

Center for City Park Excellence



Parks Under Siege

Once a park, always a park. Right?

Well...not in Miami. Or St. Louis. Or Kansas City, New York, or Los Angeles. In fact, virtually no city in the country has been able to preserve and protect every acre of its parkland against conversion into some form of alternative development.

Highways, police horse stables, sports arenas, shopping centers, hospitals, schools, parking lots, museums – the list of encroachments into, on, over and under urban parkland is almost unending.

For some people, the loss of even a square foot of grass is a travesty; for others, it's just normal operating procedure in the big leagues of the urban real estate maelstrom. After all, they say, many great urban parks and plazas – from Post Office Square in Boston to the Westward Expansion Arch in St. Louis to Pioneer Courthouse Square in Portland, Ore. – were created on properties wrested from the wreckage and ashes of different, former uses. Why should parks be any different?

For many years the worst threat to urban parks was from highway construction. Scores of parks in cities from Providence and Philadelphia to Los Angeles and San Diego were grievously damaged by roads, cloverleaves, smog and noise. The Supreme Court's landmark 1971 ruling in the Memphis, Tenn. case, *Citizens to Preserve Overton Park v. Volpe*, slowed the carnage but didn't stop it. Even now roads threaten some parks. (See Box, "Parks Damaged by Road Construction.")

But today it's mostly not people trying to get out of town, it's those trying to get into the action. Museum directors, team owners, shopping center moguls, hospital presidents – all are looking for prime locations at bargain prices, and parks frequently top their lists.

"The land is often available for free and it's controlled by politicians rather than by businessmen," explains Greg Bush, a professor of history at the University of Miami. "If you know how to use – or manipulate – the political process you can circumvent the real estate market and save yourself a lot of money."

But it doesn't necessarily make for good public policy.

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The Trust for Public Land
Center for City Park Excellence
October 2008

This article originally appeared in the
October, 2008 issue of *Planning* magazine.

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*The Trust for Public Land
conserves land for people to enjoy
as parks, gardens, and other natural places,
ensuring livable communities
for generations to come.*

“Building on parkland is like eating the goose that lays golden eggs,” says Alexander Garvin, former member of the New York City Planning Commission and author of *The American City: What Works, What Doesn't*. “We don’t want to consume the goose, we want to *feed* it—improve the park so that it conveys ever-greater value to the surrounding land.”

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“Unfortunately, when some people look at a park they see an empty site that is ideal for their project because it is in a location that has become extremely valuable as a result of the park,” Garvin added. “These parks should not be in play. They should be *for* play, and continue to *pay off* surrounding property owners”

The “Parks-in-Play” capital of the U.S. is Miami. Although Miami has only 3.4 acres of parkland for every 1,000 residents (sixth-lowest among the nation’s 75 largest cities), developers as well as other city agencies seem to have an endless number of alternative ideas for almost every park

in the city. Bayfront Park, 62 acres and the iconic subject of thousands of picture postcards in the 1940s and ‘50s, now consists of only 26 acres that have not been converted into a waterfront shopping-and-restaurant mall or a partially gated performance area. Lummus Park, the city’s oldest, lost half of its three-quarters of an acre when the Police Department needed land to relocate its horse stables. Watson Island, once all a park, was first reduced by the creation of the private Parrot Jungle and is now slated to be further privatized with a large yacht

marina and a hotel. Bicentennial Park, 29 acres and shrinking, is being eyed for the placement of two museums, each with a four-acre footprint. And, on the last remaining open parcel on Biscayne Bay, on a property leased to the city by Dade County, the owner of the Miami Heat basketball franchise overpowered the opposition and constructed what is called the American Airlines Arena. (As part of the deal, a tiny parcel between the Arena and the water was to become a promenade, but now a Cuban-American group is seeking approval to construct a parking garage and a museum devoted to the Bay of Pigs invasion.)

The polar opposite of Miami is Portland, Ore. When it comes to parkland acquisition, de-acquisition, transfer, lease, trade and development, Portland is a city which scrupulously dots “i”s and crosses “t”s. Ironically,

Selected City Parks Currently Threatened by Road Construction

City	Park	Road
Charlottesville, Va.	McIntire Park	Meadowcreek Pkwy
Houston	Memorial Park	I-610
New York	Idlewild Park Wetlands	Nassau Exp'way
Pueblo, Colo.	Benedict Park	I-25

with a raft of clear and fair procedures that actually allow the sale or loss of parkland, it just doesn't happen.

"In theory we can, but in practice we can't," says Zari Santner, director of Portland's parks and recreation agency. "Our residents simply don't allow it. In Portland politics, parks come first. Frankly, my department sometimes has trouble even getting a restroom facility built in a park."



The transition from Miami's "anything goes" to Portland's "no way" can be watched—in real time—in Long Beach, California.

Long Beach, an economically challenged, densely-populated city of 500,000 in the shadow of Los Angeles, has a well-run park system but is short of parkland. One of its larger neighborhood facilities, 27.5-acre Scherer Park, for many years contained several temporary trailer offices of the Long Beach police department. (Permanent problems often begin with temporary trailers.) In the late 1990s, because of issues with mold, safety and space, the police proposed replacing the trailers with a building. There was opposition but no alternative site emerged, and a formal proposal to build on a corner of the park went to the city council.

When opponents investigated their legal rights they discovered that the city had no law against building a non-park structure in a park. In fact, they learned that, legally, the entire park system was a mirage. Long Beach had no ability to formally dedicate any land as a "park," meaning that virtually every acre was potentially open to proposals from city agencies or private interests. (The only slight protection for Scherer Park was

its acquisition using federal Land and Water Conservation Funds, but that merely required the city to replace any land that might be lost.) As with every police-versus-parks controversy, the citizenry was split. Residents of the immediate area generally favored the police station; residents farther away were concerned about setting a bad precedent. Following a bitter debate, in 2000 the city council approved the construction.

Scherer Park had been shrunk by 2.5 acres, but the outcry stimulated Long Beach to institute a top-to-bottom overhaul of its park procedures. All existing parkland in the city was formally dedicated, and a new ordinance required future park additions to be immediately

Selected City Parks Damaged by Road Construction

City	Park	Road	Year
Chicago	Columbus Park	I-290	1953
Colorado Springs	Monument Valley Park	I-25	1958
Houston	MacGregor Park	State Highway 35	1996
Los Angeles	Griffith Park	I-5	1950
New Orleans	City Park	I-610	1979
New York	Flushing Meadows Park	I-495	1939
New York	Flushing Meadows Park	I-678	1964
New York	Van Cortland Park	I-87	1956
Philadelphia	Fairmount Park	I-476	1967
Providence	Roger Williams Park	I-95	1960
San Diego	Balboa Park	State Route 163	1949
Seattle	Seattle Arboretum	State Route 520	1963
St. Louis	Forest Park	I-64	1959

dedicated, as well. The city's park and recreation agency was directed to update its master plan (unchanged for 25 years), and the ensuing document recommitted Long Beach to adding parkland. (It also for the first time committed the city to rectifying neighborhood inequality by identifying park-deficient communities.) Most stunningly, the council passed a law requiring that any lost parkland must be replaced with twice the acreage taken – half of it in the vicinity of the loss and the other half in a park-deficient neighborhood elsewhere in the city. (And the Scherer loss has already been atoned for: in 2006, North Long Beach was given brand-new 5.5-acre Davenport Park.)

“It was a painful episode, but at the end of the day it was a watershed moment,” says Phil Hester, director of the parks agency. “It proved the importance of parks to all our residents and it really solidified our policies. It made my job better. And not a single acre of parkland has been sold or lost since 2000.”



Not every park agency treats parkland as inviolate. In Kansas City, Mo., when Parks and Recreation Director Mark McHenry was offered a land swap by a developer, he took it – and he was backed up by his park board, the city council and the voters.

“We had a 13-acre park along a commercial strip out by the airport north of downtown,” McHenry explained. “In 2000 a developer came to us wanting to add the northern half of it – six acres – to a project he was planning. In return he offered us a 75-acre tract of farmland about a mile north and a 49-acre tract of wooded, hilly land about a mile west. Six acres for 124 – I thought it was a good deal. We did two appraisals and he did one. They were all over the place but all of them came out positive for the city. There was opposition and we took a little heat, but every time it came to a vote we won handily. Today the six acres have been developed commercially, the 75-acre farm is a \$75-million aquatic center and ballfield complex, and the 49-acre forest is a natural area with trails.”

The Kansas City Department of Parks, Recreation and Boulevards is far from a run-of-the-mill park agency, which may explain its more entrepreneurial attitude. Established in 1890 and separately chartered as an independent entity, the department has an elected board of commissioners and receives funding not from the city council but directly from the city's property tax. McHenry has the authority to lock in parkland through dedication, but he doesn't always exercise it; if he owns a parcel that isn't ideal, he sometimes leaves it undedicated and in play. And sometimes he even initiates the action.

“We have a park in our Crown Center area that has a small, acre-size ‘tail’ across a busy street from the main section,” McHenry said. “No one used the ‘tail,’ no one even knew it was a park. It also contained a run-down building. Meanwhile, we needed money to fix one of our fountains. We decided to sell that little piece of the park and use the money for the Women’s Leadership Fountain – but we didn’t have a buyer. So we got authorization to put it out for bid and ended up selling it for \$1.2 million. It was totally non-controversial – no one had been using the land. In fact, the Children’s Hospital bought it, tore down the building and will use it for greenspace. Can you beat that?”



Perhaps the most successfully resolved civic debate over using parkland for other purposes took place in 2007 in St. Louis. The outcome might set a precedent nationally.

The “victim” was a nine-acre corner of beloved Forest Park. The “aggressor” was the equally beloved Barnes-Jewish Hospital, a civic pillar and one of St. Louis’s great institutions. To the public, the story was simple: powerful hospital needs more space, mayor quietly offers parkland, story leaked to the press, conservationists rise up in outrage, huge debate ensues, complicated compromise reached.

The true story was, of course, much more nuanced. The chunk of land, known as Hudlin Park, is physically separated from the main 1,293-acre Forest Park by an eight-lane road that had been re-aligned in the early 1970s. After the separation, in 1973, Barnes-Jewish signed an agreement with the city whereby it leased Hudlin, constructed a parking garage underneath and then rebuilt the park with tennis and handball courts, a playground and a picnic area. The lease was \$150,000 per year and the hospital also maintained the area. The deal was set to run for 77 years.

At the time, Forest Park was run down and had no effective advocacy group. Most St. Louisians didn’t know about the agreement, and those who did had no problem with it. Soon almost everyone forgot that Hudlin had even been part of Forest Park; it was used mostly by hospital staff and the visiting families of patients.

In the early ‘00s Barnes-Jewish (now called BJC Health Care) needed to expand. “We’re land-locked,” explains BJC Vice President June Fowler. “As we thought about remaining a viable institution for the next 50-60-70 years, there was really no other parcel to use. Other hospitals in our situation have moved out of the city, but we’re committed to remaining here.” BJC sought to restructure the Hudlin lease.

By this time, Forest Park was a much more formidable player in city land politics. Over the previous decade it had been led through a

\$100-million upgrade by Forest Park Forever, a conservancy formed by many of St. Louis' movers and shakers. BJC's proposal was greeted with howls of public indignation, but the conflict was not a typical David-vs-Goliath scenario. Both sides entered the negotiations with considerable strength but, more important, with the overall greater good of the city uppermost in their minds. Every time an impasse was reached, one side or the other sweetened the pot rather than demanding a concession.

In the final agreement, BJC got the land in return for an annual payment beginning at \$2 million a year and rising over time (significantly higher than any of four appraisals of the land's value). Under prodding from Forest Park Forever, the city agreed that the annual payment would go specifically to projects in Forest Park rather than (as previously) to the city's general fund. – and in return, Forest Park Forever agreed to raise and donate an additional \$1.8 million per year for the park, as a match to the BJC funds. In addition, the city agreed to make available six acres of land for a replacement Hudlin Park, directly adjacent, as soon as it completes the reconstruction of a cloverleaf on Interstate 64. (BJC will develop the park.) And, to top it off, St. Louisians got a ballot measure on whether any future parkland disposal should require a vote of the residents. (It passed.)

“In general, parkland should not be sold,” says James Mann, former executive director of Forest Park Forever. “That's why we have an agreement that no matter what gets built there will never be a net loss of greenspace. But we're also talking about parks that go back as much as 150 years. To not engage in modern-day politics doesn't make sense. If we can help reinvigorate our city by shifting a few acres, it's worth having the conversation.”

BJC's June Fowler agrees. “It was an emotional issue but a respectful debate,” she says. “Honestly, one of the things we appreciate most is having Forest Park as our next door neighbor. And getting a view of the park even helps our patients get well faster.”



What is the difference between Kansas City, St. Louis and Miami? All three cities gave up some parkland, but Kansas City and St. Louis did it from positions of strength (and came out ahead), while Miami did it haphazardly, with the park agency in a position of extreme weakness and relegated almost to onlooker while politicians did the dealing. If Miami's park system is like a chessboard, the city seems to lose a more valuable piece every time there is an exchange.

The strength of Kansas City's park agency stems from rigorous procedures, clear decision-making and accountability, and a long tradition.

The department doesn't always make the right decision, and the populace doesn't always agree with every action, but the process is transparent and there is widespread trust in it.

In St. Louis, if there is a bit less park system transparency and a bit less public trust, there is a very strong private-sector parks advocacy group for Forest Park. This alert, energized constituency – similar to groups in New York, San Francisco, Philadelphia, Atlanta and a few other cities— can make all the difference when it comes to defending parkland from questionable uses —or at least making sure that the city gets the best possible deal out of it.

Miami, unfortunately, has neither rigorous institutional policies and procedures nor a powerful citizen park advocacy group. There are outstanding individuals who rise up in eloquent concern, but without an organized base they are regularly outmaneuvered by developers, vested interests, eager politicians and the city's powerful newspaper.

The lesson is that in cities the competition for space is so intense that not even the strongest statement about the inviolability of parkland is sufficient without the protection of well-defined regulations and an ever-vigilant private park constituency.

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