

**Case Study Research Exploring Interim Use Brownfield Projects and Their Feasibility in the United States**

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Abstract: Brownfields are vacant or underutilized properties that fuel urban blight, especially in economically and socially disadvantaged areas. Oftentimes these properties remain idle and unused due to the property owner's unwillingness to have their site assessed and cleaned – which are required before end-use development can occur. Interim-use is an innovative land-use strategy that aims to activate brownfield properties whose development is not imminent by allowing temporary, community driven projects to take place on brownfield properties. Interim use has been used successfully to beautify blighted urban communities in Germany; however, the United States has certain institutional barriers in place that have inhibited the strategy of interim use from becoming a widely used development tool. Fortunately, these barriers can be overcome if some, or all, of the policy recommendations outlined in the research are implemented.

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## Introduction

Brownfields oftentimes remain un-assessed until property owners choose to develop their land, or sell to a prospective purchaser. Consequently, there are thousands of potential brownfield properties in America that sit idle, and can legally remain idle for the foreseeable future. These properties fuel urban blight, are a potential health hazard to the surrounding community, underserve the local tax base, and are a detriment to local property values.

The concept of interim use proposes temporary, community-conscious use of brownfield properties whose redevelopment is not imminent. In exchange for site utilization, owners are provided financial and technical assistance to conduct immediate assessment – a costly process that intimidates many property owners, causing them to leave their sites vacant. After site remediation, municipalities will support temporary site utilization in accordance with the owner's interests, community desire, and site conditions. Examples of such temporary use include: mobile micro-entrepreneurial businesses such as food carts, a container nursery, event space or meeting center, urban farms, and park space. These suggestions make up a small part of a long list of possibilities.

The interim use strategy aims to fortify two weaknesses common to the brownfield redevelopment process. The first goal is to expedite the environmental assessment and remediation process on properties. Unfortunately, leaving brownfields vacant and unassessed until the owner is ready for sale or redevelopment is the status quo. Interim use places a sense of urgency on brownfield redevelopment that is generally missing from the process. The second goal is to cultivate direct local grassroots involvement in redevelopment projects – thus making brownfield reuse a community driven operation.

Studies have shown that economically and socially underserved neighborhoods have a disproportionate number of brownfields located within their communities, which qualifies brownfield redevelopment as an environmental justice issue. As brownfields sit idle, site contamination may migrate to neighboring properties and expose the community to hazardous substances. Increasing environmental risk in an already disparaged community can be partially mitigated through the interim use of brownfields.

Interim use strategies emphasize equitable economic development by promoting entrepreneurial opportunities in economically disadvantaged areas by opening new sites for small-scale local businesses. Interim use plans foster entrepreneurial activity on currently idle sites – which provide new economic opportunity to community groups, businesses, and individuals who would otherwise be left without a place to conduct business. These community based businesses provide goods and services to the local residents – which helps cultivate a local economy that is self-sustaining.

While interim use appears to be win-win on all fronts, there are logistical hurdles that need to be addressed before this innovative solution can be implemented on a broad scale. These challenges include: liability, permitting, zoning restrictions, property owner willingness, lack of resources, and lack of a successful precedent. Fortunately, most of these problems already have proposed solutions that, once tested, can be woven into the fabric of the interim use framework. For example, the issue of liability is met with the solutions of city-funded coverage, or temporary transfer to public ownership for the duration of interim use. The issue of community understanding is met with a proposal for clear communication and marketing plans.

While there have been very few documented instances of interim use on brownfields in the United

States, an analysis of successes and pitfalls of existing cases will be valuable in forming a comprehensive interim use strategy for the future. Interim use brownfield projects provide a temporary means for community reclamation of blighted properties while initiating long-term payoff of environmental assessment and cleanup by inviting the community onto vacant sites. An efficiently executed interim use plan has the potential to increase the number of brownfield assessments and cleanups, expedite those cleanups, create new opportunities for community driven projects, strengthen partnerships between government agencies and community organizations, bolster the local tax base, and make communities safer environmentally.

A brief history of brownfield redevelopment efforts in the United States is included to provide the context necessary to understand the role of interim use in the brownfield industry. A short history on interim use projects (not exclusive to brownfields) in the United States and Germany aims to illustrate the potential for successful interim use on brownfield properties by detailing the successful cases of past interim use.

To test whether interim use brownfield strategies are viable projects for municipalities nationwide, two in-depth case studies have been conducted. These case studies seek to answer the research question of: are community driven interim use brownfield projects widely feasible in the United States? The first is an interim use project in the City of Portland, Oregon's historic Sellwood neighborhood, where a vacant brownfield has been rehabilitated into a food cart court, which bolsters local wealth through micro-entrepreneurial activity. The second took place in the City of Los Angeles' Chinatown neighborhood, where a 32-acre industrial brownfield was transformed into a cornfield for one growing season. After the corn was harvested, California State Parks developed 13 acres of the site into a interim use public park called Los Angeles State Historic Park.

Case studies are often used to examine how or why certain social projects work, and this project is no exception. “The case study relies on many of the same techniques as a history, but it adds two sources of evidence not usually included in the historian's repertoire: direct observation of the events being studied and interviews of the persons involved in the events.”<sup>1</sup> Extensive interviews with interim use site owners, brownfield officials, and site users in Portland and Los Angeles were conducted to assess how the interim use projects are impacting the community, the owner, and the City's brownfield efforts. Background research into brownfield redevelopment, and interim use was conducted to provide a more comprehensive understanding of the ground-breaking innovation interim use of brownfields proposes. Interim use projects are fueled and facilitated by property owners, local brownfield officials, and the surrounding community. Therefore, methods such as surveys, experiments and historical analysis were not used due to their heavy reliance on quantitative analysis and past experience, rather than contemporary, first-hand accounts of events.

To answer the research question: what are the dangers of interim use brownfield projects, and how can they be addressed?, a case study detailing the failed interim-use project of the South Central Urban Farm is provided. In this case study, many of the fears surrounding interim uses were brought to reality, creating a chaotic and litigious conflict involving the site owner, the City of Los Angeles, the interim users, and various non-profits and community groups. Analyzing this failed project will allow a list of generalizations to be drafted that detail certain hurdles commonly encountered by prospective interim use projects.

From the background research on brownfields and interim use, and the case studies from Portland, Los

Angeles, and the South Central Farm, a list of policy recommendations was drafted that outlines various steps governments can take to foster greater interim use brownfield projects in their region.

### *Brief History of Brownfields*

To developers and land use professionals in rapidly growing cities, there are few things more frustratingly beautiful than vacant urban brownfields. On the surface, brownfields look like any other tattered, underutilized parcel of land – which developers buy cheap, build big and rake in exorbitant profits. But restrictive legislation, fear of contamination, and liability factors make brownfields far from ordinary. This stigma attached to brownfield properties makes some developers cringe at the thought of brownfield redevelopment. Luckily, over the past decade local governments have made great strides in enticing developers into brownfield revitalization process by offering financial, administrative and liability incentives.

The definition of the term “brownfield” is open to interpretation. The Environmental Protection Agency's (EPA) definition of a brownfield is an “abandoned, idled, or under-used industrial or commercial property where expansion and redevelopment is hindered by real or perceived contamination.”<sup>ii</sup> Many brownfield and land use experts, however, consider all unused, underutilized parcels of land brownfields. This research accepts both definitions, but leans toward the latter, broader definition. Conservative estimates peg the number of brownfields in the United States at 400,000 while others land the figure well over one million. When left vacant, brownfield properties contribute to urban blight and stall urban renewal. One of the biggest challenges to revitalizing urban brownfields is property owner willingness. Governments are charged with the task of persuading property owners and prospective purchasers to enter into the process towards remediation. To stimulate interest, federal, state and municipal governments have devised incentive programs that encourage the redevelopment of brownfield sites by providing financial assistance, grants, liability relief and administrative help. Site owners, however, are not legally obligated to take remedial actions unless their property poses an

immediate health risk to the surrounding community.

As of 2005, redevelopment efforts had put 40,000 brownfields back into use nationwide – just a fraction of the total number. While national policies were important in first establishing the brownfield program, a lack of funding and resources appropriated to municipalities has left local governments in the position to be creative in developing solutions to help spur brownfield redevelopment in their cities. The approach of interim use is just one example of an innovative solution that aims to put brownfield properties back into use.

Brownfields have existed in America for decades, stemming back to ground contamination by abandoned gas stations during the auto-boom of the 1940s. Regulatory government Brownfield programs, however, are a much newer invention. Concern for brownfield properties began on the local level in the early to mid-nineties. The term ‘brownfield’ was first used in 1992 at a meeting hosted by the Northeast Midwest Congressional Coalition. That same year, the Cuyahoga County Planning Commission conducted the first in depth policy analysis of the issue. In 1994 the Environmental Protection Agency created its brownfield program, and since then, brownfield redevelopment has taken off at a rapid pace. Legislation penalizing, and guarding against, environmental hazardous waste was initially recognized under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), otherwise known as Superfund, which passed through Congress in 1980 in response to the catastrophic environmental disaster in Love Canal, New York, in which a community was unknowingly exposed to hazardous wastes (causing high rates of birth defects, nerve damage, and other irreversible illnesses) because their neighborhood was developed on top of 21,000 tons of hazardous waste material. The inclusion of brownfield-like properties under CERCLA, however, created

complications that environmental policymakers are still trying to untangle. While Superfund is commonly connoted with large, catastrophic environmental hazards, brownfields are generally smaller and less calamitous in character. For instance, the threat posed by the local abandoned gas station pales in comparison to the disaster at Love Canal. CERCLA legislation lumped small-time offenders in with chemical murderers, and exposed them to the same liabilities, penalties and cleanup responsibilities. To separate the two, the EPA announced the Brownfields Action Agenda in 1995 which outlined EPA's future plans to help communities implement and realize the benefits of the brownfields initiatives.

Brownfield redevelopment was predominantly governed by federal policies until January 2002, when Congress and former President George W. Bush enacted the Small Business Liability Relief and Brownfields Revitalization Act. “The Small Business Liability Relief and Brownfields Revitalization Act gives State and local governments greater flexibility and resources to turn environmental eyesores into productive community assets, significantly increasing the pace of brownfields cleanups.<sup>iii</sup>” The passage of the Act has given local governments the autonomy to increase brownfield turnover and revitalize blighted properties quicker. With this freedom, municipalities have constructed inventive policies such as interim use, incentive programs, and regulatory shelters to beckon developers into the redevelopment process.

These innovative approaches are used to attract prospective developers who may be weary of the expensive costs and liabilities involved with site assessments and cleanups. “A key component of the EPA Brownfields Action Agenda has been the issuance of liability clarification policies to reduce the fear among parties involved in brownfields renewal that they will be vulnerable to the threat of Superfund liability.<sup>iv</sup>” These costs can soar into the hundreds of thousands of dollars, and send

developers deep into the red. This fear causes many developers to put a padlock on their pocketbook at the mere mention of brownfields. While federal brownfield programs have had good intentions, the painfully slow pace of federal bureaucracy has stunted the capabilities of fast-paced local governments. The National Association of Local Government Environmental Professionals (NALGEP) promotes the idea of transferring EPA responsibilities “on contaminated sites to local governments, both to remove a barrier to redevelopment and to provide local governments with a tool for better exercising control over particular abandoned sites thereby commencing assessment and remediation activities.”<sup>v</sup> With greater municipal control over brownfield projects, redevelopment is easier to enmesh with larger-scale planning and land-use schemes of specific cities.

The inherent nature of brownfield redevelopment makes them a valuable player in the Smart Growth movement. “Smart growth focuses on reducing public costs and increasing private returns, saving natural resources, creating better access to goods and services, redeveloping within existing infrastructure, and preserving a sense of place.” Each of these goals is also a component of brownfield redevelopment. Prolonged idleness of brownfield properties encourages cities to spread outward and develop “greenfields” – plots of clean land previously untouched by development. In 2001, a study found that 4.5 acres of greenfields are saved for every one acre of brownfields that is redeveloped<sup>vi</sup>. The longer a brownfield remains blighted, the more cities spread outward and expand infrastructure instead of using the preexisting land and resources. Interim use projects shorten the amount of time brownfields are left idle, and help prevent greenfield development by utilizing previously vacant space. “By leveling the playing field between brownfields and greenfields development, urban revitalization efforts can become more successful in shifting growth back into older communities.”<sup>vii</sup> Given these facts, brownfield programs in growth-conscious cities should be in a race to redevelop their area's

blighted properties.

The local economic benefits of brownfield redevelopment are astonishing. “A dollar of state spending produces about 10 times to 100 times more dollars in economic benefits.<sup>viii</sup>” When left vacant, brownfields under-utilize the local economy, and are detrimental to community character and community aesthetics. Interim use sites are commonly used for retail, recreational or cultural uses. Redeveloped brownfield sites can be used for mixed-use developments, additional housing, public centers, new business and numerous other establishments which benefit the local community socially and economically. In 2000, it was found that “of 240 sites 45.4 percent were mixed-use projects compared to 22.1 percent for industrial uses, 7.5 percent for offices, 6.7 percent for cultural/recreational , 5.8 percent for retail, and 4.6 percent for residential.<sup>ix</sup>” When retail operations are built on brownfields, jobs are created for nearby residents. Establishing businesses in the urban core strengthens the local infrastructure and helps the system recuperate from the flight of many businesses to outlying suburbs. Remediation of brownfields makes residents and employees feel more comfortable working and living near the site. Where they previously saw a fenced-off, dirty, vacant lot they now see a thriving interim use site, new businesses, open space, or multi-use development.

In 2005, the U.S. Conference of Mayors conducted a survey of 121 cities who reported having success in redeveloping brownfields. The results of the survey indicated “the benefits of developing brownfield sites would include the creation of over 213,000 new jobs, the ability to accommodate an additional 1.8 million residents without burdening existing infrastructure, and an increase to local tax revenues by up to \$1.1 billion annually.<sup>x</sup>” Clearly, the potential lying within each brownfield is great. The interim use of brownfield properties activates potential that would otherwise lay dormant.

Leveraging available state and municipal resources is imperative in governments' efforts to jump-start brownfield projects. In contrast to slow-moving federal policies, state and local interim use programs focus on catalyzing site reuse, and streamlining redevelopment in an economic and time efficient manner.

### *Brief History of Interim Use*

Historically, interim use projects have most commonly been developed in urban cores during times of economic downturn. Given the depressed state of the global economy, the time is ripe for interim-uses to flourish. Interim use provides a more affordable solution to development when large-scale, end-use projects are fiscally unattainable. In the United States, interim-uses have historically been geared towards community gardens and green space – such as People's Park in Berkley, California, the South Los Angeles Urban Farm, City Farm in Chicago, and Project Green Thumb in New York City. While these interim-uses accomplished their goals of revitalizing inactive sites, they often resulted in messy conflicts between property owners and the interim users – as interim users and the surrounding community became attached to the site, and/or unwilling to transfer control back to the property owner for development. State and local governments in the United States have made meager efforts to untangle the complicated process of interim use, and apply interim use on a wide scale. However in Germany, interim use has become a thriving development tool in cities such as Berlin and Leipzig. German projects have included public art, temporary public housing, and other creative uses.

Interim use is a complicated redevelopment strategy because of its many moving parts. There are several important actors who influence the interim use process. First, there must be a potential user for the interim use. As examples will demonstrate, these users range anywhere from artists, gardeners, business entrepreneurs, local governments, sports clubs, and others. Second, there must be a property owner who is willing to allow the site to be utilized for interim-uses. In the United States, property laws generally require property-owner willingness in the case of interim-uses, however in Germany, governments have the power to invoke eminent domain to spur interim-development. In most interim-uses, property owners take an active role in facilitating the projects, as they can receive incentives such

as tax-credits or financial kickbacks from the interim-uses. Third, local governments play a vital role in interim-uses. If cities take a passive approach to interim use, they are still involved in the process by issuing permits, site assessments, and inspections – as they would for any other type of development within the city. However if the city takes an active role in facilitating interim use, their involvement can make them the middleman between property owners and site users – which would enable the city to provide services such as administrative guidance, financial incentives, tax abatements, and liability coverage. Finally, “community residents often play a role in fostering (or hindering) the development of interim uses and may become actively involved with the interim use over time.<sup>xii</sup>” In most instances (especially with community gardens), the community takes an ad-hoc approach to interim use within their community, and have pushed projects forward without permits or involvement from the government. These unregulated approaches have repeatedly backfired and caused friction between the community and the property owner. These negative instances have made policymakers in the United States weary of interim-uses, and their potential to negatively affect their public image. In contrast, if interim-uses begin with clear communication between site users and property owners, and there is a binding contract detailing the limits of the interim use project, then interim use has the ability to flourish into a widely used community development model.

Interim use projects in the United States are inhibited by a myriad of factors, namely the rigid structure of bureaucracy and land-use policies. In the report “Planning for the Unplanned,” research Nicole Blumner observed that “Tools such as zoning, master plans, and land use plans are relatively inflexible instruments designed to regulate future development.<sup>xiii</sup>” City planning bureaus and development agencies are institutionally geared toward consistent, sustainable, long-term growth projects. The traditional structure of City government and bureaus make them ill-equipped to actualize the potentials

of interim use for economic development, local wealth creation, greening, and public art. “In the United States, interim use has no precise definition as a planning term.<sup>xiii</sup>” This lack of clarity regarding interim use acts as a double-edged sword – on the one hand, it makes sites perfect laboratories for cities to try out different community development models as interim-uses instead of end-uses. On the other hand, it makes it difficult for cities to rally funding for interim use projects because of their unproven record of success in America.

While there have been cases of successful interim-uses in the United States, the most notorious stories involve projects that have ended in messy conflicts. “New York City initiated programs to encourage community gardens in the fiscal crisis of the 1970s, but had to go to court to regain control of the land when developers emerged in the 1990s. People's Park in Berkeley, California became internationally famous in 1969 when then-governor Ronald Reagan called in the National Guard to evict the hippies that had transformed what had been a parking lot into a park.<sup>xiv</sup>” Conversely, there have been successful cases of interim use parks or urban farms. In Chicago, environmental activist Ken Dunn approached the City about creating a mobile urban agriculture project called City Farm, that would be located on City properties and produce a wide range of vegetables to be sold to local restaurants. Chicago has also housed an interim use project in one of its partially vacant City-owned buildings called Open Studio. In the Open Studio program, local artists apply for temporary studio space in the City-owned building, and new artists rotate in each month. The space is then opened to the public, who can watch the artist work and develop their pieces over time. Open Studio's interactive component engages the community, and has garnered positive public response. While successful interim use stories are sparse in the United States, they are commonplace in Germany, especially in the cities of Berlin and Leipzig where municipalities have taken a proactive approach to interim use developments.

The German capital of Berlin's land use suffered lopsided development during 40 years of political and economic division – leaving some areas over-developed and some areas with high vacancy rates. When Berlin reunified in 1990, there were an estimated 1,000 vacant lots, totaling 370 acres (1,700 acres if you include vacant industrial land). This problem has been compounded by the severe fiscal crisis that has plagued the city in recent years, as the high costs of unification and its associated debt still negatively affect the city's local economy – leading to the loss of jobs and industry. To address these problems, the Senate Department of Urban Development sponsored a study on interim use, “Land Pioneers of Berlin,” which provided an overview of interim use in Berlin and showcased nearly 100 examples. In April 2005, the agency hosted a forum to highlight the study's results and debate further ways to encourage interim use.

Since then, Berlin has developed an on-line database of vacant lots available for interim uses, which is a helpful tool in pairing prospective users with possible sites. Berlin also created a staff coordinator position to manage interim use in the district of Marzhan-Hellersdorf (an area riddled with blight). The staff coordinator position was awarded to Michael Meyer, who proceeded to market roughly 100 hectares of open space for lease to the community. Meyer partnered with many community groups and individuals to develop the interim use sites into community gardens, parks and recreation sites. Meyer's work set a precedent for other areas of Berlin, and spurred the districts of Mitte, Friedrichshain-Kreuzberg, and Treptow-Kopenick to partner land owners with potential users in efforts to encourage interim-uses.

A few hours south of Berlin, the City of Leipzig has been at the forefront of interim use in Germany

since the late 1990s. The City has been very active in their attempts to catalyze interim-uses due to their high rate of vacant land. Leipzig experienced mass demolitions after the reunification of Germany, and many of the structures that were left standing were quickly abandoned due to the surrounding squalor. The City faced even greater barriers to redevelopment since 80% of the vacant land and buildings within Leipzig belonged to private owners, 90% of whom did not live in Leipzig. To address the city's high number of vacancies, Leipzig created an interim use coordinator position in the the City's Office of Renewal and Housing Development. After assessing the City's available stock of development tools, the coordinator established two interim use models that could be applied on a wide scale in Leipzig. The first model is centered around public-private partnerships. In this partnership, the city drafts a detailed, contractually binding Authorization Agreement that outlines the specific plans for site-use, and duration of use for the property. Leipzig's interim use program emphasizes the importance of public involvement in interim-uses by providing financial incentives for public access. If the property owner signs the contract, they enter into an agreement that allows public access to their land in exchange for ten years of property tax relief. The City of Leipzig uses grant funds to green or improve the land. If the site owner wishes to terminate the contract before the ten-year period passes, they are required to return the value of their tax abatements to the City.

The second model is centered around private-private partnerships, which are more common than public-private. The City of Leipzig is not directly involved in the contractual agreements of these projects; however they act as facilitators in private-private collaborations – providing property owners with guidance on what uses are allowed under the City's zoning and land-use policies. Interim-uses driven by private-private partnerships do not require public access to the site, however site owners do not receive tax abatements under the program. Both of these models have proven successful in Leipzig

– by 2005, interim-uses had reactivated 66 acres of land, and the City had signed over 200 Authorization Agreements.

Leipzig's “Save the City” and “Save the House” programs have been two of the City's most successful interim use programs. Leipzig's Lindenau neighborhood features a central corridor of historic buildings that have become dilapidated and abandoned over time. The “Save the City” initiative has used funding from the European Union to create a competition for art installations that address the issue of enlivening the vacant corridor. The competition drew over 80 artist applications, and ultimately 13 works were selected and installed in Lindenau. In addition to public art exhibits, the project revitalized the neighborhood by providing new walkways, landscaping, benches and signage. The “Save the House” initiative aims to increase Leipzig's housing stock by revitalizing abandoned buildings through interim use projects. “The Save the House program offers five years of free rent to people willing to live in these vacant buildings. Tenants undertake basic maintenance and small repairs, and notify the landlord of larger problems.<sup>xv</sup>” A non-profit, also named Save the House, receives municipal funding to promote the program to the local community, and match owners with users.

To perpetuate interest in interim-uses, Leipzig has made extensive marketing efforts by distributing publications, postcards, flyers and other educational materials to citizens. These resources provide the public with sample plans, budgets and site recommendations that they can use as models for their own interim use initiatives. The city also organizes interim use showcase events, which invite the public to come see exceptional interim use sites in the City, and educate people about the potential held by their city's vacant sites.

As indicated by the German examples, interim use has the ability to be a successful redevelopment tool in cities if there are local forces pushing the initiatives forward, and as lengthy projects have clearly defined parameters for the owners and users to abide by. While cases of interim use in the United States have ended poorly in the past, there are recent examples that hint at interim use being a feasible vehicle for redevelopment, notably on brownfield properties.

Portland Interim Use Case Study

Portland's Brownfield Program:

Portland's Brownfield Program is a division of the City's Bureau of Environmental Services. Since its inception, community involvement has been central to Portland's program. The Brownfield Program was established in December, 1996 after the the Portland Brownfield Initiative hosted a series of public Brownfield Roundtables, and established three community based action plans aimed to address Portland's crop of underutilized properties. In 1998, Portland was selected as one of the EPA's Brownfield Showcase Communities in recognition of its commitment to brownfield redevelopment, and the City's collaborative activities on brownfields.

Land-use in the City of Portland is not typical. In 1977, the City adopted an urban growth boundary in order to limit urban sprawl and development expansion onto rural lands. The urban growth boundary gives the City clearly defined spatial boundaries. This, in effect, limits the aggregate supply of usable land within the City. Living and doing business within the urban growth boundary has certain advantages, as it allows people access to urban services that are unavailable outside the boundaries confines. Therefore, the supply of land inside the City of Portland's boundary is not only strictly limited, but also more coveted. Brownfields located within the urban growth boundary take on a higher value than brownfields in cities where outward expansion and greenfield development are not limited as harshly.

Since 2001, the Portland Brownfield Program has been managed by Clark Henry. Henry holds a Bachelors Degree in Community Development, and a Masters Degree in Urban and Regional Planning from Portland State University. As the Program Manager, Henry's responsibilities include coordinating

cooperative agreements with the EPA, managing environmental remediation and assessment projects, resource development, public relations, community development, contract management, and program growth. Henry is currently partnering with community-based organizations and a granting organization – GroundWork USA – to form a non-profit dedicated to turning brownfields into community-driven greenspaces or community spaces. Henry's previous professional experience has centered around local improvement districts, environmental health, and affordable housing.

#### Interim Use And The City:

Currently, the Portland Brownfield Program does not have an official policy addressing the issue of interim use brownfield projects, however it is something the Program has expressed a high level of interest in. At the 2008 National Brownfield Conference in Detroit, Michigan Henry took part in a session titled “One Step at a Time: Interim Uses on Brownfield Sites.” Following the session, Henry and the Portland Brownfield Program drafted an EPA grant proposal, and applied for a \$1.2 million grant to establish an interim use project in Portland. The grant proposal states that “The Interim Use Project has two main goals: to expedite environmental assessment, remediation and reuse of brownfields, and to facilitate direct community involvement in land use issues. These goals are accomplished by promoting interim use – community driven, temporary programming – as an incentive for assessment and a conduit for community.” While the Portland Brownfield Program did not receive the grant, Henry has remained optimistic that interim use will remain viable in option for brownfields in the City of Portland.

The lack of grant funding means interim use projects will need to be initiated by the private sector. However, in the event that an interim use project meets certain elements of satisfaction, the project

could receive technological or financial assistance from the City of Portland. “Because it's something we're interested in, we could – depending on the owner, and what their plans are and what the interim use is – we could provide environmental site assessments for that property... We are going to be more encouraged to use our grants from the EPA if there's going to be an interim use” said Henry.

Based on the Portland Brownfield Program's commitment to community involvement in brownfield redevelopment, the City plans to limit its financial and technical support of interim use projects to community driven, and community supported projects. For instance, an interim use garbage incinerator would not be supported by the City, even though it is activating land and spurring local economic activity. Henry has a special affinity for interim use projects focused on economic development, especially through micro-entrepreneurial activity. “The economic development piece is a little more exciting in that it adds more dynamic to the situation and we're able to accomplish more goals because we're doing wealth creation for people who probably have a limited income already” he says. Henry believes this type of development “provides for more stable living. It provides a means by which a company can prove itself, and grow, and be an economic generator for the city and the state as a whole. And these are very small slices of pie, but they are important slices.” Micro-entrepreneurial activity – like the activity currently occurring on an interim use food cart court in Portland – is especially viable in these economic times due to the small-scale of their operations.

Brownfield interim use projects are important economically because they do not bear the responsibility of generating a large profit. Instead, they are aimed at breaking even financially, and activating underutilized parcels of urban land for the intent of community benefit. Henry explains that the burden of the profit motive on interim use projects “is a little smaller because for the end use and the higher

use, you not only need to cover costs, you need to make a profit, otherwise you wouldn't be doing anything. For an interim use you're anticipating that profit further down the road. But rather than just holding onto a vacant property, you're doing something active with it. So, you really just need to cover the costs of your time, taxes, insurance and improvements – rather than the 15% profit you want to sell it, and get out.” This makes small-scale economic development a very viable business solution for interim use projects. This type of small-scale development has the potential to lift the lower-rungs of the economy into the middle-class with little effort on behalf of municipal governments and property owners. Given the current state of the economy, these micro-entrepreneurial ventures are becoming more appealing to both investors and prospective business owners.

The micro-loans given to micro-entrepreneurs are proving to be more reliable, and less risky for banks than large investments. Henry believes investors “are realizing that business as usual won't do any business. So they are getting creative with the size of the loans, their interests, the length of the terms; and I think it's feasible to give away a few thousand dollars to have someone start a food cart business, and get great return on that business. Internationally, folks like Grameen Bank have proven that micro-loans are a very good financial choice. Repayment rates on micro-loans happen to be higher than those on the private market.” This is positive news for interim use projects – which tend to be smaller in size and cost. In these hard economic times, breaking the bank isn't an option because the banks have already been broken – thus, investors are paying keener attention to the calculated risks of investments. This type of low-risk, micro-entrepreneurial investment on an interim use brownfield project is currently being demonstrated on a food cart court in the City of Portland.

## The Interim Use Site:



(Property Map of the Sellwood interim use lot. Courtesy of PortlandMaps.com)

Owned by businessman Mark Gearhart, the interim use site is located in Southeast Portland's historic Sellwood neighborhood. Known for its antique shops, green space and close proximity to the Willamette River, Sellwood has matured into one of Portland's most distinct cultural enclaves. Gearhart's property is zoned as a commercial lot, and has a commercial building (The Sellwood Antique Mall) occupying the northern half of the lot, as well as a formerly unused lot covering the southern half. Over the past two years, Gearhart has transformed the vacant half of his property into a food cart court – where neighbors and employees of surrounding businesses gather to purchase lunch at one of the courts many food carts. On the property map above, the Sellwood Antique Mall occupies the purple section, while the interim use food cart court occupies the green area.

Gearhart purchased the property (which includes the building and adjacent vacant lot) in 1989. The building that houses the Sellwood Antique Mall was constructed in 1910, and used as a hardware store until the 1960s, at which point it was leased out to various businesses until being put on the market in 1989. At the time of purchase, the vacant lot that now hosts the interim use project was labeled as

parking, however the City of Portland required Gearhart to make \$30,000 in improvements (sewer system, paving, etc.) to the lot before it could legally be used as a parking lot. Reluctant to spend the money, Gearhart closed off the lot, and it remained unused for 15 years.

After seeing Portland's booming food cart lots flourish in Downtown and North Portland, Gearhart began thinking of having a food cart on his lot around 2005-2006. However it wasn't until 2007 that Gearhart got serious about the project. Initially Gearhart's vision entailed having just one food cart on the lot, but after advertising his idea, he had two carts show up on the first day. "So I thought, maybe it wouldn't be such a bad idea to have more than one cart, maybe we could develop this as a food cart court, like Downtown, but make it really nice" said Gearhart. To Gearhart's surprise, food carts are not completely mobile operations. They require certain utilities and services on-site that need to be provided by the property's owner. This process demanded both time, and money. Gearhart explains that it took him "about two years to do everything – I built extra storage out there, put in underground wiring, made sure they had water, and gray water disposal. And I had to completely educate myself on what food carts needed, because I had no idea. I thought they just drove up and they worked, but it turns out they need all these things. And as I found out what they needed I was able to develop the site to meet their needs." Gearhart estimates he spent around \$30,000 to transform the vacant site into the food cart court – which now has a storage shed where cart owners can keep their food, tables, chairs, umbrellas, and gravel paving. The result of Gearhart's efforts is an aesthetically pleasing, and activated space – rather than an unused parcel of valuable urban land. The difference in the site can be seen in the following photographs:



(Sellwood lot, before interim use project. Courtesy of Google Maps)



(Completed Sellwood interim use project. Photo by Whitney Hawke)



(Completed Sellwood interim use project's carts, tables, storage sheds, utility hookups. Photo by Whitney Hawke)

### Financial Details:

Financially, Gearhart's interim use project has been negatively impacted by the economic downswing. He views the interim use project as a long-term investment, and believes the finances will balance out in the future. “But right now the economy is tanking and we've lost two carts, and two others haven't been open for awhile. So we're really down to two that are going strong, and there's room for six. So the economy has impacted it. But I'd say if the economy hadn't tanked, we would eventually be making a profit as long as there wasn't an unforeseen event that would affect it” said Gearhart. Gearhart charges each food cart \$449 per month to rent space on his interim use lot. All four carts currently located on the site pay full-rent each month, even though not all of them are open regularly (two are open six days each week, one is open two days each week, and one is temporarily closed). The City of Portland collected \$5749.54 in property taxes for the parcel of land in 2008. The cost of electric, water, sewer, garbage and recycling is approximately \$75 per month, and propane costs vary.

Gearhart's property has the characteristics of a quintessential urban brownfield. The site was vacant, underutilized, and economically very valuable (the property has an assessed value \$270,670, and a market value of \$1,090,450). Activating these spaces prevents outward expansion onto suburban greenfields, strengthens the local tax base, fuels wealth creation, and reduced urban blight. The project's ability to generate a net profit, however, has been hindered by certain bureaucratic snags and unforeseen costs.

### Successes of Interim Use:

- **Site Activation:** The most basic success about this interim use case is that it revitalizes a brownfield property by activating a formerly vacant, unused parcel of land. Gearhart's proactive

efforts to use his vacant lot to spur economic development and community improvement have proven successful. There is now one less brownfield blighting an American neighborhood, and a model has been established for fellow brownfield owners to follow.

- **Economic Stimulation/Wealth Creation:** In a time when employment is at a premium, all jobs are valuable to the health of the local economy. In contrast to interim use projects geared toward open space, Gearhart's food cart court actively employs people from the Portland area – providing the employees with wages, and the City with tax revenue from their businesses. The micro-entrepreneurial nature of the food carts means they have a smaller impact on the overall business economy of Portland – as Henry said, they are “small slices of the pie” – however the employees and owners of the carts are positively impacted by the small ventures, making their existence valuable.
- **Aesthetic Improvement:** The interim use site is located at a popular intersection bustling with pedestrian traffic – making it an important piece of the overall community aesthetic. From the photos, it is clear Gearhart's interim use project has turned a barren, desolate parcel of land into a vibrant community space. In contrast to food cart courts overrun with trash, exposed wiring, and downtrodden seating, Gearhart's project features gravel paving, underground utilities, clean seating areas, and brightly colored table umbrellas for shade or rain protection. In addition to Gearhart's aesthetic improvements, the food carts themselves are nicely designed, painted, and maintained – as demonstrated by the following photo.



(Sellwood Public Hut cart. Photo by Whitney Hawke)

- Community Approval: Gearhart's interim use project has received overwhelming community approval – which is one of the key determinants of the Portland Brownfield Program's approval of the project. “I'd say that 99.9% of people who live in the area or come to the area think it's great” said Gearhart. While a few community members have voiced opposition to Gearhart's project, the common consensus among Sellwood residents is that the food cart court is an improvement to the neighborhood.

#### Challenges and Road Blocks:

- Property Owner Willingness: With no official interim use policy in place to direct funding at projects, interim use in the City of Portland needs to be initiated by private property owners like Gearhart. The lack of property owner willingness is a major challenge facing interim use. Property owners fear the difficulty of reclaiming their land for its end-use once the community becomes attached or reliant on the interim use project. “It can be very difficult, depending on where you are, to get the interim use off should it come time to do something with your land”

said Henry. Henry continued, warning that “the opposition of having an asset taken away from the community might actually stall the redevelopment, which would cast a shadow on interim use overall.” Most owners would rather not deal with reluctant tenants at all, even if that their tenant actively reduce urban blight and revitalize the surrounding community.

- **Miscommunication:** One of the touchiest challenges to interim use is the problem of community communication. Neighborhood residents come to rely on the products, services and community-spaces created by interim use projects. Therefore, when the owners decide to develop the property for end-use, the community is hit with a significant loss. “When it comes time to actually develop it, they are going to feel like the rug has been pulled out from underneath them, which will cause some people to cry foul, and some people can cry foul very hard and very loud” Henry explained. This problem can be mitigated by extensive community outreach and public signs explaining the temporary nature of the site's use, however community members' ties to the site will become deep seeded as time progresses, making the feeling of loss a painful inevitability.
- **Permitting:** Both Gearhart and Henry expressed the difficulty and high costs of permitting in the City of Portland as their number one challenge to interim use projects such as the food cart court. “Right now both the cost and duration of the permitting process is too long and too expensive, even for a big development that will generate a lot of revenue” said Henry. Gearhart expressed adamant dissatisfaction with the cost of permitting in the City of Portland. Gearhart stated one example where the City asked him to earthquake proof the shed on his interim use property. “To earthquake proof it wasn't too expensive, about \$800, but the City charged me \$2,500 for the permit. It just makes things completely cost ineffective to have to deal with a government like this” he said. Both the costs and slowness of permitting in Portland is a

hindrance to small-scale developers like Gearhart.

- **Economic Downturn:** The United States' current economic crisis is affecting businesses everywhere. However it is hitting small businesses hardest because they operate on a much smaller profit margin than large businesses and corporations. The micro-entrepreneurial food carts on Gearhart's property are no exception. Gearhart still believes he will come out ahead financially on the project, it will just require a longer period of time to pay back his \$30,000 site rejuvenation and utility costs. This roadblock is certainly not exclusive to Gearhart or the City of Portland, but must be recognized as a formidable hurdle inhibiting the interim use brownfield process.
- **Zoning Restrictions:** Luckily, Gearhart's property is zoned for commercial activity. Since a food cart court falls into the category of commercial activity, the property did not need to have its zoning revised or to go through the City's costly land-use review. Henry identifies zoning restrictions and the high costs of land-use review process as two substantial roadblocks that can severely limit interim use projects on brownfields. “Unless interim use is allowed outright under the current zoning designation, you're going to have to go through the same type of land use review as everybody else. That costs money. And it's money you don't get back if they say 'No'” said Henry. To put things in perspective, if a Portland home owner's fence is zoned to be three feet tall, and the owner wants to increase that height to five feet, the owner is required to spend \$10,000 on the City of Portland's land-use review process (which is governed by the Planning Bureau). At the end of the process, the Planning Bureau can reject the review proposal, leaving the owner \$10,000 poorer with the same fence as before. Extrapolating those costs to a land-use review for an interim use brownfield project – the costs of the review process alone would rival the cost of the project itself.

## Proposed Solutions/ City's Plans for the Future:

- **Set A Precedent:** So far, there is no known interim use brownfield policy in the United States. For this situation to be remedied, an adaptable precedent needs to be set. Right now, Henry has a vision to set one through a City-owned interim use project that will be closely monitored and evaluated – as a sort of case-study in itself – that can serve as a model for other municipal agencies across the country. This controlled experiment would address all of the issues facing interim use, and evaluate them – “everything from how the community is interacting with it, to anecdotal stuff like are people happy going here, down to the sheer economics of it – how much are we charging, how much are they making – to see if it makes financial sense” Henry said. Once a successful framework for interim use projects is used by other cities, investors, and even the State and Federal EPAs will feel more comfortable directing funds to interim use projects. “Seeing what precedent has been set is critical. And being able to show them what we anticipate to see helps to loosen up financing, whether it's public or private financing” explained Henry. Acquiring the requisite funding for these projects is the first-step towards establishing a public policy geared exclusively towards activating brownfield properties through community-driven interim use projects.
- **Open Communication With the Public About Intent:** To avoid public discontent over the move from interim use to end-use, Henry proposes a vocal, open dialogue with neighborhood residents and site users, as well as signs on the property explaining the interim nature of the site's project. “Open communication and active signage on the property – letting people know this is a temporary thing. And so long as the communication on the conditions of the interim use are open I think that's a goal that can be accomplished” said Henry. This solution targets the

problem, and aims to nip it in the bud. Providing clear signs, and strong communication with the public safeguards the property owner and City from being held liable for confusion and community discontent.

- **Cheaper, Expedited Permitting:** The solution to the lethargic nature of permit acquisition and processing is simple – speed it up. This can be achieved by implementing a City policy aimed at expediting permitting for revitalizing inactive brownfields. Henry stated that in his ideal policy, “there would be some sort of expedited permitting system. Something with a lot less cash involved and where people are less hesitant to go through the process..” As previously noted, Gearhart expressed the same dissatisfaction with the City's permitting that Henry's proposal would remedy.
- **City administrative assistance:** Bureaucracy is a labyrinth that scares many business owners away from seeking assistance from the City. Bureaus, Departments and elected officials' offices are difficult to navigate by city employees themselves, and nearly impossible to undersatnd by average business owners. Gearhart explained that “most owners of businesses have to go out of their way to avoid asking the City what's right and what's wrong because they are such an obstacle.” Gearhart gave one example of having to contact twelve different people before finding the answer to a question about the permitting of thermometers. To quell the confusion, Henry proposes having “someone who is a point person at the City to take the property owner and the end users through the entire process, rather than having them out there all on their own trying to figure out each individual piece.” This solution, coupled with expedited permitting, would grease the wheels of interim use brownfield projects by cutting out the administrative lag time common in small-scale developments.
- **Easing of Zoning Restrictions:** Loosening the City of Portland's rigid zoning restrictions for

interim use brownfield projects would not only foster interim use, but diversify the community. For example, if a vacant brownfield is zoned as light-industrial, there could be commercial activity on the space in the interim if zoning regulations were eased. “There needs to be leniency in the zoning requirements. I think for interim use there should be an easier way to use a site outside it's outright permitted use” said Henry. This approach would aim to make zoning restrictions more flexible, but not compromise their intent – for instance, this tactic would allow brownfields in single-family residential areas to be used as open-space for the surrounding neighborhood.

#### Owner's Plan for End Use:

Currently, Gearhart does not have a concrete plan for end-use. This is due, in part, to the economic downturn sweeping the country, and in part to Gearhart's indecision. “We can go up 45 feet, which is essentially four stories, and we have 11-foot setback on the residential side. So there is actually quite a lot we could do with it. We started looking into that about a year ago, but then the economy completely collapsed and all my money ran out” he said. Ideally, once Gearhart decides to sell or redevelop the property for it's end use, the food cart court would be relocated to another interim use site where it can continue to contribute to the local economy and beautify another urban brownfield.

Cornfield / Los Angeles State Historic Park Case Study

Los Angeles Brownfield Program:

The City of Los Angeles has thousands of vacant, underutilized brownfield properties. A study conducted by the city's Community Redevelopment Agency (CRA) found 344 potentially contaminated sites within a three-mile radius<sup>xvi</sup>. Thus, it was thoroughly appropriate that in 1998, the City of Los Angeles was designated one of the EPA's 16 "Brownfield Showcase Communities." Los Angeles has taken a collective approach to tackling the City's brownfield problem. The Brownfield Team is an inter-agency body of individuals, with members from the CRA, the Environmental Affairs Department (EAD), the Mayor's Office of Economic Development, Community Development Department, and other city offices. The City's program receives full-time support from a federal official from the EPA's Region 9 Office, and full-time support from an environmental engineer from the Army Corps of Engineers. To lure brownfield property owners into the redevelopment process, the City promotes incentives such as prospective purchaser agreements, comfort letters, State economic development tax incentives, State Voluntary Cleanup Agreements, and community involvement strategies.

For the past 11 years, brownfield redevelopment in Los Angeles has been influenced by the work of Craig Tranby. Tranby is an Environmental Supervisor in the City's Environmental Affairs Department and plays an instrumental role in organizing brownfield redevelopment in Los Angeles. He has worked for the EAD since 1998, and therefore has been involved with Los Angeles' brownfield program since its inception. Tranby holds a Master's degree in Urban Planning from UCLA.

Interim Use and the City:

The City of Los Angeles does not currently have an active policy advocating for interim use on brownfield properties. However, there are many sites with interim use projects that pop-up without the City's influence – such as parking, catering trucks, makeshift auto-repair stops, and festivals. The City has talked about having interim use parks on brownfields before the site transitions into a commercial or industrial end-use development, however the City has not orchestrated a successful example of this. Los Angeles' past experience with interim-uses has been a mixed bag. The interim use of the South Central Los Angeles Community Farm backfired, when community members and urban farmers staunchly protested the sale of the property for development. The situation left the surrounding community disgruntled, and put politicians in a tight spot between defending their constituents' wants, and defending the property owner's right to redevelop. In contrast, the interim use project on an industrial brownfield known as the Cornfield has proven to be very successful, as will be detailed in the following case study.

#### California State Parks:

The issues of brownfield redevelopment and interim-use are not included in the agenda of the California State Parks Department. Their job is to preserve, protect, and enhance California's extraordinary natural and cultural resources. However, in the following case study, the Parks Department was forced to tackle both of these issues head-on once they acquired the property known as the Cornfield, and planned to transform into State Park space. The State partnered with the City of Los Angeles' Brownfield Program to address the issue of site assessment and cleanup, however the interim use projects that have taken place on the property have been largely out of the City's control.

Sean Woods has directed much of the activity on the property since the State's acquisition of the land in

2001. He currently holds the position of Los Angeles Superintendent of California State Parks. During his nine-year tenure at the Department, Woods has witnessed the Cornfield grow from a contaminated industrial-brownfield into a clean, active, community-oriented, interim use recreational park.

#### Cornfield Site:

The Cornfield is a 32-acre former industrial brownfield in Los Angeles' Chinatown neighborhood. The site was first developed in the 1870s, when it served as the Western terminus of the Union Pacific rail line. This provided many passengers their first look at the city, and thus became known as the Ellis Island of Los Angeles. After 20 years of passengers service, the station outgrew its capacity and was converted to a freight yard, which bolstered the local economy by allowing goods to be exchanged and transported between Los Angeles and the rest of the country. The site was decommissioned in the 1980s, and lay vacant for many years before being put on the market in the 1990s. The Cornfield was eventually purchased by a private developer, who planned to build one million square feet of industrial development on the site – which was adjacent to where the Los Angeles River entered downtown. The property owner's proposal catalyzed an opposition movement in the local community, which culminated in the creation of the Chinatown Yard Alliance – a 36-member coalition representing various community interests (Chinese community groups, Los Angeles River advocacy groups, environmental groups, social justice groups, etc.). The Chinatown neighborhood is one of the most park-deficient areas of Los Angeles, and the community members urged that the site be reclaimed for park land. In 1999, the Chinatown Yard Alliance filed a lawsuit against the site owner and was successful in delaying the large-scale industrial development. In 2000, Proposition 12 was passed in California, which set aside \$2.1 billion for the acquisition and development of park land in California. Riding on the success of Proposition 12, the State purchased the Cornfield from the owner (via an

initial purchase by the Trust for Public Land) for \$30 million in 2001. The project was delegated to the California State Parks Department, who partnered with the City of Los Angeles' Environmental Affairs Department to investigate soils, and produce an environmental assessment for the site. After 100 years of rail and freight use, the site had developed hot-spots of hazardous substances in the soil. The contamination necessitated a thorough cleaning before being used for interim-projects.



(The Cornfield / Los Angeles State Historic Park. Blue denotes the boundary of the site. Red denotes the adjacent rail line. Photo courtesy of Google Maps)

Before being developed into its end-use as a world-class state park (Los Angeles State Historic Park), the Cornfield has been used for two interim use projects – a public art piece, and a State-operated interim use public park. The first interim use project on the site is known as the Not A Cornfield project – a physical art project by artist, and Annenberg Foundation trustee, Lauren Bon. The project was funded entirely by the Annenberg Foundation, and entailed Bon using the site to grow a field of corn on the site, and harvest it for one growing season. The site was also used for weekly programming, and included a native demonstration garden. The project took place over the course of 18 months from 2004 to 2006, and garnered national media attention for its innovation and design. The Not A Cornfield project is an example of an interim use that is active in incorporating the ideals and visions of

the surrounding community, and displaying them in the interim use project. “We didn't have the funds at the time, but she was able to beautify the site and really energize it with public programming” said Sean Woods. “She put a lot of effort and time into bringing in people from the local community – she even hired a lot of people from the local community who remain with her today” he said. In addition to making local-hires during the project, Bon hired oral historians to interview original residents of the Chinatown, Lincoln Heights, Chavez Ravine, Solano Canyon, and other surrounding neighborhoods in order to give the project proper historical context. Bon's Not A Cornfield project revitalized the site, made it an interactive space for an under-served community, constructed public art, and accomplished it all with private funding and private motivation. After the project completed its 18-month harvest, Bon and her team created Farmlab – an organization that is housed across the street from the park, and focuses on the “short-term multi-disciplinary investigation of land use issues that are related to sustainability, livability, and health.<sup>xvii</sup>” Farmlab has continued its relationship with the park, and currently has a project on-site called the Anabolic Monument, which is a 60-meter wide circle constructed of decaying corn bales left over from the Not A Cornfield project.

The second interim use project on the site has transformed the Cornfield into Los Angeles State Historic Park – a 13-acre Interim Use Public Park (IPU). The park opened in 2006, following the Not A Cornfield project. As indicated by the photos, the IPU provides the community with a stunning combination of green space, flora, and exercise area.



(The Cornfield / Los Angeles State Historic Park / Anabolic Monument. Photo courtesy of Farmlab)



(Los Angeles State Historic Park / Running Trail / Wildflowers. Photo by Whitney Hawke)

Los Angeles State Historic Park is being used as a precursor to the site's scheduled end-use as a world-class state park. The State Parks Department sees the interim use park as a useful “way to garner public support during the planning process and help us raise funds for the permanent development” said Sean Woods. The end-use park will cover more of the site's total acreage, and feature open space that is

flexible enough to be used for recreational use, performance art, or other community events. “What's being proposed is a 12-14 acre open field that can be used for soccer games, or frisbee that could be turned into a 15,000 person concert venue on the weekends. So it's a fluid design that has an improvisational component to it” said Woods.

Building a consensus on the design of the end-use park is a strenuous process that seeks to please the community, funders, designers, and users while staying on-track with the budget and project time line. Thus far, the design process for the end-use park has been centered around community involvement, and aims to incorporate as many of the community's visions as possible. The world-renowned firm Hargreaves & Associates has been selected to design the park, and their team of designers has extensively relied on “the public record going back to the Not A Cornfield, the General Plan for the project, the interpretive vision documents, and the work of Farmlab” said Woods. Woods further explained how the firm is “going back to those documents, and trying to come up with an organic process that tries to respond to all those different things, and also tries to respond to the mission of our department.” Hargreaves & Associates specialize in designing public spaces, as demonstrated by their work designing Crissy Field in San Francisco, and their current projects for the London Olympics. Due to budget constraints, the design process is currently stalled in the schematic design stage. If the project had remained on schedule, development of the end-use park was scheduled for 2011.

Since IPUs are not common, and do not have a set precedent or framework, the Parks Department is under pressure to make Los Angeles State Historic Park a preeminent destination for Angelenos. Therefore, the Parks Department has held upwards of 60 public meetings to gather ideas for the end-use park, and has allowed community members to become directly involved in the project by joining

subcommittees (such as the Cultural Historical Committee) that take on the responsibility of fleshing out ideas and concepts and reporting them back to the designers. “Since we were spearheading this strategic initiative – we had to be successful. Failure was not an option for us. So the public has been very instrumental in driving the design” said Woods.

#### Financial Details:

The State of California purchased the 32-acre parcel of property for \$30 million in 2001. After working with the City of Los Angeles on environmental site assessments, it was discovered the site harbored hazardous contamination – thus necessitating a thorough site cleanup. The cost of cleanup (soil removal, disposal, and replacement) was about \$3 million. The full build-out for the end-use park will be roughly \$100 million.

#### Successes of Interim Use:

- Site Activation: The benefit of invigorating the Cornfield site cannot be quantified, per se, however there is clearly an intrinsic value to converting abandoned, hazardous land into green, public park space. Woods admits that if it weren't for the Not A Cornfield project, and the IPU, the State Parks Department would have simply put a fence around the property until it was ready to be developed for end-use (which was scheduled for 2011, but has recently been delayed). “When you think of the point of acquisition (2001) until now, the public has been able to use and enjoy the site. You took a neighborhood with practically no park land and now you've provided them with 13 acres of open space where they can come and recreate” said Woods. Site activation is the most fundamental benefit to interim use projects on brownfields, and Not A Cornfield and Los Angeles Historic State Park achieved that purpose.

- **Public Involvement:** The level of public involvement in both of the interim use projects has been extraordinarily high. Lauren Bon's effort to reach out to the local community by extensively documenting the area's history, and hiring community members onto her staff, connected the project directly to the community. The State Parks Department has made an equally impressive effort to accurately understand the needs and wants of the community. “Usually when you make a General Plan you have two or three public meetings, but for this park we had 60 public meetings – we had translators doing Chinese translation and Spanish translation. We provided day care, we really felt that since we were an unknown entity in this neighborhood that we had to go above and beyond what we would do traditionally” said Woods. State Parks has gone the extra mile to make sure the end-use park is a direct reflection of the community's voice.
- **Community Leadership Development:** Both interim use projects on the site have actively engaged the local community in leadership development. Not A Cornfield (Farmlab) hired community members onto their staff in order to protect the project from straying from its local roots. And the State Parks Department has directly incorporated the community into the end-use park's design process by delegating power to them as subcommittees of the General Plan team. “What we've done is to take people from the community who are experts in certain fields and broken them into subcommittees – like the Cultural Historical subcommittee, and people to come up with different components to help us flesh those components out” explained Woods. This ground-up approach to park building ensures that the park is not only *for* the community, but *by* the community, and provides the community with a set of local leaders who have the training and experience to fight for the community's needs in the future.
- **Private/Public Partnerships:** The interim use projects have been made possible by a patchwork

of City and State services, private and public funding, and community input. Before the Not A Cornfield project could begin, the City of Los Angeles provided environmental site assessments to locate hazardous contamination, and the State Parks Department provided funding for the soil removal, disposal and cleaning. Without these collective efforts, the interim use projects could have been delayed, or faced with increased costs that could hinder development. This active approach to consensus building has benefited the interim use by streamlining development, and providing the necessary resources to navigate through legislative barriers.

- **No Zoning Issues:** The State's acquisition of the site broke down many regulatory barriers that would have impeded development for municipalities and private landowners. “We are not subjected to local zoning because we are the State, so we can exercise our sovereign entity over that” explained Woods. The State holds the power to cast local zoning regulations aside in the name of State interests. As demonstrated in the Portland case study, being able to change zoning quickly would save the time and funding usually necessitated by a lengthy and costly land-use review. Woods describes that “if the state buys some land and calls it park land, it's park land.” This type of unilateral power structure on a project of such magnitude has the potential to muzzle the community's impact on the project. However, the extensive community outreach efforts of the State Parks Department, Farmlab, and the City of Los Angeles have ensured the local community will continue to play a vital role in the planning process for the end-use park.

#### Challenges and Roadblocks:

- **Economic Downturn:** The current economic crisis in the United States has had a detrimental effect on the planning process for the end-use park. “Right now we are at the schematic design

phase and unfortunately the project has been shut down because of the economy. And all the bond funding is frozen now, so we are about three months delayed” said Woods. Bond funding makes up the brunt of the budget for the end-use park, and without it, the end-use park will be difficult to design and build out. The economic downturn has not yet had a direct negative effect on the interim use park; however if the end-use park becomes significantly delayed, the wear and tear on the interim use park could overburden the interim use's intended capacity.

- Community Opposition: Stepping in in the aftermath of the Chinatown Yard Alliance, the organizers of Not A Cornfield and the IPU were faced with a strong community group, with a fighting spirit. Over the course of two years battling for control of the property, the Chinatown Yard Alliance had developed their own particular set of ideals for the park. However, with public funding and direction, some of these ideals needed to be compromised which stirred some community opposition. Some community members opposed the Not A Cornfield project because “They felt it was cultural imperialism, that there was an artistic vision being placed upon their land. So there was a lot of soul searching that went on in those early stages” said Woods. With the IPU, there was less conflict about the use of the site (since the community already expressed a need for a park), but there were concerns raised over the element of park design. “We stepped in in 2001 and we were dealing with all these entrenched interest groups who had a specific idea of what this park would be. So we had to work through that. We had to get people to let go of those ideas and come up with a consensus design that was flexible and fluid enough to address some of their ideas” said Woods. However, the process of resolving these issues forced the State Parks Department and Farmlab to address the issues head-on, and come up with solutions. “I think out of struggle came resolution. And I think that we're stronger because of the struggle and the conflict, and I think people really embrace the site” said Woods.

The issue of community opposition, therefore, was a hurdle in the process that Farmlab and the Parks Department successfully surmounted, and used to improve the project overall.

- **Funding Limits the Vision:** Since the IPU is a publicly funded project, there are certain constraints that limit what can and cannot exist on the site. For example, the community expressed interest in having a religious facility located on the site; however Woods explained “we couldn't build a temple because of the separation of church and state, and it's a singular use, and it doesn't address the history of the site.” So there are certain limits imposed by public funding, and the site's designation as a historic park, that narrow the scope of what can legally be incorporated into the park's design. This is a challenge that cannot legally be overcome in this specific case study.

#### Proposed Solutions:

- **Capital Campaign:** To address the shortage of funding, and freezing of bond money, the IPU project has sought to move forward with private fundraising. “We have a chunk of money from Prop. 84, as seed funds to kick off the development, and then there is a capital campaign underway to raise private funds for the remainder” said Woods. The projected cost of the end-use build-out is currently hovering around \$100 million, so the fundraising efforts of State Parks will need to be vigorous in order to attain the financial goals currently set forth.
- **Continued Community Outreach:** The continued involvement of the community in the park planning process is vital to maintaining good relations with the local communities. The organization of subcommittees that report to the design team on issues of historical and local significance will continue to be an important in building strong public support for the park. This strong showing of support will strengthen the argument for making the end-use park a world-

class project, and a precedent for parks in similarly under-served areas. Investors are attracted to projects with sound, supportive constituencies, and the public enthusiasm for the park project provides the type of support needed for the end-use park project.

### *Failed Interim Use Case Study: South Central Los Angeles Farm*

The most common concern espoused by land-use officials regarding interim-uses is the high risk of community outrage that can occur once the property owner wishes to reclaim the land for redevelopment. This has been the rhetoric of brownfield officials as well – including Clark Henry of the City of Portland, and Craig Tranby of the City of Los Angeles. These clashes between interim-users and property owners have put policymakers in a tight spot – forcing them to compromise between the voice of the public, and land owners' rights to develop. This has made many politicians weary of incorporating interim use into policies. By looking at the messy case of South Los Angeles' Community Garden, certain faults can be recognized, and policy recommendations can be formed that will aim to protect interim use projects from community confrontation in the future. By identifying key weaknesses in failed interim-uses, remedial plans can be made to fortify those faults, and create a framework for interim use projects to succeed.

#### South Central Los Angeles Farm:

The South Central Farm was a 14-acre parcel of former-industrial land located at East 41<sup>st</sup> Street and South Alameda in the neighborhood known as South Central Los Angeles. In 1986, the City of Los Angeles invoked its right to eminent domain, and purchased the property from the Alameda-Barbara Investment Company for \$4.7 million. The conditions of the sale stated that Alameda-Barbara Investment Company would be able to repurchase the land from the City if the City sold the property for non-public or non-housing purposes within ten years of the purchase. In 1994, the City of Los Angeles sold the industrial property to the Los Angeles Harbor Department, who then granted a revocable permit to the Los Angeles Regional Food Bank that allowed them to use the site in the interim for a community garden. It was at this point, in 1994, that the South Central Farm was born.

During its prime, the South Central Farm grew between 100 and 150 different species of plants, including avocados, cacti, bananas, guava, corn, tomatoes and walnuts. The land was cultivated and harvested by a group of roughly 350 families known as the South Central Farmers. The families predominantly lived in the low-income area surrounding the farm, and relied on the farm's harvest to feed their families healthy foods. The farm's crops were also sold at various farmers markets around Southern California.

In 2001, a former partner of the Alameda-Barbara Investment Company named Ralph Horowitz sued the City of Los Angeles for breach of contract, since the City had sold the property for non-public or non-housing purposes to the Los Angeles Harbor Department. In 2003, the City of Los Angeles settled with Horowitz, and sold the property back to Horowitz for roughly \$5 million. In January, 2004 Horowitz notified the farmers that the urban farm would be shut down the following month. The South Central Farmers hired legal counsel, and after back and forth litigation, it was ruled Horowitz had the right to evict the farmers at his discretion. Horowitz proceeded to put a \$16.3 million price tag on the property (over triple the amount he paid for the site), and gave a deadline of May 22, 2006 for prospective purchasers to come forward with funding. Through extensive fund raising efforts, spurred by celebrity aid (Joan Baez, Danny Glover, and Daryl Hannah were all active supporters of the community garden), the South Central Farmers were able to raise upwards of \$6 million, but ultimately fell short of Horowitz's high asking price. On June 7, 2006 the Annenberg Foundation (the same foundation who funded the Not A Cornfield project) came forward and offered to purchase the land from Horowitz in order to preserve the South Central Farm, however Horowitz refused the offer since it came after the May 22 deadline.

At three in the morning, on June 13, 2006, Horowitz had the Farmers and fellow protesters forcibly removed from the site by the Los Angeles County Sheriff's Department. More than 40 people were arrested over the course of the eight hour struggle between Sheriffs deputies and protesters, during which "Officials bulldozed vegetable gardens and chopped down an avocado tree to clear the way for a towering Fire Department ladder truck so the final four protesters could be plucked from a massive walnut tree.<sup>xviii</sup>" After the protesters were removed, Horowitz began protecting the site with a private security company. Horowitz has been quoted as stating, "If the farmers got a donation and said, 'We got \$50 million, would you sell it to us?' I would say no."<sup>xix</sup> On July 5, 2006 Horowitz had workers begin bulldozing the farm even amidst heavy protests that led to ten more arrests. On July 12, 2006 the South Central Farmers filed a class action law suit against Horowitz, claiming the sale of the land to Horowitz was invalid because of the absence of public notice. However, the class action suit was rejected by the courts. Finally, in September 2008, Horowitz began talks with the teen-clothing manufacturer Forever 21 about building a warehouse distribution center on the site.

The interim use of the South Central Farm is a clear example of the negative impact interim use can have on a community if the limits of the interim use are not explicitly communicated, and the users become too attached to the site. "It seems like there should have been better and more continual communication with the farmers that the future use of the property was quite uncertain. At the same time, an ongoing dialogue between the interim users and the owner may have resulted in some sort of solution while it still mattered" said Craig Tranby, Environmental Supervisor for the City of Los Angeles' Environmental Affairs Department. Since the City was forced to sell the property back to Horowitz, the issue became a private matter that the City held no power to change. "I know that the local council office and other offices were involved in trying to find a solution, but it ultimately turned

into a private property dispute that the City had no direct control over” said Tranby.

The site's proposed end-use (the Forever 21 warehouse and distribution center) is a prime example of how politicians can be put in a tight spot between the public and private spheres. Mayor Antonio Villaraigosa – who at first supported the South Central Farmer's efforts to protect the site – has tried to disengage himself from the conflict between the public and the Horowitz. “The development proposal for the farm site could force Villaraigosa to choose between environmental activists willing to stage protests outside his home and office, and a business that has a huge effect on the region's economy.<sup>xx</sup>” Villaraigosa's silence on the issue has largely been attributed to the fact that he has received large financial support from Forever 21. “He has received nearly \$1.3 million in contributions and commitments from Forever 21 and its executives over the past two years for initiatives ranging from tree plantings to his own reelection campaign.<sup>xxi</sup>”

Nearly three years after the South Central Farm was bulldozed, it's supporters continue to protest the redevelopment of the site. To protest the construction of the warehouse and distributing center, members of the South Central Farmers have formed a coalition called Never Forever 21, whose goal is to halt the development – citing the development's environmental impact as being a threat to the surrounding community. The neighborhood of South Central is already riddled with industrial emissions, and Forever 21's warehouse and distribution center would generate an additional 2,400 truck trips through the neighborhood each day. The Never Forever 21 coalition also organizes picketing protests outside of Forever 21 stores – their most notorious target is the Forever 21 mega-store located in Pasadena.

The case of the South Central Farm exemplifies many of interim use's dangers and vulnerabilities. Communication between the City of Los Angeles, Los Angeles Harbor Department, Los Angeles Regional Food Bank, and the South Central Farmers was not adequately explicit in publicizing the temporary use of the property for an urban farm. The vitriolic relationship between Horowitz and the South Central Farmers is the result of a long history of misunderstandings. The Farmer's aggressive protests against Horowitz catalyzed Horowitz's backlash to refuse to sell the property to the South Central Farmers and Farmlab. The vicious struggle over the interim use of the South Central Farm gives interim use as a whole a negative connotation in policy circles – thus inhibiting interim use's potential for growth. Based on the issues complicating interim-uses such as the South Central Farm, the Los Angeles State Historic Park, and the Portland food cart court, a list of policy recommendations has been formulated to address the problems surrounding interim use, and create a framework for interim use projects to be successful in the future.

### Policy Recommendations

There are certain common threads running through each of the three aforementioned cases studies. These threads highlight the issues keeping interim use brownfield projects from being used on a wide scale in the United States. Some of these problems are structural, and can be attributed to the complex nature of the bureaucracies that govern land use in America. Meanwhile some of these problems stem from resource shortages in funding and manpower. To address these shortcomings, a list of policy recommendations has been drafted that suggests remedial actions that can help catalyze interim-uses on brownfield properties. If some or all of these recommendations are enacted, interim use will have a greater chance at becoming a commonly used strategy in land revitalization efforts in the United States. The recommendations are as follows:

- State- and City-sponsored studies are needed to determine the capacity for interim use on brownfields in their areas. The City of Berlin's study on interim use, titled “Land Pioneers of Berlin,” prompted more active projects in the City's blighted urban core. The study was used to highlight successful interim use cases, and created a model for prospective interim-users to use in the future.
- Employing interim use coordinators to manage projects can expedite the lethargic bureaucratic process that often bogs down land use projects. In addition to administrative aid, interim use coordinators can help pair prospective interim-users with appropriate sites. When the City of Berlin hired a interim use coordinator to incite interim use in one of the City's most blighted neighborhoods, roughly 100 acres were developed into open space for the community. Berlin's success with an interim use coordinator spurred several other cities, including the City of Leipzig, to follow suit.
- Permit vouchers and cost-reduction services for the property owners of interim use sites are

lucrative incentives that can lure hesitant property owners into the brownfield redevelopment process by relieving some of the financial stress of site revitalization.

- Drafting of clear contracts, or Authorization Agreements, that detail the specific parameters of the interim use project and its duration needs to become mandatory in interim use brownfield projects. These contracts have been used successfully by the City of Leipzig. The contracts must be signed before construction or development on the interim use project begins. They will legally bind the site owners and users to carrying out the interim use projects for a specified length of time, and allow site owners to add conditional use clauses that the user must contractually agree to.
- Providing property tax abatements to site owners for the duration of the interim use is a key incentive that encourages longer term interim use projects.
- Implementing a system where sites are temporarily transferred to public ownership for interim-uses would relieve the site owner of having to orchestrate the permitting, assessments, cleanup, and other costly tasks before the site is used. Property owner willingness is one of the key barriers inhibiting interim use. Property owner willingness not only includes the owner's willingness to allow interim use on their property, but also the owner's willingness to jump through the necessary hoops (permitting, zoning, etc.) before interim use can occur. Transferring the land to public ownership would be beneficial in expediting the lengthy, and often costly processes of permitting and cleanup. This transfer can span over a long or short duration. The policy would give interim use projects the ability to get up and running quicker by transferring the responsibility of administrative action to the City, rather than requiring the owner to navigate through the complicated maze of bureaucratic requirements and laws.
- If a temporary transfer process is unfeasible, then expedited and cheaper permitting processes,

lenient zoning regulations, extensive administrative facilitation, and financial incentives are adequate alternatives to stimulate interim-uses.

- A searchable database that lists the brownfields available for interim use would make the challenges of site location, and owner contact much easier for prospective interim-users. This tool would need to be marketed to the general populations of interim-users – namely artists, small-business entrepreneurs, park developers, community gardeners, and urban farmers.
- Marketing interim use projects with sample plans, pamphlets, and interim use showcases can encourage interim use projects by using previous interim use successes as a platform for future interim-uses. This tactic has been used successfully in Leipzig, and could be easily mirrored in American cities.
- Relaxing zoning restrictions has the ability to broaden the types of interim-uses available to each potential interim use site. As explained in the interim use background, and case studies, interim-uses have potential to become a wide array of developments – housing, green space, public art, and commercial, among others. By easing zoning restrictions, and allowing former industrial or commercial brownfields to become interim use parks or public art pieces, brownfields can be activated and beautified quicker, and generate more community interaction with the site.

These policy recommendations aim to plug the holes in current brownfield and land use policies that have let interim use slip through the cracks of American politics, and remain an underutilized tool for land revitalization. Generally, these recommendations call for more flexible government policies regarding land use and zoning, administrative assistance for site owners and interim-users, cost reductions in the form of tax abatements and permit vouchers, and for local and state governments to

take a more active approach to interim use brownfield projects through marketing and community outreach.

The economic downturn in the United States has greatly impacted the potential for interim use projects to flourish. Both Portland's food cart court, and the Los Angeles State Historic Park have been negatively affected by the poor economic climate. However, as evidenced by the Portland food cart court, interim-uses that focus on micro-entrepreneurial activities have the ability to fuel local wealth-creation with small-scale investments (which are more appealing during times of economic downturn). The successful history of international micro-lenders at the Grameen Bank has proved micro-lending for micro-entrepreneurial activity has the ability to uplift depressed local economies. Therefore, governments can look at interim use brownfield projects not only as land revitalization projects, but economic development projects as well. This two-pronged approach has the ability to build broader support for interim use projects among policymakers, environmental agencies, and economic agencies. Interim use brownfield projects have the ability to put unemployed Americans back to work, and help lift up the nation's economy out of it's depressed state.

Efforts to revitalize brownfield properties vary in intensity from city to city, and state to state. Therefore, the potential for interim use to succeed cannot be gaged precisely. However, if efforts are made to implement any or all of the aforementioned policy recommendations, interim use will have a greater chance at becoming a widely used brownfield redevelopment tool in the United States.

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