POST-PUBLIC: Contextualizing the Privatization of Public Space

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This paper offers a novel conceptual framework to understand and evaluate privatization in the development and delivery of public spaces. Private influences are deployed to produce public spaces in many different ways, but current discourse tends to address this phenomenon through a somewhat narrow lens, typically limited to *privately owned* public space. This project complicates the existing narrative of privatization and public space, to counter an overly reductive and oft-perceived binary, between publicly owned and privately owned public spaces, that does not adequately represent the myriad ways privatization practices impact public space.

Our analysis, developed through case study research, offers a conceptual model to explain and evaluate the impact of privatization on contemporary public space networks. It operates on two levels. First, a set of partnership models distills the many public-private partnerships represented by a series of public space case studies into five core strategies. Second, a set of contextual variables relates the methods of privatization to the social, spatial, political, economic, and material contexts they inhabit. Intended as a resource for designers, planners, and researchers, this paper describes an intuitive framework for understanding privatization and the many avenues for engagement in public space design and delivery.

ON PRIVATIZATION

Public spaces are spaces of political, social, and economic tension. One specific class of public space—privatized public space—attracts outsized controversy due to the complex web of partnerships, funding sources, and legal codes which enable it. Often invisible to the users of public space, these choreographed partnerships distinguish privatized public spaces from traditional public spaces. As these privatized public spaces have become more widespread, the public-private partnerships which govern their design, ownership, and management have become increasingly complicated and are prone to change over time, leading to a further decrease in public understanding.

The effects of this privatization are the subject of significant inquiry in both academic scholarship and mass media. Often labeled as "quasi-public spaces," privatized public spaces are traditionally understood to infringe on public life by subjecting users to surveillance, strict management strategies, and exclusionary practices.[1] This is true, in part, because critiques of privatization have focused largely on just one model of privatized public space—*privately owned* public space. But privatization is leveraged in many ways to produce different kinds of public spaces. The complexity of privatization practices, and the subsequent variety of spaces they produce, demands a nuanced understanding of publicness and privateness—not as binary values attached to public space, but as critical frameworks to evaluate the partnerships, dynamics, and motivations behind public space development.

In this paper we share a novel conceptual framework for understanding the wide range of privatization practices governing the development of publicly accessible urban spaces today. Looking at forms of privatization beyond land ownership, this paper offers insights gleaned from case-study research conducted over the past year that reveal nontraditional roles for both public and private actors. The case studies capture and represent a significant diversity of contemporary privatization practices in public-space development at varying scales. To account for this diversity, our analysis correlates the many types of public-private partnerships with their particular social, spatial, political, economic, and material contexts. This analysis is presented as a way of explaining how and why these complex contextual interplays often produce different types of publicly accessible spaces in different types of urban environments. This research surveys the contemporary climate of private involvement in public space development and offers an atlas of strategies and tactics that reveal the breadth and depth of privatization in public space today.

PUBLICNESS AND PRIVATENESS

Scholarly critiques of privatized public space tend to focus on crucial questions of access, equity, and social control in design and management, while public debates on the issue are often impassioned and contentious; they typically foreground concerns about the perceived diminishment of the public's role in the design and implementation of these vital public assets, and in the conflicts between profit motivations and the public good.[2,3,4,5,6] Common arguments imagine a clear demarcation
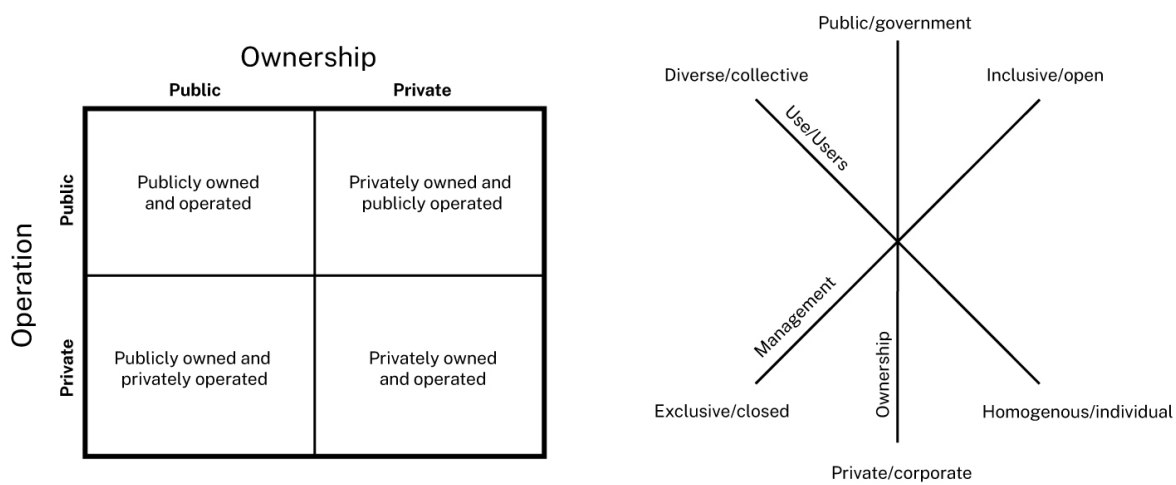
Figure 1. Németh and Schmidt's analysis of privatized public space. See Németh and Schmidt, 2011.

between the roles of public and private actors in these projects, but our research shows this to be an oversimplification. In this paper we draw upon recent scholarship surrounding complex gradients of publicness and privateness in publicly accessible spaces to productively challenge this binary of "public" versus "private" as being overly reductive and largely unrepresentative of how most public space projects are realized and experienced today. In doing so, we seek neither to promote privatization in public space nor denounce it, but rather to complicate and enrich the discourse around it by revealing the breadth and depth of contemporary privatization strategies.

Complicating the relationship between privatization and public space is the difficult boundary to be drawn between publicness and privateness. While these terms are neatly divided in principle, they are difficult to operationalize. This study recognizes the importance of a nuanced understanding of the dynamics of publicness and privateness, not as a binary but as a multi-dimensional and ephemeral gradient of conditions.

In New York City, two familiar public spaces illustrate this unexpected complexity. At first glance, Central Park and Zuccotti Park represent polar ends of publicness and privateness. Central Park, the city's flagship public space, is publicly owned, while Zuccotti Park, part of the city's Privately Owned Public Space program, is owned by Brookfield Properties and Goldman Sachs. Upon closer investigation, a more complicated public-private dynamic is revealed. Both are in fact funded, managed, and programmed by private organizations: The Central Park Conservancy and Brookfield Properties, respectively. In recalling Zuccotti Park's notable reputation as the headquarters for the Occupy Wall Street movement, when protesters found refuge in the private property, immune to the kinds of police eviction that are common in publicly owned spaces, it becomes evident that privatized public spaces may occasionally generate unique forms of publicness that are not on offer in traditional public spaces.

These two examples underscore the need for a more nuanced paradigm, recognizing the complicated relationship between publicness and privateness at institutional, spatial, and experiential levels. Jeremy Németh and Stephan Schmidt introduce a framework to complicate the traditional binary understanding of these terms, revealing a spectrum of conditions characterizing degrees of publicness and privateness in publicly accessible spaces.[7] In this framework, they establish ownership, management, and use as three gradient conditions. As a diagram, public spaces can be plotted along each axis independently, to evaluate simultaneous public and private influences. This framework evaluates the qualitative publicness and privateness of public spaces without generating a conclusive and singular value. Németh and Schmidt also note the term "publicly accessible space" as a replacement for the traditional "public space."[8] This specificity recontextualizes the dynamics of public spaces, challenging the notion that these spaces can exist in a fully public or private state.[9] It also allows for publicly accessible spaces to be evaluated and compared equivalently, regardless of land ownership, management, or use.[10,11]

Our analysis begins here, studying twelve case study public spaces, each of which exhibits a unique dynamic of publicness and privateness. Case studies were selected to reveal the core strategies employed in public-private partnerships. They were chosen to represent a broad range of tactics and spatial results and limited to a North American context; they are located in New York City, Philadelphia, Los Angeles, Tulsa, and Dallas. While some case studies are partnerships that generate singular spaces, such as Klyde Warren Park or Gathering Place, others are comprehensive programs that implement or manage large networks of public space.

As a baseline for our analysis, we borrow Németh and Schmidt's framework, adapting it to allow for changing conditions over time. This exercise orients each of the twelve case studies,

OWNERSHIP

PUBLIC   **PRIVATE**

Traditional Public Space	Public Space Tax Tax Increment Financing Gathering Place
Business Improvement Districts Central Park High Line Klyde Warren Park Philadelphia Playstreets Adopt a Lot LA	NYC POPS Public Square at Hudson Yards Little Island at Pier 55

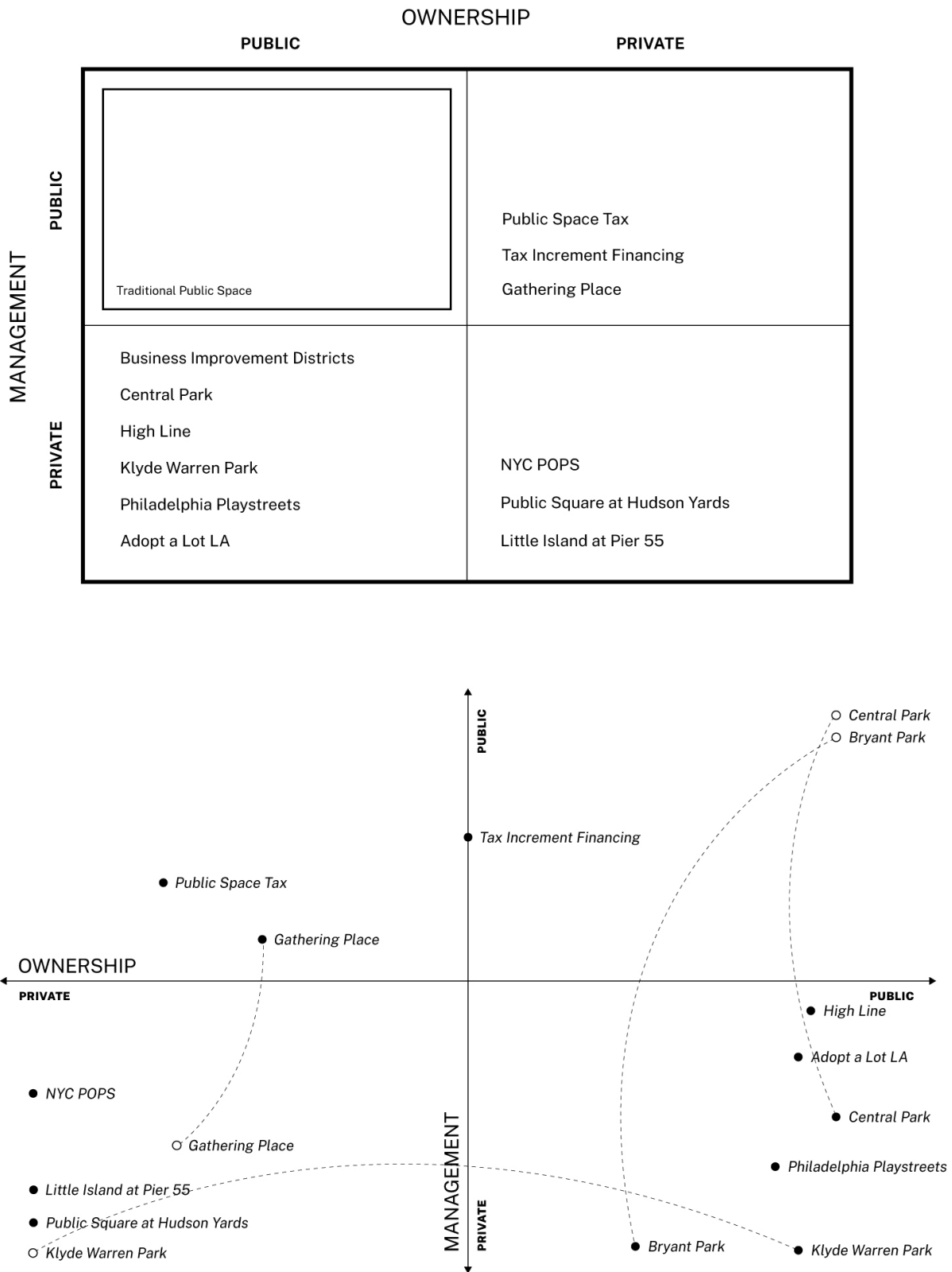MANAGEMENT — PUBLIC / PRIVATE

Figure 2. Categorizing and plotting case studies

relating their comparative publicness and privateness against one another. This diagram helps to reveal clusters of similar case studies that occupy the same analytical space. For example, both Philadelphia Playstreets and Adopt-a-Lot L.A., similar community-driven programs, take place temporarily on publicly owned land using cooperative public-private management. Philanthropically driven projects, such as Little Island, the Public Square at Hudson Yards, and Klyde Warren Park tend to be fully privately owned and managed at inception but can often see ownership or management partially transferred to the public partner once the space is open to the public. These case studies – along with this diagram – act as a roadmap for this study and a foundation for further analysis.

TOWARD A CONCEPTUAL MODEL

Two inquiries structure this paper, each investigating the role of privatization in public space. These inquires pursue a conceptual model of privatization that accounts for the nuance and complexity of public-private dynamics.

What are the methods by which privatization occurs?

This question looks to identify the processes, agents, and resources through which privatization in public space occurs. This inquiry synthesizes a myriad of partnership strategies to reveal five core archetypal models, which we discuss in the next section.

How does privatization play out in different contexts?

This question looks to identify and understand reciprocal relationships between existing urban conditions and privatization strategies, using five contextual frames: Social, Spatial, Economic, Political, and Material. This inquiry revealed five variable conditions of privatization, which we discuss at the end of this paper.

This tandem approach aims to understand privatization comprehensively through high-level trends and commonalities, while closely examining specific contexts to establish a more detailed relationship between privatized public spaces and their urban milieux.

PARTNERSHIP MODELS

Several adjacencies emerged through the exercise of plotting public space case studies along ownership and management axes. Strategies, incentives, and agents were shared between the case studies, indicating common trends throughout. This analysis revealed five distinct partnership models: Zoning, Conservancy, Value-Capture, Philanthropic, and Grassroots models. These models frame public-private partnerships through the agents involved, spaces generated, and strategies in play.

These partnership models interpret the complex streams of resources, administration, and funding that generate public spaces, while highlighting three crucial issues. First, both public and private agents can play myriad roles in the partnerships which govern their collaboration. Second, these partnerships can vary dramatically in size and scope, from simple legal arrangements between municipal agencies and singular private actors to complex partnerships involving dozens of public and private agencies. Finally, while these models identify trends and commonalities among privatization strategies, they are not mutually exclusive. Hybridity is common; partnerships often leverage components of more than one model, by adding an additional satellite program onto an existing one. Philanthropic partnerships commonly include a conservancy partnership within their umbrella, for example.

ZONING PARTNERSHIPS

Zoning Partnerships have become a de facto policy in many major cities, influenced by the widespread implementation of New York City's POPS (Privately Owned Public Space) program. Zoning partnerships establish a legal transaction through zoning legislation which can either incentivize or mandate private developers to incorporate publicly accessible spaces in proposed development projects. In New York City's POPS program, developers are incentivized through additional floor area ratios, allowing them to garner additional profit by including additional floors or floor area in their proposed buildings. Introduced in 1962 as a zoning resolution intended to promote the construction of small public spaces in the city's most populated neighborhoods, the POPS program has become a blueprint for zoning legislation which governs the implementation of public space.[12,13,14]

Programs like New York City's POPS program operate transactionally; developers are offered in incentives in exchange for their role in provisioning publicly accessible space. By contrast, a second type of zoning partnership functions similarly but trades the "carrot" of the incentive in favor of the "stick" of stringent mandates. In these cases, local municipalities often enact a "public space tax" that mandates a certain quantity of public space development per acre of proposed private development. While this approach can provide a more seamless path to public space delivery, it also faces criticism from many public space advocates, since it can result in a clustering of available public spaces in concentrated pockets of development in ways that limit access to a select few.

CONSERVANCY PARTNERSHIPS

While zoning partnerships primarily govern newly minted public spaces, conservancy partnerships commonly intervene to operate existing spaces. Exemplified most notably at Central Park, these partnerships leverage private investment and philanthropy to maintain, program, and improve public spaces. These partnerships are typically managed by a central non-profit organization such as the Central Park Conservancy, assuming responsibility for staffing, operations, and programming. These organizations fundraise heavily, relying on private donations to sustain their operations. In this way, conservancy partnerships allow public spaces to receive funding from highly distributed networks of individual donors, along with major philanthropic gifts.

The High Line NEW YORK CITY
Conservancy partnership

Gathering Place TULSA
Philanthopic partnership

Zuccotti Park NEW YORK CITY
Zoning partnership

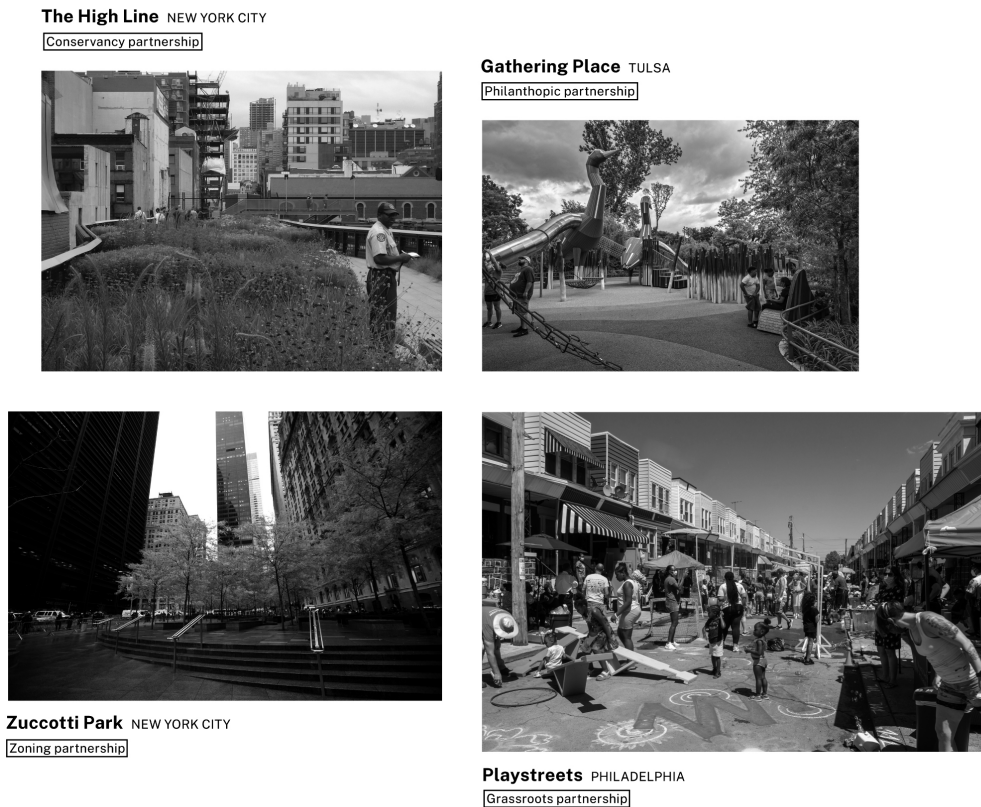**Playstreets** PHILADELPHIA
Grassroots partnership

Figure 3. Image Credits (clockwise from top-left): Brian Holland, Ken McCown, Ken McFarlane/Philadelphia Parks + Recreation, Dan Nguyen.

Conservancy partnerships typically coordinate private influence in publicly owned spaces but can occasionally play a more active role in their implementation as well. Friends of the High Line is a notable example in that it was created long before construction on the High Line ever began. Today, the organization manages, programs, and maintains the linear park, but was also the key driver of the park's creation, brokering partnerships between a suite of public and private agencies, while leading a high-profile campaign to build public support for the project.[15] Conservancy partnerships challenge the notion of private land ownership as the primary form of privatization. In both case studies, the private organizations responsible for management and operations (even implementation) of public space maintain no ownership over the space or infrastructure.

VALUE-CAPTURE PARTNERSHIPS
Value-Capture partnerships, like conservancies, also incentivize private agents to participate in public space development, albeit indirectly. These partnerships leverage an immediate investment recouped through a long-term period of value generation. Business Improvement Districts (BIDs) are a widespread value-capture partnership; business owners within a geographic area voluntarily fund the operation of public spaces motivated by the promise of increased tourism, property values, and visibility.

BIDs are now widespread in cities of any size, but often face criticism for their role in urban displacement.[16,17,18]

Tax Increment Financing schemes operate similarly to BIDs but place public agencies in the primary position of responsibility. TIF districts divert public funding toward development projects (which often include public spaces) and recoup the investment via the incremental gains in tax revenue over many years. TIF financing is also a popular funding structure, but these programs also face criticism for directing tax funding toward new development, limiting the funding received by schools, etc. These two value-capture strategies are structurally similar but place different agents in positions of authority. Funding is controlled privately by a cooperative of business owners in BIDs, while TIF funding is approved and allocated by public agencies, typically a city council.[19,20,21]

PHILANTHROPIC PARTNERSHIPS
Philanthropic partnerships rely on the individual motivation of wealthy donors to implement public space. These partnerships are common in major cities characterized by concentrations of wealth and draw significant attention in existing studies on privatization and public space. Philanthropic partnerships typically generate iconic spaces with extensive amenities, often on

complicated urban sites that other public space partnerships simply couldn't afford to develop.

Gathering Place in Tulsa, Oklahoma, for example, is a recently constructed, 90-acre park built atop an existing freeway, that now connects a previously inaccessible site to frontage on the Arkansas river. The project was conceived by philanthropist and business mogul George Kaiser and was funded primarily through the George Kaiser Family Foundation. Due to its size and scope, Gathering Place operates through a complex web of public and private partners. A standalone organization, Gathering Place, LLC, maintains and operates the facility, mediating collaborative input from both the George Kaiser Family Foundation and Tulsa Riverparks Authority, the public parks and recreation agency in Tulsa. In its first year of operation, a controversy involving the restriction of the public's right to carry firearms in the park spawned protests and public outcry and prompted a litigious response from Gathering Place. In this case the public's expectations surrounding individual rights in public spaces were mismatched with the property's status as a privately owned space. Controversies like this one illustrate the tensions that can arise from public private partnerships, particularly when the delineated responsibilities between public and private partners are not clear.

Little Island at Pier 55 represents another philanthropic partnership, spearheaded by media mogul Barry Diller and fashion designer Diane von Furstenberg. The high-profile project has attracted both press and controversy, due to environmental and social criticism. In this case the philanthropic efforts of Diller and von Furstenberg to finance construction of the park are partnered with the Hudson River Park Trust, a nonprofit organization which manages the existing park facilities. The project has been highly controversial and was stalled several times as public approval waned, before opening in spring of 2021.

GRASSROOTS PARTNERSHIPS

Grassroots partnerships leverage community organizing and activism to occupy underperforming and underutilized spaces. These spaces exist symbiotically, taking advantage of common spaces, streets, and vacant lots, providing temporary public spaces in areas where they are most critically lacking. These projects are typically ephemeral and comprised of furnishings, portable equipment, and organized programming. These partnerships are unique in that they incentivize users of public space to participate directly in their management and operation, eliminating significant need for external agencies or funding.

The Philadelphia Playstreets program is a grassroots partnership that has operated for over 50 years. Conceived to provide spaces for children to play, the Playstreets programs targets neighborhoods in the city that have the least access to parks and open space. The program has grown dramatically in recent years and is now comprised of roughly 350 block-length streets which close daily from 10am-4pm during summer weekdays. Each street is monitored, programmed, and maintained by a volunteer from the block, who serves as a contact point for the city's Parks and Recreation department. The individual agency of these volunteers allows the program a great deal of flexibility, through which Playstreets addresses the hyper-localized needs of residents across the city. The Playstreets Program, located within the city's Parks and Recreation department, channels funding and resources from several public and private agencies to provide cooling kits, play equipment, meals, and programming for each Playstreet.

A smaller grassroots program has emerged recently in Los Angeles. The Adopt-a-Lot program, spearheaded by Konkuey Design Initiative, or KDI, provides a framework for citizens to temporarily convert vacant, publicly owned lots into public spaces on a 3-, 6-, or 12-month basis. A network of advocacy organizations assists community members in design and programming activities, for which funding is provided. The City of
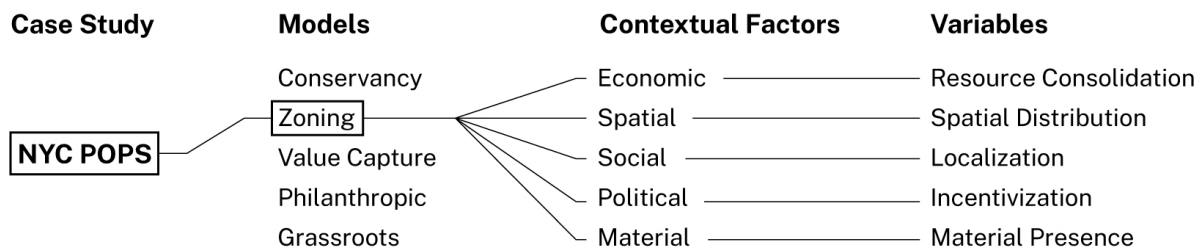

Figure 4. Sample case study analysis using this model.

Los Angeles does not charge a rental fee for these spaces and mandates a simple approval process for each. This program is particularly notable in that designers play an outsized and unconventional role in implementing public spaces. By engaging in community organizing and public-space activism, designers are directly instrumental in structuring opportunities to work directly with local residents to program, plan, and design public spaces, without the involvement of private donors or philanthropic funding.

PRIVATIZATION IN CONTEXT

Of the twelve case studies represented in the first inquiry, three were chosen for a more detailed investigation. The NYC POPS program, Philadelphia Playstreets program, and Gathering Place in Tulsa each demonstrate privatization strategies as a response to a specific urban context. This second phase of analysis identifies public-private partnerships as contextual responses to the political, social, spatial, economic, and material contexts which impact both the implementation and experience of public space. This analysis grounds the initial inquiry and reveals contextual variables that impact public space networks.

Each contextual frame reveals a gradient of conditions associated with it – summarized here as five contextual variables: Resource Consolidation, Spatial Distribution, Localization, Incentivization, and Material Presence. These variables point toward the conditions that manifest and influence privatization, and the outcomes of privatization. Each of the case studies selected for contextual analysis demonstrated a different response to these contextual frames, which became the basis for the identification of these variables.

ECONOMIC CONTEXT – RESOURCE CONSOLIDATION

Public space funding comes from many different places. Funding streams vary from consolidated channels, with a singular funding source, or wide networks of resources channeled toward a cumulative impact. The POPS program and Gathering Place rely on highly consolidated channels of funding, through incentivized developers and independently motivated philanthropists. By contrast the Playstreets program has diverse sources of funding, funneling public and private resources in infrastructure, education, and parks and recreation to deliver its services and maintenance.

SPATIAL CONTEXT - SPATIAL DISTRIBUTION

Public spaces can take many forms, from singular, amenity-rich public spaces to distributed networks of smaller, less-resourced spaces. Both the POPS and Playstreets programs operate highly distributed public space networks, with over 500 and 300 sites, respectively. Gathering Place, while almost identical in size to the cumulative POPS program (approximately 90 acres), represents a singular investment on a singular site.

SOCIAL CONTEXT - LOCALIZATION

Public spaces play many social roles, and some partnerships have more nimbleness to address social issues at a localized scale. Public spaces can engage those living in direct proximity to them, those who may travel across town, and regional tourists. The Playstreets program responds to the hyper-localized needs of its users, largely through its community partners who modify the function and programming of each space. The POPS program does not have the nimbleness of Playstreets but is able to engage the largely corporate social context of Midtown Manhattan, where most of its spaces are found. Gathering Place, while a highly site-specific landscape, does little to address the specific localized social context it exists within.

POLITICAL CONTEXT - INCENTIVIZATION

Private involvement in a traditionally public sector always involves some form of incentive. Incentives vary greatly, and can be directly monetary, indirectly monetary, or non-monetary. While the POPS program incentivizes developers with an external credit (additional FAR, and profit), the Playstreets program incentivizes users directly with the public spaces they participate in implementing.

Gathering Place complicates the idea of public incentive for private involvement, but points toward a permanent legacy for the Kaiser family as an independently motivated reputational incentive. Philanthropic partnerships are the only model described here that does not rely on incentivization to implement public space. While many would describe the legacy and public relations efforts of these projects as the incentive, this is difficult to measure.

MATERIAL CONTEXT – MATERIAL PRESENCE

Public spaces exhibit varying degrees of material presence. From temporary, occupied, and informal spaces to highly designed and amenity-rich landscapes, material presence is an important part of a public spatial experience. Gathering Place represents a highly designed and permanent landscape, rich with both ecological and play-based amenities. The POPS program spaces are typically small plazas with simple furnishings and planting. Playstreets are ephemeral streetscapes, transformed during summer days with play equipment, cooling kits, tents, and furniture. The level of material presence is most closely linked to ephemerality and permanence.

CONCLUSION

The findings of this study do not point toward resolute judgments of publicness and privateness, but rather reveal the range of privatization strategies in play. Complicating the existing narrative on public space and privatization, this project offers an intuitive conceptual model to explain and evaluate the impact of privatization on contemporary public space networks. As a resource for the design community, this model offers an atlas of existing strategies, platforms, and entry points to civic-minded

designers and planners looking to participate in the ongoing transformation of the public realm.

This model is conceived as an open-ended tool, intended to facilitate dialogue and action in a sector of the built environment that can often be difficult to navigate. The partnership models identified in this study can help municipalities, designers, and activists understand the wide range of privatization strategies in use today, and the contextual variables begin to suggest levels of appropriateness among the partnership models. The case studies represented in this project illustrate the inadequacy of a singular approach to public space development. Our work seeks to document the contemporary ecosystem of public space development through privatization, thereby facilitating a nuanced and targeted discussion of privatization practices that can inform ongoing assessments of the widespread role of privatized public spaces in our cities.

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