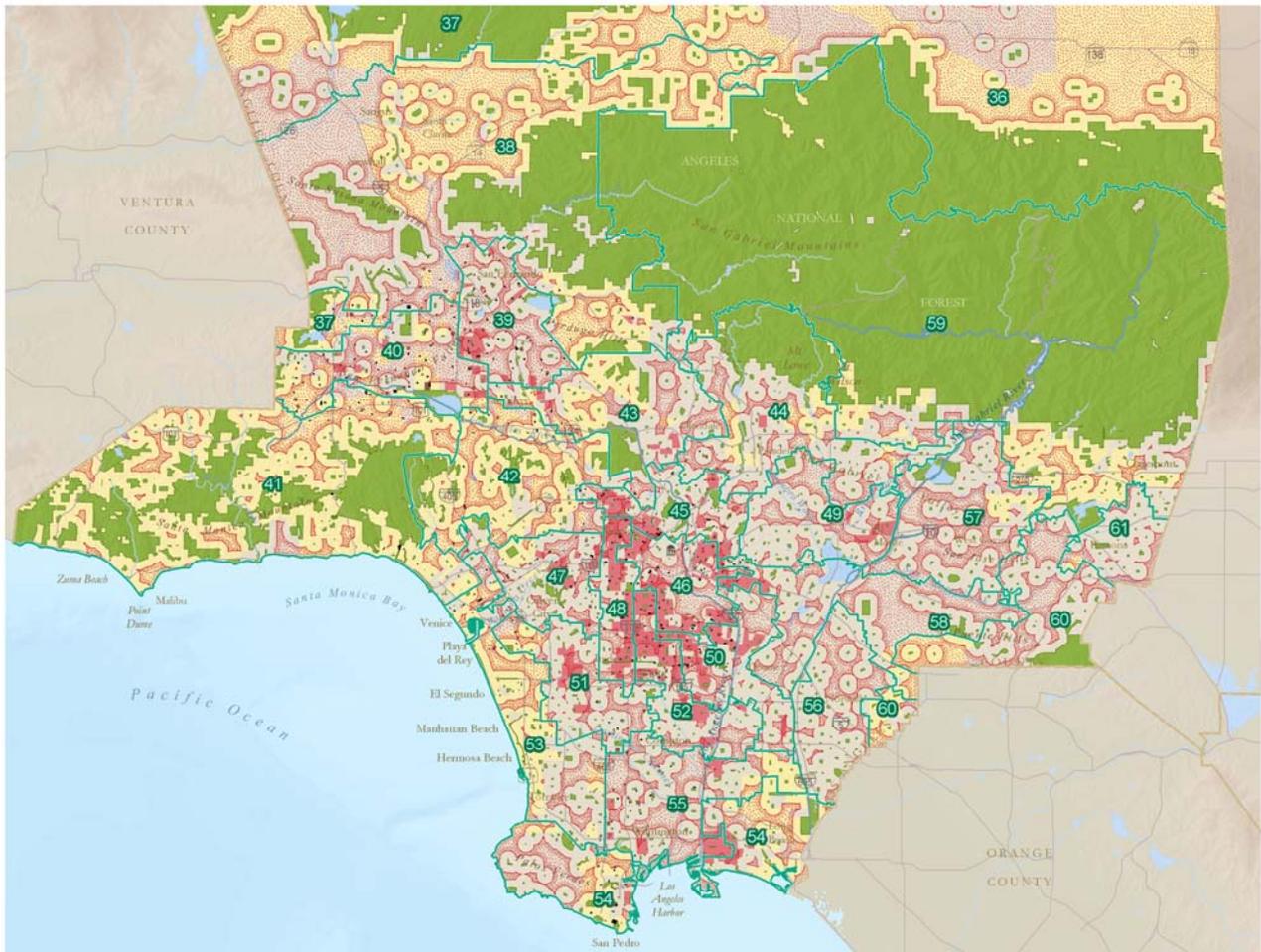




## Healthy Parks, Schools, and Communities: Mapping Green Access and Equity For the Los Angeles Region



Policy Report

Robert García  
Aubrey White  
2006



The mission of The City Project is to achieve equal justice, democracy, and livability by influencing the investment of public resources to achieve results that are equitable, enhance human health and the environment, and promote economic vitality for all communities. Focusing on parks and recreation, playgrounds, schools, health, and transit, we help bring people together to define the kind of community where they want to live and raise children. The City Project works with diverse coalitions in strategic campaigns to shape public policy and law, and to serve the needs of the community as defined by the community.

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Healthy Parks, Schools, and Communities:  
Mapping Green Access and Equity  
for the Los Angeles Region

Robert García and Aubrey White

Abridged Edition 2006

\*\*This version contains text only. Please contact The City Project to obtain a complete version that includes maps discussed in the text.

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Robert García and Aubrey White<sup>1</sup>

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## Preface

This Policy Report *Healthy Parks, Schools, and Communities: Mapping Green Access and Equity for the Los Angeles Region* is a multimedia work consisting of several parts. The parts include this narrative text; an abridged hardcopy set of core maps, charts, and tables; and an unabridged hardcopy set of maps, charts, and tables. The text, core maps, and images are available on the web at [www.cityprojectca.org](http://www.cityprojectca.org). The text and maps are also available on compact disc.

A version of this Policy Report will appear in a forthcoming symposium on "The 1982 Warren County Protests: Environmental Justice 25 Years Later," in the *Golden Gate Environmental Law Journal*.

Professor Leo Estrada and J. Eric Lomeli of UCLA prepared the park layer for maps 401 to 1100 and for the park acreage statistics using geographic information system (GIS) software. We are grateful for their work. The following is a brief summary of the methods used to create this layer. Natural public spaces were digitized using several sources: Thomas Brothers digital edition, State of California data on parklands, data from Santa Monica Mountains National Recreation Area, and existing digitized data. The maps also include parks in process (e.g., the Los Angeles State Historic Park at the Cornfield and the Rio de Los Angeles State Park at Taylor Yard). The layers include all known local and regional parks, playgrounds, recreation areas/centers, state parklands and beaches, golf courses and country clubs.

Maps and spreadsheets were created by GreenInfo Network using ESRI software. Maps display the Olmsted parks and current parks layers created by Prof. Estrada and Mr. Lomeli, 2000 Census Demographics by block group ([factfinder.census.gov](http://factfinder.census.gov)), and child obesity statistics from the California Center for Public Health Advocacy.

## Acknowledgements

We dedicate this work to the memory of two civil rights heroes, Juanita Tate and Chi Mui.

The City Project gratefully acknowledges the following organizations and individuals. We have also learned tremendously from many individuals whose work we continue to rely on, and cite throughout this Policy Report.

This work is made possible in part by the generous support of the California Endowment, Ford Foundation, John Randolph Haynes and Dora Haynes Foundation, Resources Legacy Fund, Surdna Foundation, Whole Systems Foundation, and the Santa Monica Mountains Conservancy.

UCLA Prof. Judy Baca and SPARC (the Social and Public Art Resources Center) are working with The City Project to produce pilot projects of the Heritage Parkscape along the Los Angeles River, and to restore and extend the Great Wall of Los Angeles. UCLA Prof. Fabian Wagmister and REMAPPING - LA are working with The City Project to produce online editions of the Heritage Parkscape and other materials. USC Prof. Steve Koletty and generations of his students in the Department of Geography have provided invaluable research reports, many of which are cited throughout this Policy Report. Joe Linton, author of *Down by the Los Angeles River* (2005) and now Director of River Projects at The City Project, reviewed the final drafts.

James P. Allen and Eugene Turner inspired the mapping for this Policy Report through their two works, *The Ethnic Quilt: Population Diversity in Southern California* (1997), and *Changing Faces, Changing Places: Mapping Southern Californians* (2002).

The City Project looks forward to our continuing work with the Alianza de los Pueblos del Río, including Anahuak Youth Sports Association, the William C. Velasquez Institute, Mujeres de la Tierra, and REMAPPING - LA.

The City Project is a project of Community Partners. We gratefully acknowledge their support.

## I. INTRODUCTION

The City Project supports a collective vision for a comprehensive and coherent web of parks, schools, rivers, beaches, mountains, forests, and transit to trails that promotes human health, a better environment, and economic vitality for all, and reflects the cultural diversity of Los Angeles.<sup>2</sup> This Policy Report, *Healthy Parks, Schools, and Communities: Mapping Green Access and Equity for the Los Angeles Region*, maps that vision against the reality of access to natural public places<sup>3</sup> in Los Angeles, using geographic information system (GIS) and 2000 census data. This Report presents policy and legal analyses to achieve healthy, livable communities for all.

Much of Los Angeles is park poor, and there are unfair park, school, and health disparities based on race, ethnicity, income, poverty, youth, and access to cars. Children of color disproportionately live in communities of concentrated poverty without enough places to play in parks and schools, and neither cars nor an adequate transit system to reach parks and school fields in other neighborhoods. The human health implications of the lack of physical activity are profound. These children disproportionately suffer from obesity, diabetes, and other diseases related to inactivity. This is the first generation in the history of this country in which children will have a lower life expectancy than their parents if present trends continue.

Los Angeles is facing a historic confluence of opportunities to address these concerns. Voters in November 2006 approved \$40 billion statewide in park and clean water, flood control, housing, and transportation bonds that can fund places for physical activity in parks and schools. Mayor Antonio Villaraigosa has vowed to make Los Angeles the greenest big city in America. City Controller Laura Chick has published an audit and blueprint for reform of parks and recreation in Los Angeles. The Los Angeles Unified School District is investing over \$20 billion to construct new public schools and modernize existing ones. Over 80 new parks are proposed along the Los Angeles River. The Integrated Regional Water Management Plan for the Los Angeles region provides opportunities for multiuse projects including parks in flood control basins like the Sepulveda Recreation Center. The Southern California Association of Governments is including green access in its forthcoming regional transportation plan.

Parks and other natural public places are not a luxury. Parks are a democratic commons that bring diverse people together as equals, in a space where they can encounter each other in an open and inviting atmosphere. Parks are important in themselves. They are also an important organizing tool to bring people together to create the kind of community where they want to live and raise children.<sup>4</sup>

Unfair disparities in safe places to play go well beyond Los Angeles. While 87% of non-Hispanic respondents reported that “there are safe places for children to play” in their neighborhood, only 68% of Hispanics, 71% of African Americans, and 81% of Asians agreed, according to the Census Bureau survey “A Child’s Day.”<sup>5</sup> Almost half (48%) of Hispanic children under 18 in central cities were kept inside as much as possible because their neighborhoods were perceived as dangerous. The same was true for more than 39% of black children, 25% of non-Hispanic white children, and 24% of Asian children.<sup>6</sup> Non-Hispanic White children and youth were most likely to participate in after school sports, with Hispanic children and children in poverty least likely.<sup>7</sup> Children involved in sports and extracurricular activities tend to score higher on standardized tests and are less likely to engage in antisocial behavior.<sup>8</sup>

The struggle to maximize public access to public lands while ensuring the fair treatment of people of all colors, cultures, and incomes can transform the Los Angeles region into a more livable, democratic, and just community, and provides a replicable advocacy model for community redevelopment. The values at stake

include: providing children the simple joys of playing in parks and schools; human health; youth development and academic performance; equal justice and democracy; conservation values of clean air, water, and ground, and habitat restoration; economic vitality; spiritual values in protecting people and the earth; and sustainable regional planning.

The struggle that began as an effort to stop warehouses in favor of creating what is now the Los Angeles State Historic Park at the Cornfield in downtown Los Angeles is influencing other movements across the nation. The environmental justice movement is evolving beyond stopping toxics and bad things from happening in communities of color and low income communities, to affirmatively creating public goods including parks and schools. The Urban Park Movement is drawing national and international attention, buoyed by the victories in creating new great urban parks: at the Cornfield, the Río de Los Angeles State Park at Taylor Yard as part of the revitalization of the Los Angeles River, the Baldwin Hills Park in the historic African-American heart of Los Angeles, and Ascot Hills Park in Latino East L.A. A Latino-led environmental movement focused on the revitalization of the Los Angeles River is framing progressive and working class issues with traditional environmental concerns in a seamless narrative, as is a growing urban environmental movement. Traditional environmentalists are sitting up and listening now that people of color are responsible for passing multi-billion dollar resource bonds for parks, clean water, and clean air, and using those funds to create great urban parks in their neighborhoods. The struggle for the Cornfield led to the Latino Environmental Summit in November 2005, and the National Latino Congreso in 2006. The Congreso, the largest gathering of Latino leaders in over a generation, included a day long session on Latinos and the Environment.

The struggle for the Cornfield led to the formation of the Alianza de los Pueblos del Río. The Alianza is working to ensure that the Los Angeles River Revitalization Master Plan promotes democratic participation and equitable results in greening the river with healthy parks, schools, and communities. The Alianza seeks economic, environmental, equitable, and healthy development for all communities for generations to come. The Alianza formed when its leaders decided that the development of the river was a symbolic and literal convergence of a myriad of issues confronting L.A.'s Latino population and other communities of color and low income communities. To be left out of the discussion was to be left high and dry, as the river shifts directions into the future. The Alianza agenda is growing into a comprehensive new platform of urban and Latino environmentalism, or the "browning of the green movement."<sup>9</sup> Part legal strategy, part organizing principle, this "urban greening *con salsa* movement" has put people--immigrants and poor people, mostly (and many Latinos)--at the center of an issue that traditionally had focused on flora and fauna.<sup>10</sup>

This Report analyzes green access and equity for the Los Angeles region. Part II presents a vision for a comprehensive and coherent web of natural public spaces, including parks, school fields, rivers, beaches, mountains, and forests, that will enhance human health and economic vitality for all the people of the Southern California region, with lessons for regions across the country. Part III describes lessons learned from raising funds for parks through resource bonds. Part IV describes great urban park victories in Los Angeles. Part IV also describes struggles to keep public lands public for all in beaches, mountains, and forests. Part V presents original demographic research and analyses of park, school, and health disparities, and related equal access issues. Part VI explores the history and pattern of discriminatory land use, housing patterns, and access to parks, beaches, and forests. Part VII discusses the values at stake in natural public places. Part VIII presents policy and legal justifications for equal access to public lands. Part IX presents principles and recommendations for equitable infrastructure investments in natural public places.

## II. A COLLECTIVE VISION

People are greening Los Angeles, driven by a collective vision for a comprehensive and coherent web of parks, schools, rivers, beaches, mountains, forests, and transit to trails that promotes human health, a better environment, and economic vitality for all, and reflects the cultural diversity of Los Angeles.

This vision is inspired in part by the Olmsted Report of 1930. The firm started by the sons of Frederick

Law Olmsted — the man who designed Central Park, invented landscape architecture, and was passionately committed to equal justice through the abolition of slavery—proposed a vision for a green, prosperous, and culturally rich Los Angeles that has yet to be realized. According to the Olmsted Report in words that remain true today:

Continued prosperity will depend on providing needed parks, because, with the growth of a great metropolis here, the absence of parks will make living conditions less and less attractive, less and less wholesome. . . . In so far, therefore, as the people fail to show the understanding, courage, and organizing ability necessary at this crisis, the growth of the Region will tend to strangle itself.<sup>11</sup>

The City Project has published a digital edition of the Olmsted plan to inspire and guide reform; see Maps 101, 102, and 103.

The Olmsted Report proposed the shared use of parks and schools to make optimal use of land and public resources. The Report recommended the greening of the Los Angeles and San Gabriel Rivers,<sup>12</sup> doubling public beaches, and integrating forests and mountains within the park system.<sup>13</sup> The Report advocated multiuse projects for park and flood control purposes.<sup>14</sup> The Report envisioned a transportation system for people to reach parks, school fields, rivers, beaches, mountains, and forests.<sup>15</sup> The Report recognized that people in lower income levels often live in less desirable areas, have fewer leisure opportunities, and should receive first consideration in parks and recreation.<sup>16</sup> The Report recognized that a balanced park and recreation system serves diverse needs, including active and passive recreation. The Report recommended creating a regional park authority with power to raise funds to acquire and develop parks and other natural public places.<sup>17</sup> Each of these recommendations remains valid today.

Implementing the Olmsted vision would have made Los Angeles one of the most beautiful and livable regions in the world. Powerful private interests and civic leaders demonstrated a tragic lack of vision and judgment when they killed the Olmsted Report. Politics, bureaucracy, and greed overwhelmed the Report in a triumph of private power over public space and social democracy.<sup>18</sup>

A diverse alliance of civil rights, community, environmental, civic, and political leaders is coming together to restore the lost beauty of Los Angeles and a part of the Olmsted vision.

### III. PARK BONDS: DIVERSIFYING SUPPORT FOR PARKS AND RECREATION

Recent park and resource bonds provide two important lessons. People of color and low income people make a difference in securing funds for parks, clean water, and clean air. Advocates and activists need to ensure that the benefits and burdens of these infrastructure investments are distributed fairly.

In 2002, California voters passed Proposition 40, at that time the largest resource bond in United States history, which provided \$2.6 billion for parks, clean water and clean air. Prop 40 passed with the support of 77% of Black voters, 74% of Latino voters, 60% of Asian voters, and 56% of non-Hispanic White voters. 75% of voters with an annual family income below \$20,000, and 61% with a high school diploma or less, supported Prop 40 – the highest among any income or education levels.<sup>19</sup> Prop 40 demolished the myth that a healthy environment is a luxury that communities of color and low-income communities cannot afford or are not willing to pay for.

In November 2006, California's Proposition 84, a \$5.4 billion park and water bond, was successful because of massive Latino support. Latino voters provided 85% support for Prop 84, or a margin of 770,000 votes. Prop 84 lost the non-Latino vote by 48% to 52%.<sup>20</sup>

There are important lessons to be learned from park and resource bonds. Prop 84 demonstrates that

communities of color can propel properly framed environmental initiatives to success even when the white vote is opposed. An equally important lesson is that advocates and activists must ensure that the benefits and burdens of park bonds and other public work investments are distributed fairly. A 2002 study found that the way local park bond funding was distributed exacerbated rather than alleviated unfair disparities in access to parks and recreation in Los Angeles.<sup>21</sup>

Despite their support for environmental public goods, communities of color and low income communities are disproportionately denied environmental benefits, including access to parks and recreation. Surveys in California and Los Angeles County echo the disparities reported in the national survey discussed above.

Most California residents believe there are environmental inequities between more and less affluent communities, according to a survey by the Public Policy Institute of California. 64% of Californians say that poorer communities have less than their fair share of well-maintained parks and recreational facilities. Latinos are far more likely than non-Hispanic Whites (72% to 60%) to say that poorer communities do not receive their fair share of parks and recreational facilities. A majority of residents (58%) agree that compared to wealthier neighborhoods, lower-income and minority neighborhoods have more than their fair share of toxic waste and polluting facilities.<sup>22</sup>

According to the 2006 Children's ScoreCard for Los Angeles County, residents in all parts of the county cited the importance of parks and recreation in helping their children grow and thrive.<sup>23</sup> Only 73% and 72% of parents in Central and South Los Angeles reported easy access to safe place to play, compared to 83% and higher in other parts of the county.<sup>24</sup>

#### IV. GREAT URBAN PARK VICTORIES

Advocates and activists have created great urban parks in Los Angeles, and are fighting to keep public lands public for all.

##### A. Great Urban Parks

The Chinatown Yard Alliance helped stop a proposal for warehouses by the city of Los Angeles and wealthy developers in favor of the 32 acre Los Angeles State Historic Park in the heart of Los Angeles. The Los Angeles Times called the victory "a heroic monument" and "a symbol of hope."<sup>25</sup> "Nothing like this has ever happened in Chinatown before," the late Chinatown activist Chi Mui said. "We've never had such a victory. And now, every time people walk with their children down to that park, they'll see that great things can happen when folks come together and speak up. We can renew our community one dream at a time."<sup>26</sup> The victory in the Cornfield required an administrative complaint on civil rights and environmental grounds before the United States Department of Housing and Urban Development (HUD) to cut off the federal subsidies for the warehouses, and a law suit under state environmental laws. Ultimately, however, the Cornfield will not be a park because of any court order, but because of a creative deal between Alliance members and the developers. The deal was this: if the Alliance could persuade the state to buy the site for the park, the developer would abandon from the warehouse proposal. The Alliance succeeded.

Advocates and activists helped stop a commercial development in favor of the 40 acre Río de Los Angeles State Park at Taylor Yard along the Los Angeles River in Northeast L.A. after trial on state environmental grounds. State park officials initially opposed active recreation at Taylor Yard, but relented in favor of a balanced park in light of community needs. "I am all for preserving rocks and trees and those things, but to me, it seems more important to help the children first," according to Raul Macias, a businessman and founder of the Anahuak Youth Association.<sup>27</sup> The balanced park will provide active recreation with soccer fields, courts, a running track, and bike paths, as well as passive recreation, natural parkland, and picnic areas.

A community alliance helped save the Baldwin Hills Park, a 2-square-mile park in the historic heart of African-American Los Angeles that is the largest urban park designed in the U.S. in over a century. Advocates

and activists stopped a power plant there in 2001, stopped a garbage dump in 2003, and saved the Baldwin Hills Conservancy and its budget in 2005 after a governor's commission threatened to eliminate both. "People sometimes think they can do things like this, believing that this community won't have people to speak up for them, but they're wrong," Robert García told the Los Angeles Times. "This is a human rights issue and fundamentally an issue of equal justice."<sup>28</sup> Litigation was not required because in each instance public officials listened.

The community celebrated the groundbreaking of the next great urban park at Ascot Hills in East L.A. in November 2005. The largest green space in East L.A. until then was Evergreen Cemetery, which sent a message to children that if they wanted open space, they had to die first. The 140-acre park will provide passive recreation and green space in one of the most park poor areas in the City. The park was established through a creative partnership between the Santa Monica Mountains Conservancy and the City of Los Angeles acting in response to effective community organizing.<sup>29</sup>

The Heritage Parkscape will link the Los Angeles River, the Los Angeles State Historic Park at the Cornfield, El Río de Los Angeles State Park at Taylor Yard, El Pueblo Historic District, along with 100 other rich cultural, historical, recreational, educational, and environmental resources in the heart of Los Angeles. "They should not be treated as isolated, separate parks but as one continuous parkway system," Robert Garcia told the Daily Breeze. "This is a wonderful opportunity. Los Angeles is hungry for its history."<sup>30</sup> The Heritage Parkscape is inspired in part by the Olmsted plan, by the Cornfield Advisory Committee Report calling for linked parks and resources, and by plans for a continuous greenway along the Los Angeles River.<sup>31</sup> See Map 104. The Heritage Parkscape reflects a frank recognition of the need to build great urban parks by linking smaller, non-contiguous parcels together because few large parcels are left in urban areas. This is the example set by the Gateway National Recreation Area linking the parks of New York Harbor, the Golden Gate National Recreation Area linking natural public places in the Bay Area in Northern California, and the Santa Monica Mountains National Recreation Area in Southern California.<sup>32</sup> UCLA Prof. Judy Baca and SPARC (the Social and Public Art Resources Center) are working with The City Project to produce pilot projects of the Heritage Parkscape along the Los Angeles River, and to restore and extend the Great Wall of Los Angeles. UCLA Prof. Fabian Wagmister and REMAPPING - LA are working with The City Project to produce Heritage Parkscape and other materials on the web.

## B. Keeping Public Lands Public for All

It is necessary to create public parks, and to keep public lands public for all.

Developers and wealthy property owners sought to block access to public trails in the Canyon Back area of the Santa Monica Mountains, one of the most precious natural resources in Southern California. "This is part of an overall trend by which wealthy enclaves think they can simply take over public parks, public beaches, public trails," Robert García told the Los Angeles Times. "We're not going to allow it."<sup>33</sup> Litigation settled in 2006 keeps the trails open for all.<sup>34</sup>

A wealthy gated enclave is seeking to cut off public access to trails that have been public for thousands of years in historic Millard Canyon, which begins in the Angeles National Forest and ends at the Arroyo Seco in Altadena, with stream water flowing to the Los Angeles River and the ocean. Property owners have posted "No Trespassing" signs and harass hikers and equestrians on the public trails. The county approved development of the gated enclave on the condition that the trails remain public. A Pasadena Star News editorial has urged the property owners to "live up to the original agreement" and keep public access open to

the trails: “The situation is akin to those who live on the beach, public property, who want to fence it off from that very public owner. That’s just not right.”<sup>35</sup> Pending litigation seeks to keep the trails open, and to preserve the rich historical and cultural legacy of Millard Canyon and the beauty of the site for all, whether or not one can afford to live in a secluded gated enclave.

Beachfront property owners up and down the California coast – from Newport Beach to Malibu to Santa Barbara to Hollister Ranch to tiny Trinidad in Northern California -- are trying to cut off public access to public beaches and privatize public places.<sup>36</sup>

Malibu residents have been particularly aggressive in restricting access to beaches alongside multimillion dollar mansions. In June 2005, private property owners on Broad Beach in Malibu took the utterly astonishing step of bulldozing away the public beach. The beach bulldozing reduced public access, caused significant environmental and habitat destruction, and destroyed the beauty of the beach.<sup>37</sup> The California Attorney General sued the Trancas Property Owners Association, which represents property owners along Broad Beach, for violation of the Coastal Act, interference with public access to the beach, and theft (conversion) of beach minerals.<sup>38</sup>

Private property owners for years posted phony “private beach/no trespassing” signs on Malibu beaches that deterred innocent beach goers, and harassed beachgoers with security thugs on illegal all-terrain vehicles and calls to the county sheriff. The California Coastal Commission in August 2005 ordered an end to the phony signs and illegal vehicles.<sup>39</sup>

Media mogul David Geffen, joined by the City of Malibu, filed suit to cut off public access to the public beach alongside his beach front mansion. His suit was dismissed six times before he finally gave up and opened a nine-foot path from the highway to the beach.<sup>40</sup>

Not content to cut off public access to the beach, Malibu residents have also tried to cut off public access to public parks and trails in the Santa Monica Mountains along the coast.<sup>41</sup>

A property owner in Malibu’s Lechuza Beach recently complained to a state official that she opposes inner city youth coming to Lechuza Beach, after a hearing on improving public access there at which a non-profit representative spoke eloquently about teaching children of color life skills through outdoor activities.<sup>42</sup>

Today, Malibu is overwhelmingly white and wealthy. Malibu is 89% non-Hispanic white. Nearly 25% of Malibu households have an annual income over \$200,000. The median household annual income is \$102,031. In contrast, Los Angeles County is only 31% non-Hispanic white. Only 4% of households have an annual income of \$200,000 or more. The median household income is \$42,189.<sup>43</sup>

## V. PARK, SCHOOL, AND HEALTH DISPARITIES

In contrast to the positive vision for a regional web of natural public places discussed above, this Part presents the reality of unfair disparities in parks, school, and health.

### A. Parks, Schools, and Obesity

*Children of Color.* Children of color living in poverty with no access to a car suffer from the worst access to parks, school fields, beaches, forests, and other natural public places, and suffer from the highest levels of child obesity. These children and their families and friends do not have access to cars or a decent transit system to take them to parks, schools, and other natural public places. Disproportionately white and wealthy people with fewer children than the county average enjoy the best access to parks, school fields, beaches, trails, mountains, forests, and transportation. In a cruel irony, the people who need the most have the least, while those who need less have the most. *See* Map 401.

The communities with the worst access to parks lie in Central and South Los Angeles, which have the lowest income levels and the highest concentrations of people of color. Fully 93% of households with children in Central Los Angeles and 85% in South Los Angeles fall below 300% of the federal poverty level. The

annual income needed for a family of four to provide for its basic needs was slightly more than \$63,000 in 2005, more than three times the federal poverty level. Income disparities are most notable for Latino families, with 89% below three times the federal poverty level, compared to 34% for non-Hispanic white families.<sup>44</sup>

*Acres of Parks per Thousand Residents.* There are unfair disparities in access to parks and recreation measured by acres of parks per thousand residents in every political subdivision.<sup>45</sup> Thus, for example, State Assembly District 10 (Nuñez) in Central Los Angeles has only .51 net acres of urban parks per thousand residents, compared to 282.79 net acres in District 37 (Strickland) in the north part of the county. District 37 has as an astonishing 555 times more net acres of urban parks than District 10. The disparities are even more dramatic if total acres of parks including forests and other large natural public places are included. For example, there are .51 acres of total parks per thousand residents in District 10, and over 3,348 acres in District 27 – 6,566 times more total acres of park space. Districts 37 and 27 in the north county are disproportionately white and wealthy, compared to inner city District 10. *See* Map 401; Chart 401C, and Graph 401N.

*Child Obesity.* The levels of child obesity are intolerably high even for children in the best neighborhoods -- ranging from 23% to 40% throughout the Los Angeles region -- but children of color suffer first and worst. Children of color disproportionately live in the areas with the highest levels of child obesity and the worst access to parks and schools fields. *See* Map 403. Latino and black children are disproportionately overweight and unfit compared to non-Hispanic white and Asian children.

Overweight and Unfit Children in California<sup>46</sup>

Race/Ethnicity	Overweight	Unfit
Latino	34%	45%
African American	29%	46%
White	20%	34%
Asian	18%	36%

The health implications of the lack of places to play in parks and schools are profound. In California, 73% of fifth, seventh, and ninth graders did not achieve minimum physical fitness standards in 2004. In LAUSD, 87% of students were not physically fit.<sup>47</sup> Yet in 2006, 51% of school districts in California, including LAUSD, did not enforce statutory physical education requirements.<sup>48</sup> At LAUSD's South Gate High School, 1,600 children took the state Fitnessgram test and not one passed. Forty schools did not have a single physically fit student. Less than 10% of students were physically fit in nearly one-third of the 605 schools in LAUSD. Only eight schools had student populations that are more than 50% physically fit (see chart on next page).

Percentage of Physically Fit Children in LAUSD Schools<sup>49</sup>

Percentage of Physically Fit Children	Number of Schools in LAUSD
0%	40
1-5%	58
6-10%	96
11-15%	123
16-20%	83
21-25%	75
26-30%	42
31-35%	38
36-40%	22
41-45%	16
46-50%	4
>50%	8

*Shared Use of Parks and Schools.* The shared use of parks and schools can alleviate the lack of places to play and recreate, while making optimal use of scarce land and public resources. Unfortunately, only 103 out of 605 LAUSD schools have five acres of more of playing fields, and those tend to be located in areas that are disproportionately white and wealthy and have greater access to parks. See Maps 401, 404.<sup>50</sup> LAUSD provides 71% more play acres for non-Hispanic white students than for Latino students in elementary schools.<sup>51</sup> There were only 30 joint use agreements between LAUSD and the City of Los Angeles Recreation and Parks Department as of April 2006.<sup>52</sup> The Olmsted Report and the Controller’s audit of recreation and parks both call for the shared use of parks and schools.

B. River Revitalization

William Deverell has eloquently described the role of the Los Angeles River in the history of Los Angeles:

Were it not for the Los Angeles River, the city that shares its name would not be where it is today. Were it not for the Los Angeles River, Los Angeles would not be at all. The Los Angeles River has always been at the heart of whichever human community is in the basin: Gabrielino village, Spanish outpost, Mexican pueblo, American city. The river has been asked to play many roles. It has supplied the residents of the city and basin with water to drink and spread amidst their grapes, oranges, and other crops. It has been an instrument by which people could locate themselves on the landscape. It has been a critical dividing line, not only between east and west, north and south, but between races, classes, neighborhoods. . . . [T]he river has also been a place where ideas and beliefs about the past, present, and future of Los Angeles have been raised and contested.<sup>53</sup>

The Los Angeles River stretches 52 miles and crosses 13 cities, flowing through diverse communities from Canoga Park in the San Fernando Valley through downtown Los Angeles to the ocean in Long Beach. The City of Los Angeles has launched the Los Angeles River Revitalization Master Plan process to guide river revitalization for the next 20 years, focusing on the 32 miles of the river that flow through the city. However, children of color living in poverty without access to a car, and with the worst access to parks and to school fields of five acres or more, disproportionately live along the lower 20 miles of the river that lies within the county, but not within the city. See Map 1001 and Chart 1001C.<sup>54</sup>

The county, city, and other municipalities and agencies need to work together on a regional solution to ensure equitable distribution of the benefits and burdens of revitalizing the river. The County of Los Angeles

adopted a Master Plan for the Los Angeles River in 1996.<sup>55</sup> The County also published a Master Plan for the San Gabriel River in 2006.<sup>56</sup> The Integrated Regional Water Management Plan for Greater Los Angeles County (IRWMP) covers the Los Angeles and San Gabriel Rivers. Planning for the full length of the Los Angeles River, the San Gabriel River, and other waterways should be coordinated to achieve compliance with clean water and civil rights laws and social justice concerns.<sup>57</sup> Communities of color have previously achieved compliance with clean water laws through major litigation against the City of Los Angeles.<sup>58</sup> The Olmsted Report also called for the greening of the Los Angeles and San Gabriel Rivers, and multiuse projects for parks, schools, and flood control.

Clean water compliance and flood control should be combined with healthy parks, schools, and communities through multipurpose projects. Green spaces in parks and schools can help clean water through natural filtration that can mitigate polluted storm water run-off to the rivers and the ocean. Flood control basins can provide green space for parks and playing fields, like the Sepulveda flood control basin recreation areas along the Los Angeles River do now. Recent state-wide resource bonds provide funding for clean water and flood control projects that can also be used for parks and school fields.

Latino support for community revitalization along the river is growing, and strong, based on recent polling and anecdotal evidence gathered by the William C. Velazquez Institute and the Alianza de los Pueblos del Río. When surveyed about what they would like to see on the river and its banks, Latinos showed significant support for parks and recreation: 48% said parks, 32% schools, 27% open green space, 21% California style trees and plants, and 20% said soccer and baseball fields. Latinos showed little support for “gentrification-oriented development,” with 25% supporting affordable housing and only 2% market rate housing, only 3% tourism-related development, and only 3% condominiums and penthouses.<sup>59</sup>

Latinos viewed revitalization priorities significantly differently than non-Hispanic whites. Latinos favor parks, schools, affordable housing, soccer and baseball fields, and businesses that create jobs by 10 points more than whites, on average. In contrast, whites favored open green space, California style trees and plants, and community gardens by 12 points more than Latinos, on average. Latinos and non-Hispanic whites were united in their opposition to gentrification, however.<sup>60</sup>

The three mile radius along the San Gabriel River is more complex demographically. *See* Map 1101 and Charts 1101C.<sup>61</sup> The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy has jurisdiction over both rivers and can coordinate revitalization for both.

### C. Inequities in Urban Parks, Programs, and Funding

Unfair park, program, and funding disparities are documented by demographic maps of park access in the City of Los Angeles (Map 801, Chart 801C), an audit of the city Recreation and Parks Department, and an academic study showing that the allocation of park bond funds exacerbates park inequities.<sup>62</sup> Similar reports should be published of other park agencies and of recent resource bonds to see who benefits and who gets left behind by the investment of public funds, and to provide tools for reform.

The audit of recreation and parks by the Los Angeles City Controller documents systemic management failures, echoes the disparities discussed in the present Policy Report, and provides a blueprint for reform. For example, parks provide better programs in wealthy communities, and funding policies exacerbate rather than alleviate inequities. The audit highlights the need for: a strategic plan to improve parks and recreation programs in every neighborhood, and eliminate unfair disparities; standards to measure equity and progress in achieving reform; a community needs assessment now and every five years; a fair system of park financing

and fees; shared use of parks and schools; and improved park safety.<sup>63</sup> One of the Controller's major recommendations is that the City "needs to strategically address issues of inequity regarding levels of service provided at parks citywide."<sup>64</sup>

The Controller's audit documents park inequities that city officials have known about for decades. The city of Los Angeles virtually abandoned parks, school construction, and public recreation in the wake of Proposition 13 in 1978, the taxpayers' revolt, which cut funding for local services, including parks and schools. In 1987 the Los Angeles Times reported that "[i]n scores of city parks across Los Angeles -- mostly cramped sites in poor neighborhoods -- fear is high. So pervasive are gangs, drug dealers and drunks, so limited are the programs and facilities, that the sites are known to parents and even some recreation directors as 'dead parks.'" Robin Kramer, then a city council deputy and now the mayor's chief of staff, acknowledged in that article that "there is tremendous under serving" of people in poor neighborhoods by the parks department.<sup>65</sup> In 1999, then-Mayor Richard Riordan told the Wall Street Journal that poorer communities have been short-changed by funding formulas for parks and recreation. "The way money is spread throughout the city has not been based on need as much as it has been about equally distributing funds" among the 15 council districts, according to the mayor.<sup>66</sup> Park officials concurred. "It's a pattern we all understand," according to the then-director of planning and development for Recreation and Parks. "The urban areas of Los Angeles have less park facilities than the new areas or outer lying areas, where ordinances require that parks be developed when housing developments go in."<sup>67</sup> "I think the mayor's sincere in his desire to address these inequities," Robert Garcia told the Wall Street Journal, but "I don't think the city is doing enough."<sup>68</sup>

#### D. Beaches<sup>69</sup>

An impressive nine in ten Californians say the quality of the beach and ocean is just as important to them personally as for the overall quality of life and economy in the state, according to a survey by the Public Policy Institute of California. Residents say the condition of the coast is very important (61%) or somewhat important (30%) on a personal level, very important (70%) or somewhat important (24%) to the state's quality of life, and very important (63%) or somewhat important (30%) to the economy.<sup>70</sup> Majorities agree across regions and political parties. "Californians treasure the ocean and the state's beaches," said survey director Mark Baldassare. "These attitudes run deep and wide across political parties, coastal and inland areas, and in the growing Latino population--to ignore them could be politically perilous."<sup>71</sup>

Beaches are among California's most valuable public assets. California has the largest ocean economy in the nation, a large portion revolving around the state's beaches. Ocean-related activities in California produced a gross state product (GSP) of \$42.9 billion and provided almost 700,000 jobs and more than \$11.4 billion in wages and salaries in 2000.<sup>72</sup>

The Olmsted Report called for the doubling of public beach frontage, as shown in Map 102 and Table 102T:

Public control of the ocean shore, especially where there are broad and satisfactory beaches, is one of the prime needs of the Region, chiefly for the use of throngs of people coming from inlands. . . . [T]he public holdings should be very materially increased.<sup>73</sup>

Los Angeles beaches in 2005 are shown in Map 103. Not all beaches have public access, accurate public beach data is not available, and private property owners are trying to cut off public access to public beaches, as discussed above.<sup>74</sup>

While 80% of the 34 million people of California live within an hour of the coast,<sup>75</sup> low-income communities of color are disproportionately denied the benefit of beach access. Rio de Janeiro, like Los Angeles, is marked by some of the greatest disparities between wealth and poverty in the world. Yet Rio's famous beaches are open to all, rich and poor, black and white. The beach in Rio is the great equalizer. California's world famous beaches must also remain public for all, not the exclusive province of the rich and famous.

People who live along the beach generally are disproportionately non-Hispanic white and wealthy. The non-Hispanic white population ranges from 89% to 58% in beachfront communities. In all coastal communities, the black population was too small to be significant.<sup>76</sup>

Long Beach is the only exception to the rule. There, the non-Hispanic white population of 47% is less than the state and county average, and the median household income is lower. This may be because Long Beach, unlike other coastal communities in Los Angeles, extends far inland and a good portion of the coastline is dedicated to the Port of Long Beach. Moreover, as is true for many port towns, Long Beach has historically been a working class town.<sup>77</sup>

Research suggests that different racial and ethnic groups in Southern California tend to visit different beaches, but conclusive data is not yet available.<sup>78</sup>

#### E. Forests and Mountains

Diversifying access to and support for the forests is an important part of achieving equal access to natural public places. Los Angeles County has 2,637,286 acres of land, and 807,731 total acres of parks. The total acres of parks includes large public spaces totaling 84,535 acres in the Angeles National Forest, Santa Monica Mountains National Recreation Area, Griffith Park, Elysian Park, and Baldwin Hills Parks.<sup>79</sup> Fully 25% of all land and 78% of all park space in Los Angeles County is in the Angeles National Forest. The Santa Monica Mountains National Recreation Area has 6% of all park space in the county. The county has 84.93 total acres of parks per thousand residents. Excluding those large public spaces, the county has 8.89 net acres of parks per thousand residents.<sup>80</sup> The stated averages mask the vast park, school, and health disparities based on race, ethnicity, income, poverty, and access to cars discussed above.

The Angeles National Forest provides far and away the most natural public space in the Los Angeles region, and lies within an hour's drive of most of Los Angeles, but few people of color go there. Recreation is the predominant use of the forests in Southern California.<sup>81</sup> Yet only 1% of the visitors to the forest are black, and only 11% are Hispanic. Zero percent of the visitors to the wilderness areas of the Angeles National Forest are black.

Angeles National Forest Visitors<sup>82</sup>

Race/Ethnicity	% of Visitors
Non-Hispanic White	79%
Latino	11%
Asian/Pacific Islander	7%
Black	1%
Native American	1%
Other	1%

The reasons for the low visitation rates by people of color include a history and pattern of employment discrimination by the Forest Service against people of color and women in the region, cultural differences in recreation, lack of transit, the privatization of public space, and a history of discriminatory land use and housing policies.<sup>83</sup>

The Olmsted Report recommended integrate forests and mountains in the regional park system.<sup>84</sup>

## F. Transit to Trails

Southern California should develop and implement a strategic plan for a “Transit to Trails” program to take people to parks, beaches, forests, lakes, and other public natural spaces. A Transit to Trails program would serve all the people of the region, but would be particularly useful to the working poor with limited or no access to cars, who are disproportionately people of color and low income.<sup>85</sup> Transit to Trails would reduce traffic congestion and parking problems, improve air quality, and reduce run-off of polluted water into rivers and the ocean. It would also reduce dependency on the automobile and fossil fuels. Today, there is virtually no good way to reach the four Southern California forests using public transportation.<sup>86</sup> Transit to beaches is limited, time-consuming, and expensive.<sup>87</sup> Low cost transit service should link parks like the Cornfield and Taylor Yard as part of the Heritage Parkscape. SCAG has the opportunity to include Transit to Trails in its next Regional Transportation Plan. The Olmsted Report envisioned a transportation system for people to reach natural public places.<sup>88</sup>

## G. Cultural Diversity in Parks and Recreation

People are entitled to parks and natural public places that serve the diverse needs of diverse users.<sup>89</sup>

People from different racial and ethnic groups use parks differently, constructing meanings for natural space based on their own values, cultures, histories, and traditions. According to a UCLA study of cultural differences in the use of urban parks, parks are primarily social gathering places for Hispanics. African Americans, more than any other racial group, tend to engage in sports in parks. Non-Hispanic whites tend to value a park solely for its passive qualities—its greenness, landscaping, and natural elements. They tend, as a result, to engage in solitary, self-oriented uses. Asian-American (specifically, Chinese) families were rare in parks studied. This does not mean that Asians do not value parks; this may reflect the failure of the parks to meet the needs of the Asian-American community.<sup>90</sup> Most studies on leisure and urban recreation have focused on non-Hispanic whites.<sup>91</sup> Other studies have reached similar conclusions about how Hispanics use forests and other natural public places differently.<sup>92</sup>

Research suggests two potential explanations for differences in ethnic and racial recreation patterns. The *ethnicity hypothesis* posits that participation patterns result from culturally based differences in value systems and leisure socialization. Even when variables such as income, gender, area of residence, and household size are statistically controlled, ethnic and racial differences in participation patterns persist. The *marginality hypothesis* suggests that under-participation of ethnic and racial groups results primarily from limited economic resources and historical and ongoing patterns of discrimination.<sup>93</sup> Because people of color often occupy a subordinate position and hold a low station in the status hierarchy, they are less desired as leisure companions, leading to the creation of leisure spaces that are identified as non-Hispanic white or otherwise.<sup>94</sup>

Park and recreation plans, programs, and funding need to serve the diverse interests of diverse users in a balanced park and recreation system that includes, for example, places for physical activity to improve health, active recreation, passive recreation, and wilderness places.

## H. Measuring Green Access and Equity

### 1. Patterns of Racial and Ethnic Disparities

This Policy Report *Healthy Parks, Schools, and Communities* measures access to parks and other natural public places a number of ways. Acres of parks per thousand residents, half-mile access, access to school fields, levels of child obesity – the pattern is the same: people of color suffer first and worst. Non-Hispanic white people enjoy better access to natural public places compared to people of color collectively, and

compared to other individual racial or ethnic groups. The distribution of parks and recreation is not random with respect to race and ethnicity.

This section discusses the relevant comparison pool for assessing disparities in access to natural public places based on race and ethnicity for both policy and legal analyses. The Controller's audit of recreation and parks calls for standards to measure equity and progress in improving parks and recreation in every neighborhood. Disparate impact is relevant to evaluate equal access to public resources including natural public places under federal and state civil rights laws (as discussed below). This section compares two statistical approaches. The first is appropriate and is used in this Policy Report. The second is not appropriate and is discussed here to guard against its use elsewhere.<sup>95</sup>

First, this Policy Report uses county averages to evaluate access to natural public places. Appropriate measures include whether people of color collectively, or an individual racial or ethnic group, in a geographic area exceed county averages, and are disadvantaged in access to natural public places, compared to non-Hispanic whites, the privileged group.

The second approach is inappropriate, but it is used elsewhere and should not be. Majority or supermajority representation in a community is inappropriate to evaluate access to parks and public resources. One academic study, for example, evaluates park and funding disparities using areas in which a racial or ethnic group constitutes a majority (50% to 75% African-American) or supermajority (75% or higher).<sup>96</sup> Both majority and supermajority measures create too high a statistical hurdle to evaluate equal access to natural public places. Both measures are underinclusive in guarding against discrimination. Both measures can provide evidence of discrimination in extreme cases. However, both measures fail to cover significant cases in which people of color are above the county average in a community, but below 50% of the population. Neither majority nor supermajority representation is justified on policy or legal grounds. Disproportionate population compared to county population averages is an appropriate standard. Majority or supermajority representation is not.

This Report uses disproportionate population compared to county averages to evaluate access to natural public places in the following ways.

Map 308 depicts park access by people of color in block groups that exceed the Los Angeles County average in four categories: no racial or ethnic group exceeds the average, one group exceeds the average, two groups exceed the average, and three groups exceed the average.

Map 307 presents four categories for people of color collectively: the population of people of color is under half the county average (under 34.5%); half the county average to the average (34.5% to 68.9%); over the county average (68.9% to 90.0%), and over 90.0%.

For Latinos, Map 310 presents four similar categories: under half the county average (under 22.3%); half the county average to the average (22.3% to 44.6%); county average up to twice the average (44.6% to 89.2%), and over twice the county average (over 89.2%).

For African Americans, Map 311 presents four slightly different categories: under the county average (under 9.8%), county average to twice the county average (9.8% to 19.6%), twice the county average to three times the county average (19.6% to 29.4%), and over three times the county average (over 29.4%). Map 312 presents similar categories for Asians/Pacific Islanders, and Map 306 for non-Hispanic Whites.

A significantly wider area raises significant concerns about racial and ethnic disparities in access to natural park places using county averages compared to the majority or supermajority standard. The following maps illustrate the difference. Map 309 depicts park access for areas in which each racial or ethnic group constitutes a majority (50 to 75%) or supermajority (75% and higher). These areas for African-Americans in Map 309 are

a fraction of the significantly broader areas in which African-Americans are above the county average in Map 311. The same is true for Asian-Pacific Islanders, as illustrated by comparing Maps 309 and 312. The same is true where one, two, or three communities of color exceed the county average, as illustrated by comparing Maps 309 and 308.

Similar disproportionate population measures of green access and equity are depicted for the city of Los Angeles in Maps 803-806, along the Los Angeles River in Maps 1003-1009, and along the San Gabriel River in Maps 1103-1109.

To reiterate: Policy and legal analyses should use county averages to evaluate access to natural public places. Appropriate measures include whether people of color collectively, or an individual racial or ethnic group, in a geographic area exceeds county averages, and are disadvantaged in access to natural public places compared to non-Hispanic whites. Appropriate measures include whether the parks and recreation adequately serve the people with the greatest needs--children of color living in poverty with no access to a car, for example (Map 401). These measures are relevant to assess discriminatory impacts under civil rights laws, to define equity standards to implement the Controller's audit of recreation and parks, and to determine whether the benefits and burdens of park and resource bonds are distributed fairly.

## 2. Distance to the Park

There is no "correct" distance to evaluate fair access to parks. The optimal distance depends on the needs of the community, the type of park, and access to cars and transit. Map 402 shows the areas in Los Angeles that lie more than half a mile from the nearest park, but any distance in the abstract can be arbitrary and misleading – half mile or quarter mile access, walking distance, driving distance, etc.

The important concern is not distance alone but whether the park and recreation programs meet the needs of the community. If physical activity is a goal, for example, people can get physically active by walking half a mile or a mile to the park. With the shared use of parks and schools, the relevant distance is to the park or the school, not one or the other. If residents have access to a car or an affordable and reliable transit system, the distance to the park can be greater. Smaller parks and elementary school playgrounds within walking distance can serve the needs of younger children. Larger parks, and playing fields at middle and high schools, can provide places for physical activity and team sports for older children and adults, and can be within driving or busing rather than walking distance. In a high income community with large house lots, and ready access to cars and places like the Santa Monica Mountains, there is no need for a park within a quarter mile. A pocket park within walking distance may not adequately serve the needs of the community if there is no place to play in the park or any other nearby place. Even a large park may not adequately serve the community if the population and use density is so high that demand exceeds available park space.

The Olmsted Report suggested half a mile or more as a rule of thumb for distance to the park depending on the locality and other factors.<sup>97</sup>

One traditional environmental organization, Trust for Public Land, advocates a park within a quarter mile of each residence, and equates walking distance with a quarter mile, but it is difficult to consider this a serious policy proposal. The quarter mile or walking distance standard obscures the important considerations discussed above. Bus stops in Los Angeles are generally more than a quarter mile from most people. It is unrealistic to expect more parks than bus stops.

## VI. THE HISTORY OF DISCRIMINATORY ACCESS TO PARKS AND RECREATION

The fact that low-income people of color are disproportionately denied equal access to parks, school fields, beaches, trails, and forests is not an accident of unplanned growth, and not the result of an efficient free market distribution of land, but the result of a continuing history and pattern of discriminatory land use and economic policies and practices. The history of Los Angeles is relevant to understand how the Los Angeles region came

to be the way it is, and how it could be better. Park and recreation resources must be allocated to overcome the legacy of unfair park, school, and health disparities.

The area surrounding the new Los Angeles State Historic Park at the Cornfield illustrates this history. El Pueblo de Los Angeles was founded in 1781 near the Native American Tongva village of Yangna, near the Cornfield. The first settlers, the Pobladores, were Spaniards, Catholic missionaries, Native Americans, and Blacks. Mexicans and Californios further established the city before statehood. Chinese began arriving in 1850 in search of gold but were restricted to working on the railroad and in domestic jobs. They were forced to live on the wrong side of the tracks in Old Chinatown, across "Calle de los Negros" ("Nigger Alley") from the Plaza. The Chinatown massacre of 1871 first brought Los Angeles to national and international attention. In the 1930s, the city forcibly evicted the residents and razed Old Chinatown to build Union Station. New Chinatown was created at the site of the old Mexican-American barrio of Sonoratown, just west of the Cornfield. Mexican-Americans, including U.S. citizens, were deported from the Cornfield during the Great Depression as a result of discrimination and competition for jobs. Japanese who arrived because of the labor shortage caused by the Chinese Exclusion Act settled in Little Tokyo. They were forced into concentration camps at Manzanar and other places during World War II. The area became known as Bronzertown when Blacks arriving from the South to work in the war industry filled the Japanese vacancies. The city destroyed the bucolic Latino community in Chavez Ravine with promises of affordable housing, then sold the land to the Dodgers, who buried the site with 50,000 places for cars to park and no place for children to play.<sup>98</sup>

Despite the prominent role of blacks in early Los Angeles,<sup>99</sup> black residential and business patterns were restricted in response to discriminatory housing and land use patterns. "Whites only" deed restrictions, housing covenants, mortgage policies subsidized by the federal government, and other racially discriminatory measures dramatically limited access by people of color to housing, parks, schools, playgrounds, swimming pools, beaches, transportation, and other public accommodations.<sup>100</sup>

Prof. Ira Katznelson's book *When Affirmative Action Was White* documents how racial inequities were aggravated by economic policies dating back to the Great Depression that had the impact of excluding blacks and increasing income, wealth, and class disparities. A continuing legacy of discriminatory economic policies is that the average black family in the United States holds just 10% of the assets of the average white family.<sup>101</sup> In the past, when beachfront prices were lower, for example, people of color were forbidden from buying, renting or even using beachfront property. Today, when beachfront property has skyrocketed in value, people of color often cannot afford to buy or rent beachfront property.

#### A. Housing Restrictions

Los Angeles pioneered the use of racially restrictive housing covenants. The California Supreme Court sanctioned restrictive covenants in 1919 and California courts continued to uphold them as late as 1947. The Federal Housing Authority not only sanctioned racially restrictive housing covenants, but developed a recommended formula for their inclusion in subdivision contracts.<sup>102</sup> As a result, blacks increasingly became concentrated in South Central Los Angeles, for example, and Chinese in Chinatown, Mexican-Americans in East L.A., and Japanese in Little Tokyo.

The landmark Supreme Court decisions in *Shelley v. Kramer*<sup>103</sup> in 1948 and *Barrows v. Jackson*<sup>104</sup> in 1951 made racially restrictive housing covenants illegal and unenforceable. Even after those decisions, however, blacks and other people of color were excluded from white neighborhoods.<sup>105</sup> "In the postwar era many individual white homeowners, and virtually all the public and private institutions in the housing market,

did everything possible to prevent African Americans from living outside areas that were already predominantly black.”<sup>106</sup>

### B. Parks

Though not codified in law, public space in Los Angeles was “tacitly racialized.”<sup>107</sup> For example, blacks were not allowed in the pool in many municipal parks, and in others were allowed to swim only on “International Day,” the day before the pool was cleaned and the water drained. Segregated public pools continued into the 1940s.

There were some places of refuge, however. Lincoln Park in East Los Angeles was a popular destination for black youth from South Central and Latino youth from East Los Angeles, who could take the Pacific Electric railroad to reach one of the few parks where they were not feared, despised, and excluded.<sup>108</sup>

### C. Beaches

*Bruces’ Beach.* When Manhattan Beach was incorporated in 1912, the city set aside a two-block area on the ocean for African-Americans. A black couple named Charles and Willa Bruce bought the land and built the only beach resort in the Los Angeles area that allowed blacks. Bruces’ Beach offered bathhouses, outdoor sports, dining, and dancing to African-Americans who craved a share of Southern California’s good life. As the area’s black population increased, so did white opposition to the black beach. Manhattan Beach drove out the black community and closed down Bruces’ Beach in the 1930s. City officials forced black property owners to sell at prices below fair market value through condemnation proceedings. The nearby Peck’s Pier – the only pier that allowed blacks – and the surrounding black neighborhood were destroyed. Black Angelenos were then relegated to the blacks-only section of Santa Monica beach at Pico Boulevard known as the Inkwell. Manhattan Beach in 2006 commemorated the struggle of the Bruce family and the African American community by renaming the park at the historical site as Bruces’ Beach Park.<sup>109</sup>

*Malibu.* At the turn of the century, Malibu consisted of a 13,316-acre rancho along a 25-mile stretch of beaches, mountains and canyons, owned by Frederick H. Rindge and later by his widow May.<sup>110</sup> To pay her taxes after her husband’s death, May Rindge began leasing and selling off land parcels to movie celebrities and others.<sup>111</sup> Parcels carried racially restrictive covenants that prevented people who were not white from using or occupying beach premises except as domestic servants, and even domestics who were not white were prohibited from using the public beach for bathing, fishing, or recreational purposes. A typical covenant reads:

[S]aid land or any part thereof shall not be used or occupied or permitted to be used or occupied by any person not of the white or Caucasian race, except such persons not of the white or Caucasian race as are engaged on said property in the bona fide domestic employment of the owner of said land or those holding under said owner and said employee shall not be permitted upon the beach part of said lands for bathing, fishing or recreational purposes.<sup>112</sup>

The demographics of Malibu today reflect its discriminatory history, as discussed above.

### D. Mountains

In the 1920s and beyond, racially restrictive covenants prevented people of color from occupying or using property at Lake Arrowhead, the major mountain lake near Los Angeles.<sup>113</sup> The federal government traded away land on the lake for land in the woods. Today private mansions and businesses ring the lake and only the wealthy can live in what is known as “the Beverly Hills of the Mountains.” There is no public access to Lake Arrowhead.<sup>114</sup> This is a prologue for the future of natural public places if the privatization of public space continues.

The next Part articulates the values at stake in natural public places.

## VII. WHY PARKS AND RECREATION MATTER: THE VALUES AT STAKE

Parks, school fields, beaches, rivers, mountains, forests, and other natural public places are places to have fun. Having fun goes hand-in-hand with other values including human health; youth development and academic performance; conservation values of clean air, water, and land; spiritual values in protecting people and the earth; economic vitality; and sustainable regional planning. Fundamental principles of equal justice and democracy underlie each of these other values.

*Fun.*

Children have the right to the simple joys of playing in parks and other safe public places. The United States was founded in part for the pursuit of happiness.<sup>115</sup> The United Nations recognizes the right to play as a fundamental human right.<sup>116</sup>

*Human Health.*

The human health implications of places and policies for physical activity in parks, schools, and other public places are profound.<sup>117</sup>

If current trends in obesity and inactivity continue, today's youth will be the first generation in this nation's history to face a shorter life expectancy than their parents.<sup>118</sup> The epidemic of obesity, inactivity, and related diseases including diabetes is shortening children's lives and destroying the quality of their lives. The obesity and inactivity crisis costs the United States \$117 billion in lost productivity and medical costs.<sup>119</sup>

Overweight and unfit children face a greater risk of developing lung disease, diabetes, asthma, and cancer.<sup>120</sup> Type 2 diabetes, formerly known as adult-onset diabetes, now affects millions of overweight and inactive children at younger and younger ages.<sup>121</sup> As a result, children are more likely to suffer long range effects including death, loss of limbs, and blindness.

The crisis of obesity and inactivity is not just the result of individual eating or exercise habits. Children, adolescents, and adults cannot become more physically active and fit if they do not have places to play and be physically active in parks and schools.<sup>122</sup>

Physical inactivity is more prevalent among women than men, among blacks and Hispanics than whites, among the less affluent than the more affluent, and among older than younger adults.<sup>123</sup>

The most frequently used facilities for physical activity are informal and include streets, parks, and beaches.<sup>124</sup> The health costs of urban sprawl should inform land use and planning decisions to create and preserve parks, open space, and walkable neighborhoods with mixed land uses and transit alternatives.<sup>125</sup> "[A]pplying public health criteria to land-use and urban design decisions could substantially improve the health and quality of life of the American people."<sup>126</sup>

Regular physical activity is associated with enhanced health and reduced risk for all-cause mortality, heart disease, diabetes, hypertension, and cancer.<sup>127</sup> Physical activity for children and adolescents helps to build and maintain healthy bones, muscles, and joints, and helps prevent or delay the development of high blood pressure.<sup>128</sup> Natural spaces are also linked to improved mental health. Physical activity relieves depression and anxiety.<sup>129</sup> Views of nature have been linked to a variety of positive health outcomes in adults and children and can relieve attention deficit disorder.<sup>130</sup>

*Youth Development.*

Sports and after school activities can promote positive choices and help reduce youth violence, crime, drug abuse, and teen pregnancy.<sup>131</sup> Sports and recreation also build character, pride, self esteem, teamwork, leadership, concentration, dedication, fair play, mutual respect, social skills, and healthier bodies; help keep children in school; help develop academic skills; and increase access to higher education.<sup>132</sup> Physically fit

students perform better academically.<sup>133</sup> Male athletes are four times more likely to be admitted to Ivy League colleges than other males; for female athletes, the advantage is even greater.<sup>134</sup>

In the aftermath of the riots and rebellion following the acquittals of the police for the Rodney King beating in Los Angeles, gang members issued a manifesto calling for peace and listing the shortage of parks and natural space as one of their major concerns.<sup>135</sup>

Active recreation programs prevent gang violence, crime, prostitution, drug abuse, and teen sex. A study by the Los Angeles County District Attorney concluded that young people join gangs for the expected reasons, including the fact that they “have been excluded by distance and discrimination from adult-supervised park programs.”<sup>136</sup> The study recommends that “alternative activities like recreation” should be part of every gang prevention strategy. Organized sports “fill those idle hours that seduce adolescent boys into trouble . . . . At the least, they can keep older gang members busy during prime-time-crime hours . . . . At the most, they can keep marginal boys too busy for gangs, or give them an excuse not to join.”<sup>137</sup>

#### *Public Safety.*

The best way to ensure that parks are safe is to give people a sense of ownership of their parks. A diversity of people using parks differently at different times of the day and night will help drive away crime and criminals.<sup>138</sup>

#### *Conservation Values.*

Parks and natural open spaces promote environmental values including clean air, water, and ground, and habitat protection. Green spaces in parks, schools, and other public places can help clean water through natural filtration. Flood control basins can provide green space for parks and playing fields. Green spaces can help cool urban areas and help reduce global warming.

#### *Spiritual Values in Protecting the Earth and its People.*

Social justice and stewardship of the earth motivate spiritual leaders, including Cardinal Roger Mahony, and the Justice and Peace Commission of the Catholic Archdiocese of Los Angeles, to actively support equal access to parks and natural space.<sup>139</sup> Nobel Peace Prize Laureate Rigoberta Menchú has praised the work of The City Project and Anahuak Youth Sports Association to promote equal access to parks and recreation as a way of saying no to war, no to violence, and giving children hope. “It is very important that our children grow up healthy. The more they run, the happier they are. The more they play together with other children, the better people they will be in the future. Parks and school yards are a place for peace, a place where life-long values are built. Community activism to build parks and schools is a way of saying no to violence, no to war. Peace and hope are part of our children’s education and culture.”<sup>140</sup>

In 2004, the Nobel Peace Prize Committee awarded the Peace Prize to the Kenyan woman Wangari Muta Maathai for planting trees and speaking out for women. “In managing our resources and in sustainable development, we plant the seeds of peace,” according to Ms. Maathai.<sup>141</sup> The award for Ms. Maathai is an explicit mainstream recognition that there is more at stake in protecting the earth than traditional environmental values. We are fighting for peace and justice in seeking equal access to public resources for all.

#### *Economic Values.*

When cities create urban parks, property values rise and the number of businesses and jobs grows, contributing to the state and local economies. For example:

- When Chattanooga, Tennessee, replaced warehouses with an eight-mile greenway, full-time jobs and businesses more than doubled, and property values increased by 127%.
- When San Antonio, Texas, revitalized the San Antonio River, the river park became the most popular attraction in the city’s \$3.5 billion tourist industry.
- After expansion and restoration of the Martin Luther King, Jr. National Historic Site, in Atlanta, Georgia, the African-American “Sweet Auburn” neighborhood experienced a revitalization, with dozens of new homes, 500,000 annual visitors boosting local business, and a decrease in crime.<sup>142</sup>

Advocates and activists need to ensure that these economic benefits are distributed equitably -- for example, through local jobs for local workers and affordable housing to avoid gentrification.

*Equal Justice and Democracy.*

Fundamental principles of equal justice and democracy underlie each of the values above. The Maps, demographic analyses, and history discussed throughout this Policy Report documents the unfair disparities in access to natural public places based on race, ethnicity, youth, income, poverty, and access to transportation.

As a matter of simple justice, parks, school fields, and other natural public places are a public resource, and the benefits and burdens should be distributed equally. All people are entitled to equal access to parks and recreation. People are entitled to parks and natural public places that serve the diverse needs of diverse users. Public dollars should not be spent in ways that discriminate unfairly against people of color and low income communities. Agencies should provide full and fair information and public participation in planning and investing infrastructure resources. Equal justice and democracy are fundamental values in this society.<sup>143</sup>

Framing the values at stake to appeal to different stakeholders is consistent with Professor George Lakoff's call to frame a progressive movement that defines who progressives are, encompassing strategic campaigns on many different issue areas and programs.<sup>144</sup>

The next Part discusses the articulation through law of the values at stake in natural public places.

## VIII. LEGAL JUSTIFICATIONS FOR EQUAL ACCESS TO PARKS AND RECREATION

Advocates have creatively combined a variety of legal theories to create new great urban parks and to protect public access to public lands, including state and federal civil rights and environmental laws and First Amendment rights to freedom of association and expression in parks and beaches.<sup>145</sup> Los Angeles faces the opportunity to affirmatively comply with these laws.

Federal and state laws prohibit both intentional discrimination and unjustified discriminatory impacts for which there are less discriminatory alternatives in the provision of public resources, including access to parks and other public lands. An important purpose of the statutory civil rights framework is to ensure that recipients of public funds do not maintain policies or practices that result in racial discrimination.<sup>146</sup>

Title VI of the Civil Rights of 1964 and its implementing regulations prohibit both (1) intentional discrimination based on race, color or national origin, and (2) unjustified discriminatory impacts for which there are less discriminatory alternatives, by applicants for or recipients of federal funds, including municipalities such as the city of Los Angeles.<sup>147</sup>

California law also prohibits intentional discrimination and unjustified discriminatory impacts by recipients of state funds under Government Code section 11135, which is analogous to Title VI and its regulations.<sup>148</sup> In addition, California law defines environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."<sup>149</sup>

The California Coastal Commission adopted a local coastal plan requiring Malibu to maximize public access to the beach while ensuring the fair treatment of people of all races, cultures, and incomes in 2002.<sup>150</sup> This was the first time an agency implemented the statutory definition of environmental justice under California law. Commissioner Pedro Nava told the Los Angeles Times he hoped to set a precedent for other communities, ensuring that visitors are not excluded because of their income or race.<sup>151</sup> The Commission adopted the provision in response to the advocacy of The City Project on behalf of a diverse alliance.<sup>152</sup>

Then-Secretary Andrew Cuomo of the United States Department of Housing and Urban Development recognized that the principle of equal justice must be implemented through parks and recreation in Los Angeles. Secretary Cuomo withheld federal funding for the proposed warehouses at the site of the Los Angeles

State Historic Park at the Cornfield unless the city of Los Angeles and the developers conducted a “full-blown” assessment of the impact of the proposed development on communities of color and low-income communities, including the park alternative. Secretary Cuomo acted after members of the Chinatown Yard Alliance filed an administrative complaint on the grounds that the warehouse project was the result of discriminatory land use policies that had long deprived communities of color and low-income communities of parks under federal civil rights, environmental justice, and environmental laws.<sup>153</sup>

Unfair park, school, and health disparities in Los Angeles are not just the result of bad management or dumb policies and practices. Compliance with the civil rights laws is necessary to eliminate “business as usual” that perpetuates the pattern and history of park, school, and health disparities. According to the authors of *Rethinking Urban Parks*, “racist ideology and practices underlie the cultural processes and forms of exclusion we describe in urban parks and beaches. We intend this work to be antiracist at its core, and to contribute to a better understanding of how racism, as a system of racial advantage/disadvantage, configures everyday park use and management.”<sup>154</sup>

Despite cutbacks in enforcement of civil rights protections in federal courts, it is important to keep in mind that both intentional discrimination and unjustified discriminatory impacts remain unlawful under federal and state law. As a matter of simple justice, it is unfair to use public tax dollars to subsidize discriminatory intent and discriminatory impacts.<sup>155</sup> Recipients of federal and state funds like the City of Los Angeles and park and recreation agencies remain obligated to prohibit both.

The planning and administrative processes are available to achieve compliance with civil rights laws and overcome discriminatory impacts. The California Coastal Commission took such a step when it required Malibu to maximize public access to the beach while ensuring the fair treatment of people of all races, cultures, and incomes.<sup>156</sup> State civil rights and environmental justice protections can be enforced and strengthened, such as California’s Government Code section 11135 and the statutory environmental justice definition. The same kinds of evidence can be as persuasive in the planning process, administrative arena, and court of public opinion, as in a court of law. Similar evidence is relevant to prove both discriminatory intent and discriminatory impact. Known discriminatory impact – whether known in advance or after the fact – continues to be among the most powerful evidence to establish discriminatory intent. Civil rights and environmental impacts can be analyzed together to alleviate unfair disparities in access to parks and recreation and achieve compliance with both bodies of laws.

Elected officials should be increasingly sensitive to, and held accountable for, the impact of their actions on communities of color, especially now that people of color are in the majority in forty-eight out of the 100 largest cities in the country.<sup>157</sup>

These are some of the tools that advocates and activists have successfully relied on in creating the great urban parks in Los Angeles, and keeping public lands public for all.

## IX. PRINCIPLES AND RECOMMENDATIONS

Natural public places, including parks, school fields, rivers, beaches, forests, mountains, and trails, are a necessary part of any urban infrastructure for healthy, livable communities. We recommend the following principles to ensure that everyone—especially people of color and others in low-income communities—benefits equally from infrastructure investments in natural public places.<sup>158</sup>

*Principle 1.* Infrastructure decisions involving natural public places have widespread impacts on health, housing, development, investment patterns, and quality of life. The process by which those decisions are reached, and the outcomes of those decisions, must be fair and beneficial to all.

*Principle 2.* Infrastructure investments should be guided by a regional vision for a comprehensive web of communities, parks, schools, beaches, forests, rivers, mountains, and transit to trails to achieve results that are equitable; promote human health, the environment, and economic vitality; and serve diverse community needs.

*Principle 3.* Infrastructure areas should be planned together in complementary rather than conflicting ways to serve health, education, and human service needs; to fulfill critical governmental and societal responsibilities; and to produce equitable results. For example, green parks can be used as flood control basins and can clean water and mitigate polluted storm water runoff. Shared use of schools and parks can provide places and policies for physical activity and healthy eating to improve health. Transit can provide access to trails.

*Principle 4.* Budget priorities within infrastructure areas should be thoroughly assessed through an equity lens. For example, there is a need for both active and passive recreation in natural public places. Urban and wilderness park advocates should work together rather than at cross purposes. Schools must develop the body and mind of the child through physical education as well as academics.

*Principle 5.* Employment and economic benefits associated with building and maintaining infrastructure, including parks, schools, and other natural public places, should be distributed fairly among all communities. Local jobs with livable wages should go first to local residents. Job training should be provided for those who need it to qualify for jobs. There should be a level playing field for small, women, and minority business enterprises. Affordable housing should be provided near parks and schools that are revitalizing neighborhoods, in order to prevent gentrification.

*Principle 6.* Revenues to support infrastructure improvements, including parks, schools, and other natural public places, should be collected and allocated fairly to distribute the benefits and burdens of these projects. Resources for parks and recreation should be allocated to overcome the continuing pattern and history of unfair park, school, and health disparities.

*Principle 7.* Infrastructure decision-making should be transparent and include mechanisms for everyone to contribute to the planning and policymaking process. For example, citizenship, voter registration, and get out the vote drives can engage new voters – young people, immigrants, and others -- to elect officials and decide ballot measures. Full environmental impact reports and statements, and health impact assessments, for parks and schools should be required to provide full and fair information and enable effective public participation. Audits and reports on bond funds and park agencies can illuminate inequities and provide blueprints for reform. Community oversight bodies should review infrastructure investments. Litigation is a profoundly democratic means of providing access to justice and the fair distribution of public resources, particularly for traditionally disempowered communities. Public officials and foundations should recognize this and support and fund such litigation. The Cornfield and Taylor Yard would not be parks but for litigation, and those victories spawned the diverse movements that have produced additional public land and resource bond victories.

*Principle 8.* Standards for measuring equity and progress should be articulated and implemented to hold agencies accountable for building healthy, livable communities for all.

*Principle 9.* In making infrastructure investments and decisions involving natural public places, recipients of federal and state funds should proactively comply with federal and state laws designed to achieve equal access to public resources, including Title VI of the Civil Rights Act of 1964 and its implementing regulations, California Government Code 11135, and the California statutory definition of environmental justice. Compliance with civil rights and environmental laws should be combined.

*Principle 10.* Government agencies and the philanthropic community must dedicate resources to enable community based organizations to serve their communities and actively participate in infrastructure planning and investments.

#### X. CONCLUSION

In 1930, Los Angeles threw away the opportunity to implement a regional vision for parks, playing fields, and beaches for the Los Angeles region. Over 75 years later, Los Angeles has a historic opportunity to restore part of the lost beauty of the region and to achieve equal access to parks and recreation. Billions of dollars of park, school, water, and other infrastructure bonds are available. Various agencies are implementing park, school, and river plans that will shape Los Angeles for generations to come. Applying the principles, recommendations, and laws above to achieve equitable infrastructure investments will create healthy, livable, communities for all.

1. Robert García is Executive Director and Counsel of The City Project in Los Angeles, California, and Aubrey White is Program Director. Amanda Recinos, Associate Director of GreenInfo Network and a GIS specialist, prepared the maps and statistics in this Report. Robert García has been an attorney or advocate in the Cornfield, Taylor Yard, Baldwin Hills, Ascot Hills, Los Angeles River, Canyon Back, Millard, and Malibu, and Bruce's Beach matters discussed below. He served as Chairman of the LAUSD School Bond Citizens' Oversight Committee from 2000 to 2005.

2. Robert García and The City Project have worked and published extensively on equal access to parks, school fields, rivers, beaches, forests, transportation, and related issues at the intersection of equal justice, democracy, and livability. *See generally* Robert García and Erica Flores, *Anatomy of the Urban Park Movement: Equal Justice, Democracy and Livability in Los Angeles* [hereinafter *Urban Parks Movement*], in THE QUEST FOR ENVIRONMENTAL JUSTICE: HUMAN RIGHTS AND THE POLITICS OF POLLUTION 145 (Robert Bullard, ed., 2005); Robert García et al., *We Shall Be Moved: Community Activism As a Tool for Reversing the Rollback* [hereinafter *We Shall Be Moved*], in AWAKENING FROM THE DREAM: PURSUING CIVIL RIGHTS IN A CONSERVATIVE ERA 329 (Denise C. Morgan et al., eds., 2005); Robert García and Thomas A. Rubin, *Crossroad Blues: The MTA Consent Decree and Just Transportation*, in RUNNING ON EMPTY: TRANSPORT, SOCIAL EXCLUSION, AND ENVIRONMENTAL JUSTICE 221 (Karen Lucas, ed., 2004); Robert García and Erica Flores Baltodano, *Free the Beach! Public Access Equal Justice, and the California Coast*, 2 STANFORD JOURNAL OF CIVIL RIGHTS AND CIVIL LIBERTIES 142 (2005) [hereinafter *Free the Beach!*]; Robert García and Erica Flores Baltodano, *Healthy Children, Healthy Communities, and Legal Services*, published in a special issue on Environmental Justice for Children in the Journal of Poverty Law and Policy by the National Center on Poverty Law and the Clearinghouse Review (May-June 2005) [hereinafter *Healthy Children, Healthy Communities, and Legal Services*]; *Healthy Children, Healthy Communities: Schools, Parks, Recreation, and Sustainable Regional Planning*, 31 FORDHAM URB. L.J. 101 (2004) (Symposium on Urban Equity); ROBERT GARCÍA, ERICA S. FLORES, JULIE EHRLICH, POLICY REPORT, THE CORNFIELD AND THE FLOW OF HISTORY (2004), available at [www.cityprojectca.org/publications/index.html](http://www.cityprojectca.org/publications/index.html); *See generally* ROBERT GARCÍA, ET AL., DREAMS OF FIELDS: SOCCER, COMMUNITY, AND EQUAL JUSTICE 17 (2002); available at [www.cityprojectca.org/publications/index.html](http://www.cityprojectca.org/publications/index.html).

3. This Report will often use the shorthand term "parks and recreation" to refer to parks, school fields, rivers, beaches, forests, and other natural public places.

4. SETHA LOW, DANA TAPLIN, & SUZANNE SCHELD, *RETHINKING URBAN PARKS: PUBLIC SPACE AND CULTURAL DIVERSITY* 210 (2005) (hereinafter *RETHINKING URBAN PARKS*).

5. Jane Lawler Dye and Tailese Johnson, U.S. Census Bureau, *A Child's Day 2003: Selected Indicators of Child Well-Being Table D29* (Jan. 2007) ("*A Child's Day*"), available at [www.census.gov/population/www/socdemo/wellbeing.html](http://www.census.gov/population/www/socdemo/wellbeing.html).

6. 33% of Hispanic children in suburban areas were kept inside because of perceived dangers, followed by 25% of Blacks and 15% of non-Hispanic Whites. The number of Asian respondents in metropolitan areas outside central cities was not statistically significant. *Id.* at 19-20.

	Safe Place to Play	Kept Inside/Cities Under 18	Kept Inside/Suburbs Under 18
Non-Hispanic White	87%	25%	15%
Hispanic	68%	48%	33%
African American	71%	39%	25%
Asian	81%	24%	N/A

7. Non-Hispanic White children were most likely to participate in sports – 45% of both 6- to 11- and 12- to 17-year-old children, compared to 26% and 42% of Asians; 24% and 35% of blacks; and 21% and 35% of Hispanics. Only 26% of 6- to 17-year-old children in poverty participated in after school sports, compared to 46% living at twice the federal poverty level or higher. *Id.* at 13-14.<sup>7</sup> (See chart on next page.)

	Sports ages 6-11	Sports ages 12-17
Non-Hispanic White	45%	45%
Hispanic	21%	35%
African American	24%	35%
Asian	26%	42%
Poverty	26%	26%
2X poverty level	46%	46%

8. *Id.* at 13, citing Joseph Mahoney, “School Extracurricular Activity Participation as a Moderator in the Development of Antisocial Patterns,” 71 *Child Development* 502-16 (2000), and National Institute of Child Health and Human Development Early Child Care and Youth Development Research Network (NICHD), “Are Child Developmental Outcomes Related to Before- and After-School Care Arrangements? Results From the NICHD Study of Early Child Care,” 75 *Child Development* 284-95 (2004).

9. Evan George, *Browning the Green Movement*, L.A. ALTERNATIVE, Sept. 15, 2006, available at [www.cityprojectca.org](http://www.cityprojectca.org) and [www.laalternative.com/index.php/2006/09/15/browning-the-green-movement](http://www.laalternative.com/index.php/2006/09/15/browning-the-green-movement).

10. *Id.*

11. Olmsted Brothers & Bartholomew and Associates, *Parks, Playgrounds and Beaches for the Los Angeles Region 1* (1930) [hereinafter OLMSTED REPORT], reprinted in GREG HISE & WILLIAM DEVERELL, *EDEN BY DESIGN* (2000). The City Project's digital edition of the Olmsted vision is available at <http://www.clipi.org/images/g-olmstedlarge.jpg>.

12. See, e.g., OLMSTED REPORT at 129.

13. *Id.* at 85-88, 92-93.

14. *Id.* at 14-16.

15. *Id.* at 13-14, 35-43.

16. *Id.* at 22.

17. *Id.* at 16.

18. See HISE & DEVERELL, *supra*, at 7-56; Mike Davis, *How Eden Lost Its Garden*, in *ECOLOGY OF FEAR* 59-91 (1998).

19. L.A. TIMES, “How Propositions 40 and 45 Fared Among Voters,” Mar. 7, 2002 (statewide exit poll).

20. Exit poll and turnout study by the William C. Velazquez Institute (WCVI), [www.wcvi.org/press\\_room/press\\_releases/2006/exitpoll\\_caProp842006.htm](http://www.wcvi.org/press_room/press_releases/2006/exitpoll_caProp842006.htm).

21. JENNIFER WOLCH, JOHN WILSON & JED FEHRENBACH, *PARKS AND PARK FUNDING IN LOS ANGELES: AN EQUITY MAPPING ANALYSIS* (2002).

22. MARK BALDASARE, *PUBLIC POLICY INSTITUTE OF CALIFORNIA STATEWIDE SURVEY: SPECIAL SURVEY ON CALIFORNIANS AND THE ENVIRONMENT* vi (June 2002).

23. Los Angeles County Children’s Planning Council, 2006 Children’s ScoreCard (hereafter “ScoreCard”) at 19, citing the Los Angeles County Children’s Planning Council, Los Angeles County Chief Administrative Office and Inter-Agency Operations Group, “Los Angeles County Forum Findings, August 2005.” The ScoreCard appears at [www.childrensplanningcouncil.org](http://www.childrensplanningcouncil.org).

24. ScoreCard at 20.

25. James Ricci, *A Park with No Name (Yet), but Plenty of History*, L.A. TIMES MAGAZINE, July 15, 2001; Jesus Sanchez *L.A.’s Cornfield Row: How Activists Prevailed*, L.A. TIMES, April 20, 2001, at A1. See generally Garcia, *Urban Park Movement, supra*; Paul Stanton Kibel, *Los Angeles’ Cornfield: An Old Blueprint for New Greenspace*, 23 *STANFORD ENVIRONMENTAL LAW JOURNAL* 275 (2004).

26. Chi Mui, *Civil Rights Hero*, [www.cityprojectca.org/blog/archives/276](http://www.cityprojectca.org/blog/archives/276).

27. Miguel Bustillo, *State, Youth Sports Advocates Clash Over Best Use of Parks*, L.A. TIMES, Dec. 22, 2002.

28. Lisa Richardson, *Fighting This Conservancy Won’t Be a Walk in the Park*, L.A. TIMES, Oct. 22, 2004.

29. Miguel Bustillo, *Former Foes Unite behind a Proposal to Turn Old Reservoir Site into Park*, L.A. TIMES, Jan. 15, 2004.

30. Gordon Smith, *Refurbishing L.A.’s Soul*, DAILY BREEZE, Dec. 6, 2006, at A1.

31. ROBERT GARCÍA, ERICA S. FLORES, JULIE EHRlich, *POLICY REPORT, THE CORNFIELD AND THE FLOW OF HISTORY* (2004), available at [www.cityprojectca.org/publications/index.html](http://www.cityprojectca.org/publications/index.html); Cornfield State Park Advisory Committee, *Recommendations Report: A Unified Vision for Cornfield State Park, Appendix I: Cultural, Historical, and Recreational Links* (2003), available at [www.parks.ca.gov/pages/21299/files/recommendationsreport.pdf](http://www.parks.ca.gov/pages/21299/files/recommendationsreport.pdf).

32. *RETHINKING URBAN PARKS, supra*, at 203-04.

33. Jessica Garrison, *Hikers, Homeowners Are at Odds Over Trails*, L.A. TIMES, May 10, 2006.

34. Jessica Garrison, *Developers and Hikers Settle Access Dispute*, L.A. TIMES, July 26, 2006.

The suits involving Canyon Back and Millard relied on laws providing that trails that were public for five years before 1972 are to remain public. See *Gion v. City of Santa Cruz*, 2 Cal. 3d 29, 38 (1970); *Friends of the Trails v. Blasius*, 78 Cal. App. 4th 810, 820-822 (2000). Park agencies should publish inventories of such trails to avoid evidentiary problems as time goes by.

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35. Editorial, *Settle La Vina Access Issue*, PASADENA STAR NEWS, Nov. 21, 2005. See Louis Sahagun, *Canyon Neighbors Gird for Another Legal Battle*, L.A. TIMES, Jan. 18, 2005.
  36. See generally García, *Free the Beach!*, *supra*.
  37. The beach bulldozing drew international attention. Kenneth R. Weiss and Amand Covarrubias, *Battle over Broad Beach Takes New Turn, With Earthmoving Equipment*, L.A. TIMES, June 9, 2005, at B3; Jamie Wilson, *Bulldozer Tactics by Malibu's Super-rich*, THE GUARDIAN (LONDON), June 10, 2005, at 17.
  38. *Cal. Coastal Comm'n v. Trancas Property Owners Association*, Case No. SC 086150 (Ca. Superior Court L.A. County July 6, 2005). The matter remained scheduled for trial on liability and fines of up to \$15,000 a day as of January 2007.
  39. See Letter from Robert García, et al., to California Coastal Commission re: *Commission Cease & Desist Order No. CCC-05-CD-9 (Trancas Property Owners Association, Malibu)* (Aug. 8, 2005) (on file with The City Project); Sara Lin, *Public's Use of Beach Is Affirmed: Malibu homeowners group must forgo signs and security guards, coastal panel says*, L.A. TIMES, Aug. 15, 2005, at B1.
  40. Kenneth R. Weiss, *Mogul Yields Beach Access to Public*, L.A. TIMES, April 15, 2005; Kenneth R. Weiss, *Geffen to Reimburse \$300,000*, L.A. TIMES, April 16, 2005. The City of Malibu dropped out of the suit earlier.
  41. Daryl Kelley, *Visitors to Park Are Told Not to Take a Hike*, L.A. TIMES, Aug. 19, 2005 at B1.
  42. Telephone conversation with agency official, June 16, 2005.
  43. U.S. Census 2000 data available at [www.factfinder.census.gov](http://www.factfinder.census.gov) and compiled by Greeninfo Network for The City Project.
  44. ScoreCard at 8.
  45. See Maps 401-903 and accompanying Charts and Graphs.
  46. California Center for Public Health Advocacy, *An Epidemic: Overweight and Unfit Children in California Assembly Districts* (Dec. 2002).
  47. Cal Dep't. of Ed. website, at [www.cde.ca.gov/ta/tg/pf/index.asp](http://www.cde.ca.gov/ta/tg/pf/index.asp); Cara Mia DiMassa, *Here's the Skinny: Most Students Aren't*, L.A. TIMES, Nov. 25, 2004.
  48. California Center for Public Health Advocacy, Press Release (June 6, 2006), on file with The City Project.
  49. García, *Healthy Children, Healthy Communities, and Legal Services*, *supra*, at 57.
  50. Obtaining information about which schools have five acres or more of field space is difficult. It took years for LAUSD to produce the information to The City Project, and LAUSD does not guarantee its accuracy. USC students researching other school districts in Los Angeles County (there are 80) were not readily able to obtain such information from the districts, and were forced to locate and measure school fields using web satellite images and field checks. They found that school districts with five acres or more of school fields are in disproportionately white and wealthy areas, except for Compton, but those schoolyards were generally in worse condition and had less green space. Amelia Canright, Tyler Claxton, Yukai Hong, Christina Jackson, University of Southern California Geography Department, *Disparity in Recreational Space Throughout School Districts of Los Angeles County* (2006) (on file with The City Project).
  51. Testimony and Powerpoint presentation by Michael Strumwasser, an attorney for LAUSD, before the LAUSD Citizens' School Bond Oversight Committee, November 17, 2004.
  52. Juliet Howland, Francine Young, Jon Erdsieck, Bunny Tucker, University of Southern California Geography Department, *Access to Recreational Space: Joint Use Agreements in the Los Angeles Unified School District* (2006) (on file with The City Project).
  53. WILLIAM DEVERELL, *WHITWASHED ADOBE 93* (2004). Major works about the Los Angeles River include JOE LINTON, *DOWN BY THE LOS ANGELES RIVER* (2005); BLAKE GUMPRECHT, *THE LOS ANGELES RIVER: ITS LIFE, DEATH, AND POSSIBLE REBIRTH* (1999); LEWIS MACADAMS, *THE RIVER: BOOKS ONE, TWO, & THREE* (2005); and D.J. WALDIE, *WHERE WE ARE NOW: NOTES FROM LOS ANGELES* (2004).
  54. See also Maps 1002-1010. For example, within three miles of the river *outside* the City, 60% of the population is Hispanic, 10% is black, 43% of children live in poverty, and the median household income is \$34,751. Within three miles of the river *within* the City, 49% of the population is Hispanic, 5% is black, 35% of children live in poverty, and the median household income is \$41,681. Total acres of parks per thousand residents is higher within than outside the City (8.3 versus 5.6), while net acres are about the same (5.4 versus 5.6) within and outside the City.
  55. The County's Los Angeles River Plan is available at [http://ladpw.org/wmd/watershed/LA/LA\\_River\\_Plan.cfm](http://ladpw.org/wmd/watershed/LA/LA_River_Plan.cfm).
  56. The County's San Gabriel River Plan is available at <http://ladpw.org/wmd/watershed/sg/mp>.
  57. State and federal clean water laws, CEQA, and NEPA provide the framework for environmental restoration,

revitalization and development along the Los Angeles and San Gabriel Rivers. *See, e.g.*, Federal Water Pollution Control Act, 33 U.S.C. §1313(a) et seq.; Porter-Cologne Act, Cal. Water Code §13000 et seq.; National Environmental Policy Act (NEPA), 42 U.S.C. § 4321; California Environmental Quality Act (CEQA), Cal. Pub. Resources Code, § 21000 et seq.). Civil rights laws are discussed below.

58. The Baldwin Hills Estates Homeowners' Association, Inc., Baldwin Hills Village Garden Homes Association, United Homeowners Association, Village Green Owners Association, and Concerned Citizens of South Central Los Angeles filed a complaint in intervention against the city of Los Angeles in 2001, alleging that sewage spills and nuisance odors violated the Clean Water Act, 33 U.S.C. § 1311(a), and/or the terms and conditions of National Pollution Discharge Elimination System ("NPDES") permits. Plaintiffs represented residents in Baldwin Hills, Crenshaw, Leimert Park, and South Central Los Angeles, which are disproportionately communities of color or low income communities. After conceding liability for certain spills, the city agreed to invest over \$2 billion to eliminate or mitigate the odors in 2004 as part of an agreement settling a broader clean water suit by the United States, the State of California, the California Water Quality Control Board, and Santa Monica Baykeeper. *See* Settlement Agreement and Final Order, Civil Actions No. 01-191-RSWL and 98-9039-RSWL (2004).

59. Phone survey by the William C. Velazquez Institute, September 2006, available at [http://www.wcvi.org/latino\\_voter\\_research/polls/ca/2006/lariverpoll\\_91106.html](http://www.wcvi.org/latino_voter_research/polls/ca/2006/lariverpoll_91106.html).

60. *Id.*

61. *See also* Maps 1102-1110, Chart 1201C. There is a higher percentage of Hispanics and Asian/Pacific Islanders compared to the county as a whole. A higher percentage of people live in poverty. The percentage of people with a high school education or less is greater. However, the median household income is higher, and a higher percentage have access to a car.

62. WOLCH, PARKS AND PARK FUNDING IN LOS ANGELES, *supra*.

63. The audit of Recreation and Parks is available in three parts at [www.cityprojectca.org/blog/wp-content/fiscalmanagementCityParks11102005\\_01.pdf](http://www.cityprojectca.org/blog/wp-content/fiscalmanagementCityParks11102005_01.pdf); [www.cityprojectca.org/blog/wp-content/RecreationandCommunityServicesAudit.pdf](http://www.cityprojectca.org/blog/wp-content/RecreationandCommunityServicesAudit.pdf); and [www.cityprojectca.org/blog/wp-content/MaintanceAudit01092006.pdf](http://www.cityprojectca.org/blog/wp-content/MaintanceAudit01092006.pdf).

64. Performance Audit of Recreation and Community Services in the Department of Recreation and Parks, Jan. 6, 2006, at 10, available at [www.cityprojectca.org/blog/wp-content/RecreationandCommunityServicesAudit.pdf](http://www.cityprojectca.org/blog/wp-content/RecreationandCommunityServicesAudit.pdf).

65. David Johnston, *Dead Parks*, L.A. TIMES, Sept. 3, 1987.

66. Shirley Leung, *Riordan Seeks More Funds for Urban Core*, WALL STREET JOURNAL, April 28, 1999.

67. Jocelyn Stewart, *Officials Resort to Creativity to Meet Need for Parks*, LOS ANGELES TIMES, June 15, 1998. *Accord*, Shirley Leung, *Riordan Seeks More Funds for Urban Core*, WALL STREET JOURNAL, April 28, 1999.

68. *Id.*

69. For a comprehensive study of equal access to public beaches, *see generally* García, *Free the Beach!*, *supra*.

70. Mark Baldassare, *Special Survey on Californians and the Environment: Ignoring Environmental, Coastal Concerns Could Be Perilous for California Politicos in 2006 Election Year* (Feb. 23, 2006) (on file with The City Project).

71. *Id.*

72. National Ocean Economics Program, *California's Ocean Economy*, Report to the Resources Agency, State of California 1 (July 2005).

73. *Id.* at 7.

74. The Coastal Commission has published a guide only for public beaches along Broad Beach in Malibu. The Commission should publish a similarly detailed guide to all public beaches in Los Angeles County and the state. The guide is available at [www.cityprojectca.org/pdf/broadbeachaccess.pdf](http://www.cityprojectca.org/pdf/broadbeachaccess.pdf). On beach access, *see generally* Olena Horcajo, Jennifer McCard, Brian Selogie, & Ryan Terwilliger, University of Southern California Geography Department, *Taking Back the Beach: An Evaluation of Beach Access Issues Along the Los Angeles County Coastline* (2006), on file with The City Project and forthcoming at [www.cityprojectca.org](http://www.cityprojectca.org).

75. Timothy Egan, *Owners of Malibu Mansions Cry, "This Sand Is My Sand,"* N.Y. TIMES, Aug. 25, 2002, p. 1.

76. Demographics of Coastal Communities in Los Angeles County

Community	Total Population	Non-Hispanic White	Latino	Asian	Median Household Income
Malibu	18,528	85%	6%	3%	\$102,052
Pacific Palisades	17,143	89%	4%	5%	\$125,711
Santa Monica	54,341	74%	12%	6%	\$50,435
Venice (Ocean Park)	24,639	61%	24%	3%	\$48,101
Marina del Rey	14,837	80%	6%	7%	\$74,444
Playa del Rey	16,830	70%	11%	8%	\$67,651
El Segundo	15,970	78%	10%	7%	\$61,385
Manhattan Beach	29,017	86%	5%	5%	\$102,739
Hermosa Beach	18,442	85%	7%	4%	\$81,883
Redondo Beach	27,107	77%	10%	8%	\$61,142
Torrance	11,026	80%	7%	10%	\$72,920
Palos Verdes Estates	13,340	76%	3%	17%	\$123,996
Rancho Palos Verdes	21,525	64%	4%	25%	\$104,552
Rolling Hills	1,871	77%	5%	14%	\$200,001
L.A. Harbor	34,878	58%	28%	4%	\$51,482
Long Beach	100,920	47%	31%	9%	\$41,587
L.A. County (for comparison)	9,519,338	49%	45%	12%	\$42,289
California (for comparison)	33,871,648	60%	32%	11%	\$47,493

Scott Anderson & Mike Godfrey, University of Southern California Geography Department, *Coastal Demographic: Los Angeles Pilot Project 1-2* (2003) (on file with The City Project). The study analyzed beach communities from Malibu to Long Beach using 2000 census tracts within approximately one mile from the coast. The household income is an average of the median household incomes within one community as defined by the study. The tracts containing Los Angeles International Airport and Long Beach Harbor were omitted because they contained negligible data.

77. John H. M. Laslett, *Historical Perspectives: Immigration and the Rise of a Distinctive Urban Region, 1900-1970*, in *ETHNIC LOS ANGELES 54* (Roger Waldiner and Mehdi Bozorgmehr eds., 1996).

78. Garcia, *Free the Beach!*, *supra*, at 197-98.

79. Chart 701C.

80. *Id.* Six to ten acres has been the National Recreation and Park Association standard. See GEORGE FOGG, PARK, RECREATION AND LEISURE FACILITIES SITE PLANNING GUIDELINES (Alexandria, VA: National Recreation and Park Association, 2005); JAMES D. MERTES & JAMES R. HALL, PARK, RECREATION, OPEN SPACE AND GREENWAY GUIDELINES (Alexandria, VA: National Recreation and Park Association, 1995).

81. United States Department of Agriculture, Forest Service, Draft Environmental Impact Statement for Revised Land Management Plans for the Angeles, Cleveland, Los Padres, and San Bernardino National Forests (May 2004) at 3-58 (“DEIS”), on file with The City Project.

82. Race/Ethnicity of Visitors to the Angeles National Forest (2000 Survey). Source: U.S. Forest Service, [www.losangelesalmanac.com/topics/Parks/pa07.htm](http://www.losangelesalmanac.com/topics/Parks/pa07.htm).

83. See generally Robert Garcia, Notice of Appeal of Final Environmental Impact Statement and Land Management Plans for Four Forests of Southern California (July 20, 2006), on file with The City Project.

84. The Report recognized the need to incorporate the Angeles National Forest, the San Gabriel and San Bernardino Mountains, and other outlying areas, including Catalina Island, to serve the recreation and open space needs of Los Angeles

County. *Id.* at 85-88, 92-93.

85. See generally Robert García and Thomas A. Rubin, *Cross Road Blues: Transportation Justice and the MTA Consent Decree*, chapter in Karen Lucas, ed., *Running on Empty: Transport, Social Exclusion and Environmental Justice* 221-56 (2004).

86. Ron Frescas, Chris Martin, and Christine Steenken, University of Southern California Geography Department, *Public Transportation to Local National Forests* (2004), available at [cityprojectca.org/publications/transportation.html](http://cityprojectca.org/publications/transportation.html).

87. Mike Agrimis, et al., University of Southern California Geography Department, *Equity and Beach Access in Los Angeles* (2003) (on file with The City Project). The study identified departure points in heavily Latino, African-American, and low-income communities.

88. OLMSTED REPORT at 13-14, 35-43.

89. See generally ROBERT GARCÍA, ET AL., POLICY REPORT, DREAMS OF FIELDS: SOCCER, COMMUNITY, AND EQUAL JUSTICE 17 (2002), available at [www.cityprojectca.org/publications/index.html](http://www.cityprojectca.org/publications/index.html).

90. Anastasia Loukaitou-Sideris, *Urban Form and Social Context: Cultural Differentiation in the Uses of Urban Parks* [hereinafter *Urban Form and Social Context*], 14 J. PLANNING & ED. & RESEARCH 89, 100-02 (1995). See also Anastasia Loukaitou-Sideris & Orit Stieglitz, *Children in Los Angeles Parks: A Study of Equity, Quality, and Children Satisfaction with Neighborhood Parks*, 73 (4) TOWN PLANNING REV. 1-6 (2002).

91. Loukaitou-Sideris, *Urban Form and Social Context*, *supra*, at 92-96.

92. See generally ALISON H. DEMING & LAURET E. SAVOY, ED., THE COLORS OF NATURE: CULTURE, IDENTITY, AND THE NATURAL WORLD (2002); RETHINKING URBAN PARKS, *supra*, at 40-43; Deborah J. Chavez, *Mexican-American Outdoor Recreation: Home, Community & Natural Environment*, proceedings paper, Hawaii International Conference on Social Sciences 5, 41-43 (2003); Deborah J. Chavez, *Adaptive Management in Outdoor Recreation: Serving Hispanics in Southern California*, 17 (3) WEST. J. APPLIED FORESTRY 132 (July 2002); Deborah S. Carr & Deborah J. Chavez, *A Qualitative Approach to Understanding Recreation Experiences: Central American Recreation in the National Forests of Southern California in CULTURE, CONFLICT, AND COMMUNICATION IN THE WILDLAND-URBAN INTERFACE* 181, 184-94 (A.W. Ewert, D.J. Chavez, A.W. Magill eds., 1993); Patrick T. Tierney, et al., USDA, Forest Service, Pacific Southwest Research Station, *Cultural Diversity of Los Angeles County Residents Using Undeveloped Natural Areas* 5 (1998).

93. See generally RETHINKING URBAN PARKS, *supra*, at 40-43; *Mexican-American Outdoor Recreation*, *supra*, at 2.

94. See Regina Austin, *"Not Just for the Fun of It!": Governmental Restraints on Black Leisure, Social Inequality, and the Privatization of Public Space*, 71 S. CAL. L. REV. 667, 694, 711-12 (1998).

95. On the use of statistical evidence to show adverse disparate impact under civil rights laws, see, e.g., *Hazelwood School Dist. v. U.S.*, 433 U.S. 299, 306-13 and note 14 (1977).

96. WOLCH, PARKS AND PARK FUNDING IN LOS ANGELES, *supra*.

97. OLMSTED REPORT, *supra*, at 47-58.

98. The Heritage Parkscape will commemorate this history. See generally ROBERT GARCÍA, ERICA S. FLORES, JULIE EHRlich, POLICY REPORT, THE CORNFIELD AND THE FLOW OF HISTORY (2004), available at [www.cityprojectca.org/publications/index.html](http://www.cityprojectca.org/publications/index.html). See also WILLIAM ESTRADA, SACRED AND CONTESTED SPACE: THE LOS ANGELES PLAZA (Ph. D. dissertation 2003), on file with The City Project.

99. The original Pobladores included blacks and mulattos. A black man, Francisco Reyes, served as alcalde (mayor) of El Pueblo in 1793, almost two hundred years before Tom Bradley, the first black man elected mayor under statehood. Jean Bruce Poole & Tevvy Ball, *El Pueblo: the Historic Heart of Los Angeles* 11 (2002). The last Mexican governor of California before statehood, Pío Pico, was born of African, Native American, and European ancestry under a Spanish flag. *Id.* at 30-31. Biddy Mason, a prominent citizen and philanthropist of early Los Angeles, was born a slave in Mississippi. She gained her freedom in Los Angeles through a federal court order in 1856, just before the United States Supreme Court held in the *Dred Scott* case that slaves were chattel entitled to no constitutional protections because blacks had "no rights which the white man was bound to respect." *Scott v. Sandford*, 60 U.S. 393, 407 (1857). She helped found the First African Methodist Episcopal Church, one of the major African American churches in Los Angeles today. Dolores Hayden, *The Power of Place: Urban Landscapes as Public History* 168-87 (1997).

100. See generally DOUGLAS FLAMMING, BOUND FOR FREEDOM: BLACKS IN LOS ANGELES IN JIM CROW AMERICA 271-75, 303, 414 n.38 (2005); JOSH SIDES, L.A. CITY LIMITS: AFRICAN AMERICAN LOS ANGELES FROM THE GREAT DEPRESSION TO THE PRESENT 101 (2003); MIKE DAVIS, CITY OF QUARTZ 160-64 (1990); Davis, *supra*, at 59-91; California Department of Parks and Recreation, FIVE VIEWS: AN ETHNIC SITES SURVEY FOR CALIFORNIA 68-69 (1988). Professor Lawrence Culver has written a detailed analysis of the history of race and recreation in *The Garden and the Grid: A History of Race, Recreation, and Parks in the City and County of Los Angeles* (forthcoming 2007).

101. See generally IRA KATZNELSON, WHEN AFFIRMATIVE ACTION WAS WHITE (2005).

102. For example, the Federal Housing Administration Manual of 1938 states: "If a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same racial classes. A change in social or racial occupancy generally contributes to instability and a decline in values." See also Robert Liberty, "Abolishing Exclusionary Zoning: A Natural Policy Alliance for Environmentalists and Affordable Housing Advocates," 30 Boston College Environmental Affairs Law Review 581 (2003); DAVIS, CITY OF QUARTZ, *supra*, at 160-64; Davis, *supra*, at 59-91.

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103. 334 U.S. 1 (1948).
  104. 346 U.S. 249 (1953).
  105. JOSH SIDES, L.A. CITY LIMITS: AFRICAN AMERICAN LOS ANGELES FROM THE GREAT DEPRESSION TO THE PRESENT 101 (2003).
  106. *Id.* at 108.
  107. *Id.* at 21.
  108. *Id.*
  109. See García, *Free the Beach!*, *supra*, at 163-67, and authorities cited; Lisa McDivitt, A Park by Any Other Name, *Easy Reader* (July 13, 2006); Cecilia Rasmussen, L.A. Then And Now: Resort Was An Oasis For Blacks Until Racism Drove Them Out, *L.A. Times*, July 21, 2002; Letter from Robert García to Manhattan Beach Mayor and City Council re: New Bruces' Beach Plaque to Celebrate Proud Legacy of Black Los Angeles (Dec. 5, 2006), on file with The City Project).
  110. LEONARD PITT & DALE PITT, LOS ANGELES A TO Z: AN ENCYCLOPEDIA OF THE CITY AND COUNTY 313 (1997).
  111. *Id.* at 313-14.
  112. Malibu property restrictions recorded 1945 (on file with The City Project).
  113. Stan Bellamy, *My Mountain, My People Vol. I: Arrowhead!* 188 (2000).
  114. John W. Robinson, *The San Bernardinos* 127-32 (1989).
  115. U.S. Declaration of Independence. See also Cal. Const., art. I, § 1.
  116. *Declaration of the Rights of the Child*, Proclaimed by General Assembly resolution 1386 (XIV) of 20 November 1959, Principle 7; *United Nations' Convention on the Right of the Child*, General Assembly resolution 44/25 of 20 November 1989, Article 31.
  117. See generally García, *Healthy Children, Healthy Communities and Legal Service Providers*, *supra*, and authorities cited; RICHARD LOUV, LAST CHILD IN THE WOODS (2005).
  118. Eloisa Gonzalez, MD, MPH, L.A. County Dept. of Public Health, testimony Jan. 21, 2004, LAUSD Citizens' School Bond Oversight Committee. See generally Editorial, *The Schools Go Flabby*, L.A. TIMES, May 22, 2004; Jennifer Radcliffe, *Going to War against the Epidemic of Childhood Obesity*, L.A. DAILY NEWS, Jan. 27, 2004; Cara Mia DiMassa, *Campus Crowding Can Make PE a Challenge*, L.A. TIMES, Nov. 19, 2003.
  119. U.S. DEPT. HEALTH & HUMAN SERVICES, THE SURGEON GENERAL'S CALL TO ACTION TO PREVENT AND DECREASE OVERWEIGHT AND OBESITY 9-10 (2001).
  120. GOLD COAST COLLABORATIVE, A HEALTH CRISIS IN PARADISE 18 (Sept. 2003).
  121. *Id.* at 3.
  122. See U.S. Dept. of Health and Human Services and U.S. Department of Education, *Promoting Better Health for Young People Through Physical Activity and Sports*, available online at <http://www.cdc.gov/nccdphp/dash/presphysactrpt> (Fall 2001).
  123. U.S. DEPT. OF HEALTH AND HUMAN SERVICES, PHYSICAL ACTIVITY AND HEALTH: A REPORT OF THE SURGEON GENERAL [hereinafter SURGEON GENERAL, PHYSICAL ACTIVITY] 200 (1996); Patricia Barnes, *Physical Activity Among Adults: United States, 2000*, Advance Data, No. 333, U.S. Dept. Health and Human Services (May 14, 2003); POLICY LINK, REGIONAL DEVELOPMENT AND PHYSICAL ACTIVITY: ISSUES AND STRATEGIES FOR PROMOTING HEALTH EQUITY 9-12 (Nov. 2002) [hereinafter HEALTH EQUITY].
  124. B. Giles-Corti, et al. *The relative influence of individual, social and physical environment determinants of physical activity*, 54 SOC. SCI. & MED. 1793 (2002).
  125. See Richard J. Jackson, MD, MPH & Chris Kochtitzky, MSP, *Creating a Healthy Environment: The Impact of the Built Environment on Public Health*, SPRAWL WATCH CLEARINGHOUSE MONOGRAPH SERIES, PUBLIC HEALTH/LAND USE MONOGRAPH 5, available at <http://www.sprawlwatch.org/Jackson>; HEALTH EQUITY, *supra*, at 15.
  126. Jackson, *supra*, at 5.
  127. SURGEON GENERAL, PHYSICAL ACTIVITY, *supra*, at 7, 85-87, 90-91, 102-03, 110-12, 127-30, 135.
  128. U.S. Dept. of Health and Human Services and U.S. Department of Education, *Promoting Better Health for Young People Through Physical Activity and Sports* 7 (Fall 2001), at <http://www.cdc.gov/nccdphp/dash/presphysactrpt>.
  129. A. Faber Taylor, et al., *Coping with ADD: The surprising connection to green play settings*, ENV'T & BEHAVIOR 33, 54-77 (2001); A. Faber Taylor, et al., *Views of Nature and Self-Discipline: Evidence from Inner City Children*, J. ENV'T. PSYCH. (2001); SURGEON GENERAL, PHYSICAL ACTIVITY, *supra* note 133, at 135-36, 141.
  130. F. E. Kuo, *Coping with Poverty: Impacts of Environment and Attention in the Inner City*, 33 ENV'T. & BEHAVIOR, 5-34 (2001); C. M. Tennesen et al., *Views to Nature: Effects on Attention*, 15 J. ENV'T. PSYCH. 77-85 (1995); R. Kaplan, *Nature at the*

*Doorstep: Residential Satisfaction with Nearby Environment*, 2 *Journal of Architectural and Planning Research*, 115-27 (1985).

131. See Russell R. Pate et al., *Sports Participation and Health-Related Behaviors Among US Youth*, ARCHIVES PEDIATRICS & ADOLESCENT MED. (Sept. 2000); see also U.S. Dep't. of Health and Human Services, *Physical Activity Fundamental to Preventing Disease* [hereinafter *Physical Activity Fundamental*] 9 (June 20, 2002); *Gangs, Crime and Violence in Los Angeles: Findings and Proposals from the District Attorney's Office* (1992).

132. *Id.* See Loukaitou-Sideris & Stieglitz, *Children in Los Angeles Parks*, at 1-6.

133. Ca. Dep't of Ed., Press Release, Dec. 10, 2002.

134. WILLIAM G. BOWEN & SARAH A. LEVIN, ET AL., RECLAIMING THE GAME: COLLEGE SPORTS AND EDUCATIONAL VALUES (2003).

135. Loukaitou-Sederis & Stieglitz, *Children in Los Angeles Parks*, *supra*, at 1-6.

136. *Gangs, Crime and Violence in Los Angeles: Findings and Proposals from the District Attorney's Office* (1992).

137. *Id.*

138. See Loukaitou-Sideris, *Urban Form and Social Context*, *supra*, at 89-102; Jane Jacobs, *The Death and Life of Great American Cities* 89-111 (1992).

139. Julia Romano, *A Controversial Woman of Peace*, SANTA MONICA BAY WEEK, Nov. 21, 2002. According to the United States Catholic Conference, for example, Catholics show their respect for the Creator through stewardship and care for the earth as a requirement of their faith. United States Catholic Conference, Inc., Washington D.C. (1999). The United Nations has published an interfaith book of reflection for action. See LIBBY BASSETT, ET AL., EARTH AND FAITH (2000).

140. See video of Ms. Menchu at <http://cityprojectca.org/ourwork/menchutum.html>.

141. Patrick E. Tyler, *Kenyan Environmentalist Wins Nobel Prize for Peace*, N.Y. TIMES, Oct. 8, 2004.

142. See, e.g., Steve Lerner & William Poole, *The Economic Benefits of Parks and Open Spaces* 12, 13, 17, 20, 26 (1999).

143. See generally García, *Urban Parks Movement*, *supra*; García, *Free the Beach!*, *supra*; RETHINKING URBAN PARKS, *supra*, at 1-18; GARCÍA, *DREAMS OF FIELDS*, *supra*, at 17; Regina Austin, "Not Just for the Fun of It!: Governmental Restraints on Black Leisure, Social Inequality, and the Privatization of Public Space," 71 S. CAL. L. REV. 667, 711-12 (1998).

144. Professor Lakoff identifies six types of progressives with shared values: (1) socio-economic: issues are a matter of money and class; (2) identity politics: our group deserves its share now; (3) environmentalists: respect for the earth and a healthy future; (4) civil libertarians: freedoms are threatened and have to be protected; (5) spiritual progressives: religion and spirituality nurture us and are central to a fulfilling life; (6) anti-authoritarians: we have to fight the illegitimate use of authority. See GEORGE LAKOFF, DON'T THINK OF AN ELEPHANT! KNOW YOUR VALUES AND FRAME THE DEBATE (2004); GEORGE LAKOFF, MORAL POLITICS: HOW LIBERALS AND CONSERVATIVES THINK (2002).

145. *Leydon v. Town of Greenwich*, 257 Conn. 318 (2001). Environmental laws generally are cited in footnotes 34, 57, and 58 above. The policy and legal justifications for coastal access, including the public trust doctrine, the California Constitution, Cal. Const. Article X, Section 4, and the California Coastal Act, Cal. Pub. Resources Code § 30001.5(c), are comprehensively explored in García, *Free the Beach!*, *supra*.

146. *Guardians Ass'n v. Civil Service Comm'n*, 463 U.S. 582, 629 (1983) (Justice Marshall, concurring in part and dissenting in part).

147. 42 U.S.C. § 2000d (2004). Cf. 43 C.F.R. 7.30 (nondiscrimination statement for recipients of federal funds from the Department of Interior, which has jurisdiction over National Parks and other public lands). See also Executive Order 12,898 on Environmental Justice (Feb. 11, 1994). The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution also prohibits intentional discrimination. See also Section 1983 of the Civil Rights Act of 1871.

148. See Cal Gov. Code § 11135 *et seq.*; 22 CCR § 9810.

149. Cal. Gov. Code § 65040.12.

150. Local Coastal Plan, *supra*, at 9.

151. Seema Mehta, *Land-Use Plan OK'd for Malibu*, L.A. TIMES, Sept. 14, 2002.

152. See Letter to California Coastal Commission from Robert Garcia, et al., regarding Equal Access to California's Beaches (Sept. 12, 2002).

153. Letter from Office of the Secretary, United States Department of Housing and Urban Development, to Los Angeles Deputy Mayor Rocky Delgadillo Re: City of Los Angeles – Section 108 Application – Cornfields B-99-MC-06-0523, Sep. 25, 2000, on file with The City Project.

154. RETHINKING URBAN PARKS, *supra*, at X.

155. See, e.g., *Alexander v. Sandoval*, 532 U.S. 275 (2001); *Gonzaga Univ. v. Doe*, 536 U.S. 273 (2002).

156. Local Coastal Program, *supra*.

157. Brookings Institution, *Racial Change in the Nation's Largest Cities: Evidence from the 2000 Census* (2001).

158. These principles are adapted from the work on equitable strategies for infrastructure investment by PolicyLink and others. See, e.g., Victor Rubin, *Safety, Growth, and Equity: Infrastructure Policies that Promote Opportunity and Inclusion 3* (PolicyLink 2006), [www.policylink.org/pdfs/Safety\\_Growth\\_Equity.pdf](http://www.policylink.org/pdfs/Safety_Growth_Equity.pdf). PolicyLink cites the struggle for the Cornfield as example of equity principles guiding urban park development. *Id.* at 11.