

Guide to the Allocation Plan

New Models for Managing New York City Waterfront Public Space: Case Studies and Questions for the East River Waterfront Esplanade and Piers Project

This paper is the first in a series aimed to inform the public of grants made by the Lower Manhattan Development Corporation to revitalize Lower Manhattan, beyond the World Trade Center Site. This edition raises the question of how the new East River Waterfront Esplanade and Piers project will be operated and maintained after it is constructed.

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The East River Waterfront Esplanade and Piers Project will be New York City's newest waterfront public space, funded by a \$150 million grant from the Lower Manhattan Development Corporation. The project is intended to improve a two-mile stretch of the East River waterfront, piers and upland areas, including renovations to the Battery Maritime Building plaza, new pavilions, parks and recreation areas under the FDR Drive, and increased public waterfront access.

While the prospect of a grand new waterfront space is desirable, the reality of managing the site is often daunting. The limited budget of the New York City Department of Parks and Recreation compounds the problem, forcing organizations to search for outside funding. While foundations and politicians are often willing to finance construction and capital projects, the more mundane daily costs are less likely to be supported. Therefore, there is little assurance that long-term financing for operations and management will remain available. Ownership of the land is also an issue as it defines who is ultimately responsible for the expenses for operating the parks and determines the relationship with any managing entity.

The lack of long term financing also puts long term public access at risk. For example, a short term contract for a community group to manage waterfront open space is not as desirable as turning the land into a City Park, which ensures permanent public access. The following examples illustrate advantages and disadvantages of new models for managing waterfront open space, drawing on recent new waterfront public spaces in Manhattan and Brooklyn. Several of the waterfront places described below are owned by the New York City Economic Development Corporation (NYCEDC), which also owns the stretch of East River

Waterfront that will become the East River Waterfront Esplanade.

In each case, the creation of a new waterfront park must resolve several key issues. Who owns the land? Is it designated and mapped as an official City park or have other legal protections to ensure long-term public access? Who is responsible for the day-to-day management and operations? What source of funding sustains operations and maintenance? What role does the community play in the planning and management of the space?

These case studies are presented in order to provide lessons for the new East River Waterfront Esplanade and Piers project, with the goal of arriving at principles that should guide the ownership, management and financing structure of the new esplanade and waterfront public spaces.

Greenpoint-Williamsburg Waterfront Access Plan

In May 2005 the City Council approved the rezoning of close to 200 blocks of Greenpoint and Williamsburg, Brooklyn. As part of the rezoning a new provision was created that allowed developers to transfer title for waterfront open space to the City of New York to ensure continuity of public access along the waterfront and the long term public nature of these spaces while still ensuring a permanent private source of maintenance funds.

This new model was advanced by a group of waterfront parks advocates who recognized the need for greater coordination in the programming, management and financing of continuous waterfront open space. The City's existing Waterfront Zoning regulations requires developers of individual waterfront property to build, maintain and operate waterfront open spaces. This developer driven approach has met with mixed success; with some waterfront developers providing terrific new public spaces and others doing the bare minimum. In either case a property-by-property system fails to create a continuous, seamlessly designed, and publicly controlled waterfront amenity. The new Greenpoint-Williamsburg zoning creates legal and financial incentives to encourage developers to transfer title to their waterfront land to the City, participate in a coordinated design process with adjacent landowners, while still fulfilling their responsibilities for long term maintenance funding.

The Greenpoint-Williamsburg rezoning has been held up as a model for coordinating public waterfront space created by rezoning actions and ensuring long term public access by transferring ownership to the City. This insures that there is no privatization in the new generation of open spaces by the waterfronts. However, funding is needed to provide incentives for developers to participate, as well as to acquire and design "gap sites" between active parcels. This model is also unique to a situation where the creation of new parks can be subsidized by the profits from new development in a transitioning neighborhood.

Hudson River Park

Hudson River Park stretches five miles from Lower Manhattan to West 59th Street, comprising 550 acres, of which 75% is in the Hudson River. The park was created in 1998. The State Hudson River Park Act established both the park and the Hudson River Park Trust, a public benefit corporation with board members appointed by the City and the State. The Trust is responsible for the planning, design, construction and operation of the park. Its operations are funded by revenues generated by permitted commercial uses in the parks, private donations, and public contributions from the City, State and Federal governments.

The Trust works in partnership with the Department of Transportation (DOT) to maintain the Hudson River Greenway, the bicycle and walking path that runs through the park. Capital repair, safety and liability within the Greenway are the responsibilities of DOT. Hudson River Park is responsible for the design, construction and maintenance of the rest of the park, including the piers and bulkheads. Since the Park is governed by the Trust and not by the City Parks Department, it has greater freedom to distinguish itself with unique landscape architecture, fixtures and materials.

Hudson River Park's independence and revenue generating capabilities have allowed it to create a high quality public environment, distinguished by world class design. Permanent public access is guaranteed by virtue of the state law that created the park. The Friends of Hudson River Park, a civic organization, helps champion appropriation of funding for this waterfront public space. Though the creation and design of the park has involved the input of local communities, objections have been raised against the existence or extent of commercial activities in the park. And as is the case in any park that creates its own revenue streams and receives special grants from the government, the question of parks equity is paramount. Parks in poorer parts of the City without dedicated revenue streams do not enjoy near the same standard of design, maintenance, and programming as the Hudson River Park.

Riverside South

Riverside South Planning Corporation was created

in 1991 to provide oversight over the construction of the 29-acre public park built as part of an agreement to enable the development of the former Penn Central Rail yards along the Hudson River, from 59th and 72nd Street.

An agreement between the Department of Parks, Riverside South Planning Corporation, the community and the developers specifies responsibilities for planning, design, construction and maintenance of the park. Under the agreement, the developers are responsible for building and designing sections of the park, which are then conveyed to the City as parkland. Maintenance and programming of the park is run by the Department of Parks in return for fees paid by the buildings' owners. According to the agreement, the building owners are responsible for the cost of parks maintenance in perpetuity. As new building are constructed, the owners of the buildings enter into the agreement and pay parks maintenance fees, which currently total one million dollars a year. Today, 14 acres of the park have been built. Park construction is estimated to be complete in five to seven years after 75 percent of the apartment buildings have been built. Because the park is conveyed to the City as it is built, permanent public access is guaranteed.

Harlem Piers

NYCEDC owns and is responsible for the maintenance of this one-acre site until construction is completed. The park runs from Amsterdam Avenue to the Hudson River between St. Clair Place and 133rd Streets. West Harlem Environmental Action (WEACT), a not-for-profit community group,

collaborated with local businesses, residents and elected officials to create a community-driven planning process. Due to WEACT's strong involvement, NYCEDC rejected proposals by private developers in favor of a community-based plan entitled Harlem on the River. That plan is now being constructed by EDC.

NYCEDC will only provide funding until the completion of the build-out scheduled for September 2007. Since the City Department of Parks is unenthusiastic about accepting a lease agreement for Harlem Piers and NYCEDC has yet to issue a Request for Proposals to determine the maintenance and operation of the park, the source of future funding is still unknown.

The creation of a "Friends of" group would create a separate monetary trust for the Harlem Piers and would be responsible for the long-term maintenance and funding. This plan, however, has yet to be realized. Additionally, fundraising opportunities are limited by the fact that the majority of the organizations in the immediate area are property tax-exempt. The lack of tax-generated revenue places Harlem Piers at a severe disadvantage to many other waterfront parks in the city.

Stuyvesant Cove Park

NYCEDC owns this two-acre site along the East River between 18th and 23rd Streets. Stuyvesant Cove Park Association, whose members are mainly comprised of local residents, were instrumental in securing the park and continuing to provide volunteers.

The Community Environmental Center (CEC), a not-for-profit organization, manages and operates

the both the park and the onsite environmental center, Solar 1, according to a 30-year lease agreement with two five-year options to renew. The park's maintenance services fulfill the "in-kind services" payment for the lease. CEC receives \$100,000 per year from EDC on dollar-to-dollar matching basis. These funds, which are guaranteed until 2012, are generated in part by the adjacent Skyport Parking Garage. The additional \$150,000 needed each year for park maintenance is raised with in-kind matching services, individual donations, and support from foundations.

A segment of the funds raised for the construction of Solar 2 will create an endowment for the future management and programming of the education center. Additionally, revenue will be generated by a proposed organic food store and a cafe in Solar 2.

Establishing the partnership between NYCEDC and CEC prior to beginning construction was vital in the successful transition from the construction to management phase. The park adjacent to Solar 1 and the access points between the river and the building will remain open to the public for the foreseeable future; however the site is not mapped as parkland and there is no guarantee past the date of the lease.

Swindler's Cove

The non-profit New York Restoration Project (NYRP) is the sole contractor of the five-acre park located at 10th Avenue between Harlem River Drive and Dyckman Street. NYRP holds a twenty-year contract with the City Department of Parks and Recreation to manage the site when the Department



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of Parks took title to the property from NYC DOT.

Swindler's Cove houses the Peter Jay Sharp Boathouse and the Riley-Levin Children's Garden, both dedicated to serving local children and their families. The garden provides educational programs for approximately 50 children per week from the surrounding Inwood and Washington Heights communities.

As is the case with many parks projects, maintaining long-term funding is a challenge for Swindler's Cove. While NYRP leases the boathouse to the New York Rowing Association (NYRA), the organization does not generate revenue specifically for park maintenance. NYRA operates out of the boathouse and holds a ten-year contract for the building management and programming. The annual park budget is approximately \$350,000.

Implications for the East River Waterfront and Piers Project

These cases studies hold some important lessons for the city and the community as plans for the East River Waterfront evolve. The following summary is intended to convey some of the implications of various alternative management strategies.

Ownership: Official designation of property as a city or state park provides strong legal protections that guarantee permanent public access and provide greater public accountability. Deed restrictions or other legal

agreements require monitoring and enforcement that is sometimes difficult to effect. Long term leases do not convey the sense of permanence that parks users imply.

Funding: The declining budget of the New York City Department of Parks and Recreation and limited funding for maintenance and operations makes the creation and maintenance of high caliber parks a challenge.

While individual parks can generate limited revenue through concessions (e.g. for cafes) and permits (e.g. for festivals), public authorities and other agencies like EDC have greater flexibility and resources in generating and directing revenue either on-site or from adjacent properties.

The decline in general, city-wide sources of revenue raises an important equity issue. Parks funded by local assessments, private contributions, or revenues generated in the park are much more viable in affluent areas, and can result in a two-tier park system in the City.

Maintenance: Providing a safe park with a high quality of design is both important and difficult to ensure without proper funding. The maintenance of waterfront parks in particular requires greater than usual financial resources because of harsh maritime environments and in-water structures require extra maintenance and because their sometimes remote

location can result in additional levels of security and programming.

Parks that seek to provide a higher quality or more unique design features will require greater levels of maintenance funding as they will not be able to take advantage of system wide purchasing or city wide agreements with other agencies such as DOT and Sanitation for maintenance.

Community Involvement: Community involvement in all aspects of the process – planning, outreach, and management – is essential in fostering a truly neighborhood and public park.

Dedicated park managers and partnerships with civic organizations, businesses, and adjacent property owners are critical to the quality of the entire park. Lasting ties between local community groups and larger city agencies can help raise and maintain awareness, funding, and interest in the project. They can also help underwrite or provide volunteers for daily park management. These partners can also advocate for resources and attention from sometimes remote agencies. To ensure long-term financing, management, and public access, these partnerships must extend beyond the planning and construction phases.

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4 Irving Place, 7th Floor
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