



**Submitted Testimony
By**

**Amy Chester, Managing Director, Rebuild by Design
Robert Freudenberg Vice President, Energy & Environment, Regional Plan Association
Thomas Devaney, Senior Director of Land Use, Municipal Art Society
Eric Klinenberg, Director, Institute for Public Knowledge, New York University**

**To the New York City Council Parks & Recreation and Environmental Protection
Committees**

January 23, 2019

Contact: Amy Chester 917.804.3470
achester@rebuilddbydesign.org

BACKGROUND ON REBUILD BY DESIGN:

After Hurricane Sandy impacted 13 states, costing more than \$65 billion in damages and economic loss, President Obama's Hurricane Sandy Rebuilding Task Force launched Rebuild by Design: The Hurricane Sandy Design Competition, a regional process that coupled innovation and global expertise with community insight to develop implementable solutions to the region's most complex needs. The U.S. Department of Housing and Urban Development (HUD) conducted the competition under the authority of the America COMPETES Reauthorization Act of 2010, and administered the competition in partnership with philanthropic, academic, and nonprofit organizations. Ten interdisciplinary teams were selected from 148 who applied to embark on the challenge.

The organizations before you today were among the leaders of that competition. Regional Plan Association, The Municipal Art Society of New York, the Van Alen Institute and the Institute for Public Knowledge were chosen to partner with HUD to lead the competition and provide local insight. We guided participants through in-depth research, cross-sector, cross-professional collaboration, and iterative design to develop regionally-scalable but locally-contextual solutions that increase resilience in our region. For us, the process to create the plans was as important

as the outcome of the plans. We worked to ensure all stakeholders were at the table from the beginning to ensure we were being inclusive with the people who would be most affected. We worked among the many other concurrent processes such as the Mayor's implementation of NYC's Special Initiative on Recovery and Resiliency (SIRR), New York Rising, the Environmental Justice Alliance, The NJ Office of Storm Recovery, and Occupy Sandy, to ensure that the proposals resulting from this challenge would not duplicate other efforts. Ours were to be regional, replicable and comprehensive developed with strong community collaboration.

DEVELOPMENT OF THE BIG U

The Hurricane Sandy Design Competition was a two-stage process of collaborative research and collaborative design. After a three month research stage, The BIG Team, comprised of BIG (Bjarke Ingels Group), One Architecture, Starr Whitehouse, James Lima Planning + Development, and others were selected to develop a resiliency concept for the floodplain of Lower Manhattan. That concept is what we now know as the [BIG U](#). The Mayor's office directed this team to focus on the Lower East Side, due to its highly vulnerable population, to develop the concept of an "integrated flood protection system" that was laid out in Mayor Bloomberg's SIRR report. In response, the team developed a 10-mile protective berm that would string around lower Manhattan co-developed with the adjacent community and responsive to the physical constraints of the site.

The Rebuild process guided the team to work with Lower East Side community organizations, including LES Ready!, a coalition which came together after Hurricane Sandy. The BIG Team's transparent and inclusive community outreach process oscillated between the City and the community to ensure the comprehensive proposal they would develop would be one that was reflective of the needs of both. Throughout the development of the plan, the community expressed that they wanted to preserve their waterfront, they wanted more access points into the park, they wanted additional jobs, and they wanted to preserve affordable housing.

HUD recognized this deep collaboration and in June 2014 the project won the largest award from HUD, \$330 million--over a third of the available funds--to implement the first section, from 23rd Street to Montgomery Street. It is important to note that the *project proposal* was granted the funding, not the team that devised it. Therefore, the grantees, in this case NYC, became the stewards of the selected design proposal, and agreed to implement the project on behalf of the residents and design team who create the plan. That fall, HUD issued its [federal register notice](#) outlining the use of these funds, stating that the projects must be "consistent with the proposal selected through the RBD competition process, to the greatest extent practicable and appropriate, considering the technical, fiscal, environmental, legal, and other constraints or opportunities that may be encountered." The City responded with an [Action Plan](#) laying out their intention for those funds and ongoing citizen participation.

IMPLEMENTATION:

For over four years, the City worked tirelessly to do the necessary engineering and design studies to reflect the community's feedback on the first stage of the original BIG U design

proposal, renamed East Side Coastal Resiliency (ESCR). A task force was created with Community Boards 3 and 6, and from January 2015 to March of 2018 twenty-five public meetings were held to focus on this section. An additional 14 meetings were held for the Lower Manhattan portion, which was renamed Lower Manhattan Coastal Resiliency.

These meetings were highly effective in bringing the City and the adjacent communities together to learn from one another and understand the desires of local residents and the physical limits identified through further engineering studies. The community understood when components of the plan were omitted due to escalating costs, and though the Community Boards requested necessary changes on specific issues, they generally supported the near-final proposal. This genuine process of consultation and engagement culminated last spring with the elimination of the Community Board task force, the filing of the City's submission to the NYC Design Commission, and plans for ULURP to begin in the summer.

THE NEW PLAN

In fall 2018, after thousands of hours of work from the community, the City, and its contracted engineers and designers, the City announced a new plan at an additional cost of \$700 million, bringing the total to \$1.45 billion. While the City has promised that the new plan will have the same amenities currently in East River Park, in more or less the same location, we find that in keeping the existing layout, the community is deprived of the opportunity to design the entire park with a blank canvass. Instead, the community will have essentially a new version of the 1930s-designed park, nearly 100 years later.

The cost has more than tripled from initial estimates and the benefits to the community have decreased from the original winning competition proposal. Some of the design elements from the initial proposal, such as additional access bridges, decking over the FDR drive, new transportation options and the harbor bath, that made this project truly unique, were excluded almost immediately as being cost-prohibitive. Now the funding has doubled, these desired community benefits have been reconsidered.

It was inevitable that the winning Rebuild projects would change design and budget from what was imagined at the end of the competition, and all seven have indeed changed to accommodate engineering and budget realities. We come before you today because we are alarmed by with the abrupt change in approach. The City worked with the community for nearly four years to design the first plan, and is now giving it only four months to comment on a design that will endure more than a generation. The exclusion of the public in the decision making process and the rationale the City has given for this action is counter to the principles of the Rebuild by Design competition.

We are not here to state that a park with a higher elevation is the wrong choice; perhaps the new design could have been an alternative considered from the beginning of the planning process. However, we are deeply disappointed with the City's last minute rationale to spend an additional \$700M without studying alternatives or fostering a public conversation on tradeoffs.

We have been aware of the costs involved in maintaining a flood-prone park for many years. This change should have been made when the challenge first arose over four years ago, not at this late juncture in the process.

As we understand it, the City has given the following reasons for this dramatic change: 1) To lift the entire park out of the 100-year floodplain to ensure that it will not flood, enabling the fields to be quickly returned to active use after a storm; 2) To minimize the disruption to FDR Drive traffic, as the previous plan would have limited traffic to one lane overnight for the duration of construction; and 3) To reduce construction-related disruptions for residents who live adjacent to the park by moving construction activity to the water's edge.

We would like to address these issues:

1. Active Recreational Parklands Can Flood by Design

Cities around the world are making tough decisions about flood protection, with many utilizing parks as the first lines of defense against increased sea level rise and coastal flooding. This new plan ignored this approach by allocating millions of additional dollars to keep the park dry. With NYC Parks occupying approximately 160 linear miles of the 520 miles of the NYC shoreline, a precedent in which just over a mile of flood protection costs \$1.45B is not one we would like to see set. In doing so, we find this project will no longer be able to be replicated in our City or in others.

NYC Parks has stated at the public meetings that floodable parks are “not active recreational” parks such as East River Park. We do not need to look as far as [Enghaveparken](#) in Denmark or [Water Square](#) in Netherlands to find examples of active parks that flood; there are quite a few examples in the United States that use active playing fields as temporary water retention, and others that use underground detention tanks. These parks are able to be brought to full public use only a few days after a storm.

The Trust for Public Land's 2016 [City Parks Clean Water](#) report provides an example where catastrophic floods in 2006 pushed the City of El Paso, Texas to turn to parks for stormwater management. Using money from stormwater fees, the El Paso Water Utility (EPWU) worked with the City parks department to create several “park-ponds” — sports fields that double as detention basins. A concrete holding basin and pumping systems are maintained by EPWU while El Paso Parks and Recreation maintains the fields. The largest example is Saipan-Ledo Park, a low-lying tract where poorly planned residences were wiped out by a 2006 flood. The site now features three-stepped terraces; the lowest of which is a fenced-off detention basin maintained by the EPWU, and the upper two hold regulation-sized sports fields which hold rising water in extreme rainstorms.

EPA's 2017 guide to [Green Infrastructure in Parks: A Guide to Collaboration, Funding, and Community Engagement](#) recognized Gene Green Beltway 8 Park in Houston, Texas. Built in 1997 by Harris County Precinct Two and the Harris County Flood Control

District, the 230-acre park serves dual functions of flood control and recreation. Approximately two-thirds of the park is a detention basin that can withstand periodic flooding. Gene Green Beltway 8 Park, like East River Park, has [active recreation](#) including tennis and basketball courts; a popular BMX dirt track; soccer, football and softball fields, a two-mile looped trail for jogging/walking/biking, and an amphitheater.

At times, NYC Parks has pointed to our city's use of synthetic turf as the determining factor for why our parks cannot be allowed to flood. However, improving the drainage of turf fields can result in fewer field closures after rain storms and reduce the need for seasonal turf maintenance, re-tilling, and aeration. The City can choose to pair grass athletic fields with underwater tanks to hold stormwater in extreme events as other parks do. While grass fields may have a higher maintenance cost, that cost, over time would likely not come near the additional \$700 million.

It would be unfair to solely pin this decision on NYC Parks as we understand that they have a limited budget and resources to maintain a floodable park and there had been significant investment in park amenities prior to Hurricane Sandy. This is an issue that needs to be addressed at the highest levels of government. Our city needs to recognize that the old way of funding agencies will not work to address climate change. NYC Parks limited maintenance budget today can not maintain the flood infrastructure we need to ready us for tomorrow. It is easier for the City to spend \$700M on capital costs to raise the park out of the floodplain, than it is to increase the maintenance budget with expense dollars. Climate change has ushered in a new era of planning approaches that require that NYC Parks is sufficiently financed and robust to take on the challenges of an increasingly hotter and wetter city.

2. Choosing cars over pedestrians and ecology

For years the City has been developing a plan with the community that would locate the berm adjacent to the FDR Drive and keep much of East River park as-is. We understand that this new plan is considered better by the City because it will move construction away from the FDR drive enabling the highway to stay open. This prioritization of cars overnight during construction over bike/pedestrians 24-hour use is concerning. The East Side is a transportation desert. For a community member who lives on Avenue D, the nearest subway access can be a 20 minute walk. Residents of the East Side depend on the East River Park to commute to work, and as an axis point to many other neighborhoods.

Bike and pedestrian experience is not the only change to this plan. The new plan calls for taking down almost all the existing mature trees and all of the plants that have been cultivated by community stewards of this park. Though the City has recently released its ecology plan for the new park, the loss of the ecology in the interim must be addressed. The City has yet to release the mitigation plan, which by the City's own tree replacement standards must include replacing tens of thousands of trees. The City should begin the

planting this planting season, working with the community to identify neighborhood benefits including empty tree pits, schoolyards that can be greened, NYCHA facilities that need upgrades, and locations where the City can close streets to cars to create pedestrian friendly, green spaces for children to play.

3. Disruption During Construction Remains

Disruption during construction is a serious concern and we are pleased the City has focused on this issue. We too would be worried about overnight construction noise from driving piles adjacent to residential communities. However, we have yet to see a study that shows how construction noise will be mitigated by moving construction to the water's edge. Since there are no barriers to absorb the noise, even in the new location, we are concerned that noise is likely to remain a nuisance.

LONG TERM STEWARDSHIP

The total redevelopment of East River Park poses a unique opportunity to fuse equitable long-term stewardship into the design. In this way, we can build a ground-up, new park that offers an opportunity to create spaces within that can become true local community assets. The City needs to consider these issues as part of the park design so a new equitable conservancy structure's longer term needs can be built into the construction plans. Items such as new storage facilities for equipment, community meeting spaces, and restaurant facilities for which the community can determine how the profits are spent within the park will be essential to a new organization. Now that the park will be virtually entirely new, discussions with the community should commence regarding the community-specific needs that should be included in the final plan.

New York City has a history of employing the "Conservancy" model, which typically takes the form of a non-profit institution that contracts with the NYC Parks to operate certain parks and open spaces. This formula has led to beloved new recreational spaces in Central Park, Bryant Park, the Battery, and the Bronx Zoo, through the capture of revenue and private and philanthropic donations to maintain the parks. While this approach can be effective in maintaining quality open space, these models often in practice and as perceived by local communities, have removed accountability and responsibilities from government, promoting exclusivity in uses, and featuring amenities that may not be affordable to adjacent communities.

When the City was nearing the completion of the previous design, it chose furniture and fixtures that were standard to NYC Parks, not those used in the City's prized parks such as Brooklyn Bridge Park or the Bronx Zoo. The City explained that the fixtures needed to be standard because East River Park will be maintained by NYC Parks while the others are maintained by private conservancies.

To address this issue, Rebuild convened a group of neighborhood leaders to select a partner to study alternative amenity models that could be applied in East River Park. With input from those neighborhood leaders, including representatives from Manhattan Community Board 3 and 6,

The Trust for Public Land and James Lima Planning + Development was selected to research different stewardship models and recommend a new model for East River Park.

The group of local leaders who advised Rebuild on choosing a consultant morphed into a “study group” and were engaged and consulted throughout the process to ensure that the recommendations we made would be in line with their desires, and build on the long-term stewardship that already exists in the park today.

To ensure that this crucial investment makes returns for an equitable and prosperous East River Park community, Rebuild’s report, *“Building Bridges: A Community Based Stewardship Study for and Equitable East River Park,”* recommends that the community pursue an “Alliance” structure, similar to the Bronx River Alliance. This would be coupled with setting equitable development goals enforced through actionable strategies and practices throughout park construction and operation. This approach has been successful with 11th Street Bridge Park in Washington, DC. We believe this will ensure that strong community leaders of the Lower East Side can make certain that the park continues to meet the needs of the adjacent community.

NEAR TERM RECOMMENDATIONS:

We believe that the City’s intentions with this project are well meaning, and with additional effort, the City could demonstrate to the community their renewed commitment to a transparent and inclusive process. Above all we want to ensure that the community is protected from coastal flooding now and into the future; that a world class park is developed that meets the community’s needs and respects surrounding ecology; and that the City is being transparent and fiscally responsible, including successfully securing federal funds allocated to this project. We respectfully offer the following suggestions to move this project back on track.

1. Immediately advance meaningful community outreach on specific topics. General meetings where community members do not feel they are having their questions answered is becoming unproductive. We recommend creating topic-specific task forces on ecology, access to the park, amphitheater design, long term stewardship etc. to collaborate with the community members who care most about those issues to come to a shared plan.
2. Respect the experts in the community. There are current and former NYC Parks workers, ecologists, academics, and community organizers who understand this neighborhood. Work with the individuals who are trusted by the community to gain the confidence needed in this proposal.
3. Give the community the resources to be educated. The new plan has unfortunately eroded some of the trust that was established between the City and the community. The community has a lot of unanswered questions and would benefit from additional technical expertise. The City can provide a portafolio of the resources from this project so the community can hire their own expertise.
4. Work closely with community members and designers to identify additional community amenities that can be added to the design of the park that will help the the long term stewardship group thrive in the future. These include amenities that will ensure the

community has places to meet, can over time decide to include concessions, additional bathrooms, and storage spaces.

5. Collaborate with the community on a robust mitigation plan. Work together to identify the needs of this neighborhood, both now and during construction. Ensure the organizations who are currently inside have a feasible alternative, such as a storefront nearby. Identify where thousands of trees can be planted this planting season, so they are grown before the demolition of the park.
6. Extend park benefits into the neighborhood. Identify open spaces that can be transformed and repurposed into pedestrian plazas, new playgrounds, and active spaces for the many sports leagues who use this park.
7. Commit to the concept of developing floodable parks - if not this one than another - and determine where and how they would work best. We need to change our culture and learn to live with water, not stop it. New York City needs to harness the opportunity to become a leader in this realm, and not kick the decisions of how we will live with water down the road.

CONCLUSION

The world is watching this project. New York City has a desire to be a leader in innovative and equitable climate resilience measures and this project is one of its greatest tangible realizations. This resilient park -- imagined as the first of its kind in NYC -- is planned to protect more than 130,000 vulnerable residents from future storm surge. This park can be built to protect communities from the future climate events, and do so in a way that is replicable, transparent and equitable, working with communities to develop a plan that everyone can celebrate. Hurricane Sandy devastated the Lower East Side. The City now has an opportunity to demonstrate what a 21st century truly resilient park can be. One that can protect vulnerable communities, enhance recreation, improve ecology, create job opportunities and and foster stewardship for the next century.