

WHITE PAPER: EXPANDING ACCESS TO PUBLIC SPACE AT THE HUDSON RIVER PARK

MARCH 2009



ABOUT FIERCE

FIERCE is a membership-based organization building the leadership and power of lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth of color in New York City. We develop politically conscious leaders who are invested in improving ourselves and our communities through youth-led campaigns, leadership development programs, and cultural expression through arts and media.



ABOUT URBAN JUSTICE CENTER

Founded in 2001, the Community Development Project of the Urban Justice Center (UJC) provides legal, technical, and policy assistance to grassroots community groups working for positive social change in low-income communities in New York City.

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INTRODUCTION AND PURPOSE

The Purpose of White Paper Policy Recommendations

FIERCE and the Urban Justice Center issued a report in January 2008 entitled “LGBT Youth Center: Pier 40 Recommendation,” which provided a brief overview of some of the issues that lesbian, gay, bisexual, transgender and queer (LGBTQ) youth face in New York City, reported on the challenges in finding relevant programming and services for LGBTQ youth in the West Village, and provided a viable recommendation for creating public space and community access for all users of Pier 40.

This White Paper follows up on the previous report by:

- Outlining the objectives of the Hudson River Park Act (NYS legislation) and illustrating the gaps between the language of the legislation and the reality of how Hudson River Park is currently being developed.
- Summarizing the issues facing the West Village community and LGBTQ youth of color in New York City, particularly connected to their lack of access to safe public space and lack of real participation in decision making about the Hudson River Park.
- Responding to the current interest expressed by the Hudson River Park Trust (HRPT) board of directors to extend the lease term on Pier 40 and recommending that the lease term remain at 30 years to prevent the over-development of Pier 40 and other piers in the Hudson River Park.
- Suggesting changes to the Hudson River Park Act and recommending specific action items for lawmakers to improve the community's access to public space and ensure that the park is fulfilling its intended purpose.

Background on the Hudson River Park Act

The Hudson River Park was established in 1998 through the Hudson River Park Act. This piece of New York State legislation laid out an ambitious expansion of open space for New York City. The Act also established the Hudson River Park Trust as a public benefit corporation. Through this law, the legislature determined that:

The planning and development of the Hudson River Park as a public park is a matter of state concern and in the interest of the people of the state. It will enhance the ability of New Yorkers to enjoy the Hudson river, one of the state's great natural resources; protect the Hudson River; promote the health, safety and welfare of the people of the state; increase the quality of life in the adjoining community and the state as a whole.

This 550-acre park is the largest open space development in Manhattan since the completion of Central Park. Extending for five miles along the Manhattan shoreline from Battery Place to West 59th Street, the park is a partnership between New York State and City. The HRPT manages development on the Park, giving all appointees to the board a large responsibility and broad powers in ensuring access to public space for the community. Through this legislation, the New York legislature intended for the Hudson River Park to “operate exclusively for purposes relating to the promotion of the health and social welfare of the people of the state.” and for the Park to operate and be developed based on the following objectives:

- To expand public access to the waterfront
- To increase the quality of life in the adjoining community
- To ensure community participation in decisions made about the Park

Importance of the Hudson River Park to LGBTQ Youth and the Surrounding Community

The Christopher Street Pier (Pier 45) has been a historic safe space for the LGBTQ community since the 1960's. LGBTQ youth who have historically used the West Side piers share the value of preserving safe public space as outlined in the Hudson River Park Act. For over 40 years, the West Village and the Christopher Street Pier (Pier 45) have been a historic safe space for the LGBTQ community. Many youth have testified that the pier was the only place where they could go to be openly LGBTQ without the fear of violence they often faced in their schools and homes. This is especially significant given that an increasing number of LGBTQ youth are coming out at earlier ages, only to find themselves homeless or marginally housed. In fact, current statistics show between 15,000 and 20,000 homeless youth in New York City identify as LGBTQ. There is



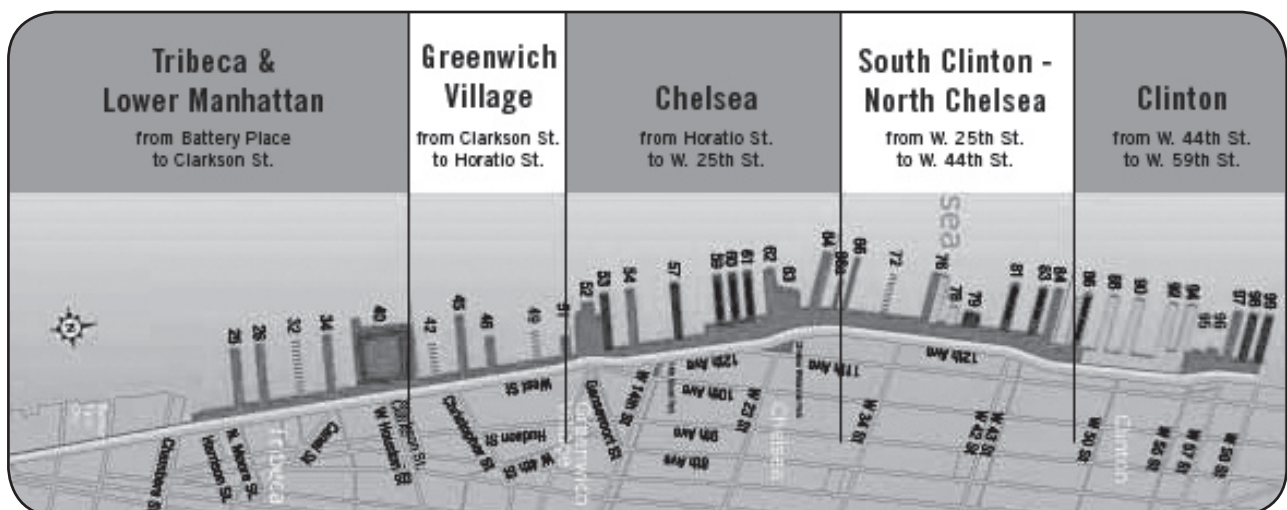
Pier 45 is a historic safe space for the LGBTQ community.

a critical need for a safe space for LGBTQ youth and all New Yorkers. Therefore, access to a park that responds to the needs of the surrounding community is imperative. The Hudson River Park Trust and the Act that governs the management and development of the Park, has a critical role in facilitating public access to safe public space¹.

In 2002 and 2003, three proposals for the redevelopment of Pier 40 were presented to the community for consideration. None of the proposal addressed the interests of the surrounding community nor met the objectives outlined in the Hudson River Park Act. Subsequently, all three were eventually rejected and an interim plan was put in place to improve community uses on Pier 40, including expanding parking operations and athletic playing fields for young people.

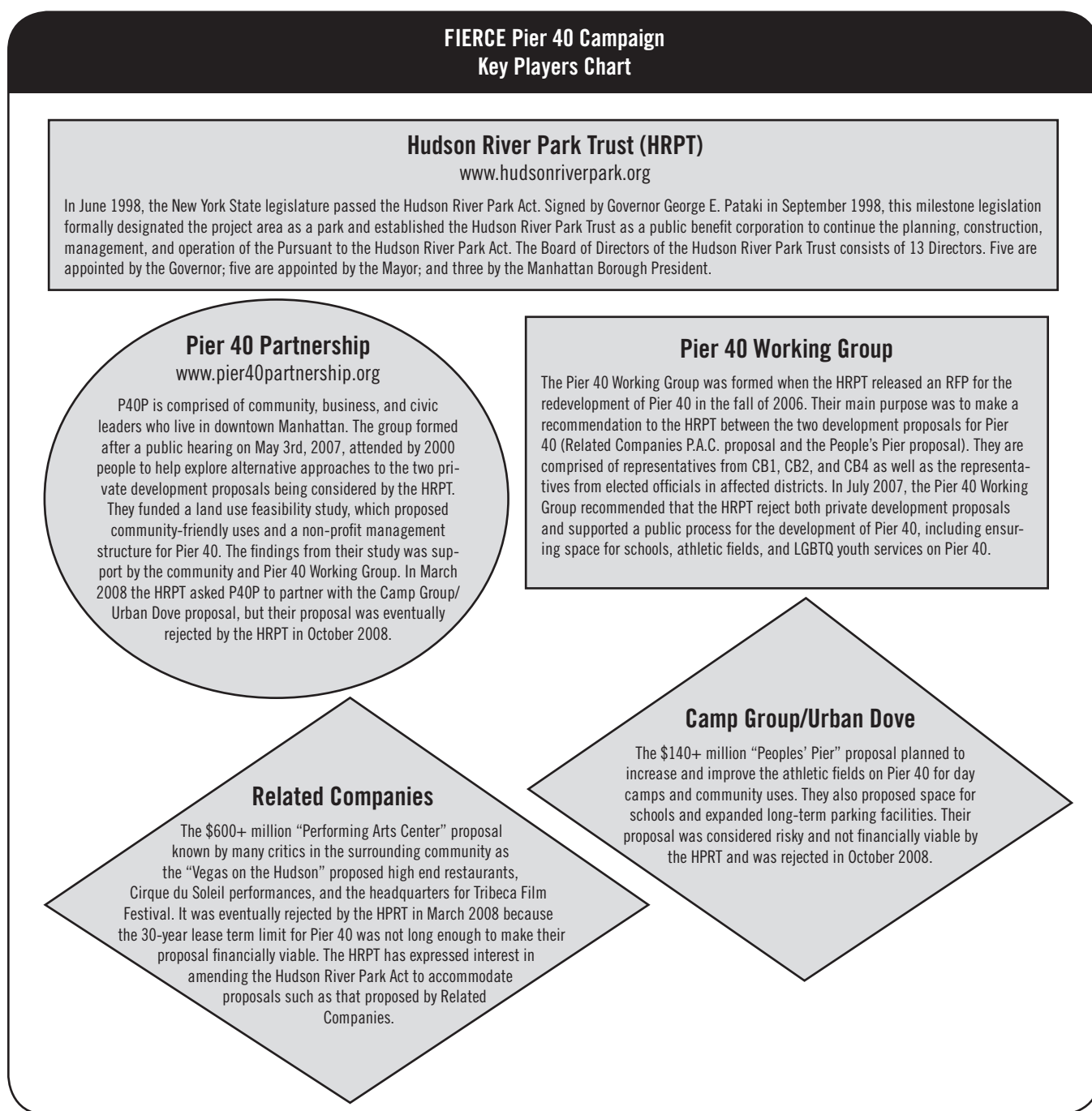
In August 2006, the HRPT issued a new request for proposals for the redevelopment of Pier 40 and two proposals were chosen for further review. These included Related Company's Performing Arts Center proposal and Camp Group/Urban Dove's People's Pier proposal. After holding a public hearing in May 2007, the Pier 40 Working Group (see figure 1 for explanation of entities) recommended that neither development proposal met the community's needs nor that the HRPT should develop the pier incrementally through a non-profit management structure. Following this, a group of West Village parents and residents, the Pier 40 Partnership, submitted a feasibility study based on the Working Group's recommendations and suggested a non-profit management structure and a broad range of appropriate community uses for Pier 40.

The history of strong and persistent community opposition to private development should be accommodated by new proposals for more reasonable development that will ensure that Pier 40's structural repairs are complete before it is too late and so that Pier 40 remains a valuable public asset.



¹ Safe public space refers to space that is available to all people regardless of age, income, or identity. It is developed with the input of all community stakeholders and maintained to meet the needs of those who use it while ensuring accessibility to all people without fear of discrimination or violence. Examples of safe public space development on Pier 40 include passive and active recreation space, LGBTQ youth center, and schools rather than the proliferation of high-end retail stores.

Figure 1. Pier 40 2006-2008 Request for Proposals Description of Key Players



Current Development of Pier 40

The recent recommendations passed in 2007 by Community Boards 1, 2, 4, the Hudson River Park Advisory Council, and Pier 40 Working Group are clear examples of how the HRPT fails to implement the principles outlined in the Hudson River Park Act. The Pier 40 Working Group found that the Pier 40 development process went against the stated purposes of the Hudson River Park Act by proposing to over-commercialize the waterfront, limit access to public space, and develop uses that are not compatible with the surrounding community.

HRPT Attempts to Change the Hudson River Park Act to Promote Commercial Development

In September of 2008, the HRPT once again closed the Request For Proposal (RFP) process by rejecting both development proposals for Pier 40. They also called for an amendment to the Hudson River Park Act, which would extend the lease term on Pier 40 as a measure to make the pier more favorable to private developers who would require longer lease terms to

finance their mega-development projects. This came after elected officials announced that they would “*oppose any legislative change to allow for a Pier 40 lease in excess of 30 years.*” This type of amendment to the Act would provide more opportunity for the development of incompatible uses on the pier and result in an over-development of public space. In a recent op-ed, Assemblymember Deborah Glick stressed that a longer lease term which, “*...enabl[es] a megadevelopment, that is not in the interest of the community or consistent with park uses — [is] a problem.*” Any amendment to the Hudson River Park Act to extend the Pier 40 lease term should be use specific and approved by the surrounding community².

Current Economic and Political Context

In the coming fiscal year, the New York City and State budgets will face the largest deficits in years, yielding imminent cuts to critical services and funding for all vital social services including those for LGBTQ youth. These cuts will surpass those in 2008, where senior center funding was cut by \$12 million, \$3 million was taken away from crisis shelter beds for at risk, runaway and homeless youth, and afterschool programming in our schools experienced a \$2.5 million cut. As a result, the most vulnerable New Yorkers will be even more in need of access to safe public space for recreation and services.

Due to years of neglect and New York City’s disinvestment in public infrastructure over the last 30 years, Pier 40 is in need of serious structural repairs. Rather than offering up accountability measures that would ask for the City to pay for these repairs, former Parks Commissioner Henry Stern, a mayoral appointee to the Hudson River Park Trust board of directors, asked “[w]hat would happen if we just allowed nature to take its course,” and let Pier 40, “return to the sea?”³ Unfortunately, for many in the surrounding community, including LGBTQ youth, this is not an option.

As the city continues to reduce funding for the maintenance of public space, crushing blows to financial markets will make it extremely difficult for the private development of public land to continue. This creates an important opportunity for city and state lawmakers to reevaluate the city’s priorities for the development of public space. To do this, the New York State legislature should reexamine and modify the Hudson River Park Act to accommodate the realities of a rapidly changing economy and the critical needs of the surrounding communities.



Pier 40 can be re-developed with community-friendly uses.

² Anderson, Lincoln. “Taylor promises to ‘talk to community’ on pier 40”. The Villager. October 3, 2007.

³ Anderson, Lincoln. “Pier 40 sinks again; Trust seeks longer lease”. The Villager. October 1, 2008.

THE PROBLEM

“We’re trying to achieve a world-class project...one that also pays us a lot of rent,” -Diana Taylor, chair of the Hudson River Park Trust Board of Directors in reference to Pier 57 development proposals.

The development Hudson River Park is not in line with the objectives and principles set out by the New York State legislature in the Hudson River Park Act. Instead, the development projects and proposals that are being considered by the HRPT have continuously favored large, revenue-generating projects, over the needs and priorities of the communities that use the park. As the park is redeveloped, the following objectives and principles that are outlined in legislation are NOT being translated into practice:

1. Expanding the public’s access to the waterfront and increasing the quality of life in the adjoining community.
2. Ensuring community participation in decision-making.

In diverging from these goals, the HRPT is creating a park that is not equally accessible to its surrounding communities. Moreover, their actions and decisions threaten to displace those who have used and benefited from the park for years. The following section will outline the gaps between legislative intent and the on-the ground impact that current development practices and processes have for the West Village community, including LGBTQ youth, and show the various public policy problems these gaps create.

1. **HRPA Objective: Expanding the public’s access to the waterfront and increasing quality of life for the surrounding community.**

According to the Hudson River Park Act, the Park should:

- “Encourage, promote and expand public access to the Hudson River...” (HRPTA § 2(a))
- “Enhance the ability of New Yorkers to enjoy the Hudson River.” (HRPTA § 2(a))
- “Increase the quality of life in the adjoining community...” (HRPTA § 2(a))
- “Promote the health, safety and welfare of the people of the state.” (HRPTA § 2(a))
- “Provide a place for recreation, reflection, education, and cultural expression for the public” (HRPTA §6(b), emphasis added)
- “Provide free or nominal-cost recreational opportunities to the public on a broad basis (HRPTA § 3(h)(c))

Despite this legislative mandate, the HRPT has advocated for the development of uses on the piers that are contrary to the articulated needs of the surrounding community. This, in turn, creates the following issues for the community:

- Limited access to safe public space and needed social services;
- Restriction of cultural expression for the community;
- Displacement of people from the surrounding community.

Limited Access to Safe Public Space

Rather than creating greater access to public space, the current development of the park is limiting access of various communities, particularly LGBTQ youth of color. During public hearings hosted by Community Board 2, many members of the West Village community testified that services and recreation they need are not currently offered at the park and should be included in any new development. These services range from an LGBTQ youth community center, dog runs, passive recreation space, and more benches for reading. The Hudson River Park Trust Board of Directors had the opportunity to accept a development proposal for Pier 40 that met most needs of the community. Instead, the Board rejected all proposals and closed the process for designation. Additionally, the Board of Directors expressed the desire to extend the lease term on Pier 40, which would provide the opportunity for developers to overwhelm the park with uses that are not appropriate for the surrounding community.

Restriction of Cultural Expression

Effective development of safe public space needs to incorporate the people who use the space and the culture they build upon and create. The Hudson River Park is a valuable asset to its surrounding community because it has been a place where many have felt safe to express themselves. Since the 1960's, the LGBTQ community has utilized the Park to create community safety nets and to access services and resources. However, after the establishment of the Hudson River Park Trust, gathering in public space requires the purchase of a \$25,000-\$50,000 permit which a majority of the surrounding community cannot afford. This has made the park an unsafe and unwelcoming space that limits access to only those who can afford it. Such stifling of cultural expression and gathering decrease rather than increase the quality of life for the community.

Displacement of Communities

In 2001, the HRPT began construction of the Christopher Street Pier (Pier 45), which was the first pier in Hudson River Park to undergo remodeling. Pier 45 reopened in 2003 with a new 1:00am closing time, higher priced refreshments at new concession stands, and heavily policed public restrooms by privately contracted Parks Enforcement Patrol. These new restrictions, lack of affordable concessions, and increased policing resulted in LGBTQ youth, homeless people, and poor people finding Pier 45 and the waterfront more difficult to access. The current redevelopment of Pier 40 should ensure that the uses and restrictions do not limit the use of waterfront for the surrounding community.

2. HRP Objective: The Hudson River Park Trust is to ensure community participation in decision making about the park.

According to the Hudson River Park Act:

- The Trust was created to “cooperate and coordinate matters relating to the park with the federal government, the state and city of New York as well as with community, environmental and civic groups.” (HRPTA §6(d)).
- The Trust is required to “encourage and support public volunteer activities and participation in the operation of the park,” (HRPTA §6(h)).
- Trust is required “to provide for meaningful public notice, participation, consultation and review in the planning, development and operation of the park...” (HRPTA §7(1)(f)).

The HRPT is not meeting the above goals and instead has created a process where the community cannot fully participate in decisions about the park. This creates the following problems that must be addressed by policy makers:

- **Limited community voice and/or involvement in decision-making processes**
- **Lack of transparency and accountability to the community in the development process.**
- **HRPT does not alert the community about important changes in the development process such as the efforts to change the Hudson River Park Act to extend the lease terms on Pier 40.**

Limited Community Decision Making Power

Currently, the HRP states that the Trust must “consult with” (HRPTA §7(1)(f)) and “solicit and consider” (HRPTA §7(6)) the views of community boards 1,2,4, the planning commission of NYC, the advisory council, elected officials representing communities neighboring the park, and interested groups and individuals. It is clear however, that the Trust must do more than merely consider views of stakeholders in the park's development. This vague and weak language has enabled the Trust to circumvent the democratic process and allow for development that does not benefit the community.

The Case of Pier 40 and Lack of Community Power in Decision Making

The exclusion of the West Village community from the decision-making process is clearly exemplified in recent decisions about Pier 40 development. For the second time in six years the HRPT Board of Directors ignored the community's stated needs by rejecting the People's Pier proposals for the redevelopment of Pier 40. These priorities - more green space, an LGBTQ youth community center, schools, and dog walks - were rejected in favor of a bid by a private developer, Related Companies, who sought to build a large event space with high-end retail shops and activities. Although the Board conceded to public demands for hearings, these meetings were rendered meaningless because the Board had no mandate to cooperate with the community and accept their recommendations.

THE SOLUTION

“[T]he city could have channeled its zeal for economic development by instead contributing money to pay for needed infrastructure repairs at Pier 40, so that a community-friendly redevelopment of the pier would already be underway. It is an insult for the city to hand over taxpayer dollars to the Yankees for their field of dreams, when they cannot help us save ours.”
Assemblymember Deborah Glick.⁴

In order to effectively address the problem of lack of community access to public space and involvement in decision-making, New York City and State officials need to be proactive. Amending the Hudson River Park Act so that the law clearly prioritizes the quality of life and safety of the West Village community in the development of the Hudson River Park is an essential step in this process. This means including specific language in the legislation that ensures the public's access to the park; the inclusion of the community in decision-making processes and the prioritization of community needs and uses for the park, over revenue generation.

1. Expanding Community Access to Public Space and Increasing the Quality of Life for Adjoining Communities.

In order to fully realize this purpose of the Act, and to alleviate the current limitations to community access to the Park, the legislation should be amended to include the following objectives and principles:

- ✓ **More Public Space:** For the Park's primary commercial revenue generating piers, 30% of the Floor Area Ratio (FAR) should be set aside for not for profit uses (such as education, arts space and community centers) and 30% of the lot should be available for open space. Additionally, open space should be more specifically defined to ensure that such space truly available for community use.
- ✓ **Expanded Community Uses:** The HRPT must prioritize uses for the park that recognize the needs of all community stakeholders such as open space; indoor athletic facilities that are truly affordable; low cost space for locally based arts and culture and services for LGBTQ youth.
- ✓ **Public Management:** HRPT, not private developers, must manage the construction and operations of future piers slated for development in the Hudson River Park.
- ✓ **No Extension of Pier 40 Lease Term:** Legislative change to the Hudson River Park Act to extend the lease term is particularly concerning and should not be pursued by the HPRT or supported by New York State. The lease term outlined in the Hudson River Park Act is intended to protect the park from over-development. Taking legislative action to extend the lease term for Pier 40 would ultimately violate this priority.

The above changes will ensure that public space is preserved for community use and that its management remains a public responsibility, not one that is left to private developers. This will ensure that public space is controlled and managed for the public interest and that the quality of life for the community is the priority.

2. Community Involvement in Decision Making about the Park

In order to fully realize the purpose of the Act and to give real influence and power to the surrounding community in decisions regarding the development of the park and the piers, the legislation should be amended to include the following objectives and principles:

- ✓ **Increased Community Representation on the Board:** The HRPT Board must be expanded to include two additional members that are selected by the community to represent the community's interests.
- ✓ **Broader Powers for Larger Community:** The power of the Community Board and Advisory Council's must be expanded. Rather than the Trust "consulting with" and "solicit and considering" their views, these bodies must have voting and veto power in decisions about the Park.

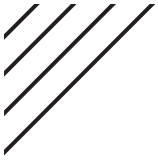
These changes would increase participation of the community in development processes, increase levels of accountability between the Trust, the Board and the community, while also increasing access to safe public space for the entire community to enjoy.

⁴ Glick, Deborah. "Talking Point: Paying for Stadium is a major league error". The Villager. January 28, 2009.

NEXT STEPS

Based on the policy recommendations included in this White Paper, New York City and State officials and the members of the Board of the Hudson River Park Trust should work with community members to do the following:

- Rewrite the Hudson River Park Act to include more specific measures to expand public access to the Park and ensure that the Park is operated, maintained and developed in the interest of the community. Officials should use the principles and objectives outlined in this paper to guide the drafting of the legislation.
- Advocate with the Federal Government to ensure that federal funds that come to NYC via the recently passed \$787 Billion federal economic recovery bill are used to improve access to public space at the Hudson River Park. NYC policymakers should pursue a similar strategy as their counterparts in California, who have advocated to have stimulus funds allocated for infrastructure improvements on the Santa Monica pier. This will both provide much needed improvements to public space as well as create desperately needed jobs for local residents.
- Restore Funding for Critical Services for LGBTQ Youth and other community's in need of services. At a time of economic crisis, services should be expanded not reduced. Rather than spending billions of dollars on financing the construction of Yankee stadium, the city should allocate resources to those most in need such as LGBT youth. Additionally, these services should be available to youth in spaces where they feel safe such as the Hudson River Park.



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