The importance of community in public–private partnerships and development

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ABSTRACT

The past three decades of public–private partnerships has altered urban development and city building in ways that have and will continue to shape the future. Historically, there has been a gap in academia between the theory and practice of successful public–private partnerships. While theoretical knowledge on the 'how-tos' of working with public officials is documented, there is very little written by developers on the actual practices they have used in redevelopment cases. Experts in the field, however, such as Lynne Sagalyn of Columbia University, state that even though each public–private partnership project is unique, the only way for the next generation to understand a partnership's success, and therefore a project's success, is by current developers documenting the ins and outs of their work. In today's political and socio-economic climate, communities surrounding (re-)developments are quick to view real estate developers as the 'bad guy', having little care for what the local population needs to be successful in the 21st century. Recent trends also demonstrate that a community's decision can make or break the future of a development project. Yet, this sentiment occurs during a time when all forms of development and city building are needed to act as a form of resilience against macro socio-economic issues, such as the affordable housing crisis. If developers were to document both the successes and failures in their past development projects, the next generation of real estate professionals would more efficiently gain knowledge about the benefits of working with the community, and how it leads to innovative, responsible developments. Moreover, documenting past and current public–private development projects does not only benefit the next generation, but is also an effective tool for current developers to learn from their past wins and losses. As the real estate industry has entered a new era full of technological and industrial advancements, it is more important to analyse past public–private partnerships and developments. As the functions, abilities, and goals of the public and private sectors, as well as the goals of the surrounding communities, continue to evolve, so too do the means of securing a successful public–private partnership. By comparing RXR Realty's redevelopment of the Nassau Hub in Nassau County, New York to the former Lighthouse Project proposed for the same land, as well as aspects from other New York City development projects, this paper

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aims to analyse how the success of 21st-century public–private partnerships is not only the result of a shared vision between the public and private parties, but also requires transparency, compromise and co-creation.

THE HISTORY AND EVOLUTION OF PPD

The concept of conjointly advantageous cooperation between the public and private sectors is not fundamentally new to the US political economy. Historically, the US Federal Government has used publicly owned land to assist states in economic, educational and developmental growth. Land grants and federal laws, such as the Morrill Acts of 1862 and 1890, whereby Congress funded educational institutions by granting federally controlled land to the states to sell, raise funds, and establish land-grant colleges, can be seen as the predecessor to the contemporary, ever-evolving meaning of public–private partnerships.[1] Throughout the years, as politics, governing practices and private businesses have evolved, so has the notion of public–private partnerships.

There is no better case study to see the evolution in the public and private sectors' relationship than that of real estate development. The modern vision of public–private partnerships was first used in the 1970s as an approach for downtown redevelopment. During this time, cities were struggling as severe cutbacks in federal aid, double-digit inflation and growing anti-tax sentiment made it almost impossible for mayors to receive funding for much-needed revitalisation development. Without federal government funding, local government officials had to rely on other resources, such as unrealised value of publicly owned land.[2] Mayors soon realised that creating joint ventures with private, for-profit entities would be beneficial for a multitude of practical and strategic reasons, such as gaining more flexibility and efficiency of resources without stressing public finances.[3]

Simultaneously, a federal government programme enacted in the late 1970s sparked the public and private sectors to come together in order to redevelop downtowns. The Housing and Community Development Act of 1977 created the Urban Development Action Grant programme (UDAG), which aimed to 'provide development funds to states to assist physically and economically distressed cities and urban counties'.[4] UDAG focused on cities with criteria such as 'population outmigration, a stagnating or declining tax base, and/or a housing stock which is excessively deteriorated or abandoned'. A radical approach to government grant-in-aid, UDAG's noteworthiness comes from the government policy's aggressive approach to 'leverage', where 'leverage' means the use of public funds to stimulate additional private investment and subsequently, economic growth.[5]

In her article, 'Public/Private Developments: Lessons from History, Research, and Practice', Lynn Sagalyn states that UDAG:

> 'embodied the paradigm shift in government intervention … The public/private strategy implicitly challenged prevailing norms of public sector intervention in public markets.'[6]

The programme's market-based incentives and 'gap financing', whereby UDAG would bargain for developer-provided public benefits in exchange for subsidised gap financing, 'pushed city officials to redevelop their relations with private developers in ways that have since become conventional for public–private deals'.[7] By putting the government in the role of 'business partner', the UDAG programme allowed for officials to get creative and ambitious when choosing development projects.[8] Thus, there was no longer a purely regulatory approach to city

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planning, which led to the 1980s being classified as a time when government officials focused on experimentation in formatting, developer selection, business deal negotiations and off-budget financing strategies.[9]

The concept of public–private partnerships that evolved under UDAG has led to the relationship between government and private developer to be at the epicentre of planning practices. From single development projects to large-scale urban developments, public–private partnerships have allowed for a newfound flexibility in city planning that has encouraged both parties to look at a project's uniqueness and use those qualities to create one-of-a-kind strategies to regenerate economic, population and job growth.[10] Although no single conceptual model could fit all the spatial, institutional and functional formats in which public–private partnerships emerged as the strategy of choice, one thing remains clear: there are certain guidelines that, if followed, vastly improve the chances of a successful public–private partnership and development project. In 2005, the ULI published a paper entitled '10 Core Principles Essential for Successful Accomplishment of Joint Development by the Public and Private Sectors'. These principles — which include creating a shared vision between both parties, being clear on the risks and rewards for all parties, securing and coordinating leadership roles, negotiating a fair deal structure and building trust as a core value — are the building blocks of a strong public–private development project that pave the way for innovation and creativity.[11]

Over the past 10 years the need to create public–private alliances has expanded, and this will continue to be the case. Since the 2008 financial crisis, when capital markets dried up, bringing real estate development to a halt, public–private partnerships have become critical to enabling the transformations that are taking place in our urban environment in both primary and secondary markets, using new methods of financing from a variety of sources.[12] Although the core principles of public–private partnerships remain the same, continuous evolution in both the public and private sectors has led to a change in the process.

Today we enter another time of crisis and economic uncertainty. In this age of public–private partnerships, however, *complete community engagement* is the key to successful partnerships, and thus developments. In February 2020, a *New York Times* article by economics reporter Conor Dougherty documented a heated multifamily development battle in Lafayette, California, that put in perspective the necessity and importance of development in helping overcome macro socio-economic issues, such as the US affordable housing crisis.[13] As the article states, nearly all of the biggest challenges in the USA are, at some level, a housing problem. Rising home costs are a major driver of segregation, inequality and racial and generational wealth gaps. Transport accounts for approximately one-third of the nation's carbon dioxide emissions, so there is no serious plan for climate change that does not begin with a conversation about how to alter the urban landscape so that people can live closer to work.[14] While states such as California and New York are trying to stabilise some of the current housing crisis issues through forms of restrictive legalities, such as rent control, a simple solution that could truly impede the growing issues associated is to develop.

As is seen in the Lafayette development battle, development proposals are chronically disappearing due to conflicting ideas between the public, private and community players. An infamous example of such a case is Amazon and the cancellation of its New York City HQ2. This proposed US$3.7bn, 4m sq. ft project ran along the Anable Basin, an artificial inlet separating Queens from Brooklyn. The deal was brokered by key New York politicians Governor Andrew Cuomo and Mayor Bill de Blasio, and was

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backed by US$3bn in state and local subsidies.[15] Furthermore, big players from other large industries, such as Citigroup, backed the project and offered to assist in making Amazon's entrance into Long Island City (LIC) easier. Local representatives and union groups, however, felt as though their concerns surrounding the development, such as Amazon's refusal to discuss any unionisation of the workforce, were being left unheard. Ultimately, the uncertainty and lack of cohesiveness between the private, public and community representatives led to the tech giant pulling out of the LIC HQ2 deal. Many pointed fingers in the aftermath. Local community members blamed the failure on Amazon for not hearing their needs and what they believed would be beneficial for the longevity of the neighbourhood, others placed the blame on local public officials for a similar offence, and both the local and state municipalities criticised each other's reactions.

Ultimately, Long Island City's response to Amazon's HQ2 highlights certain key changes in the current real estate industry that affect the public–private development process. It demonstrated the shift from the traditional 'location, location, location' approach in real estate; companies are not only looking for the most desirable locations for new spaces and developments, but also accepting and supporting municipalities and communities. Furthermore, the failed proposal shows the importance of documenting what traditionally has worked within a public–private partnership in order to develop in such a way that all parties can grow and adapt basic practices to what works now.

No more apparent is this than RXR Realty's master plan and community engagement strategy for the Nassau Hub. To understand the full importance of community engagement as it aligns with the public–private partnership between the local governances, the other private partners and RXR Realty to redevelop the Nassau Hub, it is important to understand the history of RXR and the 72-acre site, anchored by NYCB Live's Nassau Coliseum or Nassau Veterans Memorial Coliseum.

A DISCONNECTED DEVELOPMENT: THE LIGHTHOUSE PROJECT

Nassau County, Long Island, which was once considered the 'cradle of innovation … the region credited with having created modern biotechnology, whose high-tech companies and institutions produced the aircraft that helped win a world war, that constructed the Lunar Module that first put men on the moon and that discovered the structure of DNA', was facing unemployment rates not reached since the early 1990s recession (approximately 7 per cent).[16] The entrepreneurial spirit and potential to be leaders in prominent industries, such as technology, had dissipated. The redevelopment of downtowns would stimulate both job and industry growth, as well as attract the next generation of talented young professionals. Both the local government officials and private developers who considered Nassau County their home knew something had to be done to revitalise certain areas, such as that surrounding the Nassau Veterans Memorial Coliseum.

Nassau Veterans Memorial Coliseum resides on publicly owned land in Uniondale, Long Island, located in the Town of Hempstead, one of three towns in Nassau County which incorporates 22 towns and has the majority of the population of the county and by far the largest of any town in New York.[17] The facility opened in 1972 and occupies 63 acres of Mitchel Field, a former Army airfield and Air Force base. It consists of two main parts, the Main Arena (approximately 44,000 sq. ft) and the Expo Center (60,000 sq. ft). The coliseum has been used for sporting events, concerts, large exhibitions and various other functions. When

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it originally opened, Nassau Coliseum was home to the Brooklyn Nets, previously known as the Long Island Nets (1972–7), and the New York Islanders (1972–7). After the 1990s recession, the coliseum was the second-oldest area in active use by a National Hockey League team (after nearby Madison Square Garden) and was one of the smallest areas in the NHL by a total seating capacity.[18]

The area had been considered obsolete for many years and various New York Islanders owners attempted to replace it. In the early 2000s, Nassau County asked for and received proposals from different development groups regarding how to renovate and build up the coliseum and surrounding area. Charles Wang, co-founder and CEO of Computer Associates International, Inc. (later renamed CA Technologies) and the then owner of the New York Islanders ice hockey team, submitted his proposal in 2003: the Lighthouse Project.[19] With Wang as the master developer, the mixed-use, privately funded project proposal included a five-star hotel, condominiums, an athletic complex featuring four ice rinks, a basketball facility and a state-of-the-art health club that would have served as the Islanders' practice facility and would have also been open to the public. The development would have also included a sports technology centre, conference centre, open-air plaza and other natural elements to the area. The centrepiece of the project would be a 60-storey tower that resembled a lighthouse. Furthermore, the proposal expected the development to generate US$71m of annual tax revenues, create approximately 75,000 construction and construction-related jobs during its eight to 10-year development phase and bring the area approximately 19,000 permanent jobs after the project's completion. [20]

No matter how industrious Wang's proposal appeared — this 'soaring vision for Long Island's future … a canvas ambitious enough for such a vital space is being stretched to fit'[21] — the Lighthouse Project seemed disconnected from the history of Nassau County and its current community members. Although commonly accepted that renovating Nassau Coliseum was a necessary means to end its decay and prevent the beloved New York Islanders from moving, Wang's aggressive approach deterred support and cooperation from the local government officials and surrounding community. Even supporters of the proposal saw that baby steps were needed to revitalise Nassau County, and a 60ft lighthouse and complete redevelopment of the surrounding areas seemed like a daunting undertaking to the community at large. It became clear that the fundamentals of a successful public–private partnership were being glossed over: the public and private sectors did not share an aligned vision for Nassau Coliseum and the surrounding areas, and the surrounding community's opinions about the project, both positive and negative, were not being heard.[22]

After four years of back and forth, with Wang set on his own vision of Nassau Coliseum's future with little willingness to compromise, both the public and private sectors were at a standstill. Then, in 2007, Wang partnered with Scott Rechler, chairman and CEO of Rexcorp, now known as RXR Realty LLC, a private development company whose senior management team was previously involved in the management of Reckson Associates Corp., a public company based in Long Island, New York. Together, this private partnership formed the Lighthouse Development Group and worked to recreate a proposal that contained the important structural elements of the original Lighthouse Project. Rexcorp owned and managed many of the buildings around the coliseum, such as the Omni building, as well as its headquarters in Uniondale. As a company known to be devoted to working with local communities from the beginning phases of developments, Rexcorp was doubly committed to finding a common ground on which to revitalise the arena, as this particular community was its very own.

Compromises in partnerships are difficult, and with a project of this magnitude and both advocates and adversaries of the project diametrically opposed, even the new Lighthouse Development Group had issues aligning its visions. After four years of standstill, Rechler and Tom Suozzi, then the County Executive of Nassau County, knew the importance of breaking ground and getting the construction process started. They suggested just rebuilding Nassau Coliseum, as that would be easier to get quick approval from local officials and could possibly even get federal funding by being classified as a shovel-ready construction project — a term introduced by President Obama as part of the American Recovery and Reinvestment Act of 2009. A 'shovel-ready' project is one where planning and engineering is advanced enough that with sufficient federal funding, construction could begin within a very short time.[23] Wang, however, never swayed from his mixed-use development vision. Even with a new proposal, which included two 30-storey buildings connected by a footbridge instead of the massive lighthouse, the project met with approval issues.[24]

To make matters more complex, local political intervention prevented follow-through on the project. Questions about funding and environmental studies were of concern and received persistent spokespersons, such as Kate Murray, former Supervisor of the Town of Hempstead. Before anything, Murray wanted to ensure that the previously mentioned estimate of US$71m in annual tax revenues were not going to be given back in subsidies. Although she understood that the New York Islanders were important to Long Island, Murray wanted to assuage towns and environmental groups that were concerned about heavier traffic in the area. Furthermore, before the proposal could be approved, there needed to be discussions regarding who would pay for the necessary road improvements and new wells that would have been required to supply 2m gallons of water a day to the 150-acre development.[25]

In July 2010, nearly seven years after Wang's original proposal, Murray announced an 'alternate zone' for the Nassau Veterans Memorial Coliseum property that further downsized the Lighthouse Project and made the project, as Nassau County Executive Edward Mangano said, 'economically unviable for both the developer and the owner of the site'.[26] As a result, Wang, Rexcorp and the backing local officials decided they would no longer pursue the project.[27] This staggering event was not unforeseen. From the beginning, Wang was more concerned about his vision for the coliseum and the New York Islanders. Even with the support of local officials and Wang's 2011 last-ditch effort to rebuild the coliseum and create an additional baseball ballpark nearby, his original unwillingness to compromise and adjust based on the community's response led to heated division, the New York Islanders moving to Barclays Center in Brooklyn, and no physical development.[28] As Rechler has said, nothing can be accomplished when any party is 'too focused on the air game, and not the ground game'. Through analysing the Lighthouse Project, it is clear that a successful public–private development project does not only result from collaboration and having a shared vision between the public and private parties, but also from having complete transparency, the ability to compromise, and an engaging approach with the affected community.

RXR COMES HOME: THE HUB

Not long after the New York Islanders announced that they were moving, the owner of Barclays Center, Forest City Enterprises (now acquired by Brookfield Asset Management) was chosen to perform a study on development possibilities for the Nassau Coliseum site. The study proposed to

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transform the coliseum into a smaller-sized venue and its surrounding parking lot into an entertainment hub with theatres, sports bars and retail. In May 2013, four proposals were submitted, one of which included a partnered proposal from RXR Realty and Madison Square Garden. In the end, Bruce Ratner, co-founder and executive chairman of Forest City Ratner, and Brooklyn Sports & Entertainment (BSE) won the proposal with a US$229m bid.[29]

In his pitch, Ratner estimated that the new coliseum would generate US$9.6bn in county economic activity over 30 years and more than 2,700 jobs and planned for a

> 'sinuous steel latticework shell; an indoor arena downside to a more snug 13,000 seats, from 18,000; and new concourses and restrooms. An amphitheater that [could] be converted into an ice rink … a movie house, a bowling alley and restaurants.'[30]

The deal was intended to save county taxpayers the expense of the renovation rather than borrow US$400m, as Wang's plan suggested, to build the new arena. Furthermore, Forest City Ratner agreed to pay the county, which owns the building, 'eight percent of gross revenue and about thirteen percent of parking revenue, with a minimum guaranteed payment of four million a year'.[31] In 2015, once financing and zoning changes were approved by the Town of Hempstead, renovation of Nassau Veterans Memorial Coliseum to NYCB Live's Nassau Veteran Memorial Coliseum began.

In June 2018, a little over a year after the coliseum reopened, Nassau County Executive Laura Curran and BSE Global, which leases the Uniondale site from Nassau County and operates the arena, issued a request for expressions of interest (RFEI) for a Nassau Hub Innovation District to 'seek ideas from developers on reimaging nearly 77 acres of parking lot around the renovated arena'.[32] With experience in master planning, mixed-use developments, the public sector and, of course, the location, RXR Realty submitted its proposal to develop the Nassau Hub. RXR's preliminary master plan for the site envisions transforming the Hub into a mixed-use innovation district that incorporates cutting-edge planning, design principles and technology to

> 'attract and retain the workforce of tomorrow in Nassau County; cement Nassau County's role as a leader in the 21st Century economy; create a coherent and unified neighborhood, with well-executed amenities, including activating retail and open space; and promote walkability, and multi-modal transportation accessibility'.[33]

Most impressive about RXR's proposal is that, while describing what the company believes will lead to a successful public–private partnership, it actually demonstrates how the company has evolved from its involvement in the Lighthouse Project. As the proposal states, the company 'saw first-hand the hardships that had deterred the past proposals and wanted to get it right'.[34] For example, because compromise was lacking during the Lighthouse Project, getting certain approvals was time-consuming and led to the project being completely stagnant. In its 2018 proposal, RXR addresses the need to 'mov[e] quickly to exploit a still healthy real estate and financing market' and states that, for that to happen, there is a

> 'need to work closely with the leadership [BSE Global] to avoid entanglements that could complicate or slow progress, [and] work closely with that leadership to ensure development on their leasehold property is complementary'.[35]

What was made evident by RXR's proposal, and which lagged in the Lighthouse

Project, is that the company believes the most important aspect to a successful public–private development project is fostering an open and transparent process with both its partners and the community at large. RXR understands that Nassau County is a completely different beast from the Manhattan space markets. Just like with every development project, RXR's first step is to

> 'take the time to learn about the goals, needs and concerns of the communities in which it is developing and then work with its municipal or institutional partners (and the broader community) to "co-create" a plan that addresses those goals, needs and concerns and on which RXR feels confident it can deliver'.[36]

Moreover, without the monetary and communicative support and efforts of both the state and local governments, the Hub would not be able to be developed. The government has played a major role in economic development and has acted as a true 'partner' with RXR Realty throughout this process.

Stressing the importance of community engagement for successful public–private development projects is particularly important to the Hub, as the project is 'more than just another piece of real estate' for RXR; rather it is the company's community and home.[37] Since it was announced that RXR and BSE Global agreed to form a joint venture to the Hub, RXR has been committed to engaging with the surrounding local government officials and the community at large to navigate the complex political and community landscape that is associated with a project of such magnitude.[38] Through working groups, town halls and individual meetings, RXR and its private and public partners have strived to use the community's feedback to guide what is being built, from both a brick-and-mortar and community benefits standpoint. Each quarterly report dives into the challenges and successes the community discusses and how this open and ongoing dialogue continues to push the project forward.[39] No matter what conflicts might arise in the Hub's future, it is clear that local officials, developers and the community must work together to collaborate, align interests and create an actionable, ever-adapting plan. Nassau Hub does not just bring Nassau County to 21st-century innovation, but to 21st-century public–private partnerships.

Lastly, it is important to note that the community group method is just one form of how public–private development projects are encouraging community engagement. The real estate industry has entered a new era, one driven by technological and industrial advancements. While it is easy, and necessary, to look at the difficulties these changes create in both public–private development projects and the industry at large, the real estate industry has also used these advancements to reinstate responsible, community-driven development. For example, in 2016, the New York-based architectural firm Kohn Pederson Fox Associates (KPF) launched KPF Urban Interface (KPFui), a new resource for urban data analytics stemming from KPF's data-driven methodology in building and city design. Utilising almost 40 years of experience and recent developments in urban data analytics, KPFui collaborates with universities and government agencies to use 'scenario analysis and 3D visualisation to help quickly understand and better design for contemporary cities'.[40] KPFui is already being used in the development and redevelopment of large-scale projects, such as One Vanderbilt in New York City.

In 2018, KPF demonstrated how KPFui can be used to fully involve the invested community from the beginning of a development project by teaming up with Sidewalk Labs, the urban-innovation organisation within Google's parent company Alphabet, and Montreal-based experimental designers

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Daily tous les jours to create an interactive prototype for community engagement. Called 'Plan Your Neighborhood', the prototype generated thousands of urban design scenarios which visitors could explore and actually adjust the observation combinations to change design inputs. The Plan Your Neighborhood prototype is to be used by city agencies and developers to engage with the public from early stages of the planning process, creating a common language for describing a neighbourhood's essential qualities and its performance.[41] Similar to the Hub's community group method for community engagement, Plan Your Neighborhood has enabled the community to physically participate in the design process alongside the public and private players. The immediate ability to see an updated design plan can lead to discussions between the public, private and community members to occur in real time, however, thus leaving less room for miscommunication between the parties and, possibly, quickening the development project's timeline.

CONCLUSION

The purpose of this analysis is to demonstrate the power of community engagement in 21st-century public–private partnerships. By comparing RXR Realty's redevelopment of the Nassau Hub to the former Lighthouse Project, it is evident that 'contemporary' public–private partnership development projects require community engagement to be a success. At a time when development is necessary, it is imperative that there is a strong public–private partnership that fully involves the local community to guarantee successful development. By analysing the two development proposals, as well as aspects of other New York development projects, it is clear that the only way for these partnerships and developments to continue their success is for developers to document not only the theoretical guidelines that are associated with public–private partnership developments, but also developers' personal project histories. Only then can the next generation of industry, political and community leaders truly create responsible real estate developments.

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