan Borough Commissioner, NYC Department of Transportation