

# Social Science, Equal Justice and Public Health Policy: Translating Research into Action Through the Urban Greening Movement

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## 1. Introduction

In Los Angeles, California, United States of America, where one lives, the color of one's skin, and how much money one has impacts one's health and quality of life. One reason for this is that people of color and low-income people disproportionately lack access to safe places and programs for physical activity, including parks, school fields and green streets. People who lack access are deprived of the benefits of green space, including improved physical and mental health, the full development of the child including improved academic performance, positive alternatives to gangs, crime drugs and violence, social cohesion, economic vitality including green local jobs, and other values (García and Strongin, 2011).

Over the past ten years, attorneys, advocates and activists in what has become known as the urban greening movement have worked to alleviate inequities in access to green space including parks, schools and pools, translating social science research, policy and law into systemic social change.

In southern California, Los Angeles State Historic Park, Río de Los Angeles State Park, and Baldwin Hills Park are three best practice examples where community driven organizing and legal campaigns have helped create and maintain parks in neighborhoods that are disproportionately of color and low-income and lack opportunities for physical activity. These community victories for greening, democracy and equal justice took place over the span of a decade in three neighborhoods in Los Angeles, California. Each case study demonstrates how research including public health, demographic, geographic, and economic analyses, geographic information systems (GIS) mapping and demographic analyses, social science, and history were employed to present quantitative and qualitative evidence that supported the use of civil rights and environmental laws to influence the investment of public resources to create and maintain great urban parks. Section 2-5 of this chapter present the evidence. Section 6 presents the legal analyses. Section 7 illustrates the application of the law to the evidence in the context of those parks. Section 8 presents lessons learned in translating research into action. These case studies present replicable models for other cities and regions.

## 2. The people and geography of the Los Angeles region

The Los Angeles region is densely populated and racially, ethnically, and socioeconomically diverse. While the region offers a wealth of green space and parks as a whole, the green space is spread across a large land area and recreation opportunities are not distributed evenly (García and Strongin, 2011).

### 2.1 The people of Los Angeles

Los Angeles County is home to more than 9.8 million people (U.S. Census Bureau, 2010a). The City of Los Angeles alone has approximately 3.8 million residents, making it the second largest city in the United States of America by population (U.S. Census Bureau, 2010b). The remaining 60% of the county's population is dispersed throughout the other 87 incorporated cities and numerous unincorporated communities. There is significant racial and ethnic diversity among the county's residents, as shown in Table 1 below.

Race or Ethnicity	Population	Percentage of Population
Non-Hispanic White	2,728,321	27.8
Hispanic/Latino	4,687,889	47.7
Black	815,086	8.3
Asian and Pacific Islander	1,348,135	13.7
Native American	18,886	0.2
Total	9,818,605	

Table 1. Racial and Ethnic Profile of Los Angeles County (U.S. Census Bureau, 2010a)

The population of Los Angeles is not distributed evenly based on race, ethnicity, color or national origin. Racial or ethnic groups are often concentrated in certain communities throughout the county. For example, the percentage of African Americans living in the cities and neighborhoods of South and Central Los Angeles is far higher than the county average (Browning et al., 2010a), while the proportion of African Americans in the San Fernando Valley is far lower (Browning et al., 2010b). The disparities can be extreme between neighborhoods within the same city. Neighborhoods in the eastern portion of the City of Los Angeles, such as Boyle Heights and El Sereno, are more than 80% Latino (Browning et al., 2010c) while fewer than 10% of the residents of some neighborhoods in western Los Angeles are Latino, including Pacific Palisades and Brentwood (Browning et al., 2010d).

There are extreme differences in socioeconomic status within Los Angeles. Despite having many affluent neighborhoods, an overwhelming percentage of residents in some parts of the county do not earn a living wage. The annual income needed for a family of four to provide for its basic needs in Los Angeles County was slightly more than \$63,000 in 2005, more than three times the federal poverty level (Los Angeles County Children's Planning Council, 2006). Fully 93% of households with children in Central Los Angeles and 85% in South Los Angeles fall below this income level. Income disparities are most notable for Latino families, with 89% earning less than 300% of the federal poverty level, compared to only 34% of non-Hispanic white families (Los Angeles County Children's Planning Council, 2006).

## **2.2 The geography of Los Angeles**

Los Angeles is located in southern California, in the southwestern United States. Los Angeles County is spread out over more than 4,000 square miles. The region includes 70 miles of coastline along the Pacific Ocean and mountains reaching elevations of over 10,000 feet (County of Los Angeles, 2011). Los Angeles contains rugged forests, rivers, deep valleys, and desolate deserts, as well as numerous urban parks. The region's many different geographical features provide a variety of recreational opportunities. In fact, it is possible to go alpine skiing and surf in the Pacific Ocean in the same day without leaving the county.

## **3. Park access in Los Angeles**

Despite an overall wealth of parks and recreational opportunities, not all residents share equal access to the region's green space. Where one lives within Los Angeles factors into how much park access one has, and a closer analysis demonstrates that race, ethnicity, and socioeconomic status impact these disparities, as well.

### **3.1 Park poor, Income poor and communities of color**

California state law defines "park poor" and "income poor" communities in order to prioritize investment of park bond funds in underserved communities. "Park poor" is defined as three acres or less of parks per thousand residents. "Income poor" is a median household income of \$47,331 or less (García and Strongin, 2011). Though these criteria apply to the investment of park funds under a specific statewide ballot measure (Proposition 84), these criteria are a best practice example to establish standards to measure progress and equity and hold public officials accountable.

The City Project has used GIS and demographic tools to map the entire state of California at the census tract level to illustrate park poor, income poor communities that are disproportionately populated by people of color. The City Project advocates that park funding be prioritized in these combined "hot spots" (García and Strongin, 2011).

### **3.2 Measuring park access**

There are numerous ways to measure park access aside from acres of parks per thousand residents. The ultimate question is whether the parks meet the needs of the community as defined by the community. There is no single rule of thumb that works. A more useful method is a combination of measures, such as park poor, income poor, communities of color.

The National Recreation and Parks Association (U.S.), for example, at one time recommended ten acres of park space per thousand residents, but more recently supports a more flexible approach (Wolch et al., 2001). Most urban areas in California fall short of ten acres of parks per thousand residents. The total amount of park space within a certain area is important, but this does not take into account who can reach the parks. Another method is distance to the park, measured in miles or "walking distance." This does not address whether nearby parks meet the needs of the community -- for example, if a nearby park is a pocket park and one wants to play soccer.

### 3.3 Park acres per thousand residents in Los Angeles

In total there are 874,367 acres of green space in Los Angeles, approximately 1/3 of the total land area (García and Strongin, 2011). With a population of 9,818,605, this is 89.1 acres of parks per thousand residents.

Though the total ratio of acres of parks per thousand residents is high for the county as a whole, the distribution of parks throughout the county is not even. The countywide average masks the vast park, school, and health disparities based on race, ethnicity, income, poverty, and access to cars.

Many neighborhoods in the urban core of Los Angeles are densely populated but offer very small amounts of park space. These park poor neighborhoods tend to have disproportionately higher percentages of people of color and low-income people. For example, in the City of Los Angeles, Latino neighborhoods have an average of 1.6 acres of green space per thousand residents, African American neighborhoods average only 0.8 acres per thousand residents, and Asian/Pacific Islander neighborhoods provide 1.2 acres per thousand residents, in comparison to non-Hispanic white neighborhoods with 17.4 acres per thousand residents (Loukaitou-Sideris, 2006).

Considering park access by state assembly district (AD), there are 26 districts fully or partially within Los Angeles County. Park acres per thousand residents range from a low of 0.52 in AD 46 in Central Los Angeles to 3,279 acres per thousand residents in AD 37 in the northwestern county (García and Strongin, 2011). Figure 1 below documents park acres per thousand residents for each district.

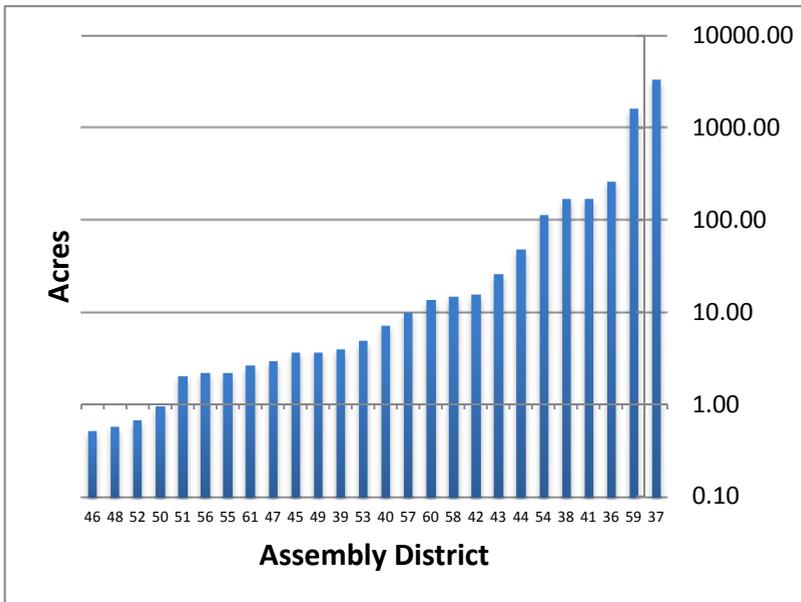


Fig. 1. Park Acres Per Thousand Residents for Assembly Districts in Los Angeles County (Note: chart is on logarithmic scale)

As is true for neighborhoods within the City of Los Angeles, the most park poor and income poor assembly districts in the County of Los Angeles have disproportionately high percentages of people of color and low-income people. Conversely, most of the park rich districts have disproportionately high percentages of non-Hispanic white and middle- or high-income residents (see Figure 2).

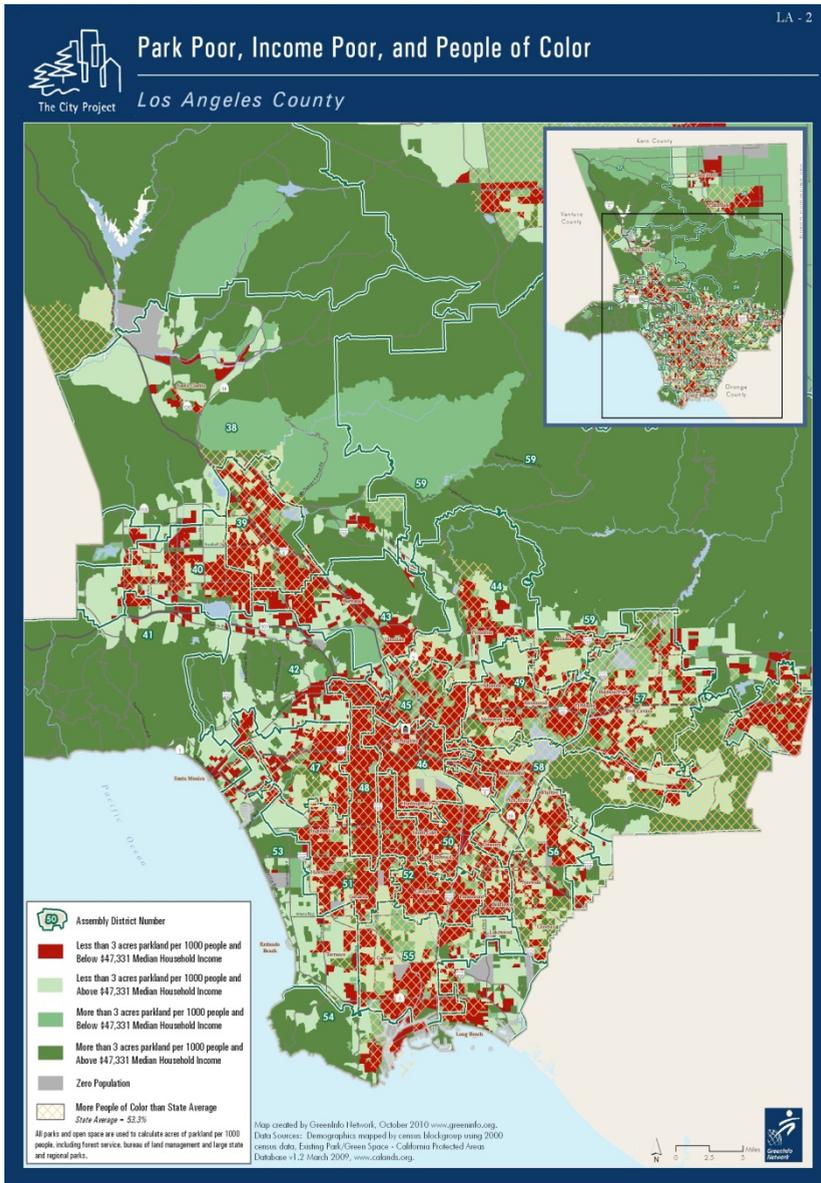


Fig. 2. Park Poor, Income Poor, and People of Color in Los Angeles

#### **4. Why parks matter: The values at stake**

Parks are vital components of a community, providing opportunities for physical activity, offering a place for children and adults to play and for families and people to gather, serving as venues where culture, history and art can be celebrated, and functioning as economic catalysts. Additionally, parks offer important environmental services such as filtering air and water pollution, conserving land, protecting habitat for plants and animals and helping to mitigate climate change. There is empirical evidence to support the value of parks. Courts recognize that persuasive evidence includes statistical as well as anecdotal evidence. Anecdotal evidence includes stories of individual experiences and the reality of people's lives.

##### **4.1 Physical and psychological health**

Being physically active in parks, and even simply visiting a park, can provide health benefits to all people, from young children to senior citizens. These health benefits include not only physical health but also the joy of having fun, stress reduction, quality of life improvements, and alternatives to at-risk behavior such as crime, drugs, violence and gangs.

###### **4.1.1 Simple Joys**

Fun is not frivolous. Children have the right to the simple joys of playing in safe parks and school fields. The United Nations recognizes the child's right to play as a fundamental human right (United Nations, 1989). The United States was founded, in part, for the pursuit of happiness.

###### **4.1.2 Physical activity, obesity and health**

Parks and physical activity are an integral part of a comprehensive approach to healthcare and the built environment. As the costs of medical care continue to increase, improving the built environment through parks, green space and walkable green streets should be considered a form of preventive care. Indeed, many experts consider providing safe parks and other recreation spaces as a primary form of preventive medicine (Trust for America's Health, 2008).

This is the first generation in the history of the United States for which children are predicted to have a lower life expectancy than their parents. This is largely attributed to increasingly sedentary lifestyles and rising rates of overweight and obesity (Olshansky et al., 2005). Regular physical activity, along with a healthful diet, plays a vital role in preventing obesity and the many chronic health conditions associated with it, such as Type 2 diabetes, heart disease, hypertension, and some cancers (U.S.D.H.H.S & U.S.D.E., 2001).

Obesity is also associated with greatly increased costs for medical care and lost productivity. The combined cost to California of overweight, obesity, and physical inactivity is estimated to be \$41.2 billion annually (California Center for Public Health Advocacy, 2009). The cost of obesity alone in the United States is \$117 billion annually, including health care costs and lost productivity (U.S.D.H.H.S & U.S.D.E., 2001).

Childhood obesity rates are increasing at the same time physical activity levels among children are decreasing. The precipitous decline in children's physical activity levels, and escalating rates of childhood obesity and diabetes, are alarming epidemics (UCLA Center to Eliminate Health Disparities & Samuels and Associates, 2007). More than one out of every four adolescents in California (29%) -- nearly one million teenagers -- get less than the recommended levels of physical activity (Babey et al., 2005).

Children and adults who live in communities with parks, athletic fields, nature centers and other recreational facilities tend to be more physically active (Active Living Research, 2007). Research shows that park proximity is associated with higher levels of park use and physical activity among a variety of populations, particularly youth. Having more parks and more park acreage within a community is associated with higher physical activity levels (Mowen, 2010). This is particularly true for low-income communities. One study found that people in low-income areas in Los Angeles who live within one mile of a park visited that park four times more frequently and exercised 38% more than people who lived more than one mile away (Cohen et al., 2007). Unfortunately, low-income areas often lack places for physical activity, including parks and school fields. This is one reason that children and teens in low-income areas and children of color have a lower percentage of physically active youth and are especially vulnerable to obesity (Active Living Research, 2007).

#### **4.1.3 Psychological wellbeing**

In modern urban environments, parks and open spaces provide needed reprieves from everyday stressors that lead to mental fatigue. This improves the health of adults and children by reducing stress and depression and improving focus, attention span, productivity, and recovery from illness (Maller et al., 2005). Spending time in parks can reduce irritability and impulsivity and promote intellectual and physical development in children and teenagers by providing a safe and engaging environment to interact and develop social skills, language and reasoning abilities, as well as muscle strength and coordination. Parks also provide a place for social support and an opportunity for self-determination, both important factors in reducing stress, lowering anxiety, and improving a person's overall mood. This is true for children and adults (Ho, 2003).

Researchers have found associations between contact with natural environment and improvements in the functioning of children with Attention Deficit and Hyperactivity Disorder (ADHD) (Taylor et al., 2001). Contact with natural environments, such as trees, has also been found to be associated with increases in the psychological resources of individuals living in public housing to make changes that will improve their lives and a decreased likelihood of finding problems insurmountable (Kuo, 2001).

#### **4.1.4 Recovery from illness and trauma**

Parks and green space have direct healing effects. A classic study demonstrated that views of trees enhance the recovery of surgical patients and shortens the duration of hospitalizations (Ulrich, 1984). Another study found that for people who had recently experienced a stressful event in their life, the simple act of driving by parks and green spaces improved their rate of recovery (Parsons et al., 1998). Other research has

demonstrated that living in environments with more green space reduces the number of overall health complaints (de Vries, 2003).

#### **4.2 Social development and community cohesion**

Parks and recreation programs can play an important role in reducing crime and violence. The City of Los Angeles' Summer Night Lights program keeps select parks open from 7pm until midnight throughout the summer, offering recreational activities, mentoring and counseling programs, meals, and other services, as an anti-gang initiative. There has been a 40.4% overall reduction in gang-related crime, including a 57% reduction in gang-related homicide, in the neighborhoods where the program has operated since the program began in 2008 (Gold, 2010).

Active recreation and team sports in parks can promote positive choices and help reduce youth violence, crime, drug abuse, and teen pregnancy. Sports and recreation can provide life-long lessons in team work, build character and improve academics (Pate et al., 2000). Research shows that children involved in sports and extracurricular activities tend to score higher on standardized tests and are less likely to engage in antisocial behavior (Mahoney, 2000). Additionally, interscholastic sports lead to decreased drop out rates for both boys and girls (Yin & Moore, 2004).

Parks and recreation programs that serve diverse needs of diverse users bring people together in the public commons for the public good. Numerous studies document the fact that people attach different values to green space and use green space differently, both in urban and non-urban contexts (Deming & Savoy, 2002; Low et al., 2005).

Parks and green spaces provide a place for community members to socially interact with other community members. Parks become a source of community pride and inspiration. Social interaction and neighborhood spaces have been identified as key facets of healthy communities supporting social networks, social support, and social integration (Berkman et al., 2000). Sociability may contribute to a sense of belonging and community. In a study conducted at a large public housing development in Chicago, Illinois, vegetated areas were used by significantly more people and those individuals were more likely to be engaged in social activities than similar areas without vegetation (Sullivan et al, 2004).

#### **4.3 Culture, history and art**

Parks provide important places that celebrate diverse culture, heritage and art. Cultural, historical and artistic monuments should reflect the diversity of a place and its people. For example, The Great Wall of Los Angeles, by UCLA Professor Judy Baca and the Social and Public Art Resource Center (SPARC), is one of the greatest monuments to inter-racial harmony in the United States and a best practice example of public art in a public park. The recently restored half-mile Wall, the longest mural in the world, is in the Los Angeles River channel (García and Strongin, 2011).

The struggle to stop a proposed toll road through Panhe, a 9,000 year old sacred site of the Native American Acjachemen people located within the present-day San Onofre State Beach, illustrates the profound values of religious freedom, democracy, and equal justice for Native Americans that can be celebrated in parks (García and Strongin, 2011).

Social justice and stewardship of the earth motivate spiritual leaders to support parks, green space and equal justice. The United Church of Christ has published environmental justice studies on toxics in 1987 and 2007 (Bullard, 2007). Cardinal Roger Mahony and the Justice and Peace Commission of the Catholic Archdiocese of Los Angeles, have actively supported equal access to parks and natural space (García and Strongin, 2011). Protecting the earth and its people bears a special meaning in the values of indigenous people around the world (Morales, 2010). Nobel Peace Prize Laureate Rigoberta Menchú, a Mayan woman from Guatemala, has praised work to promote equal access to parks and recreation as a way of giving children hope and saying no to violence (García and Strongin, 2011).

#### **4.4 Economic vitality**

When cities create urban parks, property values increase, local businesses benefit, and jobs are created, contributing to the local, state and national economies. Important lessons can be drawn from the New Deal on the importance of including parks and recreation in economic stimulus activities (The City Project, 2009). New Deal projects included the creation of 8,000 parks and 40,000 schools. The Civilian Conservation Corps expanded open space and created three million jobs (Maher, 2008). The CCC is a best practice example for economic stimulus using green local jobs.

One recent study of the San Diego region in southern California found that being located near open space adds between five and ten percent to the value of a home, in both high income and low-income communities (The 32<sup>nd</sup> Street Task Force, 2009).

Other places across the United States have seen economic benefits as well. In Chattanooga, Tennessee, warehouses were replaced with an eight-mile greenway and property values increased by 127% while the number of businesses and full time jobs in the city more than doubled. San Antonio, Texas revitalized the San Antonio River and 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 neighborhood of Sweet Auburn was revitalized, with dozens of new homes, 500,000 annual visitors boosting local business, and a decrease in crime (Lerner & Poole, 1999).

Beyond real estate values, parks and recreation help strengthen and stimulate the economy through sports and recreation-related sales of clothing, equipment, fees and services and the revenues generated from the tourism and hospitality industries. A study by researchers at Sacramento State University found that visitors to state parks in California spend \$4.32 billion in park-related expenditures per year statewide. The study also found that each visitor spends an average of \$57.63 per visit, including \$24.63 within the park and \$33 outside the park (García and Strongin, 2011). Researchers found that the New York state park system generates more than \$5 in benefits for every \$1 in costs. The annual economic impact of the park system is close to \$2 billion in output and sales for private businesses, in addition to providing 20,000 jobs (Heintz, 2009).

#### **4.5 Environmental services and climate justice**

Parks also play an important role in combating climate change and global warming, as well as in improving the quality of the local environment. Climate change is fundamentally an

issue of human rights and environmental justice that connects the local to the global. With rising temperatures, human lives are affected by compromised health, financial burdens, and social and cultural disruptions. People of color, low-income individuals, and indigenous communities are often disproportionately affected by these disruptions because of where they live and because they may lack the financial resources to overcome these challenges.

Parks provides other important environmental services, as well. One service provided by green space is the absorption and natural filtration of storm water. This can help reduce flooding while also improving water quality (Sustainable Sites Initiative, 2008). Green spaces also promote conservation values including the protection of habitat for plants and animals and clean air, water, and land.

Parks and open spaces allow people to interact with nature and to take value from being in a natural setting. These interactions take on additional importance as more and more people are living in urban settings. For many individuals, particularly in low-income, urban areas, parks represent their only opportunity to escape the built environment, play on grass, and experience a diversity of wildlife (Sustainable Sites Initiative, 2008).

#### **4.6 Equal justice and democracy**

Fundamental principles of equal justice and democracy underlie each of the other values above. Those who lack adequate access to these resources are disproportionately at risk for health problems and face more challenges to enjoying the quality of life improvements associated with parks and open spaces.

### **5. The history of discriminatory access to parks and recreation**

The fact that low-income people of color disproportionately lack 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, housing, transit and jobs. Nor are inequities in park access a reflection of individual preferences by people to avoid green space. Instead, park access disparities are the result of a continuing history and pattern of discriminatory land use, housing, education and economic policies and practices. The history of discrimination is relevant to understand how the region came to be the way it is, and how it could be better. While this chapter focuses on the history of Los Angeles, similar historical patterns exist throughout Southern California and beyond. The use of historical evidence is itself an example of translating research into policy, law and systemic social change.

#### **5.1 Discriminatory economic policies**

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 and the New Deal 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. (Katznelson, 2005). More than a million black men fought in World War II, and after the war they fought to make the United States better for themselves. World War II marked the

beginning of the end of Jim Crow. (Litwack, 2009.) Many veterans of color were excluded from veterans' benefits such as housing and education subsidies under the G.I. Bill, however. In the past, when beachfront prices were lower, 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.

## 5.2 Discrimination and the courts

The California Supreme Court sanctioned racially restrictive housing covenants in 1919 and California courts continued to uphold them as late as 1947. The Federal Housing Authority not only sanctioned restrictive covenants but developed a recommended formula for their inclusion in subdivision contracts. Restrictive city ordinances, housing covenants, and other racially discriminatory measures dramatically limited access by black people to housing, jobs, schools, playgrounds, parks, beaches, restaurants, transportation, and other public accommodations (California Dep't of Parks & Recreation, 1988).

The landmark U.S. Supreme Court decisions in *Shelley v. Kramer*<sup>1</sup> in 1948 and *Barrows v. Jackson*<sup>2</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. "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"(Sides, 2003). A U.S. Supreme Court case banned housing discrimination under state law in *Reitman v. Mulkey*.<sup>3</sup>

## 5.3 The city of Los Angeles

Los Angeles pioneered the use of racially restrictive housing covenants. As a result, blacks increasingly became concentrated in South Central Los Angeles, for example, Chinese in Chinatown, Mexican-Americans in East L.A., and Japanese in Little Tokyo.

The area surrounding the Los Angeles State Historic Park illustrates this history, and advocates relied on this historical evidence extensively used to support the creation of the park. (García et. al, 2004). El Pueblo de Los Angeles was founded in 1781 near the Native American Tongva village of Yangna, near or at the present site of the park. 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

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<sup>1</sup> 334 U.S. 1 (1948).

<sup>2</sup> 346 U.S. 249 (1953).

<sup>3</sup> 387 U.S. 369 (1967).

barrio of Sonoratown, near what is now the state park. Mexican-Americans, including U.S. citizens, were deported during the Great Depression as a result of discrimination and competition for jobs.

Japanese arrived because of the labor shortage caused by the Chinese Exclusion Act and settled in Little Tokyo. They were forced into concentration camps at Manzanar and other places during World War II. Little Tokyo became known as Bronzatown when blacks arriving from the South to work in the war industry filled the Japanese vacancies.

The city destroyed the bucolic Latino community in nearby Chavez Ravine with promises of affordable housing, then sold the land to the Dodgers baseball team, who buried the site with 16,000 places for cars to park and no place for children to play.

Despite the prominent role of blacks in early Los Angeles, 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. Property owners continued tactics to restrict fair housing through the 1960s and beyond, as discussed above.

#### **5.4 Parks and pools**

Though not codified in law, parks and other public spaces in Los Angeles were "tacitly racialized" (Sides, 2003). For example, blacks were not allowed in the pool in many municipal parks. At other pools, African Americans, Latinos, and Asians were permitted to swim only on Wednesdays between the hours of 2 pm and 5 pm. This was called "International Day." The pool was then drained, cleaned, and refilled. Pool segregation continued through the 1940s.

There were some places of refuge, however. Central Playgrounds on Central Avenue in Los Angeles allowed African Americans to swim and play sports. 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. (Sides, 2003).

#### **5.5 Beaches**

When Manhattan Beach was incorporated in 1912, the city set aside a two-block area on the ocean for African Americans. Charles and Willa Bruce, a black couple, 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 non-Hispanic white opposition to the black beach. Manhattan Beach, with the help of the Ku Klux Klan, 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. In

2006, Manhattan Beach commemorated the struggle of the Bruce family and the African American community by renaming the park at the historical site as Bruces' Beach Park. (García and Baltodano, 2005).

At the turn of the 20<sup>th</sup> 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. To pay taxes after her husband's death, May Rindge began leasing and selling parcels to movie celebrities and others. Parcels carried racially restrictive covenants that prevented people who were not white from using or occupying beach premises except as domestic servants. Even domestic workers who were not white were prohibited from using the public beach for bathing, fishing, or recreational purposes. The demographics of Malibu today reflect its discriminatory history, with the population overwhelming wealthy and white compared to the county. (García and Baltodano, 2005).

## 6. Legal justifications for equal access to parks and recreation

Park advocates in Los Angeles have used social science research on why parks matter and existing health disparities and park access inequities to support the use of state and federal civil rights and environmental laws to influence the investment of public resources to create new parks (García and Strongin, 2011).

In the United States, federal civil rights laws prohibit both intentional discrimination, and unjustified discriminatory impacts for which there are less discriminatory alternatives regardless of intent, in the provision of public resources, including access to parks and other public lands. States such as California have parallel laws.

Title VI of the Civil Rights of 1964 and its implementing regulations prohibit intentional discrimination based on race, color, or national origin by recipients of federal financial assistance.<sup>4</sup> Cases of intentional discrimination are relatively difficult to uncover in contemporary society, although some cases do exist. Evidence of intentional discrimination includes: (1) the impact of the action and whether it bears more heavily on one group than another; (2) a history of discrimination; (3) departures from substantive norms in reaching a decision; (4) departures from procedural norms; (5) whether the decision maker knows of the harm a decision will cause; and (6) a pattern or practice of discrimination.<sup>5</sup>

Title VI also prohibits actions that have a discriminatory impact, regardless of whether the impact is intentional or not. The inquiry under the disparate impact standard is: (1) whether a practice has a disproportionate impact based on race, color or national origin; (2) if so, the recipient of public funds bears the burden of proving that such action is justified by business

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<sup>4</sup> See, e.g., 40 C.F.R. §7.30 (nondiscrimination regulations for recipients of federal funds from the Environmental Protection Agency); 43 C.F.R. §7.30 (Department of Interior).

<sup>5</sup> See *Village of Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252, 265 (1977); *Committee Concerning Cmty. Improvement v. City of Modesto*, 583 F.3d 690 (9th Cir. 2009) (statistical disparities in providing municipal services evidence of intentional discrimination under Title VI and 11135; U.S. Dep't Justice, Civil Rights Division, *Title VI Legal Manual* (2001), available at <http://www.justice.gov/crt/cor/coord/vimannual.php>).

necessity; and (3) even if the action would otherwise be justified, the action is prohibited if there are less discriminatory alternatives to accomplish the same objective.<sup>6</sup>

As a result, recipients of federal financial assistance, such as cities and counties, are prohibited from engaging in practices that have the intent or the *effect* of discriminating based on race or ethnicity.<sup>7</sup> To receive federal funds, which many municipalities depend on in part, a recipient must certify that its programs and activities comply with Title VI and its regulations.<sup>8</sup> In furtherance of this obligation, recipients of federal financial assistance must collect, maintain, and provide upon request timely, complete, and accurate compliance information.<sup>9</sup>

Stated in positive terms, publicly funded proposals including park projects, plans and programs call for the preparation of an equity analysis that includes the following elements:

1. a clear description of what is planned;
2. an analysis of the impact on all populations, including minority and low-income populations;
3. an analysis of available alternatives;
4. the documented inclusion of minority and low-income populations in the study and decision-making process; and
5. an implementation plan to address any concerns identified in the equity analysis (The City Project, 2010).

The U.S. Office of Management and Budget has circulated guidance specifying that recipients of federal funds are to comply with Title VI of the Civil Rights Act of 1964, as well as other equal opportunity laws and principles (Orzag, 2009). The United States Department of Justice under President Obama has re-emphasized the need for federal agencies to enforce, and recipients of federal funds to proactively comply with, equal justice laws and principles including Title VI (King, 2009). The Ninth Circuit has recently condemned the United States Environmental Protection Agency for its pattern of failing to investigate Environmental Justice including Title VI complaints.<sup>10</sup>

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<sup>6</sup> See, e.g., *Larry P. v. Riles*, 793 F.2d 969, 981-83 (9th Cir. 1984). Agencies are obligated to comply with the Title VI regulations, even though private individuals and organizations have no standing to enforce the regulations in court. *Alexander v. Sandoval*, 532 U.S. 275, 293 (2001). Private individuals and organizations do have standing to enforce 11135 regulations in court. See *Darensburg v. Metropolitan Transp. Comm'n*, No. C-05-01597 EDL, 2008 U.S. Dist. LEXIS 63991 (N.D. Cal. Aug. 21, 2008).

<sup>7</sup> Title VI provides: "No person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C. § 2000d (2004). Cf. 43 C.F.R. 7.30 (Title VI regulations 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 and parallel state law also prohibits intentional discrimination. Cal. Const., Art. I § 7. See also Section 1983 of the Civil Rights Act of 1871.

<sup>8</sup> *Guardians Ass'n v. Civil Service Comm'n*, 463 U.S. 582, 629 (1983) (Justice Marshall, concurring in part and dissenting in part).

<sup>9</sup> Cf. Executive Order 12,898 on Environmental Justice (Feb. 11, 1994).

<sup>10</sup> *Rosemere Neighborhood Ass'n v. United States Envtl. Prot. Agency*, 581 F.3d 1169, 1175 (9th Cir. 2009).

State law in California also prohibits both intentional discrimination and unjustified discriminatory impacts under Government Code section 11135 and its regulations, which are analogous to Title VI and its regulations.<sup>11</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>12</sup>

The California Environmental Protection Agency has developed an Environmental Justice Action Plan, which addresses development of guidance on precautionary approaches, guidance on cumulative impacts analysis and guidance on public participation (California Environmental Protection Agency, 2004). The California State Lands Commission (CSLC) has developed and adopted an Environmental Justice Policy to ensure equity and fairness in its own processes and procedures. The CSLC adopted an amended Environmental Justice Policy in 2002 to ensure that “Environmental Justice is an essential consideration in the Commission’s processes, decisions and programs and that all people who live in California have a meaningful way to participate in these activities.” The policy commits the CSLC to consider Environmental Justice in its processes, decision-making, and regulatory affairs (California State Lands Commission, 2002).

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. This was the first time an agency implemented the statutory definition of Environmental Justice under California law. Then-Commissioner Pedro Nava told the *Los Angeles Times* he hoped to set a precedent for other communities, ensuring that visitors are not excluded from public land because of their income or race (Mehta, 2002). The Commission adopted the provision in response to the advocacy of The City Project on behalf of a diverse alliance.

Despite cutbacks in enforcement of civil rights protections in federal courts, 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>13</sup> Recipients of federal and state funds, including many municipalities and their park and recreation agencies, remain obligated to prohibit both.

## 7. Applying research and law to support equal access to parks

Community alliances have relied on such evidence and laws to help create public lands and preserve access to existing lands in Los Angeles over the past ten years through advocacy in and out of court. Victories include the creation of Los Angeles State Historic Park and Rio de

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<sup>11</sup> See Cal. Gov. Code § 11135; 22 CCR § 98101(i) (2007). See *Darensburg v. Metropolitan Transp. Comm’n*, No. C-05-01597 EDL, 2008 U.S. Dist. LEXIS 63991 (N.D. Cal. Aug. 21, 2008) (standing to sue publicly funded agency for discriminatory impacts on quality of life for people of color under 11135 and its regulations).

<sup>12</sup> Cal. Gov. Code § 65040.12.

<sup>13</sup> See, e.g., *Alexander v. Sandoval*, 532 U.S. 275 (2001); *Gonzaga Univ. v. Doe*, 536 U.S. 273 (2002).

Los Angeles State Park as part of the greening of the Los Angeles River, and improved zoning regulations of the adjoining oil fields to better protect human health and the environment at the Baldwin Hills Park. The alliances have relied on several strategies: (1) community organizing and coalition building, (2) strategic media campaigns including new media, (3) policy and legal advocacy outside the courts, and (4) access to justice through the courts. Each of these other strategies are based on the strategy of translating research into action.

### **7.1 Los Angeles State Historic Park**

In the City of Los Angeles, the diverse Chinatown Yard Alliance helped stop a proposal by city officials and wealthy developers to build warehouses in favor of the 32-acre Los Angeles State Historic Park at the Cornfield, the last vast open space in downtown Los Angeles (García et al., 2004). The community within a five-mile radius of the Cornfield is 68% Latino, 14% Asian, 11% non-Hispanic white, and 4% black. Thirty percent of the population lives in poverty, compared to 14% of California as a whole. The median household income is \$28,908 – just 60% of the \$47,493 median household income for the state (García et al., 2002).

The *Los Angeles Times* called the community victory "a heroic monument" and "a symbol of hope" (Ricci, 2001). "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" (García and Strongin, 2011). The victory at the Cornfield required an administrative complaint on civil rights and environmental grounds before the United States Department of Housing and Urban Development to cut off the federal subsidies for the warehouses, as well as a lawsuit under state environmental laws. Ultimately, however, the Cornfield is not be a park because of any court order, but because of a creative deal between Alliance members and the developers. The developer agreed to abandon the warehouse proposal after the Alliance persuaded the State to purchase the site in order to build a park (García and Strongin, 2011).

Unfortunately, as of this writing, the site of the Los Angeles State Historic Park at the Cornfield is not yet a completed park. Budget constraints and other issues have delayed development of the park. In an encouraging turn of events, the California Department of Parks and Recreation released a revised park development plan in December 2010 that calls for construction to begin in 2013 (Guzman, 2010).

### **7.2 Río de Los Angeles State Park**

Drawing on the lessons of the Cornfield, 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 Los Angeles after a trial on state environmental grounds. As of this writing, President Barack Obama's report on America's Great Outdoors has named river trails along the Los Angeles and San Gabriel Rivers as one of 100 priority projects in the United States, two per state.

The neighborhoods surrounding Taylor Yard are park poor, income poor, and disproportionately populated by people of color. Nearby neighborhoods offered only between 0.3 and 0.9 acres of parks per thousand residents. Approximately 27% of the residents within a five-mile radius of Taylor Yard lived in poverty and the median household income was just \$32,863. 56% of the residents are Latino, 17% are Asian, 20% are non-Hispanic white, and 4% are black (García et al., 2002).

Even after all parties agreed that the site should be home to a new state park, however, officials with the California Department of Parks and Recreation initially opposed active recreation at Taylor Yard. State officials relented in favor of a balanced park that includes active and passive recreation in light of community needs after The City Project presented an analyses of the policy and legal justifications for a balanced park that included active recreation under federal and state civil rights laws, drawing on the kinds of evidence discussed above (García et al., 2002). "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 Sports Association (Bustillo, 2002). The balanced park, which opened on Earth Day in 2007, provides active recreation with soccer fields, courts, a running track, and bike paths, as well as passive recreation, natural open space, and picnic areas. The same youth who play soccer there also plant trees there.

### **7.3 Baldwin Hills Park**

The Baldwin Hills rest at the geographically and demographically diverse center of Los Angeles. Encompassing an area of over two miles, the Baldwin Hills are one of the largest undeveloped areas of open space in urban Los Angeles County (California Department of Parks and Recreation, 2002). This area is the historic heart of African-American Los Angeles, with more than 50% of the population being African-American compared to the countywide average of 11% (García et al., 2010).

Baldwin Hills is one of the most park-poor areas in California, with barely one acre of publicly accessible parkland per 1,000 people. Within a five-mile radius of the Baldwin Hills there is only one picnic table for every 10,000 people, one playground for 23,000 children, one soccer field for 34,000 people and one basketball court for 30,000 people. On weekends and especially on holidays, the gates to Kenneth Hahn State Recreation Area, the only regional park serving three million people within five miles, are often closed before noon because the heavily used park has simply run out of space (California Department of Parks and Recreation, 2002). Even with its rolling hills, stunning views, and historical significance to the development of Los Angeles, one of the most distinguishing characteristics of the Baldwin Hills area is the adjoining oil field with more than 1,000 active oil wells.

A community alliance helped save the proposed Baldwin Hills Park, a two-square-mile park in the historic heart of African American Los Angeles that would be 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" (García and Strongin, 2011).

Drawing on the lessons learned in the victories at Los Angeles State Historic Park and Río de Los Angeles State Park, the community alliances working to create Baldwin Hills Park have relied on analyses of the racial and ethnic composition of the area, the number of parks per thousand residents, the related health consequences of a lack of places to play, including increased rates of obesity and diabetes, GIS maps and demographic analyses, the history of discrimination, and the values at stake (García et al., 2010).

In July 2011, various parties settled legal challenges to the environmental impact report (EIR) and oil field zoning regulations, also called a community standards district (CSD) to strengthen health and safety protections for residents of and visitors to the Baldwin Hills area that are affected by drilling operations by the Plains Exploration and Production Company (PXP). The petitioners in four lawsuits claimed that the County violated the California Environmental Quality Act by failing to conduct an adequate EIR before adopting the Baldwin Hills CSD, which was intended to regulate 1,100 acres of oil drilling and production activities in Baldwin Hills adjoining park lands. The settlement provides additional protections for people, parks and the environment in the Baldwin Hills, in one of the most diverse areas of Los Angeles and the historic heart of African-American L.A. Key elements of the settlement include:

- Reduced drilling of new wells;
- Increased air quality monitoring;
- More stringent noise limits; and
- Mandatory, recurring health and Environmental Justice assessments.

The County agreed to comply with Title VI of the Civil Rights Act of 1964 and corresponding regulations, and California Government Code Section 11135 and corresponding regulations, among other requirements.

According to the County, the Baldwin Hills oil field is now the most heavily regulated oil field in the nation. The settlement agreement is a best practice example for other Environmental Justice matters.

## **8. Lessons learned**

Green spaces, including parks, school fields, rivers, beaches, forests, mountains, and trails, are a necessary part of the infrastructure for healthy, livable, and just communities. The following recommendations for equitable development are based on the lessons learned from the urban greening movement over the past ten years to help ensure that everyone, especially children and youth of color and low-income communities, benefit equally from infrastructure investments.

1. Prioritize green space projects based on need in communities that are both park poor and income poor. The California legislative criteria for investing park funds in park poor and income poor communities is a best practice example for defining standards to measure progress and equity, and holding public officials accountable.

2. Prioritize projects that address physical, psychological, and social health needs, including childhood obesity and diabetes levels. Applying public health criteria to infrastructure investments could improve health and the quality of life in communities.
3. Prioritize projects that involve the joint use of parks, schools and pools to make optimal use of scarce land, money, and public resources, and expand open space opportunities in densely developed communities.
4. Programs like Civilian Conservation Corps and youth job programs should be funded to create green jobs and keep young people in school, physically active and healthy, and lead to permanent jobs and careers as stewards of the earth and its people.
5. Infrastructure projects should create green jobs for local workers, small and disadvantaged business enterprises, and youth.
6. Prioritize cultural, historical, and public art projects, such as the Great Wall of Los Angeles, that celebrate diversity, democracy and freedom in parks and other public places. Native American sites must be celebrated and preserved.
7. Transportation funding should support transit to trails programs as alternatives to single occupancy vehicles in order to provide access for all to parks, mountains, beaches and rivers.
8. Funding agencies should ensure compliance with civil rights laws guaranteeing equal access to public resources including parks and recreation programs. Compliance with civil rights laws should be combined with other laws including environmental and education laws.
9. Projects should implement principles of equitable development: invest in people, invest in stronger communities, invest in the open, and invest in justice.
10. Implement strategic equity plans to improve parks and recreation in every neighborhood.

## 9. Conclusion

The urban park experience in Los Angeles demonstrates that social science research combined with legal analyses can be translated into systemic social change to build healthy, livable communities for all. Diverse coalitions have used multidisciplinary research, analyses, and technologies including GIS mapping and demographic analyses to provide evidence of the need for parks in Los Angeles. This evidence has, in turn, been used to support legal actions to implement change by creating new parks in park poor and income poor communities of color. In many cases, the legal tools and actions do not involve litigation.

The lessons presented in this chapter are broadly applicable. Though the type of change sought, the particular circumstances of the situation, and the applicable laws will vary from case to case and location to location, the cases of Los Angeles State Historic Park, Río de Los Angeles State Park, and Baldwin Hills Park are all best practice examples of how to affect positive change on communities.

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