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SENATOR THOMAS K. DUANE

29TH SENATORIAL DISTRICT • NEW YORK STATE SENATE

**Testimony of State Senator Thomas K. Duane
Before the New York City Art Commission
Regarding Union Square Park
Monday, May 15, 2006**

My name is Thomas K. Duane and I represent New York State's 29th Senatorial District, which includes Union Square Park. Thank you for the opportunity to present testimony before the Art Commission of the City of New York today regarding the proposal from the New York City Parks Department to redevelop the north end of Union Square.

I am here to express my concerns about the redevelopment proposal for Union Square Park and its North Plaza. I am deeply troubled about the process through which this plan continues to move forward and with the priorities of the City's Parks Department. I urge that the non-controversial element of the plan – the extension of the playground – go forward immediately.

The City Parks Department has maintained that its plan for a private restaurant in the Pavilion is essential to raising the revenue to pay for the restoration of that building. The increasing privatization of our parkland is an abdication of the City's responsibility to not only maintain and improve the utility and beauty of our parks, but to actively prevent the negative impacts that commercialization brings to our public spaces. It is troubling that the public is being asked to accept trade-offs like this in exchange for park improvements. The City is treating its parks like a burden, something that must be made to pull its own weight. Instead, we should regard our parks as creators of value, resources in which the City should be eager to invest. And, let us never forget that one of the purposes of our tax dollars, which we give to the City year after year, is to improve and maintain our City's parks.

I would like to point out that I believe that any proposal to use public park space for a private business should be subject to the Uniform Land Use Review Process. Also, I believe that, in accordance with State law, the City will need approval from the State Legislature if it wishes to alienate this parkland for the proposed non-park use.

In addition to my concerns about privatizing park space, I believe it is important the space be used in a way that best serves the Union Square area. This area is replete with restaurants, and yet another high-end restaurant in the Pavilion is not needed in this neighborhood.

While some organizations worked with the Parks Department and Union Square Partnership during the development of the proposal, I have always maintained that the

Parks Department give other organizations the opportunity to submit proposals for the Pavilion. For instance, I have recently received letters from several of my constituents who remember how the Pavilion was used in the 1970's as a space for children to play when weather necessitated a roof. That use was initiated informally by a group of families with the assistance of a Parks Department attendant. How wonderful would it be for the Pavilion to return to this sort of use in a formal capacity? Unfortunately, the Parks Department has maintained that such purely public uses, with no commercial application, will not qualify under its Request For Proposals for the Pavilion and that only a restaurant application will be considered.

This example is only one of many possible and preferable uses that have been suggested. Others include creating a public staging area, a facility for programs and activities, a snack bar, or simply expanding the capacity of the Pavilion to accommodate increased seating and picnicking space. I have received an alternative proposal that would maintain the Pavilion as a space available to the public and open to a variety of uses as the need arises. The Parks Department has told the community that the Pavilion is ill-suited to other uses because it has "columns, railings, and limited sightlines." I fail to understand how the Parks Department can adequately gauge the interest that there might be for these other uses when it has not solicited like proposals.

I understand and commend the Parks Department's desire to restore the north end of Union Square. The North Plaza, and the Pavilion in particular, is in dire need of rehabilitation and clearly not utilized to the fullest possible extent. However, there must be a way in which refurbishment of the structure, its restroom facilities and the areas which the Parks Department and its personnel occupy, can proceed without undergoing the transformation from public to private.

Apart from the restaurant, I have other concerns about the plan. Union Square is a State Historic Site and a National Landmark and must retain its historical use as a place of public gathering and protest. While the Parks Department says that the majority of rallies occur in the south end of the park, it is the North Plaza that is the historic site of the country's first Labor Day rally held on September 5, 1882. The south end of the park undoubtedly has held more rallies in the past couple years due to its recent renovation by the Parks Department into an attractive space. As the redevelopment of the North Plaza is completed, in any fashion, rallies are likely to come back to the North Plaza with increased frequency.

Finally, while much of the plan is still controversial, it is very disappointing that because of the Parks Department's unpopular proposal, the start of construction for the playground space has again been held back. Five years ago, Councilmember Margarita Lopez allocated \$1.9 million toward the expansion and unification of the playground space in Union Square. Children in Community Board 5, and specifically the Union Square area, have limited available play space, and expansion of the playground should be a high priority.

I urge the Art Commission to consider my concerns as it comes to a decision today.