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Urban Parks ~~for All~~:
Reclaiming Public Green Space in New York City

Emily Putnam

Abstract

This thesis focuses on the issue of public green space in an urban environment and the politics surrounding such access in New York City. It turns out that the otherwise affluent Upper East Side and Midtown East actually report the least amount of public green space in the city in Community Boards 6 and 8. Against the backdrop of an investigation of the environmental history of New York City, I focus on a small park in Sutton Place that has been exclusively used by residents of an elite apartment building for decades despite being legally owned by the city of New York. Following a lawsuit, this land has finally been returned to the city. This study follows the legacy of this land dispute from a historical perspective as well as the politics and power of wealth. I utilize the surveys, focus groups, and work with local boards from my internship with the Sutton Place Parks Conservancy as we create a vision plan with Partnership for Parks. I also serve as their budget delegate in participatory budgeting meetings and am able to use these to create a case study. I utilize environmental ethics to discuss the importance and health benefits of public green space and waterfront access in the city. I question who has a right to green space in the city and who has the power to make these decisions. The study then moves on with environmental politics into the case study's future as it becomes integrated into Sutton Place's other pocket parks along the East River. The study pays special attention to funding and how proposals align with examples of similar development in other cities and recommendations from urbanists working toward improving quality of life. These studies come together to reveal a fuller picture of how access to green space is controlled and how it may better be managed.

Keywords: environmental history, environmental justice, environmental politics, participatory budgeting, urban parks

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Introduction: Parks on the Upper East Side

When you think of the Upper East Side, what do you think of? My mind goes right to the Met, affluence, and *Gossip Girl*. You probably wouldn't think of a lack of park space. After all, the East Side shares a border with Central Park. So, how is it that Community Boards 6 and 8 on the East Side have actually reported the least amount of access to public green space in the whole city?

On the Upper East Side, it seems that all the real estate has already been densely taken up by residential complexes and commercial buildings. City owned parks are few and far between. Many of the buildings have small Privately Owned Public Spaces (POPS) and these spaces are actually the most common kind of open space on the East Side instead of public green space. But the paradoxical name POPS is telling. Plazas can provide a space to rest or chat for a bit but these are the best of the privately owned spaces. Only less than half of the registered privately owned public spaces are accessible enough to the community to qualify as even a pocket park for passive recreation.

The wealth of the private citizen or group has proven to be an obstacle for the communities on the East Side as well as city-wide. Private groups jeopardize public access to locations such as the Queensboro Oval public park which is occupied by an indoor tennis bubble run by a private club that charges far above the Department of Parks and Recreation's costs for nine months of every year. Even when improved green space is proposed to the

community in exchange for new construction, promises are not kept as in the instance of Sloan-Kettering's new hospital at East 73rd Street.

These cases will be examined in this study along with a major case study of open space in Sutton Place. Behind One Sutton Place South is an open green space overlooking the East River. But this space is not accessible to people in the neighborhood nor to lesser served communities. It is a private garden for the residents welcomed by the co-op that is home to diplomats, captains of industry, and Hollywood names. However, the land does not belong to the co-op, and the agreement to use the land following construction of the FDR Drive ended long before the community was aware. Following years of lawsuits, the space is finally back in the hands of the city and my work as an intern with the Sutton Place Parks Conservancy will help create a vision plan with Partnership for Parks to unite the new pocket park with other nearby green spaces.

I will be able to use surveys and observations from meetings with co-ops and focus groups to better understand how park space is used and regarded by this community. By following this case study's history from inception to current funding and design issues, I present a fuller picture of how access to green space is controlled and how it may better be managed. Hopefully this study will help uncover potential locations for new or improved green spaces and find a way for the public and private to come together for the benefit of the whole community.

In the opening section, I will present quantitative data detailing the present amount of park space and related health findings in Manhattan to identify problem areas. I will look closely at the Community Board 6 and 8 areas which include Sutton Place and have reported the

lowest amount of public park space. In the second chapter, I will look at the history of park development, or rather how the development of the city reduced park space. I will pay special attention to the history of Sutton Place as a case study. In Chapter 3, I will look at the importance of public green space in an urban environment by identifying ecosystem services and health benefits of such space. In the fourth chapter, I will discuss political efforts to find space for public parks as well as my work with the Sutton Place Parks Conservancy and the reasons for such slow development. In my concluding chapter, I present new policy recommendations.

Chapter 1. The Numbers on Present Park Space

To understand why a community should fight for park space and why they should have a right to that space, we need to examine the benefits that green space brings to a neighborhood and recognize how a community could suffer without it. With Central Park bordering Council District 4 and the East River to the east, do they need more space? Does green space have to be provided by the city itself?

This chapter will examine the damage and the potential of privatization of green space as a supplement to city-owned park space. Connecting the numbers of present park space on the East Side with data from health reports, we will argue for the importance of every current green space and the need for more on the East Side and the city as a whole.

The changes made to the ecosystem through urbanization have led to a degradation of ecosystem services especially within the city.¹ Green spaces in the city provide benefits to human wellbeing that can best be explained as ecosystem services. Among these benefits are regulating services that improve the quality of the air or even the soil. They can provide a space for carbon sequestration that can be hard pressed to find in such volume elsewhere in an urban environment. By storing carbon in the tissues of trees, shrubs, and other plant life, carbon dioxide is minimized in the air that we breathe.² Green spaces can reduce atmospheric concentrations of pollutants including particulate matter, carbon monoxide, sulfur dioxide, nitrogen dioxide, and ozone which are harmful enough to be regulated under the US Clean Air Act. Even urban streets with trees along sidewalks can lower sulfur dioxide levels by as much as 65% and particulate matter levels are also lower than those found in streets without shrubs.³ However, urbanization has led to a change in our ecosystem and a decrease in the ability of the atmosphere to cleanse itself through air quality regulation.⁴

The presence of soil is able to help rectify the problem of an excess of another thing urban dwellers don't want too much of: rainwater. Cities are full of pavement, streets and sidewalks. Most of the pavement in the city is impervious so rain either sits or runs off to a storm drain. In the case of major storms in which water drainage systems are overwhelmed, there is nowhere else for the water to go. Green infrastructure can be a defense against flooding,

¹ Millennium Ecosystem Assessment, *Ecosystems and Human Well-Being: Health Synthesis* (Washington, DC: World Resources Institute, 2005), 1.

² Per Bolund and Sven Hunhammar, "Ecosystem Services in Urban Areas", *Ecological Economics* 29.2 (1999): 295.

³ Lionel Vailshery et al., "Effect of Street Trees on Microclimate and Air Pollution in a Tropical City", *Urban Forestry & Urban Greening* 12, no. 3 (2013).

⁴ Millennium Ecosystem Assessment, *Ecosystems and Human Well-Being: Health Synthesis*, 7.

an increasing fear for coastal cities in a time of climate change. The canopies of trees can reduce the water that even makes it to the ground by providing leaves and bark to hold some of the rain before evaporating or giving the soil below some relief. Their roots, too, absorb water and can in turn aid the soil during drought.⁵ The Millennium Assessment notes that the frequency and impact of floods has increased due to ecosystem changes like the removal of vegetation that retain water.⁶ Micro-organisms in soil can even filter water or decompose waste and pollutants. To boil that down to one ecosystem service called a habitat service, urban green spaces provide a habitat for species that allow for all of those other services to be performed.

However, there are also non-material benefits for humans from parks called cultural services. Green spaces can fill the role of natural landscapes as a place of recreation as well as mental and physical health. Chronic cough is increased by 207% with an increase of just 3.3 times particulate matter. Chronic cough is 65% higher in communities with highest levels of sulfur dioxide than those with the lowest levels.⁷ Other studies recorded on the EPA's online *EnviroAtlas* tool found that long-term exposure to PM 10 and ozone is connected to asthma even in adults.⁸ The regulation of air and water previously discussed has been shown to help mitigate these health issues which would make anyone happier. In a San Diego study, a park

⁵ Bolund and Hunhammar, "Ecosystem Services in Urban Areas", *Ecological Economics* 29.2, 297.

⁶ Millennium Ecosystem Assessment, *Ecosystems and Human Well-Being: Health Synthesis*, 9.

⁷ Braun-Fahrlaender et al, "Respiratory health and long-term exposure to air pollutants in Swiss schoolchildren. SCARPOL Team. Swiss Study on Childhood Allergy and Respiratory Symptoms with Respect to Air Pollution, Climate and Pollen," *American Journal of Respiratory and Critical Care Medicine* 155, no. 3 (1997).

⁸ B. Jacquemin et al., "Air Pollution and Asthma Control in the Epidemiological Study on the Genetics and Environment of Asthma", *J Epidemiol Community Health* 66 (2012).

space within 50 meters was associated with a 41% increase of ‘light physical activity’ in adolescent females.⁹

The number of park visitors has a positive correlation to the number of trees and canopy coverage as well as ‘diversity of visitor activities’.¹⁰ Even just aesthetic appreciation of nature or a space’s design is a cultural service.¹¹ The Millennium Assessment pointed out that “spiritual and cultural values of ecosystems were as important as other services” and directly notes the benefits of urban parks to a city environment.¹² Being able to see green space has been reported to have a calming effect in urban environments. Exposure can lead to faster recovery from neurological fatigue and lessening of ADHD symptoms in children. Inattention problems were found almost 1.5 times more often in ten year old children living further than 500 meters away from urban green spaces than those within 500 meters.¹³ Studies revealed that moving to a community with more green space creates sustained mental health gains over the five year study period.¹⁴ In a study in Los Angeles, mental health was found to decline by “2 and 4.6 points for participants living between 400m-800m and 800m-1.6km from a park respectively” when distance from parks increased by one unit.¹⁵

⁹ Daniel A. Rodríguez et al, "Out and about: association of the built environment with physical activity behaviors of adolescent females," *Health & Place* 18, no. 1 (2012).

¹⁰ Cristiano Adinolfi et al, "Relation between visitors’ behaviour and characteristics of green spaces in the city of Granada, south-eastern Spain," *Urban Forestry & Urban Greening* 13, no. 3 (2014).

¹¹ Bolund and Hunhammar, "Ecosystem Services in Urban Areas", *Ecological Economics* 29.2, 298.

¹² Millennium Ecosystem Assessment, *Ecosystems and Human Well-Being: Health Synthesis*, 9.

¹³ Iana Markevych et al, "Access to urban green spaces and behavioural problems in children: Results from the GINIplus and LISApplus studies," *Environment International* 71 (2014).

¹⁴ Mathew P. White et al, "Would you be happier living in a greener urban area? A fixed-effects analysis of panel data," *Psychological Science* 24, no. 6 (2013).

¹⁵ Roland Sturm and Deborah Cohen, "Proximity to urban parks and mental health," *The Journal of Mental Health Policy and Economics* 17, no. 1 (2014): 19.

Anxiety can be reduced and as people relax and recreate, they are also more likely to interact with each other.¹⁶ Public green spaces or commons can also serve to help form a local identity and sense of place. Think of cities' parks in terms of a tourist attraction too. Central Park, and increasingly the High Line as well, is a land mark in its own right in New York City. In 2016, Central Park was the most Instagrammed location in NYC according to the social media's geotagging data and it was the third most popular geotag in the world falling behind only Disney and Universal Studios Properties.¹⁷ Tourism services provide one of the easiest benefits to see: economic. Even just by place-making, a popular destination can create an influx of foot traffic and potential customers to a neighborhood.

The data provided in this chapter so far have shown that green space is beneficial to those that live in cities and that a lack of public green space is actually detrimental to an urban environment. To discover how the case study area is affected by this information, we need to discover the amount of green space around Sutton Place as well as the accessibility of these locations.

¹⁶ "Aesthetics and Engagement with Nature", in *EnviroAtlas* (EPA, 2016), https://enviroatlas.epa.gov/enviroatlas/Tools/EcoHealth_RelationshipBrowser/index.html.

¹⁷ Hayley Tsukayama, "The 16 Most Instagrammed Places of 2016", *The Washington Post*, 2 December 2016.



Figure 1: Map of Manhattan Council Districts

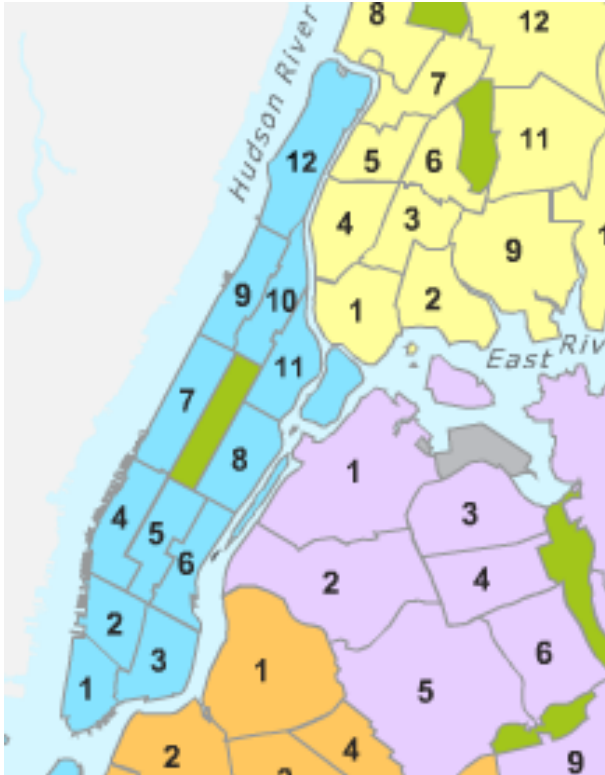


Figure 2: Map of NYC Community Boards

The locations of Council Districts and Community Boards are illustrated in *Figure 118* and *Figure 219*. Sutton Place’s Council District 5 performs below NYC Neighborhood Standards in a 2013 Open Space Index from New Yorkers for Parks (NY4P) in all fifteen categories: Active Open Space, Playgrounds, Athletic Fields, Courts, Recreation Centers, Passive Open Space, Community Gardens, Total Acres of Open Space, Urban Tree Canopy Cover, Permeable Surface within Park, Parks rated “acceptable” by the Department of Parks and Recreation (DPR) and “acceptable” on cleanliness by DPR, as well as Walking Distance to a Pocket Park, a Neighborhood Park, and a Large Park. While cleanliness is “Approaching Standard” with an outcome of 89% to the Standard’s 90%, every other category is pretty well “Below Standard”. Total Active Open Space which should be 1 acre per thousand residents is only .07 acres and Passive which should be 1.5 acres per thousand is .16 acres.²⁰ Council District 5 has 3% parkland of total district acreage and Council District 4 has only 2%. CD4’s park and playground acres per one thousand residents were ranked 49/51 and CD5’s parks were ranked 47th. Both lack community gardens.²¹

NY4P’s study of the Council Districts of the East Side also found that the East River Esplanade “would better serve residents if it were more accessible, continuous, and well maintained”.²² In addition, the only baseball field in Council District 5 (excluding Roosevelt

¹⁸ *Figure 1*, Map of Manhattan Council Districts,

<http://www.ufoa.org/statistics/statistics.php?boroughindex=1>.

¹⁹ *Figure 2*, Map of New York City Community Boards,

<https://www1.nyc.gov/site/planning/community/community-portal.page>.

²⁰ “East Side Open Space Index” (New Yorkers for Parks, 2013), 20-21,

<http://www.ny4p.org/research/osi/EastSideOSI.pdf> (accessed 29 January 2017).

²¹ “District Statistics: CD4 & CD5” (New Yorkers for Parks, 2015), <http://www.ny4p.org/research/ccd-profiles> (accessed 29 January 2017).

²² “East Side Open Space Index”, 31.

Island) is the Queensboro Oval which is occupied by the private Sutton East Tennis Club's indoor bubble for nine months. During this time, court fees are as high as \$160 per hour on weekends from 9am-2pm and even the evenings are still \$80 per hour.²³ These prices make the space far from accessible to the public.

In Council District 5 and Council District 4 which borders CD5 on all sides apart from the East River, the most abundant form of open space is not parks or playgrounds or any city-owned land. Instead, privately owned public spaces (POPS) are the most common. Even when NY4P includes qualifying POPS in its Open Space Index, Active Open Space is not affected and Passive Open Space is still only .20 acres to the Standard's 1.5 acres.²⁴ Though the POPS do not fix the shortage of open space, they do provide a wider distribution of pocket parks improving to meet NY4P's Standard of 100% of residents living within a 5 minute walk of a pocket park from only 33% of residents without POPS. Council District 4 does not benefit from POPS quite as much as CD5 but does improve from 51% of residents within a 5 minute walk of a pocket park to 89%.²⁵

Since the East Side has a serious shortage of open public space and not much land left to create new green space due to the dense residential and commercial development, the abundant POPS should be utilized to serve the community to the fullest extent. However, not all POPS are created equal. The "incentive zoning" created in 1961 Zoning Resolution would allow for new buildings to have more floor area than initially provided in the Floor Area Ration regulation or relief from height and setback restrictions if they built a public open space.

²³ "East Side Open Space Index", 20.

²⁴ "East Side Open Space Index", 28.

²⁵ "East Side Open Space Index", 29.

However, the minimum legal standard allowed for places “such as loading docks, driveways and garage entries” to count as POPS despite being uninviting and impractical as a community space. POPS scholar Jerold Kayden calls this “privatization by design”.²⁶

Zoning reforms from the 1970s and onward have improved the development of POPS. NY4P only recognized POPS in their index if they provided space for socializing, enjoying lunch outdoors, and resting on seating as defined by the Zoning Resolution. This would include moveable seating, benches, or seats in planter ledges, steps, or walls. They also ensured that signage clearly marked the space for public use.²⁷ After visiting all of the POPS listed on the Department of City Planning’s website, NY4P found that only less than half could be included in their study. In 2000, Kayden worked with the Department of City Planning to study POPS and create a database of the locations in New York. The study found that about 16% of the spaces are actively used as regional destinations or neighborhood gathering spaces, 21% are usable as brief resting places, 18% are circulation-related, 4% are under construction, and 41% are of marginal utility.²⁸ This could indicate untapped space for new pocket parks.

In a report from the city based on NYC Community Air Survey measurements from 2008-2015, the Upper East Side was found to have worse levels of nitrogen dioxide, Fine Particulate Matter, sulfur dioxide, benzene, formaldehyde, in comparison to other NYC neighborhoods.²⁹ PM_{2.5} is regarded as the most harmful air pollutant and citywide is 8.6

²⁶ “East Side Open Space Index”, 27.

²⁷ “East Side Open Space Index”, 26.

²⁸ Jerold Kayden, *Privately Owned Public Space: The New York City Experience* (New York: John Wiley & Sons, 2000), 2.

²⁹ “Outdoor Air and Health: Upper East Side”, *Environment & Health Data Portal* (New York: NYC Department of Health and Mental Hygiene, 2015), <http://a816-dohbsp.nyc.gov/IndicatorPublic/NewQuickView.aspx> (accessed 29 January 2017).

micrograms per cubic meter. It is more abundant in Manhattan with 10.7 micrograms per cubic meter and the Upper East Side's Community District 8 is the area in the city with the fourth worst levels at 11.1 micrograms per cubic meter out of fifty-nine community districts.³⁰ The lack of green space in the area means that there is not land to store carbon dioxide and other pollutants. There is less opportunity for the ecological services examined earlier in the chapter to improve air quality. Another factor is the proximity to the Franklin D. Roosevelt East River Drive. The Upper East Side has nearly double the traffic density than the NYC average and worse when compared to many other NYC neighborhoods.³¹

We have established the importance of green and open spaces in an urban environment for ecological services and their physical and mental benefits. These spaces are especially vital for city dwellers due to their rarity in an environment mainly comprised of cement streets, sidewalks, and buildings. We have also seen that there is not enough of these kinds of spaces to satisfy New York City's population and that the East Side's districts are some of the worst offenders. Most residents live over ten minutes from public open space and even the inclusion of privately owned public space only provides residents with small spaces to sit. Due to the area's high density of traffic and the harmful pollutants that come with it, the East Side should have even more park space to hold and filter the air. Since we have seen that there is no land in the district left unused to create a new green space, we will next be examining how the East Side lost its open spaces to residential and commercial properties. Perhaps some of the

30 "Community Health Profile: Community District 8", *Environment & Health Data Portal* (New York: NYC Department of Health and Mental Hygiene, 2015), <http://a816-dohbesp.nyc.gov/IndicatorPublic/NewQuickView.aspx> (accessed 29 January 2017).

31 "Outdoor Air and Health: Upper East Side", *Environment & Health Data Portal*.

privatized spaces could be reexamined for public claim and opened up for the whole community to benefit.

Chapter 2. How Public Space and the Public Sphere on the East Side Disappeared

In the previous chapter, we discovered how little public open space is available on the East Side, particularly in the Community Districts of 6 and 8. But it is not at first clear how so much space could become privatized. In this chapter, we examine how quickly the city lost its public space to greed. New York chose to use privatization and regulation to address decay and disorder in remaining public space. This approach would shape the way open spaces would be treated in the city until today.

Competition over Space Usage. Koolhaas points out that the 1811 grid system on the island of Manhattan divided the land into real estate blocks for speculation; this system was “essentially privatizing the whole island”.³² The 1811 plan did not designate any space for parks or squares, although it did call for a reservoir marketplace and parade ground. Only five public squares and one private square existed on Manhattan in 1834, and even by mid-century there were only eleven with a total acreage of about a quarter of a large London park.³³ Soon after one of these parks, Tompkins Park, opened in 1834, the city called for the space to be enclosed with a gate. Beginning in 1860 when the space was used as a parade ground, the use of

³² R. Koolhaas, *Delirious New York* (New York: Oxford University Press, 1978), 18.

³³ Lisa Keller, *Triumph of Order: Democracy & Public Space in New York and London* (New York: Columbia University Press, 2009), 171.

Tompkins Park as a park, parade ground, or public meeting area was debated for over a decade with many parties involved. The city did not want to use valuable real estate for public parade ground as it had proposed in the 1811 plan, but Tompkins Square was becoming overused due to its multiple roles.³⁴

By 1874, its use as a public meeting space was no longer considered an option following what would be called the Tomkins Square Labor Riot. The Panic of 1873 was known as the Great Depression until it lost its claim to the title in the 1930s. By 1874, much of the working class was disturbed by the city's failure to provide relief for unemployment, and demonstrations were held to demand public works projects. In December of 1873, the Committee of Safety in New York City formed with public works and a Labor Relief Bureau as their goals. They planned to march from Tompkins Square to City Hall in mid-January and had permits granted by both the Police and Public Parks Departments.³⁵ Then in early January, marches led by less organized groups marched to City Hall but their demands were not met. These groups would meet again with the Committee of Safety for the original march on January 13.

However, all of the permits for the march were revoked the day before citing endangerment to public peace. Thousands of protestors arrived at Tomkins Square the day of the planned March and most did not know that the permits had been revoked. They were met by 1500 police officers charging with their truncheons and they arrested 44 men.³⁶ The riot created polarized reactions: the largely immigrant working classes questioned police brutality and

³⁴ Keller, *Triumph of Order*, 172.

³⁵ Keller, *Triumph of Order*, 174.

³⁶ Keller, *Triumph of Order*, 174.

xenophobia, and "the police's role in deciding what was to be permitted in terms of public behavior" while the more affluent crowds praised the police for their bravery and efficiency in restoring order.³⁷ The Press and especially the *Sun's* editor John Swinton pressed the issue of free speech. He implored to know if the police had the power to "deprive the people of any of those rights which are supposed to be guaranteed to them by" the Federal Constitution and the State Constitution.³⁸ Keller writes that the government "established hegemony as the controller of public order".³⁹ At a free speech rally, a woman recalled how she had fled Europe for freedom only to discover that civil rights were empty words in America after witnessing the Tompkins Square Riot.⁴⁰ These events established "clear rules for what was acceptable public behavior" and set a precedent with the city's ability to discourage "popular use of public spaces except for parades, recreational use, or nonthreatening events".⁴¹

In addition to Tompkins Square, Washington Square along with other public spaces were also threatened with conversion into military parade grounds or armories.⁴² Due to the scarcity of public space, the streets had become more valuable. This in turn increased the importance of stores' windows and the new shops and department stores brought more people, particularly women, to the space. Carmona notes that this is the first time that "public life had

³⁷ Keller, *Triumph of Order*, 175.

³⁸ Keller, *Triumph of Order*, 176.

³⁹ Keller, *Triumph of Order*, 178.

⁴⁰ Keller, *Triumph of Order*, 178.

⁴¹ Keller, *Triumph of Order*, 180.

⁴² Keller, *Triumph of Order*, 179.

begun to commercialize” in New York City and that this type of interaction would shape many of the city’s public spaces over time.⁴³

But public space would be used not just for advertising and increasing real estate values. Mayor Woodhull was one of the first politicians to acknowledge the need for open green space when in 1850 he said, “They are the great breathing places of the toiling masses who have no other resort in the heat of summer or in time of pestilence, for pure air and healthful recreation”.⁴⁴ A park movement in the mid-19th century championed by landscape architect Andrew Jackson Downing and poet and *New York Evening Post* editor William Cullen Bryant pushed for citizens to have greater access to open green space for a couple reasons.

Downing and Bryant’s advocacy, which would eventually inspire the development of Central Park, had a utilitarian basis in the city’s commercial health, as well as the public health of New York’s Citizens. Central Park would serve as a response to New York City’s lack of a space like London’s Hyde Park to “display the cultivation of the leading citizens” who called for the new park to be “secured at once” since they had lost control of other early public promenades to immigrants and the lower classes^{45, 46}. In 1850, over half of New York’s population was immigrants.⁴⁷ Finally, it would “improve” and foster order among the “disorderly classes.”⁴⁸ The creation of an ‘other’ by those in the position to maintain public space is also a recurring theme throughout this study. Frederick Law Olmstead and Calvert

⁴³ Carmona, *Public Space: The Management Dimension* (New York: Routledge, 2008), 34.

⁴⁴ Keller, *Triumph of Order*, 173.

⁴⁵ Roy Rosenzweig and Elizabeth Blackmar, *The Park and the People: A History of Central Park* (Ithaca: Cornell University Press, 1992), 23.

⁴⁶ Rosenzweig and Blackmar, *The Park and the People*, 27.

⁴⁷ Keller, *Triumph of Order*, 153.

⁴⁸ Rosenzweig and Blackmar, *The Park and the People*, 23.

Vaux's design was chosen to create Central Park in the English romantic style with features aiming to combat the immorality they perceived in the public.⁴⁹ The popularity of the park led more largescale parks to be developed.

Privatization of Public Space. More confusion over public demonstration occurs in Privately Owned Public Space (POPS) where citizens are not subject to First Amendment protection.⁵⁰ You may recall from the previous chapter that POPS were created through incentive zoning in the new Zoning Resolution of 1961 which accounted not just for light and air like the first zoning ordinance had in 1916, but also called for public space. It allowed for buildings to receive a bonus of extra zoning floor area if the design provided a plaza or arcade. There was nothing to lose for builders who oftentimes have ended up with extra space surrounding their towers due to zoning laws anyway. About 70% of commercial office buildings constructed between 1966 and 1975 provided plazas. However, the rules of what made a plaza or arcade were so lenient that loading docks, driveways, and garage entries were able to count for bonuses for about a decade.⁵¹ However, by serving these private purposes, they were not necessarily a place obviously available to the public. In fact, when Kayden visited all of the POPS in NYC from 1998-1999, he found that half of all buildings with POPS were out of compliance with "applicable legal requirements" and in some cases were effectively privatized either by design or practice.⁵²

⁴⁹ Carmona, *Public Space*, 33.

⁵⁰ Keller, *Triumph of Order*, 232.

⁵¹ Jerold Kayden, *Privately Owned Public Space: The New York City Experience* (New York: John Wiley & Sons, 2000), 12.

⁵² Kayden, *Privately Owned Public Space*, 2.

Some of the ways that Kayden found POPS to be privatized include building guards incorrectly informing users that a POPS is not public, imposing unreasonable rules, locking gates during hours when the space is required to be open, and hiding or not placing plaques denoting the space as public. He also found that placing cafes or other consumer space too close makes visitors think that they have to make a purchase before they can sit and enter the space that Kayden calls a “café creep.”⁵³ Low recalls that in “the last twenty years, privatization of urban public space has accelerated through the closing, redesign, and policing of public parks and plazas, the development of business improvement districts that monitor and control local streets and parks, and the transfer of public air rights for the buildings of corporate plazas ostensibly open to the public.”⁵⁴

Carmona points out another way that public space has been lost: through the use of private cars which have replaced what were once squares and other pedestrian space.⁵⁵ He refers to spaces where automobile traffic has “gained the upper hand” as Invaded Space. Even where there are still sidewalks or pockets of open space, the pedestrian space is broken up diminishing them to “purely movement space” having lost the social aspect essential to urban public space.⁵⁶ When people use these public spaces less, then there is less incentive for the city to provide new spaces and maintain existing ones. With a decline in maintenance and quality, these spaces are

⁵³ Kayden, *Privately Owned Public Space*, 56.

⁵⁴ S. Low and N. Smith, *The Politics of Public Space* (London: Routledge, 2006), 82.

⁵⁵ Jan Gehl and L. Gemzoe, *New City Spaces* (Copenhagen: The Danish Architectural Press, 2000), 14.

⁵⁶ Matthew Carmona, *Public Space*, 45.

even less likely to be used, creating a “vicious spiral of decline.”⁵⁷ These spaces have been degraded and merely utilitarian functions remain.

Sutton Place’s Historical Narrative. It was perhaps the private cars and creation of the Queensboro Bridge in 1909 that would lead the Sutton Place neighborhood to become an especially affluent one. Wealthy New Yorkers used the new bridge to reach their Long Island estates which brought new development to the modest homes and factories of Sutton Place with the gorgeous views.⁵⁸ A group called Sutton Square, Inc. purchased the entire block between 57th Street and 58th Street from Sutton Place to the East River by 1920, just as New York’s elite began looking into remodeling row houses to live with less servants, less space, and the existence of income tax. Sutton Square planned to open up the buildings’ backyards facing the river as a common garden.⁵⁹ Important early buyers into the enclave included Anne Morgan, daughter of J. Pierpont Morgan, at 3 Sutton Place and Anne Harriman Vanderbilt, widow of William K. Vanderbilt, at 1 Sutton Place.⁶⁰ They led the way for other leading families to make the move to Sutton Place. Then in 1939, the city used eminent domain to purchase the co-ops’ backyards to place above the new East River Drive, later known as the FDR Drive. This purchase led to the city-owned pocket parks along the river from 55th through 58th streets.⁶¹ But the city leased the garden at the back of 1 Sutton Place back to the co-op for just \$1 a year

⁵⁷ Carmona, *Public Space*, 46.

⁵⁸ Christopher Gray, *Sutton Place: Uncommon Community by the River* (New York: Sutton Area Community, Inc., 1997), 37.

⁵⁹ Gray, *Sutton Place*, 42.

⁶⁰ Gray, *Sutton Place*, 43.

⁶¹ Gray, *Sutton Place*, 61.

expiring in 1990. The board kept quiet and “swore prospective apartment buyers to absolute secrecy about the matter”.⁶²

It is worth noting that in 1993, three years after the lease expired, the parks commissioner was Betsy Gotbaum and she did bring up the topic of the lease and the co-op’s garden. However, she quickly dropped the idea of bringing the land back under the Parks Department’s control because it would “decrease the property value of the residences”. Later, she claimed to not recall the details of the garden but did admit that her husband was friends with the president of the co-op.⁶³ In 2003, Parks Commissioner Adrian Benepe spoke up about connecting the pocket parks and 1 Sutton Place’s backyard to create a public esplanade along the river. One resident claimed that reclaiming the land would “be mean to all the people who live there. It’d be right in front of their windows. They paid a lot of money for those apartments” and some residents echoed this disapproval.⁶⁴ Other residents feared that the space would not be well kept by the city since the pocket parks are not well kept. Progress on the lawsuit working against the city’s claim to the space as well as the plan to unite the parks and provide full waterfront access to the public are in development and will be further explored in subsequent chapters.

Historical Causes. It is reasonable to consider that the high real estate value on the East Side made it difficult for the city to acquire land for public open space with support going all

⁶² Charles Bagli, "In Sutton Place's Backyard, Private Oasis on Public Land" (*The New York Times*, 31 December 2003), <http://www.nytimes.com/2003/12/31/nyregion/in-sutton-place-s-backyard-private-oasis-on-public-land.html> (accessed 29 January 2017).

⁶³ Bagli, "In Sutton Place's Backyard, Private Oasis on Public Land".

⁶⁴ Bagli, "In Sutton Place's Backyard, Private Oasis on Public Land".hy

the way back to the introduction of the grid system. This in conjunction with the desire for new buildings beginning in the 1960s to take advantage of incentive zoning to acquire more vertical real estate could result in low levels of green space where the most common type of open space is POPS. To make the most of the green space available, the city gives in to the private corporations or citizens who have the influence to bring in the kind of money needed. Though the efforts of business improvement districts and park conservancies have done much to revitalize public space in New York City, they have also led to exclusionary practices on groups based on class, race, or position. These societal effects will be further studied in the next chapter along with the benefits that proper open spaces could offer to all city dwellers.

Chapter 3. Environmental Justice is the Goal of New Parks Programs

In October of 2017, artist Ai Weiwei will be building over 100 fences and installations throughout New York City for a project commissioned by the Public Art Fund. Titled "Good Fences Make Good Neighbors," the project is a reaction to the "retreat from the essential attitude of openness."⁶⁵ Ai notes the increase in the closure of borders from 11 nations with fences or walls when the Berlin Wall fell, to 70 nations by 2016. Ai focuses on the exclusionary attitude towards immigrants and hopes that "the exhibition compels us to question the rhetoric

⁶⁵ Joshua Barone, "Ai Weiwei's Latest Artwork : Building Fences Throughout New York City" (*The New York Times*: 26 March 2017), https://www.nytimes.com/2017/03/26/arts/design/ai-weiweis-latest-artwork-building-fences-throughout-new-york-city.html?&moduleDetail=section-news-4&action=click&contentCollection=N.Y.%20%2F%20Region®ion=Footer&module=MoreInSection&version=WhatsNext&contentID=WhatsNext&pgtype=article&_r=0 (accessed 26 March 2017).

and policies that seek to divide us."⁶⁶ The project is certainly poignant during this political climate, but I think that it transcends recent events and also points to exclusionary practices on a smaller scale as well. Before reading the full press release, I had assumed that the fences were a reference to physical barriers and other exclusionary practices within New York City itself, particularly the parks' fences. This may seem like a pretty literal parallel, but the parks' fences have become a major focus for the Parks Department in recent years as they strive to make the most of their public spaces by ensuring that they really are inclusive.

Parks Department Plans to Address Equity. Parks without Borders was only just launched in 2016 and has been allocated \$50 million through Mayor Bill de Blasio's OneNYC plan. Parks without Borders is a program working on the edges, entrances, and adjacent spaces to parks to integrate them into the community and make these more useful public spaces. The space can really be optimized by extending the park and including sidewalks in design. The goal is to make these parks more accessible and welcoming to everyone in the community and transform underused areas by extension of the park and inclusion of periphery spaces.⁶⁷ A large part of the project is removing fences where they are not necessary. Sports courts can use tall fences, but the children's play spaces only need to be a few feet high, certainly not as high as many of them are now. Elsewhere, fences are unnecessary and just make the space unwelcoming or create a feeling of exclusivity.

⁶⁶ Barone, "Ai Weiwei's Latest Artwork".

⁶⁷ Alana Farkas and Audrey Gray, interview with Mitchell Silver (Municipal Art Society of New York, podcast audio, 16 February 2016).

The program is also looking to ensure that space is equitable for all ages, and one thing they are taking a fresh look at is where signs are placed to designate space for children or adults with children exclusively. Another goal for the Parks Department is to get public space within a ten minute walking distance for everyone, so they don't want spaces that exclude seniors for example. Ensuring that there is space outside of the children's area within the park is important, and the signs' placements need to make that clear.⁶⁸ Parks without Borders also seeks to widen entrances to parks and make them more accessible. Much of these ideas are based on Parks Commissioner Mitchell Silver's principle that:

if something doesn't look welcoming and accessible, fewer people will access it. If the public realm is not designed in a unified way, the result can be wasted spaces. If a park doesn't look beautiful from the outside, it isn't contributing as much as it can to the character of the neighborhood.⁶⁹

Parks without Borders and other Parks programs work to make the space a part of the community and to involve the community in the decision making process. At the 2016 Parks without Borders Summit, The New School's professor Ana Baptista argued that this kind of community involvement makes it harder for "powerful pressures" to "marginalize and push out" communities from the future of their parks.⁷⁰

All of this talk of opening up the parks to the street is about more than just entrances that are easier to find; it is about environmental justice. Our great religions teach that all humans are

⁶⁸ Farkas and Gray, interview with Mitchell Silver.

⁶⁹ Mitchell J. Silver, "Parks Without Borders" (*Parks and Recreation Magazine*, March 2017), 40-43.

⁷⁰ "2016 Parks Without Borders Summit" (speech, NYC, NY, 24 May 2016), YouTube, https://www.youtube.com/watch?v=iAq_ZRSdAfg&index=7&list=PLvxhIMeQQQTHnuMvo_FT-c_78kkKI6AZ0.

moral beings to be treated with dignity. The inherent dignity of all people has led even worldviews based in even free-market environmental economics and ethics such as that proposed by William Baxter to support fair distribution of resources.⁷¹ But when the benefits of open space discussed in the first chapter are not evenly distributed, there is no environmental justice. Environmental Justice calls for the fair, equitable, or proportionate distribution of environmental benefits and burdens across racial and socio-economic groups in order to protect vulnerable groups like the poor and minorities from adverse living conditions. Everyone has the same rights to environmental services as an extension of traditional civil rights.⁷²

The parks at Sutton Place are certainly examples of injustice. In a district where the most common kind of public space is privately owned and the distance to parks is further than recommended for many residents, the parks are not equally distributed. The benefits of these spaces are granted only to the elite living in the Sutton Place community. Even those that live near-by may not realize that the parks are there or may believe that the parks are private or that they are not welcome due to the fences and stairs that lead to the parks which can make the space appear as if it belongs to the co-op. For years, one of these pocket parks was private and exclusive to Sutton Place One despite the ending of the lease granting the co-op exclusive access. The wealth and influence of the co-op kept it from being retaken from the city until very recently, an influence that more vulnerable groups have never had.

Environmental injustice is based in racism or other forms of discrimination that see the vulnerable groups as without the earlier discussed inherent dignity, and allow decisions to be made for an unfair distribution. Additionally, these groups have less power and influence to

⁷¹ William Baxter, "People or Penguins", 381.

⁷² Donald VanDe Veer, *The Environmental Ethics and Policy Book* (Belmont: Wadsworth, 2003), 35.

move against proposals for placement of toxic waste dumps in their communities for example. Areas where these groups live suffer from unjust institutional neglect. Sze uses the example of City Parks Commissioner Robert Moses and his 255 parks built during his time as commissioner. Only one was in Harlem and race based neglect has also been found in his projects in housing, transportation, and open space elsewhere.⁷³ Racial minorities and low-income groups have disproportionately less access to green space, parks and recreational programs as well as less public and non-profit funding for recreation than white or affluent groups.⁷⁴ Without green public open space, communities have less access to the benefits of ecosystem services provided by these spaces such as improved air quality from regulating services and carbon sequestration. Parks also provide other kinds of service which are especially important in urban areas: cultural services. Green spaces serve as a place of recreation as well as mental and physical health, and these benefits are discussed more specifically in Chapter 1.

So when public space is not accessible to everyone, such as how the Open Space Index analyzed in Chapter 1 revealed that Council Districts 4 and 5 failed to provide parks in the desired walking distance for citizens, a selfish ethical egoism is to blame. When viewing parks proposals, stakeholders need to ask ‘who is this for?’ When questioned about how to gain equity in the parks, Parks Commissioner Silver responded that he asks, "Are we fair about how we distribute our resources?" He found that 215 parks across the city received less than \$250,000

⁷³ Julie Sze, *Noxious New York* (Cambridge: MIT Press, 2007), 83.

⁷⁴ Jennifer Wolch et al, “The Challenge of Making Cities ‘Just Green Enough’”, *Landscape and Urban Planning* 125 (2014): 236

over the last 20 years.⁷⁵ The Community Parks Initiative is to address these neglected parks to create more fairness and to ensure that small and large parks receive the same levels of care and reduce the fences and barriers to true public use.

Conflicting Views on Public-Private Partnerships. NYC Parks has developed a joint program with the private group The City Parks Foundation called Partnership for Parks. This joint program works to provide the community with the training and tools to advocate for funding and design since there is not really available capital funds for improvements outside of those from elected officials' budgets. Partnership for Parks helps the community create a group that can ensure that park design and programming is serving all people.

However, there are also examples of these kinds of private groups making the spaces that they develop into places that are not welcoming to everyone in the community. Some communities have access to public space but do not use them because they do not “belong” to the group the space was intended for.⁷⁶ There are those with power in these groups that put their own interests or those of an affluent minority ahead of the interests of the local community with their social darwinism. Many public spaces have been turned into consumable, profit making spaces and, therefore, exclusionary spaces. Zukin recalls how “cultural strategies that have been chosen to revitalize Bryant Park carry with them the implication of controlling diversity.”⁷⁷

Management of the park has been the responsibility of the private Bryant Park Restoration Corporation (BPRC) since 1988 in an effort by the city to clean up the park which had fallen into decay following cuts to park funding in the 1960s. Bryant Park had become home to drug

⁷⁵ Farkas and Gray, interview with Mitchell Silver.

⁷⁶ Jennifer Wolch et al, “The Challenge of Making Cities ‘Just Green Enough’”, 237.

⁷⁷ S. Zukin, *The Cultures of Cities* (Cambridge: Blackwell, 1995), 31.

dealers and the homeless and was regarded as an unsafe place. The BPRC is partly comprised of a business improvement district (BID) of neighboring property owners, and Zukin notes that the area is now designed to attract a certain kind of person with its expensive restaurant and the HBO and Google sponsorships in what she calls “pacification by cappuccino.”⁷⁸ Like many parks in the city, benches are segmented and the grass is riddled with sprinklers to prevent people from lying down in an effort to keep the homeless out.

The ability to deny public demonstrations earlier revealed in Tompkins Square (discussed in the previous chapter) continues today as well, preventing public spaces from serving as venues for public protest. Keller notes that the redesign and relandscaping of Union Square and other spaces have made large meetings physically impossible. Permits are required for meetings in public squares although parades, celebrations, and rallies representing popular causes were never barred and always granted permits “no matter how large or disruptive” such as a 1932 reenactment of George Washington’s oath that filled Bryant Park and the 1939 World’s Fair.⁷⁹ Keller does note that the 1960s were an exception since many events, including the burning of draft cards and other war protests, were allowed to continue even without the requesting and granting of permits since suppression would be too difficult due to the numbers of protesters.

New York City lacks a space where “public speech would be tolerated without limits” as can be seen in London’s Hyde Park.⁸⁰ Though Central Park was New York’s attempt at a green space like Hyde Park, Central Park is nearly always deemed unusable for demonstrations and

⁷⁸ Zukin, *The Cultures of Cities*, 31.

⁷⁹ Keller, *Triumph of Order*, 230.

⁸⁰ Keller, *Triumph of Order*, 231.

denies permits because of potential damage to the grounds in situations where “people gather in the mud” of Hyde Park anyway. Keller points out that private/public partnerships like conservancies and ‘friends’ groups have increased the restrictions on large events. The Central Park Conservancy was formed in 1980 and in 2006 was signed over the “total day to day care and public programs” of the park. Political demonstrations are not allowed and the Great Lawn is allowed to have only six cultural events per year since 2005.⁸¹

The High Line cofounder and Friends of the High Line executive director Robert Hammond said in an interview with CityLab that he wishes they had worked with the community more when first developing the park. Often praised as an overwhelming success for turning unutilized space into a public green space that has attracted millions of visitors since 2009, The High Line has also promoted gentrification in the area. Green gentrification is another aspect of environmental injustice. The creation of some green initiatives and environmental amenities lure wealthier residents and push out lower-income locals.⁸² Visitors are tourists, not locals, and overwhelmingly white despite one third of the neighborhood's residents being people of color. Hammond admits that they "failed" the community by not asking what they needed.⁸³ Residents of the nearby public housing projects and other locals don't feel that the park was built for them and don't see people "who looked like them using it."

⁸¹ Keller, *Triumph of Order*, 231.

⁸² Kenneth Gould and Tammy Lewis, *Green Gentrification* (New York: Routledge, 2016), 23.

⁸³ Laura Bliss, “The High Line’s Next Balancing Act” (CityLab, 7 February 2017), <http://www.citylab.com/cityfixer/2017/02/the-high-lines-next-balancing-act-fair-and-affordable-development/515391/> (accessed 22 March 2017).

The neighborhood income disparities are now "among the city's most extreme" and many locals fear displacement from redevelopment of their public housing.⁸⁴

The earlier discussed Privately Owned Public Spaces (POPS) are often designed to create a certain image which could exclude groups of people that do not fit, such as the way that Bryant Park's BID reclaimed the space for office workers. They can use cultural symbols or social codes to explicitly and implicitly control access to and behavior in public space. In many ways, the use of the space relies on users' perceptions; for example, when perception of Times Square changed from that of "an ethnic ghetto" to a "safe white collar entertainment district" due to the work of the Times Square BID and the integration of Disney and other businesses, that is what happens.⁸⁵ Keller also points out that the 60 member Central Park Conservancy Board is comprised of figures in the business and banking industry similar to the original proponents of Central Park in the mid-1800s.⁸⁶ The Central Park and Bryant Park Conservancies' power is not equal to those of smaller parks' conservancies of course, but it does still point out a trend of quiet exclusion in New York's public spaces.

I've learned through an internship with a recently developed conservancy at Sutton Place that the 2006 deal giving the Central Park Conservancy more control allows Central Park, and parks with similar deals like the High Line, to be able to do things other parks can't, such as have names of donors on plaques inside the park. Sutton Place Parks Conservancy toyed with the idea of getting permission to place name plaques on an adjacent apartment building's exterior from the co-op as a way to urge wealthy community members to make donations.

⁸⁴ Bliss, "The High Line's Next Balancing Act".

⁸⁵ Carmona, *Public Space*, 37.

⁸⁶ Keller, *Triumph of Order*, 235.

Painting the larger public-private partnerships as either good or bad would be an oversimplification. The influence of the Central Park Conservancy is able to generate tens of millions annually for improvements and maintenance, a stark contrast to the funds that would be available from the Parks Department.⁸⁷ The Parks Department has praised friends of the parks groups, big and small, for advocating, improving, and raising funds for their spaces. Instead of seeking to eliminate powerful friends groups, stakeholders need to be aware of the past mistakes of public-private groups and make changes to ensure that their spaces are not exclusionary.

They may have created or exacerbated some exclusionary problems, but the groups are also the only hope to fix those problems in lieu of a greater budget. These groups have made some reparations. Eight of the larger groups including the Central Park Conservancy, Friends of the High Line, and the Prospect Park Alliance have donated a combined \$15 million to the City Parks Initiative to improve smaller parks throughout the city. They have also provided training and landscape experts to the cause.⁸⁸ Hammond of the High Line started a coalition focusing on how adaptive reuse park projects already in development across the nation can handle "the social problems that accompany economic success" to avoid making the mistakes the High Line made. The Friends of the High Line has also launched programs for teens in the community as well as partnerships with two nearby public housing projects to help develop events and programs to benefit them, the community the park was meant for.⁸⁹

⁸⁷ Keller, *Triumph of Order*, 235.

⁸⁸ Ivan Pereira, "NYC Park Conservancies Make Progress with Community Parks Initiative" (*AM New York*, 26 February 2017), <http://www.amny.com/news/nyc-park-conservancies-make-progress-with-community-parks-initiative-1.13180112> (accessed 19 March 2017).

⁸⁹ Bliss, "The High Line's Next Balancing Act".

Partnership for Parks and the Community Parks Initiative strive to give communities the tools to advocate for their parks and keep those in charge accountable. And in the smaller groups comprised only of local residents, this has been true. The problem, then, is not with friends groups or POPS, but rather with the ethics of the individual businesses or citizens that put personal interest above community interest. Managing conflicts of interests with regulations would have to be conducted within the group which would surely be difficult given that the working class and other groups find it more difficult to find the time to attend these kinds of meetings. Perhaps the ethical problem, and real root of all the issues, is that the government is failing in its responsibility to provide adequate funding that would negate the need for private influence in the first place. Funding, regulations, and more from the political arena will be explored further next.

Chapter 4. Politics, Budgets, and Barriers to Park Development

Along Sutton Place, plants are occasionally watered by someone's teenage son who is paid by the Conservancy with funds the Conservancy raised themselves in the absence of adequate city assigned help. Still, community members volunteer to care for the flowers here and along the esplanade, even though they have to lug large jugs of water there themselves because there is not public access to water. The Sutton Place Parks Conservancy is lucky enough to be able to raise some funds to care for their parks, but this is largely due to the affluence of the immediate community. Even as park land increases over the years city-wide,

the budget has gradually decreased along with the amount of workers. There doesn't seem to be enough money from the city to go around even with the help from private contributors.

Lack of an Adequate Budget. In 1960, 1.4 percent of the city budget went to parks maintenance and operations but these funds have been gradually reduced over the years due to the idea that parks are not as necessary as other departments. From 1991 to 1992, the Parks Department's budget was cut by over 20%. In 2010, Mayor Bloomberg set the lowest historical percent for parks with only \$239 million at .37 percent of the budget. Arden notes that Chicago spent \$150 million more on 21,000 fewer acres the previous year.⁹⁰ The department's workforce had also decreased since drastic budget cuts in the 1970s but the 2010 budget would reduce the full-time workforce to less than half the 1970 number, and "no other city agency has lost a greater percentage of its workforce over the last 40 years."⁹¹

One major problem is that when budgets are decreased to handle deficits, they are not restored in better times. The budget grows disproportionately to the increases in visitation to parks, park land, environmental traumas, and the cost of management.⁹² Heavy traffic along with waterfront parks and brownfields have made maintenance more difficult and therefore costly. Despite the introduction of PlaNYC, maintenance funding for the Parks Department is less than it was in 1986 after adjusting for inflation.⁹³

⁹⁰ Patrick Arden, "The High Cost of Free Parks" (Next City, 16 June 2010), <https://nextcity.org/daily/entry/issue-27-preview-the-high-cost-of-free-parks>.

⁹¹ Arden, "The High Cost of Free Parks".

⁹² *Supporting Our Parks: A Guide to Alternative Revenue Strategies* (New York City: New Yorkers for Parks, June 2010), 1.

⁹³ *Supporting Our Parks: A Guide to Alternative Revenue Strategies*, 9.

In 2017, New Yorkers for Parks' Executive Director Lynn Kelly is arguing to restore \$9.6 million as a baseline in order to keep 100 City Park Workers and 50 Gardeners at the Preliminary Budget Hearing held by Parks and Recreation. And it is not just the city's budget that's too tight for its parks; even in 2016, Director Jonathan Jarvis of the National Park Service stated that the agency's work is done on "an annual budget that is less than the city of Austin, Texas", just \$3.4 billion.⁹⁴ In the proposed federal budget from the Trump Administration, the Community Development Block Grant program would be entirely cut, a program that funds 43% of the GreenThumb Community Garden division of NYC Parks. The current city budget has not made up for this proposed loss and GreenThumb stands to lose a third of its staff along with serious expense cuts.⁹⁵

There also seems to be a belief coinciding with the emergence of a new private fund reliant park model that these monetary gifts or partnerships can replace city funding instead of adding to it. However, most city parks don't have the private-public partnerships like the Central Park Conservancy or the Friends of the High Line to supplement the meager funds provided by the city and they instead depend solely on city funds. Most parks can't raise that kind of money even if they have a community 'conservancy' group. While there are large donations going to certain parks such as \$20 million to the High Line in 2011, parks in less affluent communities struggle to raise any money. The Morningside Park organization gets about \$50,000 a year but

⁹⁴ W. Gardner Selby, "National Park Service director correct that its budget less than budget for Austin's city government " (Politifact, 24 June 2016), <http://www.politifact.com/texas/statements/2016/jun/24/jonathan-jarvis/national-park-service-director-correct-its-budget-/>.

⁹⁵ Lynn Kelly, Preliminary Budget Hearing-Parks and Recreation, (New York City: New Yorkers for Parks, 21 March 2017).

many get none. In Brooklyn in 2013, the Friends of Wingate Park won a grant from Partnerships for Parks for just \$800.⁹⁶ These parks could fall into disuse if they are systemically ignored like we looked at in the previous chapter. Then in 2013, Parks Commissioner Veronica White stated that "where we have trust and alliances, the goal is not to shift costs. Parks are paid for by the tax base, and they should be."⁹⁷

The presence of private vendors including restaurants has been previously mentioned, but not the revenue they generate. Vendors pay the city a fee for the spot which is usually a percent of the gross revenue. Though the fee is typically around 20%, the Shake Shack at Madison Square Park only pays 12% and they even cater private events making up to \$15,000 an hour. It is also worth noting that Shake Shack's founder was the director and co-founder of the Madison Square Park Conservancy when his shop opened.⁹⁸ With few exceptions, the city retains the concession fee and can put it to use anywhere in the general budget, and the Department of Parks and Recreation receives none of these revenues directly.⁹⁹ This money is then diverted when it could be a guaranteed supplement to the meager budget allotted to Parks from the city if it went straight back to Parks, especially since the operation takes place on Parks land. Since vendors introduce some private consumerism onto the public space, the money should be used to better public open spaces.

⁹⁶ Lisa Foderaro, "New York Parks in Less Affluent Areas Lack Big Gifts" (The New York Times, 17 February 2013), <http://www.nytimes.com/2013/02/18/nyregion/new-york-parks-in-less-affluent-areas-lack-big-gifts.html?ref=nyregion&module=ArrowsNav&contentCollection=N.Y.%20%2F%20Region&action=keypress®ion=FixedLeft&pgtype=article>.

⁹⁷ Foderaro, "New York Parks in Less Affluent Areas Lack Big Gifts".

⁹⁸ Patrick Arden, "The High Cost of Free Parks".

⁹⁹ Citizens Budget Commission, *Making the Most of Our Parks*, (Citizens Budget Commission, June 2007), <http://www.ny4p.org/research/other-reports/or-makethemost07.pdf>.

Sometimes the contracts with vendors also include the relevant private-public conservancy group so that there is some incentive to make the most of these deals. Instead of having the revenue go to conservancy groups, the money could instead be going to the Parks Department to be redirected to parks where the money could make more of a difference. Though private money is important to the bigger parks like Central Park and the High Line because the Parks budget would never be able to upkeep them alone, not all of these conservancies' funds are used to the best of their capacity. Instead of giving the executive director of the Friends of the High Line \$75,000 more than the salary of the city parks commissioner in 2009, the Parks Department could be making better decisions for how to use that money for better equity in parks throughout the city.¹⁰⁰ An inadequate budget calls for private assistance at the cost of inviting privatizing commercialism into public space.

Community Influence. Community groups like conservancies do not exist just to raise money. Parks that don't attract such affluence need their own advocates and community groups work as a coalition. Often guided by groups like Partnership for Parks or the Community Parks Initiative which are partially funded by the city, communities work to influence the budget and get funding for projects that otherwise could go ignored. Partnership for Parks, New Yorkers for Parks, and the Center for Urban Pedagogy teamed up to create a big pamphlet to answer the title question: How can I improve my park? It tells people how to reach their Partnership for Parks Outreach Coordinator who can help the community group get an audience with some key figures. It tells the reader how to reach out and form a group. Bringing a group's project to borough commissioners or staff, the community board, councilmembers, or borough presidents

¹⁰⁰ Patrick Arden, "The High Cost of Free Parks".

can get capital projects into the budget in different places.¹⁰¹ Capital projects are often called ‘brick and mortar’ projects. They are built or major improvement to infrastructure costing at least \$35,000 and last for at least five years. For maintenance and staff issues, communities have to work with the Parks Department and a budget designated for these kinds of costs. Another problem with the city budget is that people are always more willing to support the construction of a new park and rarely willing to give up funding elsewhere to maintain it.

The funding from the Parks Budget to groups like Partnership for Parks to foster these community organizations really reveals just how much Parks depends on residents to do research on what needs to be done. A coalition working for a project helps Parks see the kind of influence that could be made. It has led to another program that actually started in Brazil in 1989 and is held in a few Council Districts throughout New York City. Participatory Budgeting is a democratic process where community members within a district get to decide exactly how to spend part of the councilman’s capital expenses budget. The designated amount varies, but when I represented the Sutton Place Parks Conservancy in District Five, Councilman Kallos put \$1million in the hands of residents. In August, community members put proposals online and in September volunteering delegates meet to sift through projects to find which are eligible as capital projects.

In the following months, delegates research the need, feasibility, and impacts of the eligible proposals, meet with agency representatives, and vote to determine the top five in each category. Delegates are not champions of a single project but work for the whole community in

¹⁰¹ Partnership for Parks, “How Can I Improve My Park?” (New York City: 2017).

voting for what would make the best impact. However in my experience, the people that show up to these meetings as delegates or even interested community members do not necessarily represent what the district actually looks like and may not be aware of what it needs. For people that have to work outside of the 9-5 work day or work multiple jobs with little free time, making meetings may not be in the cards. Most community members may not even be aware of Participatory Budgeting even if they are disappointed in their public space. There was more than once where I was the only person to show up to meetings in the councilman's office and I was not even a real delegate since I do not even live there. Delegates write the official proposal forms to the applicable agency and draw up the Ballot Guide. Delegates advertise the event and encourage the community, all district residents over 14, to get out to vote. Depending on the prices of the projects with the most votes, more than one may be covered by the amount set aside by the councilmember. Even if the project is not selected or ends up being too expensive to be eligible, going through with the research through these official channels gets the project in the ears of the councilman and the Parks Department. The delegates also get to go over all the projects together and brainstorm for the best solutions to the problems the proposals are looking to resolve. There is still a nice chance, as I was always encouraged by Sutton Place's Partnership for Parks Outreach Coordinator, that the councilman will like the project and find a place for it elsewhere in his capital expense budget.

Confusion over Land Ownership. In addition to struggling to find funds, communities often face confusion over ownership of the land they use. The case study of the land behind One Sutton Place has been an example of this confusion throughout this study. After acquiring the

land through eminent domain during construction of the FDR Drive, the land was leased back to the Co-op. However, though the land was used privately under the lease and even for a time after expiration of the lease, the land remained under ownership of the city. While this case is easily explained by the influence of an affluent co-op, land transitioning from public use to private legally can be more difficult for a community to understand. How can the community know when their public land is being stolen from them?

Community members in Greenwich Village went to the court arguing that New York University's long-planned expansion was encroaching onto parkland. They believed that the land was "implied parkland" under the Public Trust Doctrine which allows land to be dedicated by the public's use of it as such over time.¹⁰² Mercer Playground, LaGuardia Park, and LaGuardia Community Gardens had been ruled public parks at the Manhattan Supreme Court at the beginning of 2014 due to the dedication ceremonies, press releases, and park signs.¹⁰³ But then in June of 2015 when the case reached the Court of Appeals, they ruled in favor of NYU. They found that the land was owned by the Department of Transportation which had loaned it to the Parks Department and that the leases made it clear that the parks were only temporary.¹⁰⁴ The city, which decided to appeal with NYU leading up to the reversal, does not appear to be asking what would be best for the local community.

¹⁰² "Handbook on the Alienation and Conversion of Municipal Parkland in New York" (New York State Office of Parks, Recreation and Historic Preservation, March 2012), 9.

¹⁰³ Barbara Ross, "NYU's expansion plan halted" (NY Daily News, 7 January 2014), <http://www.nydailynews.com/new-york/education/nyu-expansion-plan-halted-article-1.1569150>.

¹⁰⁴ Jessica Dailey, "NYU is finally cleared to expand Greenwich Village Campus" (Curbed, 30 June 2015), <http://ny.curbed.com/2015/6/30/9944544/nyu-is-finally-cleared-to-expand-greenwich-village-campus>.

In another case reducing park land, the Museum of Natural History will be expanding further in Teddy Roosevelt Park. Some members of the community questioned the museum's legal ability to expand without approval from state legislature and the Save Teddy Roosevelt Park group believes that the addition will "overwhelm" the west side of the park. Though the museum exists within the park, the museum was granted "the right to expand without seeking additional approvals" when they were established together in 1876.¹⁰⁵ While the project would reduce parkland, the museum is partially city-funded and admission is free. However, the nine month encroachment of the private Sutton East Tennis Club's indoor bubble on the Queensboro Oval in Midtown East is another story. Court fees are as high as \$160 per hour on weekends from 9am-2pm and even the evenings are still \$80 per hour.¹⁰⁶ These prices make the space far from accessible to the public through legal leases with the city.

Confusion regarding policies deep in old doctrine and historical deals make it difficult for the community to have a clear idea of what land they have a right to. The people need to be able to keep those in power accountable, and without better transparency and understanding of ownership and the source of funding for public space, this is a nigh impossible task.

PlaNYC. In 2007, Mayor Michael Bloomberg laid out a new plan for sustainability in New York City called PlaNYC 2030. It acknowledged many of the problems that have been previously been discussed. The plan proposed included an introduction of congestion pricing which would charge drivers to enter the busiest sections of Manhattan as well as improvements to public transportation and parks to bring more New Yorkers live within a ten minute walk

¹⁰⁵ "Addition to American Museum of Natural History on Columbus Avenue Side Approved" (City Land, November 2016), <http://www.citylandnyc.org/museum-of-natural-history-addition/>.

¹⁰⁶ "East Side Open Space Index", 20.

from public open space. A part of this would be comprised of underutilized spaces like vacant lots, school playgrounds, and streets. It plans to bring more money to neglected parks outside of the big flagship parks. The plan looks to bring more greenery to the city with greenways, greenstreets, community gardens, and incentives for roof top gardens.¹⁰⁷ Mayor DiBlasio expanded on PlaNYC with OneNYC in 2015. It focuses on resiliency in the city post-Sandy as well as addressing inequality especially in housing in connection to the greening of the city. Both of these plans rely on funding and other political players that could falter their success. Not all that the NYC government want to accomplish will be allowed by the state and federal levels. PlaNYC's congestion pricing failed to move past the state legislature and made expensive promises for parks that it has not been able to adequately keep. Even with great plans for expanding environmental justice, a thinly spread budget cannot allow these plans to materialize.¹⁰⁸

Chapter 5. Methods to Restore Public Park

Throughout this text, we've looked at how privatization threatens public space in New York City and more specifically on the East Side. Competition for open space has been around since the introduction of the 1811 grid system and the introduction of automobiles reduced the space allowed for people even more. After cuts to their budget, the Parks Department cannot even afford to provide maintenance to many parks which have become neglected. The research

¹⁰⁷ Stephanie Mahalchick, "PlaNYC: Parks and Public Space" (*City Atlas*, 17 February 2012), <http://newyork.thecityatlas.org/lifestyle/planyc-parks/>.

¹⁰⁸ Steve Cohen, "From PlaNYC to OneNYC: New York's Evolving Sustainability Policy" (*Huffpost*, 27 April 2015), http://www.huffingtonpost.com/steven-cohen/from-planyc-to-onenyc-new_b_7151144.html.

discussed in previous chapters points to a few ways that we can better utilize current public open space and relocate funds to the Parks Department as it strives to return to a pre-1976 level.

Increased POPS Monitoring. As the Parks Department sets a goal for every New Yorker to live within a ten minute walk to a park, Privately Owned Public Spaces could provide open space to help in the interim since they are actually the most abundant kind of open space especially on the East Side. However, in earlier chapters we have examined how these spaces have been lost to the public through neglect or repurposing for the landowner's commercial interests. Under new legislation proposed to the City Council in June 2016, the Department of City Planning would be required to report the status of every Privately Owned Public Space resulting from the Zoning Resolution to the City Council biannually. Reports would examine the number of complaints filed about the space, whether the space was found violating compliance status, and the Department of Buildings' enforcement action. There would be an increase to a minimum of \$10,000 for the first offense, \$20,000 for each additional offense, and \$2,500 for each month they fail to deliver.¹⁰⁹

Current punishments are rather relaxed with a minimum penalty of only \$4,000 and the main problem is that no one is paying attention. In August 2016, Trump Tower was fined just \$10,000 for having an unapproved sales counter in its POPS.¹¹⁰ Legislation for increased reports is vital because "unless you are a landlord who happens to be running for president of the United States you won't be under the same scrutiny as Donald Trump" according to Council

¹⁰⁹ David Greenfield, Int. 1219-2016 (Committee on Land Use, 21 June 2016).

¹¹⁰ ECB Violation 35164430Z, Department of Buildings to Trump Tower Commercial LL (11 August 2016), <http://a810-bisweb.nyc.gov/bisweb/ECBQueryByNumberServlet?requestid=2&ecbin=35164430Z>.

Member Kallos. In 2017, Kallos sponsored two more bills to better regulate POPS. They would follow the earlier proposals under Int.1219 from June 2016 as well as increase its second offense penalty to \$25,000 and require signage listing the required amenities, a notice that the space is public, and contact information for making a complaint.¹¹¹ Holding landowners responsible by increasing monitoring and fees could increase the efficiency of the POPS as public spaces by encouraging owners to remove exclusionary aspects and also boost Parks funds to improve parks in need through the penalty fees. Proposals by Kallos and other East Side Councilmembers are definitely looking to improve the situation but these proposals will need to be put into action. Until then, an increase in understanding by the public through continuing to discuss POPS could help the situation. Noticing and reporting violations could lead to more fines and compliance as it did with the Trump case.

Finding Funds for the Parks Department. We discussed the large gifts given to prominent conservancies like the Central Park Conservancy and Friends of the High Line as well as the role of private vendors. Neither of these actually benefit the Parks Department and therefore fail to reach the neglected parks that actually need the money. Since the lack of adequate Parks funding seems to require private interference, I think Parks could make new regulations to maximize what it can get out of the situation. Restaurants and other vendors with fixed locations like the Shake Shack at Madison Square Park take up more public space than a hot dog cart for example. These larger private spaces should have their vendor fees set at a

¹¹¹ Josh Jamieson, "Signage and Penalties for Privately Owned Public Spaces (POPS) Proposed by Council Members Kallos, Greenfield, and Garodnick" (Ben Kallos Press Release, 1 March 2017), <http://benkallos.com/press-release/signage-and-penalties-privately-owned-public-spaces-pops-proposed-council-members-kall>.

higher percent of their revenue than the carts to make up for what they are taking away. It would be a way to more closely account for negative externalities by designating them with a monetary value. The funds from vendor fees should be going right back to the Parks Department to distribute to parks as they see fit. Funds should be making up for lost public space by improving it elsewhere but under current policy this money goes to the city and is distributed in the greater budget. City funding to the Parks Department should be in addition to funds Parks have generated themselves, not comprised of it. Having the fee money go to Parks instead of to the city could help encourage the vendors to accept this new proposal since it would mean their money would improve the spaces around their ventures instead of not benefitting from the fees directly. I don't want it to seem that I believe that actually taking those funds away from the general budget would be at all easy. However, I think that it is something worth proposing and pushing for and perhaps the percent going to Parks could increase over time. Any increased amount of funding for the Parks Department would be a huge accomplishment in the right direction.

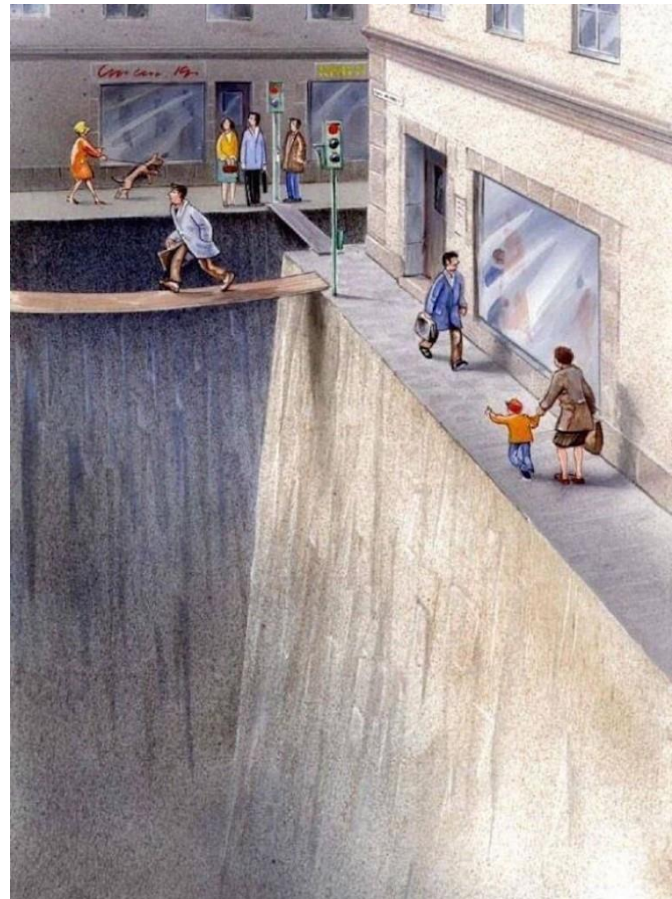
Often a portion of the vendors' revenue also goes to a conservancy group when applicable. I would propose a cap on this amount based on the percent of the park's operating budget is funded privately. Anything over this amount would go to the Parks Department to be distributed to neglected parks instead. This kind of cap could also be applied to the monetary gifts the affluent conservancies receive. Gifts that would bring the percent of the budget for a park that is comprised of private funds above a certain amount would instead go to Parks to help a park that doesn't receive monetary gifts. The way these large 'gifts' happen now is that a

wealthy local gives money to improve what is essentially his own backyard. Gifts aren't really given based on need.

In March 2014, a similar proposal from State Senator Squadron would have taken 20% from the budgets of “well-financed conservancies” and redistributed it to poorer parks was initially endorsed by De Blasio. The conservancies were not pleased with the idea and even New Yorkers for Parks worried that it would mean a decline in those large gifts.¹¹² However, I think that establishing a cap instead of a percent as large as 20 could make a difference especially since the similar proposal did have some traction. The conservancies need to work more with Parks, government officials, and economists to find the right amount to start with and fine tune these proposals to find a way that they can help bring equity to these open spaces.

City Planning on a Human Scale.

Public space is not only threatened by businesses and buildings. Private cars have invaded pedestrian space since their introduction and cities and have often been the priority in city planning instead of the people. Roads break up the pedestrian space and turn public squares into merely sidewalks



¹¹² Alexandra Lange, “How to Fix New York City’s Parks” (*The New Yorker*, 28 March 2014), <http://www.newyorker.com/culture/culture-desk/how-to-fix-new-york-citys-parks>.

to get from one place to another. *Image 1* illustrates the space that privatization through cars creates.¹¹³ The idea of planning on a Human Scale to encourage walkability has been growing in recent years. The Parks Department's Parks without Borders campaign includes opening up the park to the street to enlarge the open space which reduces some of the breaking up of public space which has been utilized. Those sections of the sidewalk would become more of a multiuse space than a movement space.

But we can go further. In Denmark where I spent 5 months studying European cities, car traffic and parking has been reduced. In 1962, Copenhagen's main street Strøget was turned into a pedestrian-only zone. While the 0.7-mile-long street is a major shopping district with obviously a lot of consumerism, Strøget is also home to many benches, fountains, and places to socialize. The social experiences there felt very much like the Central Park Mall to me. Since then, more streets and parking spaces have been returned to the people as public squares. Since PlaNYC's Sustainable Streets and World Class Streets programs, New York has transformed some traffic spaces into public plazas like those of the 25th Street, the Flatiron, and parts of Broadway. I think this transition could be put in place in more spaces throughout the city. The Summer Streets program which temporarily transforms city streets into pedestrian boulevards for just a couple days of the year could be testing grounds for permanent transformations.

Participatory Urban Design. While the Participatory Budgeting that I participated in did not have a whole lot of participation in its early stages, I do believe that this process holds much promise for the future of public space. Locals have to power to not only advocate for what they believe their neighborhood needs, but also to actually vote and make it happen. The

¹¹³ Karl Jilg & Leanna Garfield, "This ingenious illustration reveals how much space we give to cars" (*Business Insider*, 28 April 2017), <http://www.businessinsider.com/car-illustration-karl-jilg-2017-4>.

inclusion of the community in public projects is important to ensure that their needs are actually being met and not just the assumed needs or the desires of those with money or power. Working directly with community members will help curb gentrification and avoid the kinds of failures that the developers of the High Line realized and have been working to diminish. In St. Pauli, Hamburg, a group called PlanBude is working against gentrification as they help with the area's new developments. They utilize a bottom-up planning process that engages the community through events and even an office in a small trailer called the Planning Lab where locals can provide PlanBude with input on what they would like to see in the new developments.

Government officials, designers, local stakeholders, and community members need to meet together to discover what new developments really need and be able to work together to come to successful conclusions.

Conclusions. While privatization and consumerism continue to threaten public space, I believe that understanding the methods with which they do so can help communities reduce these activities. Awareness and participation could also lead to a greater Parks budget and greater public open spaces.

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