

BACKGROUND

The Community Board 2 Future of Pier 40 Working Group was formed to help establish parameters for potential redevelopment proposals that provide a stable source of income to support park operations while protecting the park from harmful impacts and increasing space for recreation, thereby achieving support of the community. This report of the Working Group is based on over 20 years of shared experience regarding the opportunities and the difficulties of the project as well as on information presented to the group at public hearings, and in responses from 3140 people completing a survey.

Most of the survey respondents are residents of the neighborhoods adjacent to Hudson River Park. 78% of the respondents use the park regularly; 51% use Pier 40 regularly; and 38% use the ball fields at Pier 40 regularly. The responses showed that these park users are very knowledgeable about the importance of the pier both as a source of revenue and as a park resource.

Pier 40 is almost 15.5 acres, or more than one and one-half times the size of Washington Square Park. A two-story concrete building covers the whole site except for a center courtyard of about 4.5 acres now used as sports fields and a twenty-foot wide perimeter dock. The gross floor area of the building is about 760,000 square feet.

The pier, by far the largest in Hudson River Park, offers a unique and irreplaceable opportunity for new public open space, including large footprint ball fields that are difficult to site elsewhere within the narrow park. The “courtyard” field alone is almost 10 times as big as the only other unpaved sports field in Community Board 2, James J. Walker Park.

The Hudson River Park Act, passed in 1997, says that it is in the public interest to encourage park uses and to allow “limited” commercial uses in the park. It says that to the extent practicable and consistent with these goals, the cost of maintenance and operation of the park should be paid for by revenues generated within the park, which cannot be used for any other purpose. It also states that city and state funds, may be used “as necessary” for park operations. The sections of the Act codified key compromises, allowing the reuse of a decaying and largely disused industrial waterfront to create an important new public park and also allowing the State and City continue to derive income from some of the piers they own, while directing this income exclusively to fund park operations. In response to concerns of adjacent communities, it significantly limited the allowed uses. Throughout the park, it specifically prohibits amusement parks, riverboat gambling, residences, and commercial offices, and at Pier 40, it allows only water dependent uses, entertainment, and commercial recreation.

Pier 40 is the largest site in the park where limited commercial uses are permitted. The pier has provided between 25% and 40% of park operations expenses annually, mostly derived from long term car parking. The Act requires that no less than the equivalent of 50% of the footprint of the pier be active and passive public open space, but this has been interpreted by the Trust to mean that the entire pier may be leased for commercial use with recreational open

space relegated to the roof. The Act also specifically stipulates that the entire pier may be used for park uses.

In addition to car parking, current uses of the pier include: park headquarters; ball fields in the courtyard and on the roof; two small indoor areas for youth sports; a community boathouse allowing public access to the river on large rowboats; passive enjoyment of the docks; docking of party boats; and a trapeze school.

Two efforts to redevelop the pier ended in failure, largely because the community objected to the character and intensity of proposed commercial uses which were primarily big box retail and a vast entertainment complex. There were also strong objections to relegation of recreational open space to the rooftops of commercial buildings dominating the site.

Among factors driving the size and intensity of proposed development has been the high cost of repairing thousands of steel piles that support the structure. The existing building is also in poor condition, potentially increasing the cost of proposals seeking its reuse. But the Hudson River Park Trust now has funds available to repair the piles, mostly obtained from the sale of development rights. Support for the use of park air rights in the adjacent area was based on the expectation that these funds would reduce the burden of development at Pier 40.

The Trust seeks to redevelop the pier to secure its future value to the park both as an important recreational resource and as a significant source of income. There is broad community support for these goals, but only in the context of a project that maximizes the value of the pier to the public and minimizes any harm that may be caused by large scale commercial use in the park. While 42% of survey respondents think more open space is essential or very important even if the result is taller buildings, 35% think it is essential or very important not to increase building height in the park and 43% oppose allowing commercial office development. These are very mixed results that suggest the continued potential for significant opposition to a large commercial project. While 94% are at least somewhat concerned that failure to generate funds from Pier 40 will result in insufficient funding for the park, 85% are concerned about privatization of public land, 80% about loss of neighborhood character, 81% about tall buildings in the park, 79% about traffic on local streets.

Specifically, the Trust seeks to continue to obtain 25% of its expense budget from revenues generated at Pier 40, which would eventually require increasing net revenue from a Pier 40 project to \$12.5 million. It anticipates that it may take a \$1 billion project to achieve this, suggesting a level of commercial use that may not be feasible given potential community opposition to a project of this scale, especially in the context of serious concerns about the advisability of building grand projects on piers as waters rise.

Because the commercial uses now allowed by the park Act, including retail and entertainment, resulted in proposals for undesired uses with unacceptably high impacts on the park and the adjacent neighborhoods, the Trust seeks a change to the Act to allow commercial offices. But commercial offices were excluded as non-compatible in the Act because of concern

about tall buildings and privatization of use. Those concerns remain, and an amendment to the Act allowing commercial offices would need to keep the compromise it embodies by otherwise retaining its priority of protecting the park purposes.

Another section of the Act limits commercial development at Pier 40 by limiting leases to 30-year terms. Stating this is insufficient to support the required investment for office development, the Trust also seeks a change to the park Act to allow leases of up to 99 years. Again, the lease terms mandated by the Act were among the limits of the “limited” commercial uses it allowed. Any change would need to be assure the same protections. The longer a lease, the greater the possessory interest of a developer, and the survey showed a continued high level of public concern about privatization. Longer leases may also encourage larger projects because they enable higher levels of financing, thus potentially discouraging smaller proposals. If the Act is amended to allow longer leases, triggers should be included to assure benefits to the park and adjacent neighborhoods, and any RFP should still specifically encourage proposals with shorter leases.

The Pier 40 project is always going to be a difficult one, with important goals likely to conflict with one another. There are good reasons why people are uneasy about major development within the park. A successful proposal for Pier 40 will need to be appropriately scaled and will require developers who understand and respect the needs and concerns of residents in a complex mixed-use area burdened by traffic and underserved by parks. The pitfalls of prior efforts to redevelop the pier can only be avoided if the Trust welcomes and unites the community as a whole as an engaged partner. Prior to issuance, a Request for Proposals will need to benefit from active public participation, with multiple opportunities for public review and comment. The Trust will need to assure affected neighbors and park users, and advise applicants, that it will not proceed with a project that engenders substantial opposition.

Community Board 2 has a long history of support for the Park, beginning with support for the Hudson River Park Act despite misgivings of many regarding the allowing even limited commercial uses. During the public process for the massive redevelopment of the St. Johns Building site, neighbors spoke out against the scale of the project and the height of the buildings, but Community Board 2 ultimately accepted the project because of the funding derived for Pier 40 and an expectation that the repair of the piles would reduce the scale of commercial development of the pier.

While the Trust has a mandate to try to fully fund park operations from commercial uses within the park, it is harmful to the important unity of park supporters to suggest that neighborhood objections to development proposals put the future of the park at risk. In fact, community opposition rescued the City from Westway and the Park and the Trust from big box retail and entertainment malls, and this knowledge should be a cause for the Trust to welcome community leadership.

The Act clearly accepts the possibility that funding for operations from the City and State may be necessary. Hudson River Park, though still not completed, has added great value to the west side of Manhattan. The special character of the park as a whole and its importance to the adjacent communities is essential to its continuing success. No amount of income from the pier is worth diminishing these values that are the core purpose of the Hudson River Park Act. The Act was written at a time when political divisions opened during the fight over Westway were still deeply felt and when the case for building a park on the blighted and disused west side of Manhattan was difficult to make. The value of Hudson River Park to the city and the state is now evident as it is vastly visited and enjoyed and it has contributed greatly to massive west side development. In the context of the great value of the park to the city and state, the local community is weary of being told that it has to accept tall buildings and incompatible development on a pier that is a critical park resource in order to protect the future of the pier and the park. Not enough is being done to make the case that Hudson River Park is no less important than any other public park.

Truly, the riddle of Pier 40 and the challenge presented by public comment, is how to maximize its potential to meet the needs of the community and the park without transgressing the strongly expressed desire in the community to keep buildings heights and commercial intensity strictly compatible with the goals and uses of the park. While compromise will be needed from all sides, the promise of the park as embodied in the park Act must come first.

FINDINGS (not necessarily in order of importance)

1. The park Act intends that park operations will be supported by income generated in the park *“to the extent practicable”*. It also requires that income generating uses be compatible with park uses. Therefore, to achieve community support, a Request for Proposals must start with recognition that the income generation is secondary to protection and enhancement of park uses, as mandated in the park Act.
2. The survey showed that failure to generate funds from commercial development on Pier 40 is of great concern to many park users who fear it may be detrimental to maintenance and public safety in the park, but potential harm to the park from commercial development is also of great concern to park users.
3. Areas of commercial use must be strictly defined to protect the park use and character from privatization. Changes to the Act to allow commercial offices would need to be balanced by changes that maximize public open space and assure its public control. The park Act designates piers for specific compatible uses, thereby protecting the public park character of other piers designated exclusively for “park uses”. Any change to the allowed uses must be fully responsive to the unchanged concerns that motivated the original language, including by limiting the intensity of use and mandating a mix of uses including uses that support community needs.

4. Because of the large size of Pier 40 and its anticipated mix of open space and “park commercial” uses, changes to the park Act to allow “commercial offices” should require that all areas on the pier that are not within the footprint of a building and its access areas must be developed as active and passive public open space not subject to zoning and that unless the existing building is retained, at least 50% of the actual footprint of the pier must be for these uses on the ground level. The “equivalent of 50%” language of the Act should pertain only to reuse of the existing structure.
5. While some commercial office use may be compatible with the goals of the park, full use of the currently available development rights may not be “practicable” because of incompatibility of the intensity of the use or the scale of required buildings. Full use of currently available floor area will generate the most income for park operations, but there is no law or regulation suggesting that the Trust will have full access to floor area currently allowed by zoning. Because the current zoning will need to be changed, there is no existing “as-of-right” floor area, and the Trust should anticipate the likely need to reduce the total amount of commercial use in a park setting to win public support for zoning changes.
6. Increasing vehicular traffic will require separation of commercial access from recreational uses. Safe access to and use of the Park is more important than revenue from commercial use and any redevelopment must include new driveway entrances and exits from and to West Street to eliminate pedestrian conflicts with turning traffic entering and leaving the pier.
7. Any future building at Pier 40 should be sited to protect the park and river from shadow impacts and, as required by the Act, to provide view corridors from cross streets to the river.
8. The large size of Pier 40 offers a unique opportunity to increase the amount of space for sports fields serving all the large and growing communities adjacent to Hudson River Park. Substantially increasing space for fields is essential for the growing number of families with children in these neighborhoods and for nearby schools that lack sufficient sports facilities. If the current building is not retained, any redevelopment at Pier 40 **should** include substantial increase to the number of fields and also add opportunities for indoor recreation to respond to the growing unmet need for youth sports facilities.
9. The sports groups and schools that use Pier 40 predominantly serve nearby neighborhoods, but not exclusively, and given the scarcity of field space in the area combined with massive residential development on the west side, *in addition to considering more fields at Pier 40*, the Trust needs to seek opportunities to develop fields farther north in the park. Gansevoort Peninsula will be primarily for passive uses, but could still include fields for younger children. Pier 76 may be another opportunity to build fields within the park.

10. The pier should support a mix of park uses, including passive uses supported by views to and over the river, and highly popular amenities such as playgrounds, dog runs, and more. Because ball fields are too large to be located elsewhere and the boathouse depends on access to the protected cove created by the pier, these uses should be prioritized at Pier 40. But parks throughout the city successfully integrate ball fields with other park uses and survey responses showed strong support for a variety of park uses on the pier. A balance of park uses will increase use of the pier and contribute to its public park character. The south side of the pier has some of the best views in the park and is ideal for “passive” recreation. Dog runs are also difficult to site because of objections by neighbors so this use also needs to be accommodated.
11. Commercial offices may be reasonable if their high value reduces the total floor area of a project, but commercial uses that enhance the park and support important community needs are generally more compatible with park uses. There should be a balance of commercial uses including park- and community-enhancing uses such as small restaurants and performance venues, commercial recreation, uses supporting the arts such as rehearsal space and galleries, and artisanal manufacturing.
12. Monthly car parking has sustained the pier and the park for many years and continues to be very important to many residents and a reliable source of income for the Trust. Hourly parking is used by many Pier 40 visitors. Because it has low value per square foot, parking consumes lots of space, but it is a relatively passive use, and its elimination may be disruptive and may generate opposition to a proposal, and therefore needs to be carefully considered. However, in an era of technological transformation of car transportation, any parking areas should provide for battery charging and car sharing and be designed for possible future conversion to other use. Automated parking should be incorporated to reduce environmental impacts and make more efficient use of space.
13. Rooftops can support recreational use, but the ground level is more supportive of the essential democratic character of parks. In addition, rooftops on the waterfront are subject to intense wind and sun conditions. Based on past experience, open space primarily on rooftops can make a proposal more attractive but will not build community support for a proposal. Rooftops can also provide a good location for indoor recreation.
14. Experience on the roof of Pier 40 indicates that intense wind at Pier 40 will limit the utility of unprotected fields, especially for sports that are otherwise playable when temperatures are lower, thereby reducing the benefit of increasing their footprint. A building located to the north may sometimes provide some protection from prevailing winds, but may also create gusts conditions and will not help with common “northeasters” and winds of the bay. For a project to achieve support from the youth sports community, effective mitigation will be essential and studies to evaluate the feasibility of protecting fields from the wind should be done immediately. Survey respondents voiced strong support for generating solar or wind power at the pier.

15. Opportunities for youth sports are essential to the quality of life of the area and a redevelopment project will take years to complete. A requirement of any project must be design and phasing allowing completion without significantly disrupting current park uses, including ball fields and the community boathouse, during construction.
16. Any redevelopment should respond to the identified need for more space for indoor sports, which currently occupy a very small part of the existing building. Community members have expressed a wish for other indoor recreation such as an indoor skate park, squash courts, and other uses. These may be provided as public amenities, but also potentially as commercial or combined facilities. Successful models already exist at the pier at the P3 youth baseball training program and at the Trapeze School.
17. For many years, access into and onto the Hudson River was severely restricted by industrial waterfront activities and polluted waters. Because of Hudson River Park and the improving water quality, growing numbers of Manhattan residents are now exhilarating in the recreational opportunities of not just the waterfront, but the river. As people grow more confident in the safety of river access, demand for river access is likely to expand more rapidly. Opportunities for free access to the river at Pier 40 should be sustained and expanded and the Trust should offer opportunities to individual park users.
18. Taller buildings at Pier 40 will change the character of the Hudson River waterfront and may cast too many shadows on the park and the river. There are currently no buildings exceeding 2 stories on the west side of Route 9A north of Chambers Street, and south of Chambers Street there is substantial park space to the west of the buildings. There is a long and consistent history of objection to extending the Manhattan height context to the river. On the other hand, taller buildings may create opportunities to create more park space and to open views and access from the park to the river. 96% of survey respondents think creating more space for fields is at least somewhat important and 93% think creating new places to relax by the river is at least somewhat important. But paradoxically, only 73% want more open space at Pier 40 even if it results in taller buildings, and 62% think buildings should stay at current height even if it means no new open spaces. In any case, the determinant of building height should be based on the overall impact on the park and adjacent neighborhoods, not solely commercial considerations. The response of neighbors to taller buildings is impossible to know outside the context of a specific proposal, but any increase to building heights will require a proposal with a high degree of sensitivity to the overall needs and concerns of the entire community.
19. High quality urban and landscape design will be essential, reinforcing the role of the park as a space of transition from intensely developed urban streets to the serene presence of the powerful river. Design goals may include a project that: celebrates the serendipity of the waterfront park; provides visual connections to surrounding landscapes and the river; respects and emulates the streets, scale, modulation, and

cultural energy of the adjacent areas; promotes sustainability and environmental stewardship with attention to climate and resiliency; provides a landmark with lookouts to the river and the city; and offers multiple through-paths with natural meeting places between use-designated spaces.

20. The design should also prioritize green architecture and flood resiliency and if possible use wind and sun to generate power. One way to build green is to reuse, so the Trust should not discourage proposals that retain parts of the existing structure while removing parts to create openness to the river.
21. Any RFP should make it clear to applicants that the Trust will be committed to responsiveness to the concerns raised herein and during the ongoing public process.