



ELIZABETH STREET GARDEN

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# CONSERVATION LAND TRUST REPORT

# SUPPORTERS

ESG'S CONSERVATION LAND TRUST PLAN IS SUPPORTED BY THE FOLLOWING LOCAL BUSINESSES AND ORGANIZATIONS

## ORGANIZATIONS

Bowery Alliance Of Neighbors  
Brooklyn Queens Land Trust  
Center for Italian Modern Art  
Chinatown YMCA  
Coalition to Protect Chinatown  
Earth Celebrations  
East River Park Action  
Green Guerillas  
iDig2Learn  
Inside Out Project  
Inspired Word NYC  
Inwood Legal Action  
Loisaida United Neighborhood Gardens (LUNGS)  
Metro Area Governors Island Coalition (MAGIC)  
Make Music NY  
Museum of Reclaimed Urban Space  
Movement to Protect the People (MTOPP)  
Moving Forward Unidos  
Northern Manhattan Community Land Trust  
NYC Community Garden Coalition  
Pathway to Paris  
Preserve Our Brooklyn Neighborhoods  
Sierra Club NYC  
The Cultural Landscape Foundation  
Think!Chinatown  
TIME'S UP!

## LOCAL BUSINESSES

Ahlem  
Albanese Butcher  
American Vintage  
Bag-All Inc  
Bagel Boss  
Balzem  
Bash  
Bisou  
Bronson's Burgers  
Buck Mason  
Cafe Habana  
Cafe Ino  
Café Select  
Cafetal Social Club  
Clare V.  
Coclico NOLITA  
Codex Books  
Concrete Love  
Corridor NYC  
Credo Beauty  
Cuyana  
DECIEM The Abnormal Beauty Company  
Descendant of Thieves  
Diptyque  
Eileen's Cheesecake  
Emporio  
Epistrophy  
Ermine New York  
Felix  
Fiat Café  
Fjällräven  
Fried Rice NYC  
Gelateria Gentile  
Gorjana  
Hair Philosophy  
Hit House  
INA  
Industry of All Nations  
Isalis  
Jack's Wife Freda  
Judi Rosen New York  
Juice Press  
Kiehl's  
Kimika  
La Colombe  
La Esquina  
Le Labo  
Les Miss  
Little Cupcake Bakeshop  
Little Rascal  
Little Moony  
Loeffler Randall  
Lombardi's  
Lovely Day  
Lunya  
Malin + Goetz Nolita  
Marine Layer  
McNally Jackson Bookstore  
Modern Mystic Shop  
Mizensir  
Noah NY  
Nolita Wine Merchants  
Nom Wah Nolita  
Nudie Jeans  
Numi  
Only Hearts  
Overthrow  
Parisi Bakery  
Parm  
Peasant  
Pietro Nolita  
Plantshed  
Plump Cosmetics  
Print Fresh  
Rubirosa  
Ruby's  
Scent Bar NYC  
Schott NYC  
Soludos  
Standard & Strange  
Thai Diner  
The 420: A CBD Store  
Taiim  
The Grey Dog  
The Meadow  
The Musket Room  
The Nolitan Hotel  
Tom & Jerry's  
Variazioni  
Velasca  
Vince  
Wayan  
Wayla  
Westerlind  
Wine Therapy  
YAMA Hair Salon  
Yours Truly  
Zooba

UP-TO-DATE SUPPORTER LIST AND DIGITAL VERSION CAN BE FOUND AT

[WWW.ELIZABETHSTREETGARDEN.COM/CLT](http://WWW.ELIZABETHSTREETGARDEN.COM/CLT)

# INTRODUCTION

ELIZABETH STREET GARDEN is a community sculpture garden located in the neighborhood of Little Italy, Manhattan. The Garden is kept open to the public by neighborhood volunteers and offers hundreds of free public programs amidst just over 20,000 square feet of public green space and ornamental sculptures. Elizabeth Street Garden, Inc. (ESG) is the 501(c)3 nonprofit that oversees all operations in the Garden including maintenance, programming, fundraising, and administrative duties.



## SITE HISTORY OF ESG

To view our full timeline, visit [ElizabethStreetGarden.com/intro](http://ElizabethStreetGarden.com/intro)

1822

The Free School Society builds a progressive public school that undergoes future expansions

1975

After many successful years, the Public School is torn down, leaving half of the block vacant

1981

Little Italy Restoration Apartments builds affordable housing on the lower half of the lot, leaving the future garden plot vacant

1991

City enters month to month lease with Allan Reiver, who plants trees and greenery and installs sculptures creating the foundation of the Garden

2005

Upon acquiring the adjacent building, Reiver provides limited public access to the garden through Elizabeth Street Gallery.

2012

City Councilmember Margaret Chin slates Garden to be destroyed for affordable housing in a backroom deal with no community review

2013

Community organizes to help revitalize the Garden, expanding public accessibility and free public programming

2018

City begins formal Land Use Process after awarding the Garden lot development project to selected developer

2019

After 6 years of community outreach, ESG files lawsuit against the City to stop the development that would destroy the garden

Present Day

Despite the city's attempt to circumvent the pending court case with eviction, ESG continues to remain open to the public, advocating for the preservation of the Garden

WE ARE PROUD TO HAVE EXPANDED THE GARDEN'S PUBLIC ACCESSIBILITY OVER THE LAST 9+ YEARS. AS ESG CONTINUES OUR WORK TO PROTECT AND PRESERVE THE GARDEN, WE ENVISION A BRIGHT FUTURE IN PRESERVING THIS LAND AS A CONSERVATION LAND TRUST.

# WHAT IS A LAND TRUST?

A land trust is a nonprofit organization that owns and manages land.

A **Conservation Land Trust** is a nonprofit corporation in the US that acquires land or conservation easements for the purpose of preserving open space, natural areas, waterways, and/or productive farms and forests.



Brooklyn Queens Land Trust



New York Restoration Project

## URBAN GARDEN CONNECTIONS

Bronx Land Trust • Manhattan Land Trust

## LAND TRUST EXAMPLES

### Multi-Site Land Trusts

#### New York Restoration Project

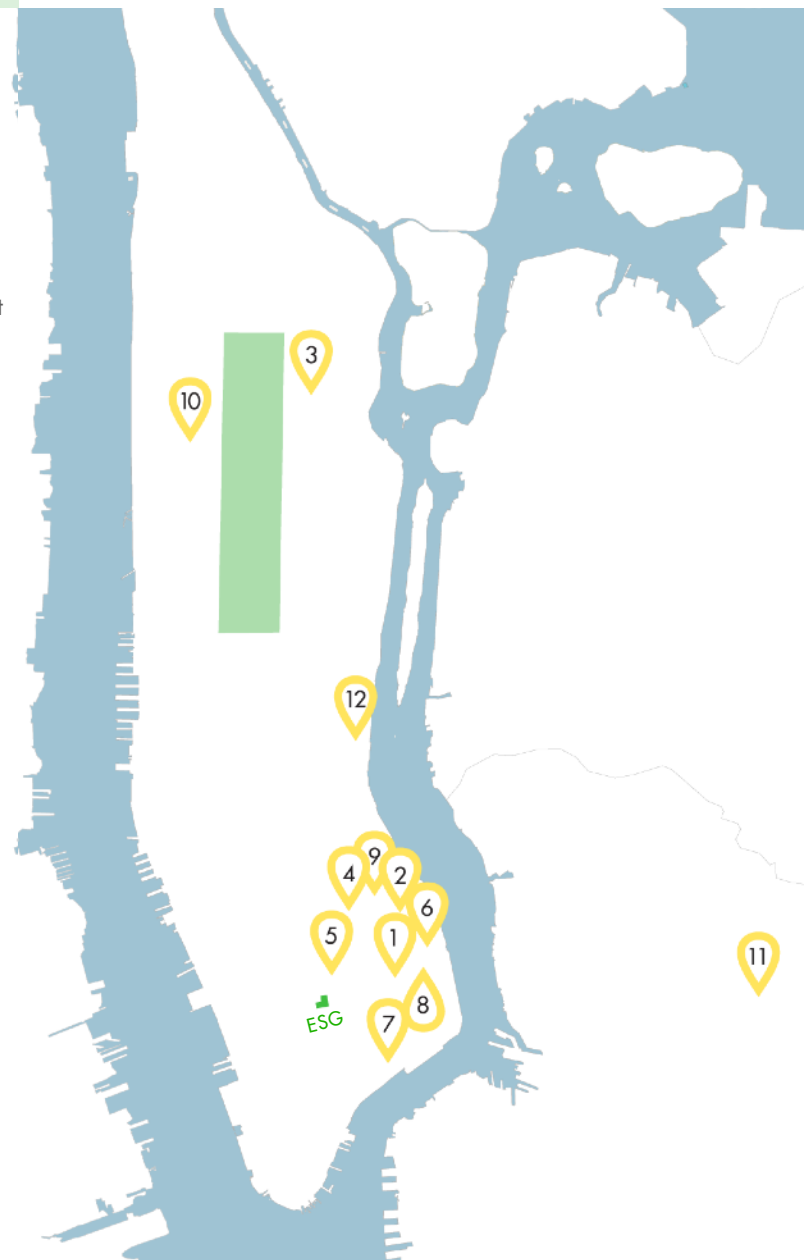
- 1 The Dorothy Strelsin Memorial Community Garden, 174 Suffolk St
- 2 Toyota East Children's Learning Garden, 603 E. 11th St
- 3 103rd Street Community Garden, 105 East 103rd St

#### Manhattan Land Trust

- 4 11 Street Community Garden, 422 E 11th St
- 5 Albert's Garden, 18 E 2nd St
- 6 All People's Garden, 295 E 3rd St
- 7 Lower East Side People Care, 25 Rutgers St
- 8 Parque de Tranquilidad, 318 E 4th St

### Single-site Land Trusts / Nonprofits

- 9 El Sol Brillante, E 12th St btwn 1st Ave and Ave A
- 10 West Side Community Garden, 123 w 89 St
- 11 Arboleda de Ninos/Children's grove, 1480 Myrtle Ave
- 12 Tudor City Greens, 38 Tudor City Pl



# LAND OWNERSHIP

How can the Garden become a CLT under ESG? ESG already performs all the functions of a CLT. The last step to establishing ESG as a CLT is a transfer of ownership of the garden lot to ESG.

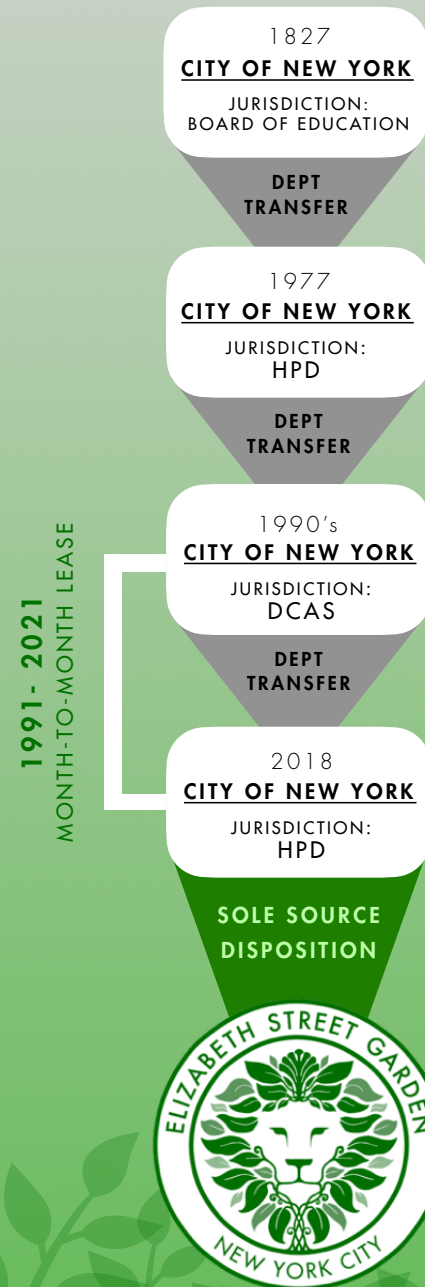
## CONVEYANCE FROM THE CITY

Once the City of New York determines that it will convey the garden to ESG, in the group's capacity as a single-site land trust, the parties must determine the best mechanism for the transfer.

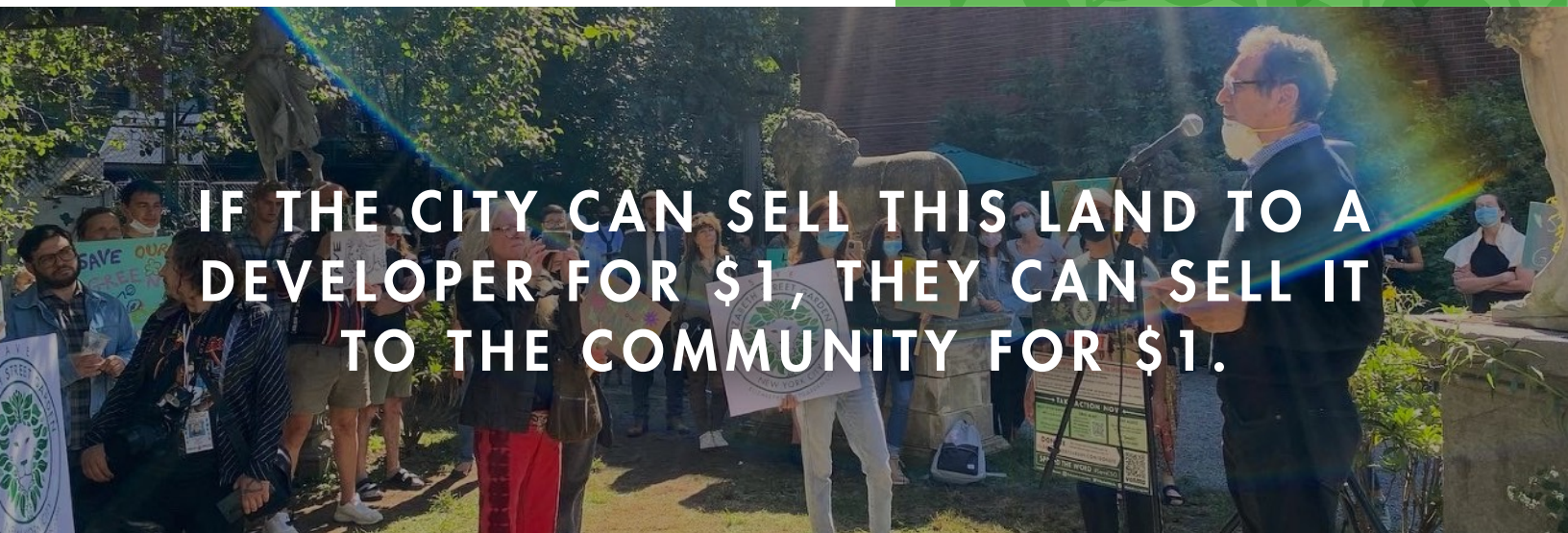
Most City-owned property is controlled by the Department of Citywide Administrative Services (DCAS) and can only be transferred via public auction (i.e. to the highest bidder). However, two agencies — the Department of Housing Preservation and Development (HPD), and the Economic Development Corporation (EDC) — can convey a property via "sole source disposition" to a designated organization. Since HPD currently controls the property, a direct conveyance to ESG may be the most feasible option.\*

\*If there are obstacles to HPD conveyance, there is a precedent for EDC involvement: EDC was the vehicle identified by the Mayor's Office in 1999 for conveyance of 114 community garden to The Trust for Public Land and New York Restoration Project.

## GARDEN LOT OWNERSHIP



IF THE CITY CAN SELL THIS LAND TO A DEVELOPER FOR \$1, THEY CAN SELL IT TO THE COMMUNITY FOR \$1.



# PROTECTING THE LAND AS A PERMANENT COMMUNITY GARDEN

Conveyance of the land to ESG does, by itself, provide significant protection for the garden. ESG's status as a NY State nonprofit corporation, and its federal 501(c)3 tax exempt status, depend on the organization's adherence to its mission of operating and protecting the garden.

Several legal mechanisms are available to further insure that, once conveyed to ESG, the site will remain a public open space in perpetuity. The most common mechanisms are deed restrictions and conservation easements. According to The Land Trust Alliance (LTA), "**deed restrictions** and **conservation easements** are essentially the same thing, a legally binding restriction on the use of land in the form of a written instrument that affects the title to the land and is generally recorded where deeds are recorded." Both mechanisms generally "run with the land", meaning that any future owner will discover these mechanisms via a deed search and will be required to adhere to them.



## DEED RESTRICTIONS

In the small number of cases where the City of NY has conveyed community gardens to land trusts, deed restrictions have been commonly used.

In the late 1970's and early 1980's, The Trust for Public Land worked with several gardens (operating as single-site land trusts) to acquire land from the City. In these cases, the City placed a restriction in the recorded deed to the property, stating that "*the use of the property is restricted to nonprofit community organizations for open space purposes,*" adding that "*in the event that such use shall be discontinued, title shall revert to the City.*"

## CONSERVATION EASEMENTS

Conservation easements are used to protect over 2/3 of the 25 million acres preserved by land trusts in the U.S. *source: LTA, 2015 Land Trust Census Report*

Unlike the use of deed restrictions, which simply involves adding restrictive language to the deed that is exchanged between two parties, easements require an additional real estate document and an additional party to the transaction.

In this scenario, the City would convey the garden to Elizabeth Street Garden Inc. (ESG) and ESG would then convey (via an additional recorded deed) a conservation easement to a third party—generally a nonprofit—that is entrusted to monitor and enforce the specific open space restrictions contained in the easement document.

# ESG AS A CLT

ESG wants to save the Garden we all know and love! For this reason, we aim to protect & preserve the Garden in a way that allows the unique qualities, statuary, and architectural aspects to remain, while providing the public open green space our community desperately needs at no cost to the City.

## BENEFITS OF BECOMING A CLT

- ✓ Preserving unique garden qualities
- ✓ Community governance
- ✓ Financial independence
- ✓ Saving NYC Parks Budget

## UNIQUE QUALITIES

As a Conservation Land Trust, the Garden would be saved in perpetuity and the statuary and architectural elements would remain. ESG already owns key historical elements such as the balustrade along the main walkway and the Olmstead Gazebo located on the front lawn.

If the garden were transferred to NYC Parks Dept, most if not all of the statuary would be removed. Any monuments on Mapped Park Land would have to be accepted into the City's collection and reinstalled, costing thousands of dollars.

## COMMUNITY GOVERNANCE

As a CLT, the garden would be managed by the people for the people. ESG is a volunteer-based nonprofit where neighborhood volunteers keep the garden open, plans, and facilitate public programming, and more! Currently, Volunteers supervise and manage the garden by signing up for 1 hour time slots. If paired with staff/interns, volunteers slots could be offered primarily during the weekend. Volunteer slots provide the opportunity to strengthen and grow the sense of community where neighbors have the opportunity to meet one another and foster a relationship. Staff could be used to expand operating hours, especially during the colder months and weekdays.



# FINANCIAL INDEPENDENCE

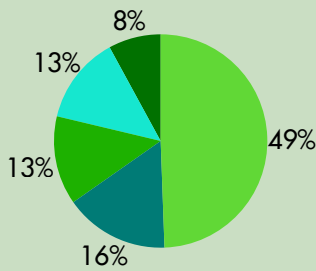
As a Conservation Land Trust, ESG will require no City funding in order to maintain the Garden’s physical upkeep, hundreds of free public programs, staffing, and future plans. In fact, approximately 75% of ESGs budget goes to legal fees. **Imagine what we could do with those funds if the Garden is saved!**

## WITH THE GARDEN NO LONGER AT RISK, ESG COULD DIRECT FUNDS TOWARDS

- ❖ Expanding operating hours and accessibility
- ❖ Building new components such as a greenhouse, composting station, covered area with solar panels.
- ❖ Establishing our very own ESG grant program for other community gardens around the city.

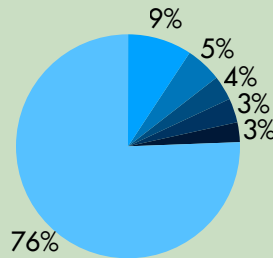


Earnings



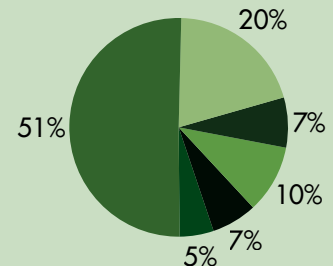
- Garden Rentals
- Grants
- Garden Cash Box
- Unrestricted Donation
- Donated Goods

Expenses



- Legal Fees
- Admin Fees
- Staff Wages
- Programming & Events
- Garden Lot Utilities
- Maintenance

Projected Expenses if Saved



- Garden Improvements
- Admin
- Garden Lot Utilities
- Staff Wages
- Programming & Events
- Maintenance

# SAVING NYC PARKS BUDGET

ESG recognizes that there are alternative methods for preserving the garden, such as transferring the land to NYC Parks Department as mapped parkland or under the GreenThumb program.

While these other methods would also preserve the garden, continuing to operate ESG independently could save Parks Department funds for other green space initiatives across the district and the five boroughs, increasing park equity for all.

## *Potential project suggestions collected from a mixture of CD1 public participatory budget projects, CB1, 2, & 3 Fiscal year requests.*

- ❖ Supporting city green infrastructure program (DEP) - to assure all city parks and green streets have pervious green space and adequate stormwater capture
- ❖ Increasing Parks Dept staff in district 1 for improved upkeep and maintenance of district parks
- ❖ Park additions/improvements beneath Manhattan anchorage of Brooklyn Bridge and Revitalizing Coleman Skatepark
- ❖ Restoring and reopening Brooklyn Bridge Bank Open Space
- ❖ Creating public open space to better utilize the areas underneath the Manhattan side of the Williamsburg Bridge
- ❖ Allen Street Mall renovation for community usage
- ❖ SDR improvements - upkeep, improvements, addition of dog-run
- ❖ Columbus Park improvements - fountains and sprinklers
- ❖ Seward Park Playground renovations



# PROJECTED ESG PROJECTS

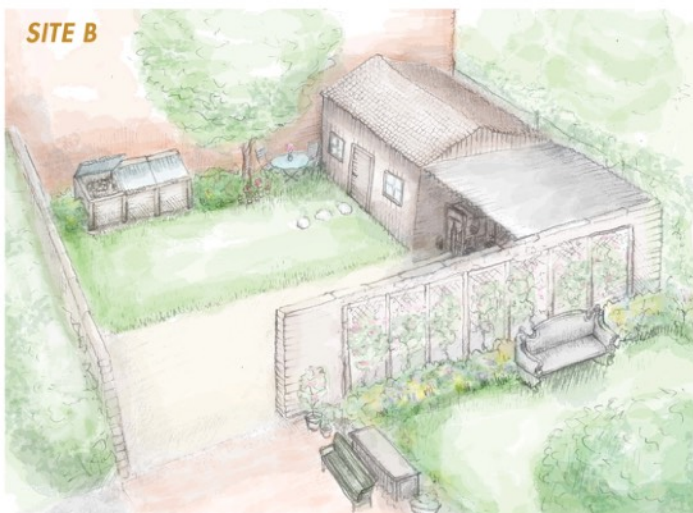
## GARDEN IMPROVEMENTS

**SITE A** ESG will use this area to build a new greenhouse conservatory for year-round gardening, harvesting & food security. Year-round Public School workshops will be expanded to allow students to continue learning about seed growth and cultivation through the winter.

**SITE B** This area will be cleaned to make room for a composting station and improved volunteer and storage shed.

**SITE C** The roof of the lean-to will be restored and equipped with solar panels for energy efficiency. The structure will be further outfitted so that it can be better utilized by the public through the winter. A community lending library will be built for visitors to share and enjoy.

**SITE D** COMPLETED IN 2021 Stairs to the existing balcony will be rebuilt. Tables and chairs will be added to increase accessibility and square-foot usage.



# PROJECTED ESG PROJECTS CONTINUED

## EXPANDING PUBLIC HOURS

Utilizing a combination of hired staff and volunteers, ESG could expand open hours to the public to increase accessibility.

2021 HRS	Spring	Summer	Fall	Winter
Weekdays	11 am - 5 pm	11 am - 6 pm	11 am - 5 pm	Noon - 4 pm
Weekends	10 am - 5 pm	10 am - 6 pm	10 am - 5 pm	11 am - 4 pm

Projected HRS	Spring	Summer	Fall	Winter
Weekdays	9 am - Sunset	9 am - Sunset	10 am - Sunset	10 am - Sunset
Weekends	9 am - Sunset	9 am - Sunset	10 am - Sunset	10 am - Sunset



## GARDEN GATE RENOVATION

The main entry gates would be replaced with existing mid-century French cast iron gates and the existing chainlink fence along the perimeter would be replaced with the classic NYC Parks steel fence for a more aesthetically appealing design.



## ESG GRANT PROGRAM

Establishing our very own Elizabeth Street Garden grant program to support other community gardens across the city. Nonprofit community gardens across the city could always use more funding. With one average garden rental, ESG could offer several grants to support operating expenditures such as water, maintenance, gardening supplies, and educational project budgets.





**OUR MISSION: TO PROTECT & PRESERVE THE MAGIC OF ELIZABETH STREET GARDEN AS A PUBLIC COMMUNITY GREEN SPACE AND TO DETERMINE HOW THE CITY OF NEW YORK TOGETHER WITH THE COMMUNITY CAN PROTECT THIS SPACE FOR GENERATIONS TO ENJOY.**

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**CREATIVE DIRECTOR**

Ella Barnes



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**SPECIAL THANKS TO ANDY STONE**

FOR HIS RESEARCH AND COLLABORATION ON THIS REPORT

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