

POSITION PAPER

Regarding the Future of The Park Hill Golf Course Land Open Space

In 1997 the city of Denver purchased a perpetual open space conservation easement covering the 155-acre Park Hill Golf Course land for \$2 million. The specific grant language in the conservation easement is for “a perpetual, non-exclusive conservation easement in gross over and upon the [Park Hill] Golf Course Land to maintain the [Park Hill] Golf Course Land’s scenic and open condition and to preserve the Golf Course Land for recreational use.” Therefore, the conservation easement seller forever relinquished all development rights on the land.

Furthermore, the Park Hill Neighborhood Plan identifies the Park Hill Golf Course land as a “major facility” of open space and states repeatedly that preserving open space is a primary goal of the Plan. For example, in the Plan’s Parks, Open Space, and Trails Section, the first stated goal is to “acquire, extend, improve, and maintain parks, public open space and parkways in the neighborhood to meet the needs of increasing population and to support recreational opportunities.” And, a goal of the Land Use and Zoning Section is to “preserve the existing parks and open space within the neighborhood.”

This invaluable city real estate asset must be preserved as open space for generations of Denver citizens and the city should acquire the entire 155 acres for it to become a designated regional park.

Critical Health and Recreation Benefits of Open Space

Open space, also referred to as urban forest, plays a critical role in promoting the physical and psychological health of humankind, especially city dwellers, by providing opportunities for exercise as well as the calming and centering effects the interaction with nature provides. In addition, with its abundance of trees and plants, open space combats the deleterious effects of climate change both by removing carbon dioxide, an important greenhouse gas driving climate change, and by absorbing pollution such as dust, ash, pollen and smoke. Open space also mitigates extreme temperatures resulting from the Urban Heat Island Effect. Any development, even if high-density, that involves the loss of trees and green space will result in a larger carbon footprint. Trees provide shade and open space cools—the more mature the trees and the larger the space the better.

According to Denver Parks and Recreation’s Game Plan for a Healthy City:

The science is clear, our planet is facing a global crisis attributed largely to human behavior that is changing climate patterns around the world.... Parks, recreation, and the urban forest are vital infrastructure to our city’s health. Trees and vegetation in our parks as well as along our parkways and streets help clean the air we breathe and provide shade that decreases the cooling load on our energy infrastructure during our hot months. Our parks and urban forests hold, clean, and infiltrate stormwater, decreasing the load on our storm sewer system.

Denver Going the Wrong Direction

Denver is flirting with disaster as its concretization proceeds. It is becoming more vulnerable to heat waves, desertification, drought, wildfires and flooding. And Denverites are becoming sicker. Denver is ranked as the twelfth worst out of 228 metropolitan areas for ozone pollution (according to the American Lung Association’s 2019 *State of the Air* report). Such pollution poses a wide variety of respiratory, cardiovascular and developmental health risks.

“In losing our natural landscapes, we’re losing a part of the American soul – especially in the West,” writes Brett Dickson, president of Conservation Science Partners, which has conducted a new analysis on the high



rate at which development is devouring the natural landscape in the United States. (*Development Devours Natural Landscape at High Rate, According To Study*, Bruce Finley, Denver Post, August 7, 2019)

Despite these facts, Denver is promoting real estate development that is eating away at the city's green space. As Denver Post reporter Bruce Finley wrote in a January 13, 2019 article, "the 'the city within a park' is becoming a concrete metropolis."

Westside as the New Owner of the Park Hill Golf Course Land

Real estate developer Westside Investment Partners, Inc., through its subsidiary Bushwood, LLC, ("Westside") recently purchased the Park Hill Golf Course land that is not only encumbered by the perpetual open space conservation easement but also zoned OS-B (Open Space-Recreation). Westside chose to buyout and terminate a viable golf course lease that had a term through December 31, 2024 and an additional 5-year renewal option through 2029. If Westside chooses not to continue operating a golf course on the land, it should either find another use for the land consistent with the perpetual open space conservation easement or it should sell the fee simple interest in the land to the city for the land to become a designated regional park for open space and recreational uses.

The Park Hill Golf Course Land as a Regional Park

Denver needs more parkland. In 2019, The Trust for Public Land lowered Denver's park ranking to 29 among the 100 largest U.S. cities, down from 13 in 2012. Denver's existing parks cover 8.3% of the city, below the national average and compared to 22% parkland in New York City, 21% in Washington, D.C. and 20% in San Francisco.

Based on an appraisal commissioned in 2015 by the prior landowner, the fair market value of the fee simple interest in the Park Hill Golf Course land—without development rights due to the perpetual open space conservation easement—was \$3.1 million. If the city acquires the land, it should pay no more than the current appraised fair market value of the fee simple interest as restricted by the conservation easement. Such a purchase should be no problem for the city. On January 14, 2019, the city renewed its 2017 offer to acquire the land by paying \$10 million for one-half of the land and by leasing one-half of the land on a thirty-year term paying \$350,000 per year. Furthermore, Denver voters in 2018 approved Referred Measure 2A imposing an additional 0.25% sales tax for the purpose of acquiring new park land and maintaining and improving park land. The city projects that this new sales tax revenue should produce at least \$37.5 million per year dedicated for these critical park land purposes.

The land is already grassed and treed. Further development of the regional park for open space and recreational uses by the city could be done over a period of years.

No "Either-Or"— Addressing Other Community Needs Outside the Park Hill Golf Course Land Boundaries

Now is the time to commit to the preservation of Denver's remaining open space that protects the environment and the health and well-being of its citizens. The preservation of the 155 acres of Park Hill Golf Course land as open space provides Denver a unique opportunity to fulfill this goal. Denver citizens should not be forced to sacrifice critical open space to meet the need for density and affordable housing. In fact, just the opposite is true. With increased density comes the heightened need for open space to provide health, environmental and recreational benefits to the public. This is not an "either-or" situation. There are ample opportunities to provide for other community needs on underutilized properties in the general vicinity of the Park Hill Golf Course land while preserving this 155 acres of open space.

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