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THE COUNCIL OF THE CITY OF NEW YORK

BRIEFING PAPER OF THE INFRASTRUCTURE DIVISION

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COMMITTEE ON PARKS AND RECREATION

Hon. Peter Koo, Chair

October 22, 2020

Oversight:

Improving the Equity of Green Space throughout the City in Light of the COVID Epidemic

INTRODUCTION

On October 22, 2020, the Committee on Parks and Recreation will hold a remote oversight hearing entitled “Improving the Equity of Green Space throughout the City in Light of the COVID Epidemic.” Representatives from the New York City Department of Parks and Recreation (DPR), as

well as parks conservancies and alliances, parks advocates and community organizations have been invited to testify.

BACKGROUND

During the late 1970's, New York City experienced a financial crisis that led to massive budget cuts for all city agencies including DPR.¹ As a result, many of the City's parks were left in a state of disrepair.² In order to continue providing upkeep, DPR began to initiate agreements with not-for-profit organizations to take on the responsibilities of maintaining certain parks.³ These public-private partnerships helped to lessen the direct public investment required for such parks.⁴ Over time, this practice has expanded to other parks and has resulted in a structure where the parks system in New York City is funded by a mix of public and private dollars and cared for by public employees, private sector workers and many volunteers.⁵ This model of funding for City parks has led many to question whether a disparity has been created between the quality of maintenance in large well-known parks that have access to private funding and those that do not.⁶

Part of the concern raised by the reliance on private dollars is whether such reliance has dampened the will to commit the necessary amount of public funds to support and maintain parks.⁷ Throughout the last few decades, as the trend of privately funding part of the parks system has grown, public spending has remained mostly stagnant and even decreased when accounting for inflation. For example, park spending represented about 1.4 percent of the City budget in 1960, 0.86 percent in

¹ Katrina Shakarian, "For Richer and For Poorer: Tying the Park Equity Knot," The Gotham Gazette, May 26, 2014, available at: <https://www.gothamgazette.com/government/5052-richer-poorer-park-equity-new-york-city>

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Lisa W. Foderaro, "Focusing on Lesser-Known Open Spaces in New York," The New York Times, May 6, 2014.

⁶ *Id.*

⁷ *Id.*

1986, 0.65 in 1991 and 0.52 in 2000.⁸ Currently, DPR’s expense budget for fiscal year 2021 is \$503 million and only represents 0.6 percent of the entire City budget.⁹ This is approximately \$84million less than the fiscal year 2020 adopted budget of \$587.2 million, which was the largest ever budget approved for DPR by dollar amount.¹⁰

Historical Equity Issues and Concerns

Increased private funding and conservancies

Over the last two decades the amount of open space under the City’s jurisdiction has grown tremendously, as 750 acres of parkland have been added with \$3.9 billion in capital funding invested in new and renovated parks.¹¹ Large destination parks, such as the High Line, Hudson River Park, Brooklyn Bridge Park and Governors Island have been built or are being built while large sums of capital money have been invested for the growth of additional space. These signature parks are mostly operated by conservancies or similar organizations that have historically attracted large private donations to fund the parks that they manage. A somewhat recent example that garnered much attention was in 2012, when \$100 million was donated to Central Park and \$20 million given to the High Line, while in contrast, Flushing Meadows Corona Park, a park not surrounded by wealthy communities, attracted only \$5,000 the entire year in donations.¹² Certain City officials have encouraged increased private funding, arguing that it will ensure that signature parks have the resources to remain properly maintained while accommodating the large number of visitors per

⁸ Dan Rosenblum, “Park Angst,” Capital New York, June 24, 2010; *see also* Testimony, State Senator Daniel Squadron before the New York City Council Committee on Parks and Recreation, March 27, 2014; *see also* Article, “*Inside the Budget: End of the Green for Parks? After a Four Year Rise, Funding May Tumble*,” New York City Independent Budget Office, May 9, 2002.

⁹ *See* NYC Fiscal Year 2021 Adopted Budget, <https://www1.nyc.gov/assets/omb/downloads/pdf/adopt20-expreso.pdf>.

¹⁰ *See* NYC Fiscal Year 2020 Adopted Budget <https://www1.nyc.gov/assets/omb/downloads/pdf/adopt19-expreso.pdf>.

¹¹ Lisa W. Foderaro, “New York Parks in Less Affluent Areas Lack Big Gifts,” New York Times, February 17, 2013.

¹² *Id.*

year.¹³ Today, the City has over 25 nonprofit organizations or conservancies that have official agreements with DPR to provide maintenance, operations, programs or community services for certain parks.¹⁴ These organizations, are funded by private donations and support approximately 50% of public parks and open spaces throughout the City.¹⁵ Conservancies currently employ over 500 full-time staff and hundreds of seasonal workers and they typically spend over \$150 million annually in privately raised funds on open space.¹⁶ Conservancies also engage about 100,000 volunteers annually who help care for their local parks.¹⁷ Many other volunteer organizations, often known as “friends of” groups who have no formal contractual relationship with DPR and no budgets, also supplement the needs of parks by helping to maintain them.¹⁸ Many of these groups are located in under-resourced communities, whose parks are extremely reliant on such volunteer work.¹⁹

Some, however, argue that such donations and private funding have also highlighted the difference in status between parks in well-off areas and others that are in less affluent communities, where conservancies and friends groups struggle to raise any money.²⁰ This has given rise to a perception that a disparity has been fostered among the City’s parks that are not equally funded with flagship parks having strong public-private partnerships and benefitting from access to private funding, while many neighborhood parks endure insufficient funding and deferred maintenance.²¹

¹³ *Id.*

¹⁴ Report, Report on COVID-19 Impact on Public Spaces, Parks and Open Space Partners, May 1, 2020, https://riversideparknyc.org/wp-content/uploads/2020/05/Parks_and_Open_Space_Partners_NYC-Report_2020.pdf.

¹⁵ *Id.*

¹⁶ *Id.* at p4.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ See Study, Supporting Our Parks: A Guide to Alternative Revenue Strategies, New Yorkers for Parks, July 2010, p 2. <http://ny4p.org/research/other-reports/or-altrevenue10.pdf>.

Some have argued that increasing the number of public-private partnerships and private funding has been one way to augment DPR's historically diminished budget, but questions remain as to whether this has resulted in replacing, rather than augmenting public funds.²² It has been claimed that about 20 percent of those funds were spent on fundraising, overhead and other non-programmatic activities, and not providing a direct benefit to these parks.²³ Others have raised concerns that the apparent growing number of conservancies will continue to result in diminished public funding of the City's parks system, or result in an unequal park system that could eventually lead to the privatization of public open space. Many also defend the role of conservancies and non-profits, especially in light of COVID's effect on the Parks budget, highlighting that so many crucial maintenance, operational and recreational acts are managed by non-profit organizations and that many organizations that operate with a budget and fund park operations stand to lose anywhere between 32% and 68% of their annual revenue, resulting in the deterioration of parks that they care for.²⁴

Public Safety

Parks Enforcement Patrol (PEP) officers are the uniformed force who help enforce the rules throughout the park system. Their numbers have also been subject to cuts over the years, with some questioning whether their overall numbers and allocation throughout the system has resulted in a disparity when it comes safeguarding public safety. PEP officer numbers dwindled to fewer than 100 by Fiscal Year (FY) 2013.²⁵ For FY 2014, the trend started to reverse with the hiring of 81 additional

²²See Report, Supporting Our Parks: A guide to Alternative Revenue Strategies, New Yorkers For Parks, 2010, p 12.

See also; Report, Making the Most of Our Parks, Citizens Budget Commission, September 2007 p 13.

²³*Id.*

See also; Report, Making the Most of Our Parks, Citizens Budget Commission, September 2007 p 13.

²⁴ See supra, note 27 at p 7.

²⁵ Garth Johnson, "Parks Department Nearly Doubling Its Number Of Park Officers," Gothamist, March 7, 2013.

PEP officers.²⁶ Subsequent budgets have been more generous to PEP numbers, with a recent high coming in the FY 20 budget where \$6 million was included for an additional 80 PEP officers.²⁷ That funding increased the PEP headcount in the City to 343 officers, with 70 in the Bronx, 72 in Brooklyn, 69 in Manhattan, 72 in Queens and 40 in Staten Island.²⁸ However, as a result of budget cuts for FY 21 during COVID-19, DPR will not be able to retain the additional 80 PEP officers that were included in the City budget last year which will result in decreasing the number of PEP officers down to 263. The current allocation of PEP officers is as follows: 51 in the Bronx, 55 in Brooklyn, 51 in Manhattan, 51 in Queens, 33 in Staten Island and 58 who are currently in the academy, assigned Citywide or work in administration.²⁹ In addition to this, there is a group of about 80 PEP officers who are assigned to specific parks that pay DPR for such PEP services. Such parks include Hudson River Park, Brooklyn Bridge Park, Riverside Park South, Washington Square Park, Madison Square Park, Randall's Island and the Highline.³⁰ These parks are largely privately funded and are able to pay for PEP officers who are officially stationed at that specific park, while through the rest of the park system, PEP officers are not assigned to specific parks, but rather patrol specific routes within boroughs.³¹ Numerous advocates have questioned whether this practice creates a safety disparity when a small number of privately funded parks have a larger proportionate share of PEP officers,

²⁶ Testimony, Veronica White, Commissioner of the Department of Parks and Recreation before the New York City Council Committee on Parks and Recreation, May 30, 2013.

²⁷ See, New Yorkers For Parks Website, Play Fair, available at: <http://www.ny4p.org/what-we-do/play-fair#2925>.

²⁸ Information provided by Department of Parks and Recreation to City Council Finance Division.

²⁹ Information provided by Department of Parks and Recreation to City Council Finance Division.

³⁰ Testimony, Margaret Nelson, Deputy Commissioner for Urban Park Service and Public Programs of the Department of Parks and Recreation before the New York City Council Committee on Parks and Recreation, February 26, 2020.

³¹ *Id.*

when compared to the publicly funded parks throughout the City that have to share a pool of PEP officers allocated by borough rather than by park.³²

Maintenance and Staffing

The maintenance of parks throughout the five boroughs continues to raise concerns regarding inequity throughout the park system. The maintenance of parks and other types of property under its jurisdiction is a major part of DPR's responsibilities. Maintenance activities typically include basic repairs and upkeep, garbage collection and depending on the weather, snow plowing.³³ In order to perform this work, DPR employs a variety of professionals, including landscape architects, architects and engineers who design parks, forestry staff who plant and maintain trees, gardeners, recreation professionals who organize DPR programming, park rangers, enforcement officers and outreach staff who work with volunteers and friends of groups who also assist in maintaining parks.³⁴ Daily park maintenance and staff size can vary depending on the size of the park and the amount of required maintenance. Some maintenance work is performed by more specialized staff who work with specialized equipment, including full-size tractors or roll-off container trucks and can also include seasonal preparation of pools and maintenance of heating, ventilation, and air conditioning systems.³⁵

A 2018 report by the Center for an Urban Future entitled, *A New Leaf, Revitalizing New York City's Aging Parks Infrastructure*, highlighted the fact that the parks system is aging rapidly and pointed to numerous maintenance deficiencies that have affected City parks for decades.³⁶ The

³² Lisa L. Colangelo, "Private Group Contracts Cause Safety Patrol Dip for Borough Parklands," The New York Daily News, October 4, 2008.

³³ See, *Annual Report on Park Maintenance Fiscal Year 2018*, available at: https://www.nycgovparks.org/pagefiles/142/Annual-Report-on-Park-Maintenance-FY18_5d5476bb9d1b7.pdf

³⁴ *Id.*

³⁵ *Id.*

³⁶ Center for an Urban Future, *A New Leaf, Revitalizing New York City's Aging Parks Infrastructure*, June 2018, available at: https://nycfuture.org/pdf/CUF_A_New_Leaf_.pdf.

average City park is approximately 73 years old, with roughly 40 percent of city pools having been built before 1950, with half of DPR's 53 recreation centers similarly built before that time.³⁷ Additionally, DPR's waterfront facilities, including piers, bulkheads, marinas and docks are on average 76 years old.³⁸ The report further highlights that the average City park has not had any major renovations since 1997.³⁹

Stagnant budgets and poor staffing levels have directly resulted in an inability for DPR to properly maintain its parks over the years.⁴⁰ Per DPR's own maintenance requests, recommended maintenance needs went up 143 percent between FY 2006 and FY 2016 from \$14 million to almost \$34 million.⁴¹ In FY 2016, only 12 percent of that request was actually funded.⁴² According to the Trust for Public Land, the City spends less on parks per capita when compared to other large cities.⁴³ For instance, as of 2017, the City spent about \$178 per capita, while other cities like Washington, D.C. and Minneapolis spent \$270 and \$233 per capita, respectively.⁴⁴

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

Share of the Parks Department’s State of Good Repair Needs Met Since FY 2007

Year	State of Good Repair Needs	Agency Planned Activities	Share of Needs Met
FY07	\$405,914,000	\$64,469,000	15.9%
FY08	\$410,356,000	\$62,863,000	15.3%
FY09	\$401,448,000	\$26,955,000	6.7%
FY10	\$379,635,000	\$38,208,000	10.1%
FY11	\$399,212,000	\$61,449,000	15.4%
FY12	\$418,778,000	\$72,418,000	17.3%
FY13	\$471,151,000	\$81,225,000	17.2%
FY14	\$488,108,000	\$76,646,000	15.7%
FY15	\$509,671,000	\$59,163,000	11.6%
FY16	\$555,628,000	\$63,402,000	11.4%
FY17	\$589,098,000	\$88,326,000	15.0%

Source: Center for an Urban Future analysis of data from the Office of Management and Budget



The Table above is an analysis of data from the City Office of Management and Budget showing that between FY07 and FY17, the amount of “State of Good Repair Needs” has increased from \$405 million to \$589 million, with only an average 15% of the share of needs met. The exception was in FY09, where only 6.7% of the share of needs was met.

Understaffing at DPR has played a major role in maintenance deficiencies. From a high in 1976 of about 11,000 full time positions, the full time staff dropped to an average of about 7,500 recently, with some slight increases recently of about 11% from 2014 to 2016. DPR has approximately 150 gardeners citywide for nearly 20,000 acres of parkland, which equals one gardener for every 133 acres.⁴⁶ Comparatively, the San Francisco Recreation and Parks Department has over

⁴⁵ *Id.*

⁴⁶ *Id.*

200 gardeners for 4,113 acres of parkland, which equals one gardener to 20 acres.⁴⁷ According to the report, experts who were interviewed stated that such staffing levels are insufficient to meet the needs of the aging parks system.⁴⁸ Recent budget cycles, until FY 2020, have seen increased staffing levels, but from FY 2014 to FY 2019, Parks staffing levels grew at a rate less than that of other City agencies from 7,302 to 7,460.⁴⁹ For example, while DPR's staff grew 2 percent, the Department of Corrections grew by 17 percent and the Department of Homeless Services by 25 percent. City spending has grown from \$77 billion in FY 2014 to \$96 billion in FY 2019, before the pandemic required cuts back to \$88 billion, and probably \$86 billion later this year.⁵⁰ Reductions over time in full time staff have forced DPR to change how it allocates its workforce throughout the park system by moving resources away from specific parks and into the borough offices, which provides DPR with greater flexibility in allocating limited staff across park districts.⁵¹

Capital Funds

Another factor relating to DPR's increased reliance on private dollars has to do with its capital process. Currently, for the vast majority of capital projects, DPR is reliant on discretionary allocations from various elected officials whose priorities might differ with those of DPR.⁵² Some have advocated that DPR should have its own discretionary capital budget to enable it to better plan and

⁴⁷ *Id.*

⁴⁸ *Id.* at p. 7.

⁴⁹ Article, "The Mayor's Shameful Mismanagement of the City's Parks," State of the Planet, Columbia University Earth Institute, August 31, 2020 <https://blogs.ei.columbia.edu/2020/08/31/mayors-shameful-mismanagement-new-york-citys-parks/>

⁵⁰ *Id.*

⁵¹ Article, "Inside the Budget: End of the Green for Parks? After a Four Year Rise, Funding May Tumble," New York City Independent Budget Office, May 9, 2002.

⁵² *Id.*, see also; Lisa W. Foderaro, "A Little Known Reason for Disparities in New York's Parks," The New York Times, June 16, 2013.

budget for capital projects over the long term.⁵³ The concern is that the lack of its own capital budget adds to the inefficiency of the overall process and contributes to inequity throughout the park system, since many large projects are concentrated in large landmark parks, making it very difficult for DPR to plan for long-term capital maintenance and improvement of all of its parks.⁵⁴ It has been argued that if DPR had a separate discretionary capital budget or greater control over its capital spending, it could more efficiently direct capital spending to the infrastructure and maintenance needs of a wider range of large and small parks throughout the entire City.⁵⁵

Capital dollars have also been increasingly relied upon by DPR in order to perform routine maintenance and repairs. Capital funds for park projects have increased significantly in recent years, and lump sum budget items for generically named items such as “construction, improvements to tennis courts and miscellaneous parks, playgrounds and structures” are allocated funds, but are not tied to specific parks or facilities.⁵⁶ DPR staff will then decide how to use such funds for repairs or reconstruction of park facilities.⁵⁷ This capital funding of routine repairs, which is normally should be paid for through the operating budget, results in increasing the debt burden to the City diminishes the incentive to conduct preventative maintenance and replace equipment more rapidly.⁵⁸

⁵³ See New Yorkers for Parks, Parks Platform 2013

<http://www.ny4p.org/advocacy/ParksPlatform2013/Parks%20Platform%202013%20-%20White%20Paper%20.pdf>

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

EQUITY ISSUES EXACERBATED BY COVID-19

The COVID-19 pandemic highlighted both the tremendous benefits offered by parks and the inequities that still limit the ability of many New Yorkers to easily access and fully enjoy quality parks. Recent reports by the Independent Budget Office (IBO) and the Trust for Public Land (TPL) found that in many low-income neighborhoods and communities of color, where case and death rates from COVID-19 were disproportionately high, residents lacked access to quality open space.⁵⁹ The IBO report, which mapped park space by square foot per resident, noted that the 16,000 acres of developed parkland in the City is not equally distributed, highlighting lower income neighborhoods like Bensonhurst and Borough Park in Brooklyn that have as little as two square feet of park space per resident, and that neighborhoods such as Chinatown and Stuyvesant Town in Manhattan and areas surrounding Parkchester in the Bronx also have limited park space per capita.⁶⁰ In contrast, larger amounts of park space per capita are found around Pelham Bay in the Bronx, near Bayside in Queens, and in several areas of Staten Island, neighborhoods with generally higher income levels.⁶¹ The TPL report also pointed to the fact that across the City, parks are generally small in poor and nonwhite neighborhoods are smaller and have the added burden of having to serve larger numbers of people when compared to those in wealthy neighborhoods.⁶² The TPL report further notes that the average park size is 6.4 acres in poor neighborhoods, while wealthier neighborhoods average almost double

⁵⁹ See Winnie Hu and Nate Schweber, The New York Times, July 15, 2020. “*New York City Has 2,300 Parks. But Poor Neighborhoods Lose Out.*” and Report: “*Which Neighborhoods have More Nearby Park Space Per Capita?*” Independent Budget Office, <https://ibo.nyc.ny.us/iboreports/which-neighborhoods-have-more-nearby-park-space-per-capita-btn-july-2020.pdf>.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Winnie Hu and Nate Schweber, The New York Times, July 15, 2020. “*New York City Has 2,300 Parks. But Poor Neighborhoods Lose Out.*”

the size at 14 acres.⁶³ More specifically, the average park size is 7.9 acres in predominantly Black neighborhoods, compared with 29.8 acres in predominantly white neighborhoods.⁶⁴

What makes this disparity so particularly troublesome is that the neighborhoods with poor access to parks and open space are also the neighborhoods that have had the highest COVID-19 cases and death rates.⁶⁵ With COVID-related closures, park access within a 10-minute walk dropped and resulted in about one million residents, primarily located in central Brooklyn, Queens and the East Bronx, losing significant access to open space.⁶⁶ Those closures did not affect wealthier neighborhoods.⁶⁷

The following are samples of various neighborhood zip code data⁶⁸ indicating the relationship between high COVID-19 case rates and square feet of open space per capita:

Jackson Heights (Queens)

- Covid Case Rate: 4706 per 100,000 (5th worst)
- Open space square feet per capita: 2.28 sqft per capita (4th worst)

Elmhurst (Queens)

- Covid Case Rate: 3977 per 100,000 (15th worst)
- Open space square feet per capita: 1.7 sqft per capita (1st worst)

⁶³ *Id.*

⁶⁴ Devin Gannon, 6sqft.com, “*During the pandemic’s peak, low-income New Yorkers lacked access to quality green space,*” July 16, 2020, <https://www.6sqft.com/during-the-pandemics-peak-low-income-new-yorkers-lacked-access-to-quality-green-space/>; Winnie Hu and Nate Schweber, *The New York Times*, July 15, 2020. “*New York City Has 2,300 Parks. But Poor Neighborhoods Lose Out.*”

⁶⁵ Erin Durkin, Politico, “*NYC’s Poorest Neighborhoods Have Highest Death Rates from Coronavirus,*” May 18, 2020, <https://www.politico.com/states/new-york/city-hall/story/2020/05/18/poorest-nyc-neighborhoods-have-highest-death-rates-from-coronavirus-1284519>.

⁶⁶ Carter Strickland and Adam Ganser “*Build New Parks Where They’re Needed Most,*” *New York Daily News*, July 27, 2020. <https://www.nydailynews.com/opinion/ny-oped-build-new-parks-where-theyre-needed-most-20200727-lnueedoja5d5tbkl7j4aoud5e4-story.html>

⁶⁷ *Id.*

⁶⁸ Rankings based on each zip code’s position out of 177 total zip codes in the City.

Borough Park (Brooklyn)

- Covid Case Rate: 4057 per 100,000 (12th worst)
- Open space square feet per capita: 2.8 sqft per capita (5th worst)
- Note: Greenwood cemetery not included in analysis

Graniteville/Mariner's Harbor/Port Ivory (Staten Island)

- Covid Case Rate: 3808 per 100,000 (26th worst)
- Open space square feet per capita: 3.5 (9th worst)

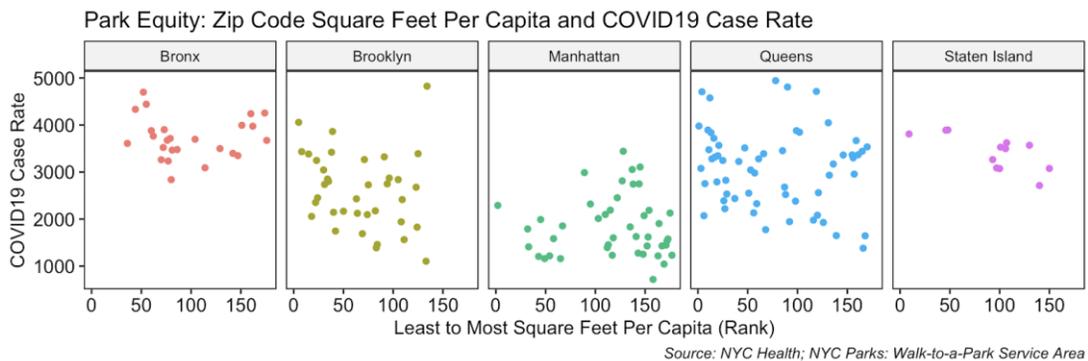
Morris Heights/Mount Hope/University Heights (The Bronx)

- Covid Case Rate: 3608 per 100,000 (35th worst)
- Open space square feet per capita: 12.7 (36th worst)

Central Harlem (North)/East Harlem (Manhattan)

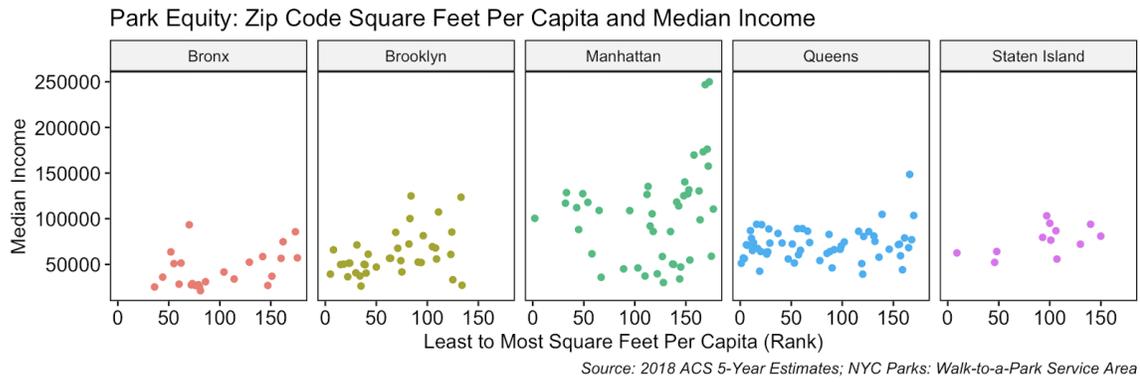
- Covid Case Rate: 2988 per 100,000 (83rd worst)
- Open space square feet per capita: 52.3 (89th worst)
- Note: Couldn't find any better case studies for Manhattan

The following maps and charts further highlight these disparities:⁶⁹



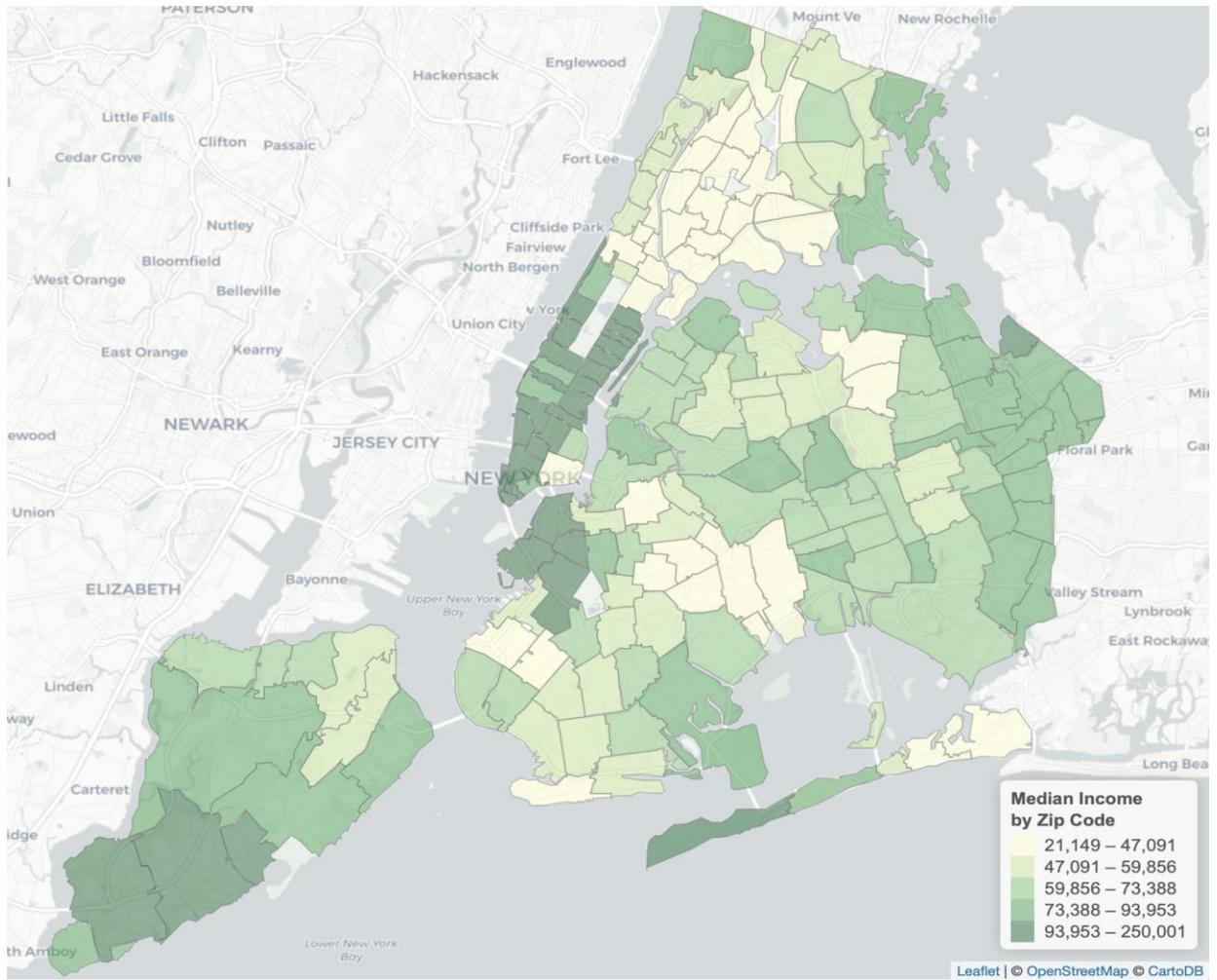
⁶⁹ Map data based on data collected by the Independent Budget Office for the report: “Which Neighborhoods have More Nearby Park Space Per Capita?” <https://ibo.nyc.ny.us/iboreports/which-neighborhoods-have-more-nearby-park-space-per-capita-btn-july-2020.pdf>.

- The chart above indicates COVID-19 Case Rates and Square Feet Per Capita and shows that zip codes with higher COVID-19 case rates tend to have lower access to park space per capita.

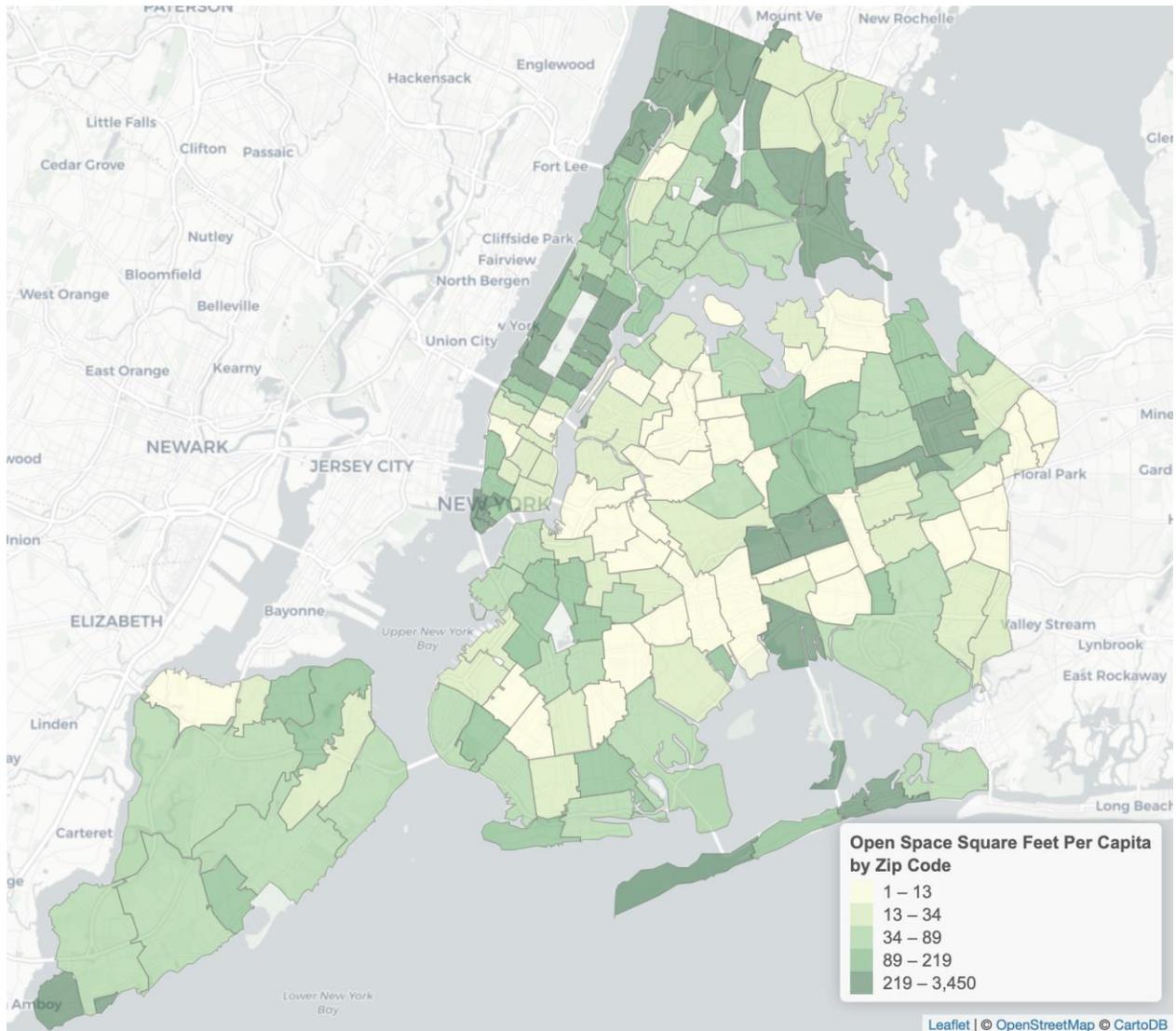


- The chart above displays the relationship between Income and Square Feet Per Capita and indicates that higher median income zip codes tend to have more access to park space per capita.

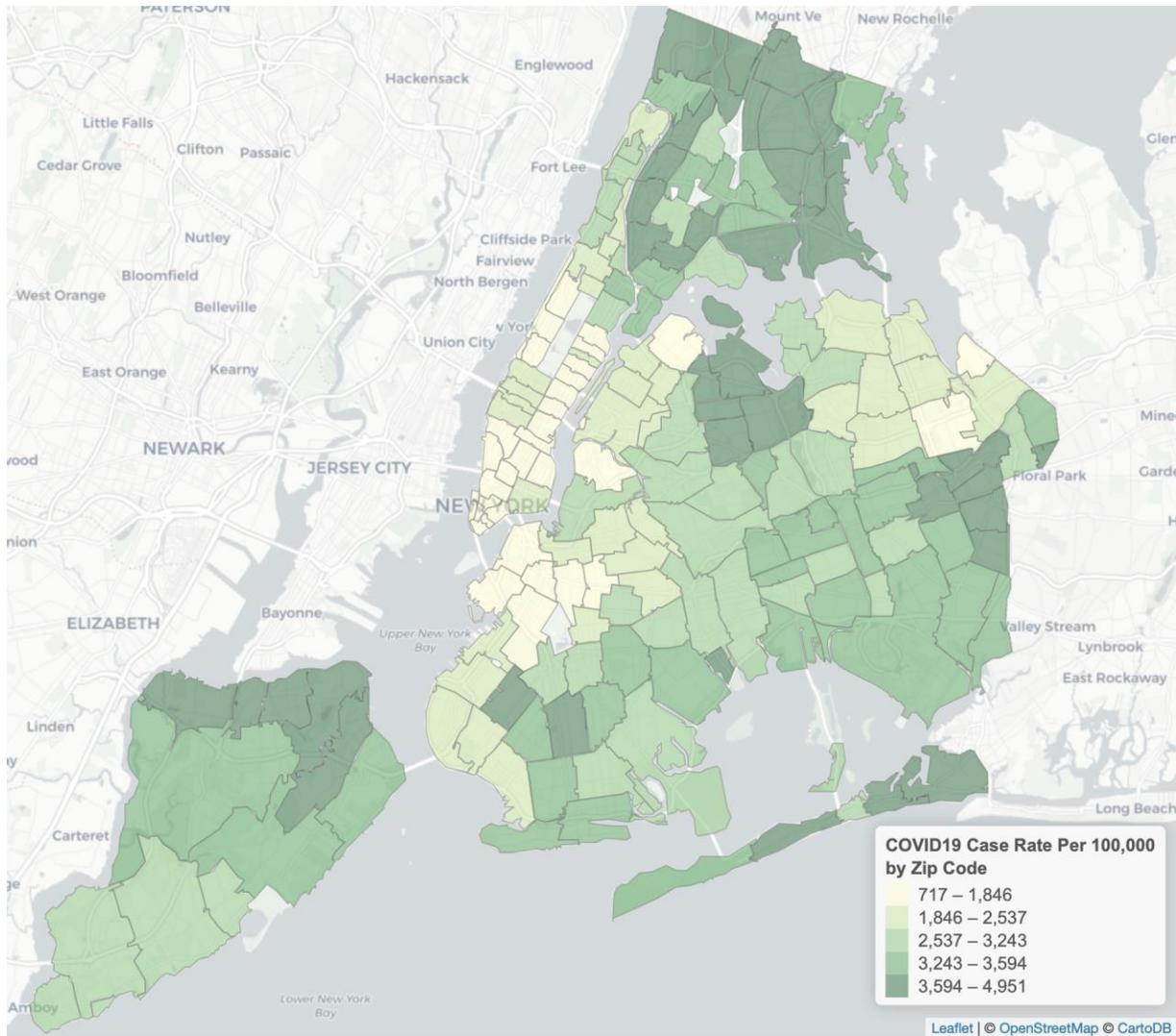
The following maps are visualizations depicting median incomes, open space square feet per capita and COVID-19 case rates based on zip codes and census tracts:



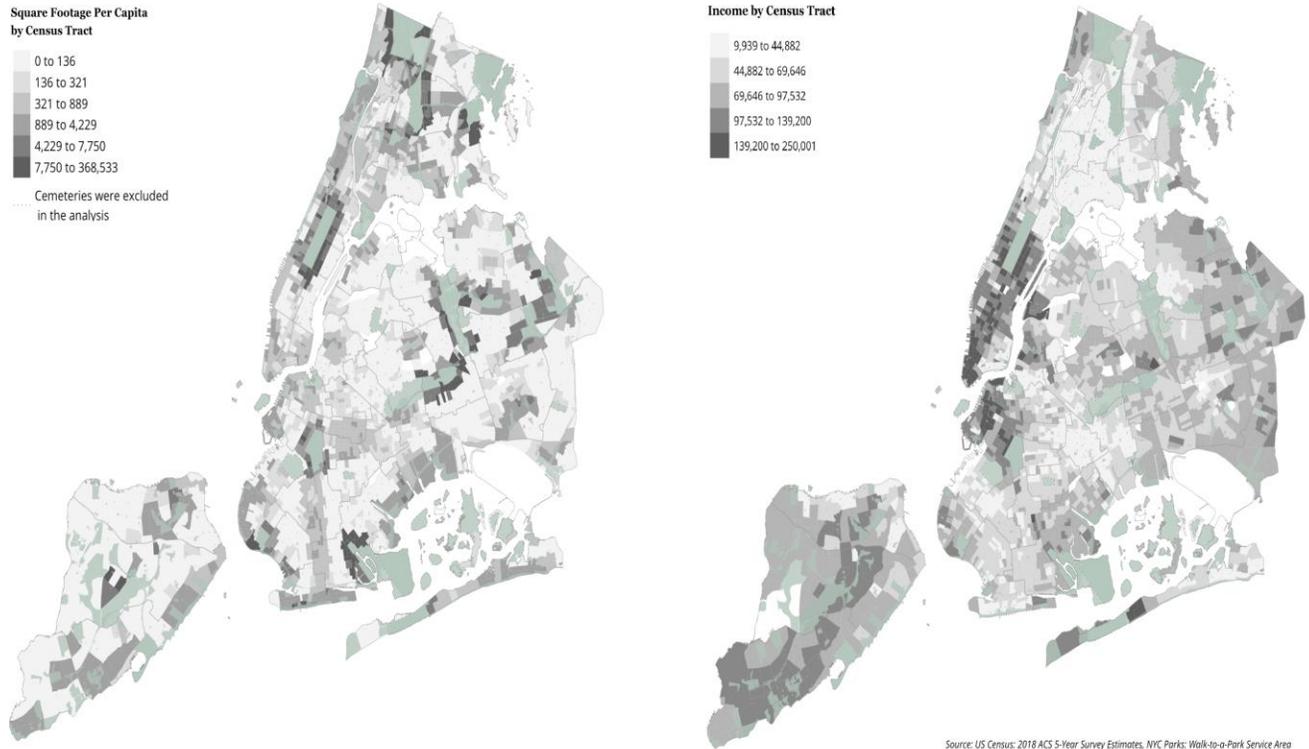
The map above illustrates the median income in each zip code throughout the entire City. Zip codes are colored in varying shades of green with darker areas indicating higher median incomes compared to lighter shaded areas.



The map above illustrates the amount of open space per capita that exists in each zip code throughout the entire City. Zip codes are colored in varying shades of green with darker areas indicating greater amounts of open space compared to lighter shaded areas.



The map above illustrates the number of COVID-19 cases per 100,000 people that exists in each zip code throughout the entire City. Zip codes are colored in varying shades of green with darker areas indicating larger numbers of COVID-19 case compared to lighter shaded areas.



The map above left displays the square footage of open space per capita based on each census tract in the City, while the map above right displays median income levels based on census tracts. For both maps census tracts colored in darker shades indicate a large square footage of open space per capita and higher income levels respectively.

PROPOSALS TO IMPROVE PARKS EQUITY

There have been numerous proposals and initiative that seek to address concerns relating to park disparity, many of which have had a renewed focus in light of COVID-19. Many of such proposals seek to reallocate and/or increase the amount of funding dedicated for parks through public and private financing, while others seek to ensure that resources are allocated to the creation and improvement of open space in areas of the City that lack quality access to parks. At a basic level,

these proposals argue that the current park funding structure is lacking in some regard and needs to be adjusted to equitably accommodate all the City's residents with access open space.

DPR's Framework for an Equitable Future

The Community Parks Initiative (CPI) was the first phase of DPR's Framework for an Equitable Future Plan to increase quality, maintenance and accessibility to parks in low-income communities throughout the five boroughs.⁷⁰ CPI initially targeted a full re-creation/renovation of 35 small community parks in 55 neighborhoods through a \$130 million capital investment, of which \$9.4 million was Council funding.⁷¹ In crafting the initiative, DPR surveyed parks across the five boroughs to assess such parks' capital needs.⁷² In deciding where to focus the initiative, DPR designated CPI zones, areas located in communities that are densely populated with high percentages of residents who have income levels below the poverty line.⁷³ The analysis then identified parks that had received less than \$250,000 of capital investment over the last 20 years, examined places with high need for improvement and programming opportunities and screened for neighborhoods with the greatest needs.⁷⁴ Of the 134 parks first identified in lower-income areas that had extreme capital needs, 35 small parks were prioritized for reconstruction.⁷⁵ In September 2017, Mayor de Blasio and Commissioner Silver announced the addition of 11 more parks to CPI, bringing the total to 67 parks

⁷⁰ Press Release of the Office of Mayor Bill De Blasio, "De Blasio Administration Launches Community Parks Initiative to Build More Inclusive and Equitable Park System," October 7, 2014, <http://www1.nyc.gov/office-of-the-mayor/news/468-14/de-blasio-administration-launches-community-parks-initiative-build-more-inclusive-equitable#/0>.

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

receiving full capital reconstructions totaling in a \$318 million investment.⁷⁶ These parks entered the design process in the fall of 2017. In addition, through CPI, approximately 110 parks have received targeted improvements such as, replacing basketball nets, adding accessible swings, replanting gardens and repainting playgrounds, handball and basketball courts.⁷⁷

In the winter of 2015/16, DPR launched Parks Without Borders (PWB) to build upon the work of CPI. This initiative aimed to redesign eight parks, Van Cortlandt Park in the Bronx, Hugh Grant Circle/Virginia Park and Playground in the Bronx, Fort Greene Park in Brooklyn, Prospect Park in Brooklyn, Jackie Robinson Park in Manhattan, Seward Park in Manhattan, Flushing Meadows Corona Park in Queens and Faber Park in Staten Island⁷⁸ to better integrate them into their surrounding neighborhoods and communities. Through PWB, park entrances, edges and adjacent spaces are being redesigned to meet the initiative’s stated goals of making parks more accessible and welcoming to everyone, improving neighborhoods by extending the beauty of parks out into communities and creating vibrant public spaces by transforming underused areas.⁷⁹ PWB is funded through a \$50 million allocation from the Mayor’s OneNYC initiative. Of that amount, \$10 million was allocated to capital projects that were already in progress, in order to ensure that such projects enhance sidewalks and landscapes.⁸⁰ Of those 43 projects, 30 are projects that were launched under

⁷⁶ Press Release of the Office of Mayor Bill De Blasio, “Mayor de Blasio Announces 11 Sites Added to Community Parks Initiative,” September 25, 2017, <http://www1.nyc.gov/office-of-the-mayor/news/913-17/mayor-de-blasio-11-sites-added-community-parks-initiative>.

⁷⁷ See, New York City Department of Parks and Recreation Website, Community Parks Initiative Targeted Improvements, available at: <https://www.nycgovparks.org/about/framework-for-an-equitable-future/community-parks-initiative/caring>

⁷⁸ See, DPR Website, Parks Without Borders, <https://www.nycgovparks.org/planning-and-building/planning/parks-without-borders>

⁷⁹ See, DPR Website, Parks Without Borders, <http://www.nycgovparks.org/planning-and-building/planning/parks-without-borders>.

⁸⁰ CityLab.com, Kristen Capps, *How ‘Parks Without Borders’ Aims to Make New York Parks Safer*, November 19, 2015; see also Press Release, Department of Parks and Recreation, “NYC Parks Launches Parks Without Borders,” November 12, 2015.

CPI.⁸¹ The remaining \$40 million went towards reconstructing eight parks across the five boroughs that were selected from the nominations of New Yorkers.⁸²

In August 2016, Mayor de Blasio, then-City Council Speaker Melissa Mark-Viverito and Commissioner Silver announced that the City would fund \$150 million in major improvements to five parks under the Anchor Parks Initiative (API).⁸³ The five parks included in API were Saint Mary's Park in the Bronx, Highbridge Park in Manhattan, Betsy Head Park in Brooklyn, Astoria Park in Queens and Freshkills Park in Staten Island.⁸⁴ Under API, each park was selected based on high surrounding population, historical underinvestment and potential for park development.⁸⁵ Each park received approximately \$30 million in major improvements, including new soccer fields, comfort stations, running tracks and hiking trails.⁸⁶

Regarding the current status of these initiatives, DPR Commissioner Silver testified, at a City Council Preliminary Budget Hearing in March 2020, that CPI, PWB and API were all moving towards their final phases.⁸⁷ CPI is over 70 percent complete with 47 of the 67 sites completed and the remaining sites near completion.⁸⁸ A study done by the CUNY School of Public Health showed that park usership in the initial CPI renovated parks increased by 50 percent.⁸⁹ PWB capital projects

⁸¹ *Id.*

⁸² *Id.*

⁸³ Press Release of the Office of Mayor Bill De Blasio, "Mayor de Blasio, Council Speaker Mark-Viverito, Parks Commissioner Silver Announce \$150 Million in Funding for Five Anchor Parks," August 18, 2016, <http://www1.nyc.gov/office-of-the-mayor/news/685-16/mayor-de-blasio-council-speaker-mark-viverito-parks-commissioner-silver-150-million-in#/0>.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ Testimony of Commissioner Mitchell J. Silver, Hearing before the New York City Council Committee on Parks and Recreation, Oversight: Fiscal Year 2020 Preliminary Budget, March 13, 2020, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4325412&GUID=05A9974B-EC04-4385-B56E-1C49B0E6ED91&Options=&Search=>

⁸⁸ *Id.*

⁸⁹ *Id.*

are all in the construction phase with Seward Park in Manhattan completed.⁹⁰ Finally, API capital projects are mostly in the construction phase.⁹¹

Park Districts and Zoning Tools

Another approach is through the creation of special parks districts (SPDs). SPDs are basically independent government units that have administrative and fiscal independence from local governments. SPDs can issue bonds and generally have taxing authority and often have jurisdiction over single cities or sometimes multiple regions within a state.⁹² Most SPDs are funded by a combination of dedicated property tax revenues (ranging from 3.8 to 30 cents per \$1000 of assessed value), user fees, revenues from special events, sales taxes and sometimes philanthropy and must generally balance their budgets relying only on these funding sources. The Chicago Park District is a similar model to an SPD. Other SPDs include the Charleston County Park and Recreation Commission in South Carolina, the East Bay Regional Park District in Northern California and Great Rivers Greenway in the St. Louis metropolitan area.⁹³ Dedicated sales taxes are also used by various jurisdictions, including Kansas City, Missouri, Missouri state parks, Minnesota and Arkansas state parks while in August of 2013 King County, Washington, where Seattle is located, voters approved an additional property tax for parks and trails.⁹⁴ Dedicated taxes, some argue, provide a more consistent for park systems, which enables them to more easily plan and budget for each year and

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² Issue Brief, Margaret Walls, "Private Funding of Public Parks Assessing the Role of Philanthropy," Resources for the Future, January 2014.

⁹³ *Id.*

⁹⁴ *Id.*

lowers the risk that revenues will be directed away from parks and subject to the politics and unpredictability of local budgeting processes.⁹⁵

Similarly to SPDs, advocates have also called for the City should expand its current use of Transferable Development Rights (TDR), Business Improvement Districts (BID) and incentive zoning measures such as Floor Area Ratio (FAR) bonuses to measure and make use of the real estate value that parks typically generate.⁹⁶ For example, some have argued that the City could create a special TDR district for appropriate parks, promote BIDs that focus on park maintenance and potentially tax residential property owners to fund the operations of certain parks.⁹⁷ Additionally, such proposals call for the use FAR bonuses in exchange for park funding.⁹⁸ Other jurisdictions such as San Francisco, Seattle and Houston have made use of such incentives in relation to park development.⁹⁹

Philanthropy

Spreading philanthropic donations to parks citywide rather than being focused on a few specific parks is a concept that has also been proposed. The idea could be modeled on the North Brooklyn Parks Alliance which raises private funds for parks similarly to how conservancies that operate and maintain certain parks do. However, unlike traditional park conservancies, the Alliance focuses its resources on maintaining all the open space throughout the entire North

⁹⁵ *Id.*

⁹⁶ Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p5, <https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>.

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

Brooklyn/Community Board 1 neighborhood, including open streets and public plazas.¹⁰⁰ With such a community-wide or citywide model funded by private and public dollars instead of a park specific model, it is thought that resources would be able to more easily be provided for a wider range parks in a given community or throughout the City.¹⁰¹

Schoolyard to Playgrounds

Expanding the Schoolyards to Playgrounds Initiative has also been proposed as another way to bring more open space to neighborhoods in need. This initiative is a joint effort between DPR, the Department of Education (DOE) and the non-profit sector to expand access to open space for the City's children. The initiative began in 2007, with a \$111 million capital investment from the Bloomberg Administration, where the City, in conjunction with the non-profit organization, Trust for Public Land, targeted certain DOE schoolyards, in order to transform them into more vibrant parks and make them open and accessible to the community at large. The renovation work typically includes the addition of new ballfields, new basketball courts, new play equipment, gardens, trees, benches, fencing, turf, landscaping, and the sealing and painting of surfaces to the existing schoolyard.¹⁰² Playgrounds that are part of this initiative are chosen based on whether the neighborhoods they are located in have a high population density, a population projected to grow, limited existing play or open space and a lack of other vacant land that can be developed into a new park or playground.¹⁰³ The City handles the procurement and construction processes, while partnering

¹⁰⁰See North Brooklyn Parks Alliance website, <https://nbkparcs.org/our-mission/>.

¹⁰¹ MAS Presents: Ideas for New York City's Leadership, A Tale of Two Parks, by Steve Hindy, March, 2014; <http://www.scribd.com/doc/214430463/MAS-NYC-Presents-Ideas-for-New-York-s-New-Leadership>; see also Dana Rubenstein, "Steve Hindy Suggests a Park Funding Solution," *Capital New York*, March 25, 2014.

¹⁰² Gail Cornwall, "Playgrounds for All, The success of 'joint use' programs in San Francisco and New York shows the benefits of opening schoolyards up to the local community," *The Atlantic*, April, 29, 2016, <https://www.theatlantic.com/education/archive/2016/04/playgrounds-for-all/480453/>.

¹⁰³ *Id.*

with schools and communities in the design process.¹⁰⁴ Once complete, the renovated playgrounds are turned over to DOE to maintain and operate.¹⁰⁵ These playgrounds, which had previously been off limits to their respective communities, are now open and accessible to the public on weekdays from after school till dusk and on weekends or days when school is not in session.¹⁰⁶ Since the initiative started, 251 of these playgrounds have undergone renovation and been made publicly accessible. That number was targeted to increase to 261 after 10 more playgrounds were added to the initiative in 2017 with funding of \$24 million dollars, composed \$18.2 million capital funding from the City and \$6 million in Community Development Block Grants.¹⁰⁷ Since the inception of the program, it has been estimated that these revamped parks and playgrounds have brought more than one quarter million more New Yorkers within a 10-minute walk of a park and have increased the percentage of adults and high school students able to meet recommended levels of physical activity.¹⁰⁸ Advocates have called for the expansion of this initiative with the use of capital funding to strategically target neighborhoods with below-average access to public space.¹⁰⁹

Budget and Revenue Generation

Increasing DPR's expense budget to an amount that provides all the resources it needs to run and maintain all of the City's parks and park properties may be the most obvious solution to improve

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ <https://www.nycgovparks.org/greening/planyc/schoolyards>.

¹⁰⁷ See Press Release, "De Blasio Administration Reveals 10 New Schoolyards to Playgrounds Sites, \$24 Million in NYC Parks and Community Development Block Grant Funding to Help Close Walk to a Park Gap," July 21, 2017. <https://www1.nyc.gov/office-of-the-mayor/news/509-17/de-blasio-administration-reveals-10-new-schoolyards-playgrounds-sites#/0>

¹⁰⁸ See *supra*, note 6.

¹⁰⁹ Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p4, <https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>.

park equity, though as noted earlier, that may remain problematic in the near term due to the City’s budget constraints resulting from the COVID-19 pandemic. In fact, park systems throughout the county are facing dire budgetary situations with diminished municipal budgets, diminished permit fees from athletic activities and events.¹¹⁰ Further, parks departments are subject to additional expenses due to coronavirus, such as have to spend funds on procuring personal protective equipment for staff.¹¹¹ Nevertheless, advocates continue to argue that any solution to parks funding issues must begin with the public budget.¹¹² One of the more recent initiatives to improve the parks budget, was the multi-year “Play Fair” initiative, which directly advocated for the need to vastly increase public funding to the parks system.¹¹³ Through this initiative, \$44 million in new funding was added to the Fiscal Year 2020 DPR expense budget.¹¹⁴ The funding provided more resources to hire more park maintenance workers, including 200 park workers and 100 gardeners, an additional 50 Urban Park Rangers, an additional 80 Parks Enforcement Patrol (PEP) officers, more funding for forestry management, an additional \$8.2 million for all 550 GreenThumb community gardens and additional funds for extending the beach and pool season and for tree stump removal.¹¹⁵ Unfortunately, the Fiscal Year 2021 budget was not able to replicate those increases and resulted in the loss of nearly 1,700 staff members like maintenance workers, Urban Rangers, who educate and

¹¹⁰ Report “*Parks and the Pandemic*,” The Trust for Public Land, p 12 September 22, 2020, p9.

<https://www.tpl.org/sites/default/files/Parks%20and%20Pandemic%20-%20TPL%20special%20report.pdf>.

¹¹¹ *Id.*

¹¹² Tupper Thomas, “Park Equity Begins with a Better Public Budget,” *Gotham Gazette*, April 17, 2014; *see also* White paper, Parks Platform 2013, New Yorkers for Parks, <http://www.ny4p.org/advocacy/ParksPlatform2013/Parks%20Platform%202013%20-%20White%20Paper%20.pdf>.

¹¹³ See New Yorkers for Parks Play Fair Coalition webpage, <http://www.ny4p.org/what-we-do/play-fair#overview>

¹¹⁴ *Id.*

¹¹⁵ *Id.*

engage the public and PEP officers, who enforce park regulations that now include social distancing and mask use.¹¹⁶

Advocates have also argued that the City needs to find additional ways to allow DPR to raise more revenue directly for parks. One proposed approach would be to allow DPR to collect revenue raised by concessions.¹¹⁷ The City Charter currently requires that all revenue raised by the any agency of the City be deposited in the General Fund.¹¹⁸ Therefore, whatever funds DPR raises does not directly get reinvested to DPR, but rather to the entire City's budget.¹¹⁹ Essentially, this means that DPR does not retain revenue directly earned in park concessions (e.g., restaurants, golf courses and marinas).¹²⁰ Therefore, some argue that the Charter should be revised to allow DPR to keep all or at least a portion of the revenue that it raises or implement a maintenance and operations surcharge on permits, rental fees, event tickets and other activities that it can also keep for agency use.¹²¹

¹¹⁶ Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p4,

<https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>.

¹¹⁷ Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p5,

<https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>

¹¹⁸ NYC Charter §109.

¹¹⁹ Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p5,

<https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>

¹²⁰ In 2019, DPR raised about \$50.7 million in concession revenue.

¹²¹ Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p5,

<https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>

Open Streets

In the near term, advocates have also called for the expansion of the City’s Open Streets Program, in which the City intends to close about 100 miles of streets to traffic in order to allow pedestrians and cyclists increased use of outdoor areas during the pandemic.¹²² Despite what has been seen as a successful initiative, some have felt that the chosen locations did not account enough for areas of the City that have had high rates of COVID-19 cases and deaths and less access to open space, and have therefore called on the City to expand the program into these areas.¹²³ In fact, when the program first started, the open streets were situated mostly near and around parks and initially included only 67 miles of street. Currently, with the goal of having 100 miles of open streets, the City has added more streets in neighborhoods with the greatest need for open space, including areas such as Brownsville, Brooklyn and Jackson Heights, Queens.¹²⁴ Advocates have also noted that research regarding the limited availability of open space in certain neighborhoods indicated that most of the Open Streets should be located in the Eastern Bronx, including neighborhoods like Morris Park, Parkchester in the Bronx; Elmhurst and Corona in Queens; and Bedford-Stuyvesant in Brooklyn.¹²⁵

¹²² <https://www1.nyc.gov/html/dot/html/pedestrians/openstreets.shtml>.

¹²³ Winnie Hu and Nate Schweber, *The New York Times*, July 15, 2020. “*New York City Has 2,300 Parks. But Poor Neighborhoods Lose Out.*”

¹²⁴ Devin Gannon, 6sqft.com, “*During the pandemic’s peak, low-income New Yorkers lacked access to quality green space,*” July 16, 2020, <https://www.6sqft.com/during-the-pandemics-peak-low-income-new-yorkers-lacked-access-to-quality-green-space/>.

¹²⁵ Report “*Parks and the Pandemic,*” The Trust for Public Land, p 12 September 22, 2020, <https://www.tpl.org/sites/default/files/Parks%20and%20Pandemic%20-%20TPL%20special%20report.pdf>.

Sharing Resources

Some destination parks, which are typically large parks with a lot of amenities that attract visitors from beyond their immediate neighborhoods and have greater resources than small neighborhood parks, have also recognized the need to improve access to open space to those in neighborhoods where it is lacking. For example, the Trust for Governors Island, which has traditionally drawn visitors from more affluent areas of the City, such as Brooklyn Heights and Park Slope in Brooklyn and Lincoln Square and the Upper West Side in Manhattan began to offer free ferry rides to the Island for all residents of the New York City Housing Authority and other community organizations from Atlantic Basin in Red Hook.¹²⁶ Prospect Park is building two new entrances in order to connect more directly with lower-income communities that abut its eastern edge, such as Flatbush and Crown Heights, Brooklyn.¹²⁷ In Manhattan, the Riverside Park Conservancy, which maintains its namesake park, replaced its annual spring gala with a fund-raising campaign to increase programs and activities offered in the north end of the park, which typically draws park goers from nearby lower-income communities, including Harlem and Washington Heights and hired an outreach coordinator to work with residents of those communities.¹²⁸ Hudson River Park has offered free science and technology camps, which went virtual during the pandemic, for children from two public housing projects in the area.¹²⁹ Finally, the Central Park Conservancy uses their own resources and staff to maintain the lawns in St. Nicholas Park, Marcus Garvey Park,

¹²⁶ *Id.*; see also supra note 106 and note 107.

¹²⁷

¹²⁸ *Supra*, note 108.

¹²⁹ *Id.*

Jackie Robinson Park and Morningside Park, which results in cost savings for DPR in not having to take up such maintenance work.¹³⁰

CONCLUSION

At this hearing, the Committee will examine whether New York City's structure for funding and maintaining its open space has resulted in inequalities among various parks, and whether the COVID-19 pandemic has exposed additional inequities that require new short term and long term solutions in order to develop a park system that is equally accessible and beneficial to all New Yorkers.

¹³⁰ Harry DiPrinzio, "*Evidence of Growing Need for Capital in the City's Aging Parks*," CityLimits.org, October 22, 2019, <https://citylimits.org/2019/10/22/evidence-of-growing-need-for-capital-in-the-citys-aging-parks/>.