



New York City Community Garden Coalition wishes to thank
 ...our garden elders, whose footsteps we humbly follow in,
 today's Town Hall participants and presenters for their energy and dedication,
 Ciao for Now - for the delicious & healthy food,
 and North Star Fund for their support and encouragement.

Thank You!

UPCOMING NYCCGC EVENTS & APPEARANCES

Wild & Scenic Film Festival

Wednesday, March 9th, 5:30 - 8:30 pm
 LGBT Center, 208 West 13th St, Manhattan

NYCCGC joins community gardening pioneers Green Guerillas to co-host an evening of award-winning, environmentally-minded short films. Tickets: \$10 includes free Green Guerillas t-shirt; Sponsor Ticket: \$20, shirt, popcorn, and recognition at event. \$1 popcorn and refreshments! \$2 beers! Tickets are limited and expected to sell out; see NYCCGC.org for ticket links.

Making Brooklyn Bloom

Saturday, March 12th, 10:00 am - 3:30 pm
 Brooklyn Botanic Garden

NYCCGC will be presenting "People, Plants, and Politics in the City," a workshop aimed at giving an overview of gardens and their place in

NYCCGC General Meeting

Thursday March 17th - and every third Thursday of the month
 Location varies (See NYCCGC.org for updates), 6:30 - 8:30pm

At our monthly open meetings, we invite community gardeners to come and share their garden troubles & triumphs. During the growing season, meetings are held in gardens throughout the city. See NYCCGC.org for location. We are currently accepting nominations for our Board of Directors; elections will be held at the April meeting. Contact elbelcher@gmail.com for details.

GrowTogether

Saturday, March 26th
 Hostos Community College, Bronx

GreenThumb's annual gathering of over 1,000 community gardeners from across the city. Join NYCCGC for our workshop, "People, Plants, and Politics in the City." See www.greenthumbnyc.org for more info.

NYCCGC Community Gardeners' FORUM 2011

Saturday, May 14th, 9:00 am - 4:30 pm
 The New School, 66 West 12th St, Manhattan

NYCCGC's annual summit of community gardeners, greening partners, policy makers, and decision makers. More details coming soon... Visit NYCCGC.org or "Like" us on Facebook for updates!

NEW YORK CITY COMMUNITY GARDEN COALITION PRESENTS

Making Gardens Permanent: Long-Term Solutions



SATURDAY, FEBRUARY 19, 2011

St. Mark's Church In-the-Bowery
 131 East 10th St NYC

Why garden preservation now?

In 2002, after years of struggle and determined activism, the community garden movement forced the city to come to terms with the State Attorney General and draft an agreement that preserved most community gardens in the city. While far from perfect, this agreement created an orderly and more fair process for preserving gardens and making new ones.

However, this agreement expired last year. The city now has a temporary agreement, but we need to get a permanent policy in place – and community gardeners need to be involved in creating that policy.

The current administration has proven to be much more garden friendly than Mayor Giuliani. And indeed, Council Speaker Christine Quinn has proven herself to be a strong ally of community gardeners. We have the opportunity to work with the Speaker and her staff to develop city policy that would give community gardeners a stronger footing than they have ever had.

What are we doing here today?

The New York City Community Garden Coalition's mission is to be the grassroots voice of community gardeners from every neighborhood in New York City. In order to do that, we need to hear from you. Today we'll be reporting back to you on the work that the Coalition's Legislative Committee has done so far, and presenting some ideas that have emerged from both inside the coalition and from our discussions with city and state officials.

We want to hear what you think about them, and also hear your ideas.

What do you like about these ideas?

What are your concerns about them?

Is there something that we haven't thought of?

This meeting is your platform to speak up.

What would good city community garden policy look like?

This is not a complete list, but the major criteria might include:

1. *Make all current community gardens permanent*
2. *Create more ways to make more community gardens*
3. *Increase city support for its community garden program*
4. *Make the agency that manages the city's community garden program is accountable to community gardeners.*

FIVE TOOLS *for* Preserving Community Gardens

LAND TRUSTS

What is it in a nutshell?

A land trust is an agreement in which one party (the trustee) agrees to hold ownership of a piece of real property for the benefit of another party (the beneficiary). The agreement puts use restrictions on the land. For instance, in the case of the NYC land trust gardens, the land must remain as a community garden or open space.

The term land trust can also refer to a private, non-profit organization that actively works to conserve land by undertaking or assisting in land or conservation easement acquisition, or by its stewardship of land or easements (e.g. the Manhattan, Bronx, and Brooklyn-Queens Land Trusts)

What gardens would this work for?

Any garden on private property or public land that could be conveyed to a private not-for-profit. The not-for-profit would act as the trustee and the beneficiary would be the gardening group.

What are the political challenges?

In the case of city property, this would privatize public land. Many open space advocates, including community gardeners, are deeply suspicious of efforts to privatize land. The term “Gramercy Park Syndrome” is frequently invoked. Sure, it looks pretty on the outside, but you never see anybody inside, and the general public certainly isn’t welcome.

This option would cause the City to lose legal title to the land on which the community gardens sit. One would expect some normal resistance from the City to a solution would require it to give up ownership of land. Any sale of NYC property would require a ULURP (Uniform Land Use Review Process), which is cumbersome and expensive. In order to obtain ULURP approval, you need to pass through up to four different hoops -- the local Community Board, the Borough President, the City Planning Commission, and City Council.

GreenThumb currently supports land-trust community gardens. However, if all community gardens were in one or more land trusts, the City may no longer feel any obligation to spend its own money or to apply for Federal or State aid to support community gardens. In the case of private land, the main challenge is the high cost of land in New York City.

What role would community gardeners have in managing this?

The existing NYC land trust organizations are made up of and managed by community gardeners. NYRP gardens purchased from the city are also land trust gardens, but are managed overall by a private not-for-profit. A community garden could also form its own land trust as a single not-for-profit. However, this is not the citywide solution that this meeting is about.

How long would it last?

This is a permanent protection as long as the not-for-profit entity is stable. In the case of the existing NYC land trust gardens, if at some point they are no longer maintained as community gardens or open space, they will revert back to city ownership.

CONSERVATION EASEMENTS

What is it in a nutshell?

A legal agreement between a landowner and a conservation organization or government agency (referred to as a holder) that permanently limits a property’s uses to protect its conservation values, such as a community garden or farm. Each easement’s restrictions are tailored to the particular property, to the interests of the individual owner, and to the policies and purposes of the easement holder. Landowners conveying conservation easements retain title to their lands. For example, the city could have a conservation easement with a not-for-profit garden group or the city could have an easement with the state. NYS DEC holds a number of conservation easements.

What gardens would this work for?

Gardens on private or public land where use could be permanently restricted. There is no legal obstacle preventing cities in New York State, or their agencies, from holding conservation easements.

What role would community gardeners have in managing this?

If a not-for-profit garden group or state agency holds a set of easements, the role of the gardeners would not change. If a new not-for-profit is created to hold these easements, a land trust for example, gardeners could play a role in developing the entity and determining the decision-making processes. If an individual community garden is the easement holder for its site, the garden group is responsible for enforcing the terms of the easement. Other roles and responsibilities could be written into the terms of the easement.

What are the political challenges?

Because conservation easements are intended to be permanent restrictions, the creation of each easement would be subject to the city’s ULURP process. Also, easements would take away flexibility from the city to use the land for other purposes. The city’s only incentive to move forward with this is a commitment to protect its limited open space. If the community garden movement wants to promote this, it will need to build support among the movements for environmental justice, affordable housing, and sustainable development.

How long would it last?

Land can be preserved permanently as open space or as a community garden.

LONG-TERM LICENSES

What is it in a nutshell?

This is an extension of existing license agreements between NYC agencies and community garden groups. The new GreenThumb license agreement has a term of four years. The goal would be to push for a license agreement that is much longer in duration. License may include maintenance conditions and automatic renewal rights.

What community gardens would this work for?

Any community gardens that hold existing agreements with the City.

What role would community gardeners have in managing this?

The role of the community garden groups does not change.

What are the political challenges?

This solution has few political barriers, especially for land under NYC Parks & Recreation jurisdiction.

How long would it last?

A license lasts as long as specified in the license agreement and could extend beyond individual administrations. However, the existing GreenThumb License Agreement and city contracts in general, include an “out clause.” For instance, the current agreement states, “This Agreement shall terminate without any action by either party if Licensor ceases to be the fee owner of the Premises. Licensor may, in its sole and absolute discretion, terminate this Agreement upon sixty (60) days written notice to Licensee, and Licensee shall have no recourse of any nature what-

soever. Licensor shall have no liability of any nature whatsoever by reason of such termination.”

This means that while Parks Dept/GreenThumb may claim that the current batch of licenses are for four years, but they can cancel a license and kick the community gardeners out in as little as two months.

“MAP AS PARKLAND”

What is it in a nutshell?

This gives a community garden the status of protected parkland. Once mapped as parkland, changing the status of a site would require approval by the New York State legislature, the Governor, and the New York City Council. Currently, the NYC Department of Parks & Recreation cannot place a restriction on parkland that would make community gardening its only use. So mapping as parkland protects the land from development, but not from conversion to other Parks uses, such as a playground or ballfield.

What community gardens would this work for?

Any city-owned community garden can be mapped as Parkland.

What role would community gardeners have in managing this?

The role of individual community garden groups does not change.

What are the political challenges?

This requires ULURP. Mapping as parkland puts the land in a category of Parks property with expectations of programming and specific uses. Some community garden sites are deemed as too small or inappropriate for this designation by the Parks Department.

How long would it last?

The intent is permanent protection of the land, but can be undone through a vote by the New York State Legislature and possibly other entities.

PRESERVATION AGREEMENT WITH NEW “PARTNER” AGENCY

What is it in a nutshell?

The mayor’s office representing the City of New York enters into a long-term preservation agreement with a newly formed organization. This new organization would hold licenses with individual garden groups. The preservation agreement could include the continuation of GreenThumb’s role in supporting gardens and managing the license agreements. While the existing support from the City and GreenThumb would

be maintained, the entity would also hold responsibility for the garden sites.

The entity would be governed by a board representing individual community gardens/ NYC Community Garden Coalition members, greening groups, government and other stakeholders. Gardens would remain city-owned and preserved as gardens. The new entity would have a strong voice in NYC garden policy. As with the land trust gardens, the use as a community garden or open space would be protected, but only for the life of the agreement.

There are no guarantees, but this might be an interim step towards moving community gardens into conservation easement protection.

What gardens would this work for?

Initially for gardens on city-owned property, but would be developed to include other gardens in the future.

What role would community gardeners have in managing this?

Gardeners would participate in the governing of the organization as board members. The governing principals of the new organization would include the role of individual gardeners in the decision-making process. Since license agreements would be between the new organization and gardeners, the organization would be responsible for determining if a garden is in default of the rules and how to proceed.

What are the political challenges?

The majority of community gardeners using Parks’ property would have to agree with this solution, since it is an “umbrella” solution that would be implemented for most, if not all, gardens on Parks property. The Mayor and City Council will need to support this. There may be concern that the Agreement could lead to the privatization of the community gardens on public land in the way conservancies are perceived to privatize public parkland. However, there is an incentive for the city if the organization can independently raise funds to support the city’s garden infrastructure and other needs.

How long would it last?

The length of the agreement. However, city contracts generally include an “out clause” that allows for termination of an agreement within 60 days at the city’s discretion.