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September 17, 2018

New York City Council Committee on Parks and Recreation Public Hearing

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 challenge these

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of the UPPER EAST SIDE
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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.