

**RECOMMENDATION OF
THE PIER 40 WORKING GROUP
OF THE
HUDSON RIVER PARK ADVISORY COUNCIL
REGARDING THE DEVELOPMENT PROPOSALS FOR PIER 40**

Since December 2006, our Work Team, which consists of representatives of Community Boards 1, 2, and 4, local elected representatives whose districts include portions of Hudson River Park, the youth sports leagues of Chelsea, the Village, Soho, and Tribeca, and representatives of Friends of Hudson River Park, West Village Houses, and the Federation to Preserve the Greenwich Village Waterfront has thoroughly reviewed and discussed the two proposals to develop Pier 40. The two developers who responded to the Hudson River Park Trust's August 2006 Request for Proposals, Related Companies Inc. and the Camp Group/Urban Dove, cooperated with our review, answering many questions and revising their proposals in line with informal critiques offered at Working Group meetings. On May 3, 2007 the Working Group, in conjunction with the Hudson River Park Trust and Community Board 2, held a public hearing, attended by approximately 2,000 people (the largest community meeting in anyone's memory), where a well informed public expressed strong views about the two proposals. Those views played a major role in shaping our perspective. After all of this review, and after a great deal of thought, study, and reflection, it is the near unanimous view (with some abstaining) of the Pier 40 Working Group that:

- 1) Neither proposal is acceptable, and neither developer should be engaged to develop Pier 40, even with substantially modified proposals.
- 2) The fundamental premise that Pier 40 needs to be developed as part of one single, privately-financed development project is also unacceptable. This premise has engendered strong public disapproval and is unlikely to result in a future for a park on Pier 40 which is consonant with the needs of the

Lower West Side, the best interests of Hudson River Park, or the future of New York City.

- 3) It is not clear that the additional uses proposed by the private developers would substantially add to the income Pier 40 produces for the Park. In fact, we believe that the Trust, without signing away the Pier for 30 to 50 years, can realize more income by renovating and running Pier 40 itself. We believe that public development will do far more for the economy and the quality of life of the City and State of New York than private development will.

The Working Group began its work believing that its job was to choose between the two proposals, or some variation of them, perhaps synthesizing the best of both. Although we tried hard, we found that we could not make such a choice or come up with such a synthesis.

The Working Group has reached this conclusion for the following reasons:

- 1) Hudson River Park represents one of the best opportunities to add park land to the borough of Manhattan. As the Mayor has made clear, the future health and sustained growth of our City depends, in part, on the expansion of green spaces in Manhattan and the provision of park and recreation space for City residents. The addition of Hudson River Park to the Lower West Side of Manhattan has transformed the Lower West Side waterfront, from Battery Park to 59th Street, and added untold value to neighboring real estate that lay fallow for decades. The addition of this new park space has had an enormous positive impact on the lives of the residents of the City and particularly to those on the Lower West Side. We believe that property values in the surrounding area have been increased exponentially by the addition of the Park; this belief cannot seriously be challenged. This increase in values, in turn, positively

impacted our city's tax base. That positive impact could be reversed by a project which intensely commercializes the Waterfront instead of expanding its park and recreational components.

2) Pier 40 has already become part of that new park space, and is far more than a commercial node within the park whose role is to generate income for the rest of the Park. The surrounding community, starved for parks and areas for recreation, has always envisioned that Pier 40 would become a much-needed and much-deserved park. Those dreamers included parents hoping for recreational space for their children, and local residents yearning for open green space on the waterfront. This is the direction that things have moved in the nine years since the Hudson River Park Act became law, without a lot of advance planning. Pier 40 has become a recreational center, with outdoor field space comparable only to those offered in Central Park and East River Park. It has also become a boating center serving hundreds of human-powered boaters every week. It has become, on its south side, a place where many can quietly take in a majestic view of the Harbor and commune with the River. The thousands who take advantage of these uses every week have begun to dream about even more park and recreation uses on Pier 40.

3) The process of moving Pier 40 into the future does not have to be through the route of large-scale private development. While this method may have been successful in some other large public projects, we do not think it is appropriate here. Such an approach here would (a) require the transfer of this incomparably valuable public space to a private developer whose principal motivation is profit; and (b) require that we accept uses and development that are undesirable for the community and the park.

4) The West Village-Hudson Square-SoHo area does not need an entertainment center attracting millions of people per year. Creating such a center is the

fundamental underpinning of the Related proposal. Related, even after a substantive revision of its plans, continues to revolve its Pier 40 proposal around large-scale entertainment uses. An entertainment center at which park uses are purely ancillary functions will not make the Hudson River Park a better place. Furthermore, it is not clear that the addition of these uses to Pier 40 substantially adds to the income that Pier 40 will produce for Hudson River Park. Although Related Companies has made considerable effort to respond to objections to their original proposal, it has not gained support from the youth sports groups or any other significant segment of the community. The Working Group believes that this is because the ‘critical mass’ Related needs for an appropriate return on its capital investment is not compatible with the community's desire for its youth athletic and other park activities to occur in a park setting. It is not reasonable to expect families to give up fields in a protected and comfortable environment and accept the notion that their children will have to go to a busy entertainment center to play. Looking beyond the needs of youth and parents, the surrounding community has almost uniformly expressed dismay that the extensive tourism and nightlife that is already pervasive in their neighborhood will be expanded into a park to which they go to relax. Again and again we have been asked, “Why is an entertainment center any more appropriate to Pier 40 than it would be in Central Park?” It is not. The Camp Group/Urban Dove proposal, though less noxious, raises the specter of expensive pay-for-play and the use of park space for extremely profitable day camp facilities. Although their plans are less objectionable, the commercialization of athletics has attracted little support in the community, which, if it wants to pay for athletic space, only needs to go a mile north to Chelsea Piers. We do not believe that the State, the City, or the community needs to give up on these issues in order to move forward here.

5) Finally, there is the question of environmental impact, not in the broader

sense which we have just discussed, but particularly relating to clean air. Either proposal, Related's or Urban Dove/Camp Group's, is going to substantially add to the traffic our community experiences north, south, and east of Pier 40. We already know that Canal Street, in the area leading to the Holland Tunnel, has the highest level of air pollution in the City. Pier 40 is not near a subway, and commercialization only promises us more car traffic. Our lungs and, most particularly, the lungs of the very young, are already exposed to a high level of ultrafine particulate. The added traffic produced by either proposal will not only disrupt the bikeway, it will pollute the very park we want to go to for clean air. The benefits, to the extent there are any, are not worth it.

Recommendations

6) The Working Group believes, given the income from current uses at Pier 40, and the vast unused spaces on Pier 40, that it is possible to expand both the recreational spaces and income-generating uses, and provide more park space and increased revenue, without large-scale private development. This can be done under the management of the Trust staff, which has already demonstrated, in building the rest of Hudson River Park, a capability to undertake such development and generate income from park-compatible uses. Repair of the pier, improvement of existing uses, and expansion of public uses into the approximately 40 percent of the Pier that presently goes unused, may be best done incrementally. Because Pier 40 is adjacent to an area presently undergoing substantial change, it is possible that the revenue for this site would likely increase substantially in coming years. Incremental development will allow flexibility in meeting the community's changing needs and in shaping the potential of the Pier. Clearly, the incremental approach we recommend needs study. Such a study should include consideration of development of portions of Pier 40 by private developers, and an examination of the question of whether smaller-scale private development is less

objectionable than the Pier-wide private development. Long-term disposition of the site without an analysis of its potential under an incremental development scenario would be irresponsible.

7) Although we propose further study, the Working Group has worked with the community to clearly enunciate certain basic needs that ought to be recognized and addressed in the eventual development of Pier 40. At a minimum, future development should meet the following programmatic and use principles:

a. The existing central field space at Pier 40, configured as a courtyard, or 'doughnut,' should not be removed or altered, except to improve drainage and improve spectators' space. If anything, more field space is needed to meet the needs of a growing downtown population. Fields must continue to be permitted like a public park with youth priority hours.

b. Any renovation of the Pier should be done in a fashion that keeps the playing fields open at full capacity during any construction period.

c. If any use is adopted which increases the traffic flow beyond that which exists today, the Trust must adopt a plan which safely segregates bicycles and pedestrians from truck or automobile traffic entering and leaving the Pier, and which does not add to congestion, during rush hour, leading to or from Canal Street.

d. There is a need for at least 75,000 square feet of space, available year round, for indoor athletic activities, both organized and unprogrammed, including basketball, soccer, and baseball training. This space needs to be affordable to all and must have youth priority hours.

e. There is a need for more useable outdoor unprogrammed recreational space with grass and with water views. Such space shall be in addition to a

sizeable playground of at least 10,000 square feet, with equipment for young children.

f. There is a need for a dog run at least 10,000 square feet in size.

g. Development should result in the creation of at least 150,000 square feet of low-cost space for locally based arts and culture, including dance and theater, so that Pier 40 can become a center for public performance, and a studio space for artists. Such space should also house LGBTQ services that are badly needed on the nearby waterfront. These uses should not be chosen by a developer but by a public process.

h. Community boating facilities, such as Floating the Apple, should continue to be housed at Pier 40, and provision must be made for low-cost storage and launching of human-powered boats. The Hudson River should be regarded in any development or alteration of Pier 40 as an integral and important resource for active recreation, environmental education, and programming.

i. No marina should be placed on the south side of Pier 40. This would not preclude get-downs which would allow the continued launching of human-powered boats or maintenance of a mooring field for small boats. The north side can be used as a marina, but only for human-powered boats, sailboats, and boats with small motors, not cruise or dinner boats.

j. The number of long-term parking spaces must be maintained, or increased, at existing rates, adjusted for inflation. Preferably, all parking should be moved indoors.

k. Efforts must be made to make Pier 40 as 'green' as possible; environmental impacts should be minimized and unnecessary nighttime illumination avoided. Any development should be formally certified under the United States Green

Building Council Leadership in Energy and Environmental Design (LEED) Green Building rating system.

l. To the greatest extent possible, the area in front of the pier should be part of the park, creating a connection between areas of the park to the north and south, and maintaining the integrity of the park and the greenway of which it is a part.

m. Commercial uses at Pier 40 need to be chosen to ensure protection of the park environment and park users, especially children. Establishments and functions such as clubs, bars, or large parties where consumption of alcohol is the central attraction should not be allowed.

8) The Working Group also recognizes that serious repair work needs to be done on Pier 40, particularly on the roof and on the pilings. Preliminary surveys indicate that some of these repairs are immediately needed, while others are required on a longer-term basis. We feel strongly that the State, City, and Federal governments should fund the most immediately needed repairs, allowing the Trust and the community additional time to explore creative means of financing longer-term upgrades and repairs. The Trust has not sufficiently shown us that this work cannot either be done as part of the Park's normal maintenance, by reinvesting a portion of the Pier's revenue into repairs which will increase the potential for greater future revenue, or through utilization of capital funds contributed by the State and the City. This too requires study. A definitive study of both short- and longer-term repairs needed at the Pier and their potential impact on Pier revenue should be undertaken to give the Trust, the community, and its elected officials a clear picture of the relative cost and urgency of these needs.

9) Finally there is the question of finances. Despite eight years of construction, only 40 percent of the Park has been built. Delays in funding park construction are pushing the ultimate cost up and depriving the growing Lower West Side

and Midtown communities of promised park land. Pier 40 is of special importance, and the potential exists for the development of an alternative plan that, among other things, would bring private donations into play to grow Pier 40 along the lines it has grown over the past several years, and avoid mega-development. But the State and the City must step up to the plate and provide the funding needed to move Park and Pier 40 construction forward at a more expeditious pace.

Conclusion

Proceeding with public development and rejecting the proposals of the two developers comports with the overwhelming wishes of the community and will avoid a public fight between large segments of the community and the Trust. We do not want to see Hudson River Park become a battleground. Indeed, because Pier 40 is adjacent to an area presently undergoing substantial change, it is possible that achievable revenue for this site will increase substantially in coming years without private development. Incremental development may allow flexibility in meeting the community's changing needs and potential of the Pier. Long-term disposition of the site without an analysis of its potential under other development scenarios would be imprudent.

It is the Working Group's conclusion, based on the months of study, that the best future for Pier 40, premised on what is best for the Park and best for the Lower West Side community, may well be public, incremental repair and development of Pier 40. We reject the notion that in order to get *some* of what the community needs, we need to negotiate with private developers about adding private, profit-making uses and leasing the Pier out to such a private developer for 30 years or more. The Trust should reject the two proposals, study the potential for self-management of the Pier, study the creation of a plan for incremental public repair and development, and explore the potential for the donation of private funds to the future development of the Pier.

The Working Group believes that a decision not to choose one of the developers would not be a setback for the Trust, the Park, or for Pier 40. There is no need for another Pier-wide RFP. An inability to come up with a developer for the whole Pier through the RFP process should not be viewed as a failure. To the contrary, after nearly 20 years of governmental discussion of what to do at Pier 40, the intense public interest in the project engendered by the 2006 RFP, and by consideration of the two most recent development proposals, can be leveraged in a positive way, for both the Pier and Hudson River Park, if the very clear wishes of the public are respected by the Board of the Hudson River Park Trust, Governor Spitzer, Mayor Bloomberg, and Borough President Stringer. We look forward to working with the Trust Board towards that end.

Dated: June 28, 2007

Arthur Z. Schwartz
Chair - Pier 40 Working Group
Hudson River Park Advisory Council

The Pier 40 Working Group consists of representatives of the Hudson River Park Trust Advisory Council (Arthur Z. Schwartz), Community Board 1 (Peter Braus and Bob Townley), Community Board 2 (James Solomon and Elizabeth Loeb), and Community Board 4 (Kristen Dionne), Congressman Jerrold Nadler, Senators Tom Duane and Martin Connor, Assembly Members Deborah Glick and Richard Gottfried, City Council Members Christine C. Quinn and Alan Gerson, the youth baseball and soccer leagues of Chelsea, the Village, Soho, and Tribeca (represented by Marc Costello and Al Ferrer), and representatives of Friends of Hudson River Park (Ben Korman), West Village Houses (Katy Bordonaro), and the Federation to Preserve the Greenwich Village Waterfront (Carol Feinman)