

have been denied (Exhibit #RL1).

11. By Park Department's own admission it is willfully violating federal law when it states that the utility buildings. i.e. the comfort stations will not be done until 2009. The ADA requires that bathrooms be made accessible at the beginning of major renovations or new facilities
12. NYCDPR is well aware of this regulation as it is currently in violation of it at Vesuvio Playground in the same community (Exhibit #RL1).
13. Supporting Statement of Negative Declaration (Exhibit A) states 4. Open Spaces ... "Access for the mobility impaired will be enhanced ... within the plaza and on adjacent lawns." We, the PWD community, have zero confidence that any part of this statement is true as Parks has refused all requests for information of ADA compliance at Washington Square Park, even after sending the plans out for BID. Parks failed to provide scope documents that specify the elements that are ADA accessible and the ... to be brought into compliance and that have to be developed.
14. The brand new McNair Playground in Harlem is a newly created raised "Saturn lawn with no access for PWD. NYCDPR speaks of new lawns but Exhibit D in one of its accessibility surveys states it does have to provide access to the Sheep Meadow because it is a lawn. At Abingdon Square, according to Park's Press releases (Exhibit #RL1) dated July 19, 2004, "The old asphalt was replaced with mounded hills of grass and perennial flowers. " No access and over 50 percent loss of accessible space. No raised flower beds for PWD to garden along with other volunteers.
15. Further, on April 30, 2002 Council member (Speaker) Christine Quinn held a community outreach meeting on the renovation of Abingdon. Ms. Quinn held a community outreach meeting on the renovation of Abingdon. Ms. Quinn promised there would be total PWD access to the grass with an easy-opening latch, as the lawn would be fenced in. Parks has made a liar out of Speaker Quinn on both counts. Upon information and belief, the same kind of fencing will be used in Washington Square Park, We honestly believe that DPR will continue its policy of discrimination.
16. Currently in the Park, one may pass easily from side to side of the bench-lined paths. That will come to an end when the renovation is done. A barrier of the in-the-ground plantings of varying heights will be used as dividers with no access through the paths, creating barriers for PWD who use wheelchairs, walkers and other mobility devices as well as for people with baby strollers.
17. The loss of seventeen or thirty-plus mature trees in Phase I will irreparably damage the tree canopy, as was done at Abingdon Square, creating loss of shade. Such loss is potentially to PWD on certain medications and air cleaning properties for people with asthma and for other breathing difficulties.
18. Supporting Statement 6: Historic Resources. The Park Department had a \$2.5 million budget for the fountain. For six to seven months out of the year the interior of the fountain is used as an entertainment center. PWD have been denied access. The Park Department's plans to make this historic fountain, replacing old materials in some cases with new granite steps. According to the ADA Hotline, Washington D.C. with this type of budget and renovation they believe it

will violate federal guidelines not to create a visually compatible, ADA-compliant ramp into the fountain itself for use by PWD. The destruction of the sunken area and its retaining wall will put PWD at a disadvantage when participating in the well-known cultural events, such sing-alongs. Currently, part of that wall can be used as a back support or arm rest, and creates a visual and audio harmony for PWD who use wheelchairs and want to join in at eye level instead of straining to look up at the musicians and performers. We understand if this wall is torn down, it will be replaced with backless, armless seating of one height. This is contradictory to accessibility guidelines, which do not allow for the diminishment of accessible element.

19. The Parks Negative Declaration CEQR #BDPROOIM should not have been approved by the OEC for ADA considerations alone.
20. An Environmental Impact Statement would require a more detailed clarification of the ADA elements and concerns of the WSP Project as staed in Parks and Audit Implementation Plan dated March 29 200_
21. Please do the right thing .

Robert L. Levine

Robert Levine

Dated: ~~December 28, 2006~~ *January 13*

New York NY

Notary:

[Signature]
POLLY EUSTIS
Notary Public, State of New York
Qualified in New York County
No. 31-4616154
Term expires April 30, 2007

Sworn before me on the 13th day of ~~December~~ *January* 2006