

**GREENACRE PARK'S TESTIMONY TO THE NEW YORK CITY COUNCIL
REGARDING THE PROPOSED GREATER EAST
MIDTOWN EAST REZONING PROPOSAL**

MY NAME IS LOIS CREMMINS. I AM THE EXECUTIVE DIRECTOR OF GREENACRE FOUNDATION. I WOULD LIKE TO THANK THE CITY COUNCIL FOR HOLDING THIS VERY IMPORTANT HEARING ON THE GREATER EAST MIDTOWN REZONING PROPOSAL AS PUT FORTH BY THE CITY OF NEW YORK. I AM HERE TODAY TO RAISE SERIOUS CONCERNS ABOUT SHADOW IMPACTS ON GREENACRE PARK.

ABBY ROCKEFELLER MAUZE CREATED GREENACRE FOUNDATION IN 1968 WITH THE INTENT TO BUILD A VEST POCKET PARK ON EAST 51ST STREET (BETWEEN 2ND AND 3RD AVENUE) AS A GIFT FOR THE CITIZENS OF NEW YORK CITY. ACCLAIMED LANDSCAPE ARCHITECTURE FIRM SASAKI ASSOCIATES PREPARED THE FINAL DESIGN AND THE FOUNDATION OPENED IT IN 1971. MRS. MAUZE GIFTED AN ENDOWMENT TO THE FOUNDATION TO ENSURE THAT THE PARK WOULD BE MAINTAINED AT A HIGH STANDARD IN PERPETUITY. THE PARK IS A VITAL COMMUNITY ASSET AND THE STATE HISTORIC PRESERVATION OFFICE HAS RECOGNIZED THE PARK AS ELIGIBLE FOR LISTING ON THE STATE AND NATIONAL REGISTERS OF HISTORIC PLACES.

THE PARK PROVIDES A SMALL BUT IMPORTANT GREEN SPACE FOR A COMMUNITY WITH A SCARCE AMOUNT OF PARKLAND. THE PARK SITS IN CITY COUNCIL DISTRICT 4. ACCORDING TO NEW YORKERS FOR PARKS' CITY COUNCIL DISTRICT 4 PROFILES, THE DISTRICT ONLY HAS 2 PERCENT OF ITS TOTAL ACREAGE DEDICATED TO PARKLAND THOUGH THE CITY AVERAGE IS 19 PERCENT. THE PROFILE FURTHER NOTES THAT DISTRICT 4 RANKS 49TH OUT OF 51 COUNCIL DISTRICTS FOR PARKS AND PLAYGROUNDS PER 1000 RESIDENTS.

ACCORDING TO RECENT SHADOW MODELS COMMISSIONED BY THE FOUNDATION, THE PROPOSED REZONING WILL RESULT IN SIX DEVELOPMENT SITES PLACING ADDITIONAL SHADE ON THE PARK AND THUS CAUSING SIGNIFICANT ADVERSE IMPACTS TO THE PARK IN THAT THE AFTERNOON SUN WILL VIRTUALLY BE ELIMINATED. THE CITY PLANNING COMMISSION IN THEIR FEIS COUNTERED THAT THE INCREMENTAL SHADOWS WOULD NOT HAVE A SIGNIFICANT ADVERSE IMPACT THAT WOULD REQUIRE MITIGATION.

GREENACRE FOUNDATION STRONGLY DISAGREES WITH THE COMMISSION'S CONCLUSION AND BELIEVES THAT THE CITY'S ANALYSIS IS FLAWED. THE CITY PREDICTS LOW HEIGHTS FOR THE SIX DEVELOPMENT SITES. THESE LOW

HEIGHTS ARE NOT REALISTIC. THE NUMBER ONE GOAL OF THE REZONING PROPOSAL IS TO INCENTIVIZE EXTRA HIGH BUILDING HEIGHTS NOT LIMIT THEM.

THANKFULLY, MANHATTAN COMMUNITY BOARD SIX, MANHATTAN BOROUGH PRESIDENT GALE BREWER AND COUNCILMAN DANIEL GARODNICK, THROUGH RESOLUTION AND/OR TESTIMONY HAVE CALLED FOR PROTECTION OF THE PARK WITH APPROPRIATE MITIGATION.

Manhattan Borough President Brewer

... there is the matter of potential shadow impacts to Greenacre Park, a truly exceptional piece of sunlight, greenery and air in an area that sorely needs high-quality public space. The DEIS concludes that the loss of 1.5 hours of afternoon sunlight would not be a significant adverse impact. However, I do consider it significant, especially given the park's small size, flourishing of vegetation, and potential shadow impacts from future development on Second Avenue. Thus, I urge the City to continue working with Greenacre Park to explore all options to avoid shadow impacts from new buildings.

Councilman Dan Garodnick

We must do everything we can to protect the few high-quality open-space resources that already exist in this open-space-starved area. Specifically, Greenacre Park, a beautiful vest-pocket park on East 53rd Street -- an unusually leafy and restful place of respite for local workers and residents -- is likely to see significant shadow impacts as a result of some of the buildings that will go up. This would hurt the park's ability to grow the foliage that is such an essential element of its appeal. As we work to create new public space in the area, it would be irresponsible to fail to protect the space that we already have. I urge the Commission to find a way to preserve this exceptional public resource".

Manhattan Community Board 6

The DEIS does not adequately address sustainability concerns...such as Greenacre Park would be undermined by shadow..."

RESPECTFULLY, WE ASK THE CITY COUNCIL TO SAVE THE PARK BY EITHER LIMITING THE HEIGHTS OF THE SIX DEVELOPMENT SITES IDENTIFIED IN THE GREENACRE SHADOW STUDY OR CREATING A CERTIFICATION PROCESS THAT REQUIRES THE EVALUATION OF SHADOW IMPACTS AT THE TIME A DEVELOPER SUBMITS A NEW BUILDING APPLICATION.

THIS CERTIFICATION PROCESS WOULD APPLY TO DEVELOPERS WITHIN THE REZONED AREA SEEKING TO EXCEED THE BASE F.A.R. TO CONDUCT A SHADOW STUDY OF THEIR BUILDING'S IMPACT ON ALL PUBLIC PARKS, POPS GREATER THAN HALF AN ACRE (ABOUT 9) AND ALL PRIVATELY OWNED PUBLIC SPACES

OTHER THAN POPS (GREENACRE PARK AND PALEY PARK). SINCE THIS IS THE FIRST REZONING THAT PROMOTES THE DEVELOPMENT OF VERY TALL BUILDINGS, PROTECTION OF PARKS AND OPEN SPACES FROM EXCESSIVE SHADOWS BY THE CITY COUNCIL IS PERFECTLY APPROPRIATE AND WELCOMED PUBLIC POLICY.

ATTACHMENT A TO THIS TESTIMONY PROVIDES SUGGESTED LANGUAGE OF A TEXT AMENDMENT BY THE CITY COUNCIL THAT WOULD CREATE THE CERTIFICATION PROCESS DESCRIBED ABOVE.

IN ONE OF HIS LAST LETTERS OF SUPPORT, THE LATE DAVID ROCKEFELLER WROTE THE FOLLOWING TO FORMER PLANNING DIRECTOR CARL WEISBROD:

Over the course of my life, I have been deeply involved in urban redevelopment projects. One of the principles that I always fought for was balance – bringing in the new without totally sacrificing the old. It seems to me this principal of balance could be applied to Greenacre Park so that a valued, beloved and essential open space within the existing city fabric would not be sacrificed as other important objectives are pursued.

ATTACHMENT A

Suggested Text Amendment

Create a certification process to evaluate the shadow impacts at the time a developer submits a new building application to the Department of Buildings.

The City Council inserts a brief text amendment that requires developers within the rezoned area seeking to exceed the base FAR (12 to 15 FAR) to conduct a shadow study of their building's impact on (1) all public parks, (2) POPs greater than half an acre (about 9) and (3) all privately owned public spaces other than POPs (Greenacre Park and Paley Park).

If impacts are more than 20 minutes per day, the study would evaluate possible mitigation to prevent incremental shadows. Then the developer submits the study to the relevant Community Board for a 45-day consideration. Once the study and 45-day comment period are complete, the Department of City Planning will certify the completion of the process and the Department of Buildings may issue permits for the new building.