



A Report on the Baldwin Hills Park and Community

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The mission of The City Project is to achieve equal justice, democracy, and livability for all 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, schools, human health, and transit, we help bring people together to create 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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I. Overview

The Baldwin Hills Park is the greatest public works project in the history of a community that has long suffered from environmental degradation and discrimination. The Baldwin Hills rest at the environmentally and demographically diverse center of Los Angeles. The park lies at the intersection of the African-American, Latino and Anglo communities. Within a three mile radius of the Baldwin Hills, the population is 36% African American, 29% Latino, 8% Asian and 23% Anglo. The community just east of the Baldwin Hills is over 90% African-American, compared to about 11% in Los Angeles generally. 19% of the households have incomes that fall below the poverty line.²

The African-American community in and surrounding the Baldwin Hills is the heart of African-American Los Angeles and a center of excellence for African-Americans across the United States.

Los Angeles is park poor with fewer acres of parks per 1,000 residents compared to any major city in the country. There are also vast disparities in access to parks and recreation based on race, ethnicity, and other relevant factors. For example, the African-American community just east of the Baldwin Hills Park is particularly park-starved, with between .3 and .4 acres of parks per thousand residents, compared to 1.7 acres in disproportionately white, relatively wealthy parts of Los Angeles.³

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 30,000 people and one basketball court for 36,000 people. On weekends and especially on holidays, the gates to Kenneth Hahn State Recreation Area often close before noon because the heavily used park has simply run out of space.

II. The Struggle for the Baldwin Hills

A. A World Class Park in the Baldwin Hills

The Baldwin Hills is a two square mile natural oasis located in the heart of a densely populated and highly diverse urban area. The Baldwin Hills is one of the last vast open spaces in Los Angeles and contains unique and important cultural, scientific, educational, recreational, and scenic resources.⁴ Easily accessible to millions of people, with stunning views of the Los Angeles basin, the Pacific Ocean and surrounding mountains, the Baldwin Hills offer a unique opportunity within an urban community that is park poor to create a world-class park and natural space for all the people of California to enjoy.

¹ Robert García. Sources cited as of September 2004.

² Source: Census 2002

³ Jocelyn Stewart, "Officials Resort to Creativity to Meet Need for Parks," *L.A. Times* (June 15, 1998).

⁴ Cal. Pub. Res. Code §32550(a).

Despite degradation due to urbanization, roads, and oil development dating back to the early 1900s, many native plants and wildlife remain in the Baldwin Hills.⁵ Within minutes of urban Los Angeles, “the delicate balance of plants and wildlife is maintained, where a tranquil recreational experience is easily accessible, and where people can go to enjoy the natural world that is an important part of protecting the health and quality of life in urban communities.”⁶

After years of extensive public participation, a Master Plan for the Baldwin Hills Park was completed, setting forth a comprehensive vision for the Baldwin Hills that balances the recreational and cultural needs of the community with protection of sensitive plants and animals and their habitats. The state park in the Baldwin Hills will provide much-needed recreational, community, and cultural facilities, habitat restoration, recreation-related economic development, and educational opportunities.⁷

B. The Community Struggle for a Park in the Baldwin Hills

The community has struggled long and hard for a park in the Baldwin Hills. Plans for a park remained stagnant for nearly two decades until the community called on state elected officials to create an updated vision for the area. Community participation in the Master Plan for the park was extensive.⁸

Planning for the park began in 1998 with the support of over 30 different public agencies. The California Department of Parks and Recreation and Community Conservancy International played a key role in the development of the Master Plan, which involved public workshops and an 85-member Baldwin Hills Park Advisory Committee. Over 700 people attended community workshops between 2000 and 2001.⁹

In the midst of the energy crisis in 2001 and as the Master Plan was being finalized, the state made plans to develop a fast-track power plant in the Baldwin Hills. A remarkably diverse coalition of community and neighborhood stakeholders, environmental, environmental justice, and civil rights advocates, and civic leaders came together to stop the development and save the community and the park in the Baldwin Hills. Every elected African American official in the area supported the park and opposed the power plant. The City Project at the Center for Law in the Public Interest on behalf of the community successfully established that the power plant was too little, too late, too expensive and not needed to solve the energy crisis. There was simply no justification for sacrificing the community and the park in the Baldwin Hills for the proposed power plant.¹⁰ After decades of oil drilling and other industrial development, stopping the power plant was a watershed moment in the history of the region and for the historic heart of African-American Los Angeles.

⁵ Baldwin Hills Park Master Plan (May 2002) at 2-3.

⁶ *Id.* at 8.

⁷ Baldwin Hills Park Master Plan at 8.

⁸ Baldwin Hills Park Master Plan at 4.

⁹ Baldwin Hills Park Master Plan at 4-5.

¹⁰ Joe Mazingo, “Plan for Baldwin Hills Power Plant Attacked,” *L.A. Times* (June 19, 2001); “Stocker Officially Drops Plans for Power Plant,” *L.A. Times* (July 6, 2001).

In 2003, the City of Los Angeles nevertheless proposed building a 40,000 square foot garbage dump at the park's doorstep.¹¹ Once again, The City Project at the Center for Law in the Public Interest led a diverse alliance of stakeholders to stop the dump and save the community and the park in the Baldwin Hills.¹² The Los Angeles City Council required the Bureau of Sanitation to abandon all plans to develop the dump there, sending a powerful message that these underserved areas need public goods, not projects that degrade the community's quality of life.¹³

Strengthened by years of struggle, the community remains even more determined than ever to make the vision for a park in the Baldwin Hills into a reality for all the people of California to enjoy.

III. The Collective Vision and the Values at Stake

Los Angeles is park poor, and there are unfair disparities in access to parks and other open space benefits based on race, ethnicity, income, access to a car, and other factors.

A growing movement is guided by a collective vision for a comprehensive and coherent web of parks, beaches, forests, and other open space, schools with playing fields and playgrounds, and transit that serves the diverse needs of diverse users and reflects the cultural urban landscape.

The vision is inspired in part by the classic 1930 report *Parks, Playgrounds, and Beaches for the Los Angeles Region* by Olmsted Brothers and Bartholomew & Associates. The Olmsted Plan envisioned a comprehensive and coherent regional system of open space and transportation to promote the social, economic and environmental vitality of Los Angeles and the health of its people. According to the Olmsted Report in words that remain true today:

Continued prosperity [in the Los Angeles region] 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.¹⁴

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.

One of the broadest and most diverse alliances ever behind any issue in Los Angeles is working to restore a part of the Olmsted vision and the lost beauty of Los Angeles. The urban park movement stopped the power plant and the garbage dump in the Baldwin Hills. The movement

¹¹ Kevin Herrera, "Residents Fight City's Plan to Build Garbage Dump in Baldwin Hills," *Los Angeles Sentinel* (March 6-12, 2003).

¹² Kevin Herrera, "City Removes Baldwin Hills From its List of Sites for Waste Transfer Center," *Los Angeles Sentinel* (July 3-9, 2003).

¹³ *Id.*

¹⁴ Olmsted Brothers and Bartholomew & Associates, *Parks, Playgrounds, and Beaches for the Los Angeles Region 1* (1930), reprinted in Greg Hise & William Deverell, *Eden by Design* 83 (2000).

stopped warehouses and industrial projects to create state parks in the Cornfield and Taylor Yard as part of the greening of the Los Angeles River.

Parks are not a luxury. Parks are fun, improve the environment, provide opportunities for athletics, improve academics, and build leadership, offer youth an alternative to gang violence, crime, drug abuse, and teenage pregnancy, and provide economic benefits to the community and the state. Parks improve human health and the environment. Parks are the city's lungs, essential components of its health and quality of life – cleaning the air, breaking the heat, breathing life into the neighborhood.

A. Recreation, Human Health, and Human Development

1. Recreation

Recreation programs in the Baldwin Hills Park can make a difference in California and in the lives of young people and their families. As the California Department of Parks and Recreation has eloquently stated:

The importance of recreation in modern society cannot be overestimated. The opportunity to alter the pace of modern life and experience historic and natural settings or more actively participate in outdoor activities has been shown to improve societal well-being by maintaining the physical and emotional health and wellness of individuals and contributes to reduction in crime. Recreational activities on State, local, and regional parklands, open space, and trails provide strong support for community values and serves as a mechanism and social bridge for integrating people of all races, ages, incomes, and abilities. These lands educate, challenge, inspire, and entertain our children, offer safe and secure places for families and seniors, protect and conserve our natural and cultural resources. They also help to strengthen and stimulate California's economy through recreation-related sales of clothing, equipment, fees and services and the revenues generated from the tourism and hospitality industries. As California's population is expected to grow by nearly 30% in the next quarter century, the demand for recreational resources and open space to support this population demand as well as increased efforts to protect existing lands dedicated to this recreation purpose.¹⁵

2. Recreation and Human Health

The human health implications of the need for open space for physical activity in the Baldwin Hills are profound.¹⁶

¹⁵ Public Comments submitted by Ruth Coleman, Director, California Department of Parks and Recreation to California High Speed Rail Authority 11 (August 19, 2004).

¹⁶ See generally Robert García *et al.*, "Healthy Children, Healthy Communities: Schools, Parks, Recreation, and Sustainable Regional Planning," *Fordham Urban Law Journal* Symposium on Urban Equity (forthcoming fall 2004).

If current trends in obesity, inactivity, and disease continue, today's youth will be the first generation in this nation's history to face a shorter life expectancy than their parents.¹⁷ Adult onset diabetes now increasingly strikes children at younger and younger ages. As a result, children are more likely to suffer long range effects including death, loss of limbs, and blindness. This health crisis currently costs the U.S. over \$100 billion and 400,000 deaths each year.¹⁸

There is not adequate open space for recreation in California, particularly for inner city residents.¹⁹ All communities suffer from obesity and inactivity, but communities of color and low-income communities suffer first and worst. Communities of color and low-income communities are disproportionately denied the benefits of safe open spaces for recreation, and disproportionately suffer from diseases related to obesity and inactivity.

OVERWEIGHT AND UNFIT CHILDREN IN CALIFORNIA²⁰

RACE/ETHNICITY	OVERWEIGHT	UNFIT
Latino	34%	45%
African American	29%	46%
White	20%	34%
Asian	18%	36%

In California, 27% of children are overweight and 40% are unfit.²¹ Only 24% of the state's fifth-seventh- and ninth-graders met minimal physical fitness standards last year.²² The numbers are even lower within Los Angeles Unified School District (LAUSD), where just 17% of fifth-graders, 16% of seventh-graders, and less than 11% of ninth-graders met all six of the minimum fitness standards in the 2002-2003 school year.²³ Over 91% of the students in LAUSD are

¹⁷ Eloisa Gonzalez, MD, MPH, (Jan. 21, 2004), L.A. County Dep't of Public Health, *Los Angeles Unified School District (LAUSD) Citizens' School Bond Oversight Committee*; see also Jennifer Radcliffe, "Going to War against Epidemic of Childhood Obesity," *Daily News*, Jan. 27, 2004, at 1.

¹⁸ Rosie Mestel, "Obesity Gaining on Tobacco as Top Killer," *L.A. Times*, Mar. 10, 2004 (reporting study by JAMA, *et al.*; see CDC, *Nutrition, Physical Activity & Obesity*, available at http://www.chronicdisease.org/0602-nutrition_physical_activ.html. See also L.A. County Task Force on Children and Youth Physical Fitness, "Paving the Way for Physically Fit and Healthy Children: Findings and Recommendations," available at <http://lapublichealth.org/mch/reports/recommendations%20report.pdf>; U.S. Dept. of Health and Human Services, "The Surgeon General's Call to Action To Prevent and Decrease Overweight and Obesity" 9-10 (2001). See also Tomas Philipson *et al.*, "The Economics of Obesity: A Report on the Workshop Held at USDA's Economic Research Service," USDA Economic Research Service (May 2004), available at <http://www.ers.usda.gov/publications/efan04004/efan04004.pdf>.

¹⁹ See Richard J. Jackson, MD, MPH and Chris Kochtitzky, MSP, Sprawl Watch Clearinghouse Monograph Series, Public Health/Land Use Monograph, *Creating a Healthy Environment: The Impact of the Built Environment on Public Health* [hereinafter *Jackson*], available at <http://www.sprawlwatch.org/health.pdf>.

²⁰ Source: California Center for Public Health Advocacy, *An Epidemic: Overweight and Unfit Children in California Assembly Districts* (Dec. 2002).

²¹ Press Release, CA Dept. of Educ., *State Schools Chief O'Connell Announces California Kids' 2002 Physical Fitness Results*, (Jan. 28, 2003) [hereinafter *California Kids*]. In California, all students in grades 5, 7, and 9 are required to take the California Fitness Test in order to assess physical fitness in six health fitness areas: aerobic capacity, body composition, abdominal strength, trunk extension strength, upper body strength and flexibility. Students must meet all six standards in order to be considered fit. *California Kids*.

²² *Id.*

²³ Cara Mia DiMassa, *Campus Crowding Can Make P.E. a Challenge*, *L.A. Times*, Nov. 19, 2003, Metro Part B, at 2.

students of color. The assembly districts with the highest proportion of overweight children in California also have the highest concentration of people of color.²⁴

DIABETES IN CALIFORNIA²⁵

RACE/ETHNICITY	AGE 18+	AGE 50-64
African American	10%	21%
American Indian and Alaskan Native	9%	20%
Latino	6%	18%
White	6%	8%
Asian and Native Hawaiian and Other Pacific Islanders	5%	11%

The benefits of open space extend beyond physical health. Research links open green spaces to improved mental health. For example, symptoms of children with attention deficit disorder (“ADD”) are relieved by contact with nature.²⁶ Views of nature benefit the mental health of children without ADD as well. African-American children in low-income inner city environments, and non-Hispanic white children from high-income families, concentrate better with views of open space.²⁷ Girls score higher on self-discipline tests when taken with a natural view.²⁸

The state of California does not adequately enforce its physical education requirements.²⁹ Physical education classes have so many students that teachers cannot give students the individual attention they need.³⁰ The average student-teacher ratio is 43-1, far exceeding the national recommendation of 25-1.³¹ In LAUSD, middle school physical education classes average 55 to 65 students per class, with some gym classes exceeding 70 students per teacher.³² As a result, students in physical education sessions may spend more time standing on the sidelines waiting their turn, rather than actually participating in activity.³³

²⁴ California Center for Public Health Advocacy, *An Epidemic: Overweight and Unfit Children in California Assembly Districts*, 5 (Dec. 2002) [hereinafter “*An Epidemic*”], available at <http://www.gisplanning.net/publichealth/help.asp>.

²⁵ Source: UCLA Center for Health and Policy Research, *Diabetes in California: Findings from the 2001 Health Interview Survey* (April 2003) [hereinafter “*UCLA Diabetes in California*”].

²⁶ A. Faber Taylor, *et al.*, “Coping with ADD: The surprising connection to green play settings,” *Environment & Behavior* 33, 54-77 (2001).

²⁷ *Id.* See also A. Faber Taylor, *et al.*, “Views of Nature and Self-Discipline: Evidence from Inner City Children,” *Journal of Environmental Psychology* (2001).

²⁸ *Id.*

²⁹ Vicki Kemper, *New Priorities Leave PE, Obese Children Behind*, L.A. Times, Sept. 15, 2003, quoting Dianne Wilson-Graham, director of physical education in California.

³⁰ U.S. Dept. of Health and Human Services and U.S. Dept. of Education, *Promoting Better Health for Young People Through Physical Activity and Sports*, 11 (Fall 2001) [hereinafter “*Promoting Better Health for Young People*”], available at http://www.cdc.gov/ncedphp/dash/physicalactivity/promoting_health/index.htm.

³¹ Cara Mia Dimassa, *Campus Crowding Can Make PE a Challenge*, L.A. Times, Nov. 19, 2003, at B2.

³² *Id.*

³³ Prevention Institute, *Strategies for Action: Integrating Nutrition and Physical Activity Promotion to Reach Low-Income Californians* 11 (October 2001), available at <http://www.preventioninstitute.org/nutrapp.html>.

Regular physical activity is associated with enhanced health and reduced risk for all-cause mortality, heart disease, diabetes, hypertension, and cancer.³⁴ Physical activity for children and adolescents helps to build and maintain healthy bones, muscles, and joints; prevent or delay the development of high blood pressure; and reduce feelings of depression and anxiety.³⁵ People who are inactive are twice as likely to experience symptoms of depression as are more active people.³⁶ Depression can lead to suicide, the ninth-leading cause of death in America. Physical activity relieves symptoms of depression and anxiety and improves mood by providing opportunities for social interaction, increased feelings of self-mastery and self-efficacy, and relief from daily stress.³⁷

Beyond the physical and mental health benefits of the park, there are health-related economic benefits. The Surgeon General estimates the national cost of overweight and obesity in the year 2000 to have been \$117 billion, with \$61 billion in direct costs (including preventive, diagnostic, and treatment services related to overweight and obesity) and \$56 billion in indirect costs (the value of wages lost by people unable to work because of illness or disability, as well as the value of future earnings lost by premature death).³⁸

The park in the Baldwin Hills will promote healthy living and reduce expenditures on health care.

3. Recreation and Human Development

Physically fit students perform better academically.³⁹ Recreation programs build character, pride, self esteem, teamwork, leadership, concentration, dedication, fair play, mutual respect, social skills, and healthier bodies for children.⁴⁰ Recreation programs help keep children in school; develop academic skills to do better in school and in life; and increase access to higher education.⁴¹ Male athletes are four times more likely to be admitted to Ivy League colleges than are other males; for female recruits, the advantage is even greater.⁴²

Recreation programs provide alternatives to gangs, drugs, violence, crime, and teen sex. A national survey of more than 14,000 teenagers found that those who took part in team sports were less likely to have unhealthy eating habits, smoke, have premarital sex, use drugs, or carry

³⁴ U.S. Dept. of Health and Human Services, *Physical Activity and Health: A Report of the Surgeon General*, 236 at 7, 85-87, 90-91, 102-03, 110-12, 127-30, 135 (1997) [hereinafter "*Surgeon General*"], available at <http://www.cdc.gov/nccdphp/sgr/pdf/sgrfull.pdf>.

³⁵ *Promoting Better Health for Young People, supra*, at 7.

³⁶ *Surgeon General, supra*, at 135-36, 141.

³⁷ *UCLA Diabetes in California, supra* at 54.

³⁸ U.S. Dept. of Health and Human Services, *The Surgeon General's Call to Action To Prevent and Decrease Overweight and Obesity* 9-10 (2001) [hereinafter "*Call to Action*"], available at <http://www.surgeongeneral.gov/topics/obesity/calltoaction/CalltoAction.pdf>.

³⁹ Press Release, CA Dep't of Educ., *State Study Proves Physically Fit Kids Perform Better Academically*, (Dec. 10, 2002), available at <http://www.cde.ca.gov/news/releases2002/rel37.asp>.

⁴⁰ See Anastasia Loukaitou-Sederis & Orit Stieglitz, "Children in Los Angeles Parks: A Study of Equity, Quality, and Children Satisfaction with Neighborhood Parks," *Town Planning Review* 1-6 (2002).

⁴¹ *Id.*

⁴² See William G. Bowen *et al.*, *Reclaiming the Game: College Sports and Educational Values* (2003).

weapons.⁴³ The Los Angeles County District Attorney concluded that among the reasons young people join gangs is “[the exclusion] by distance and discrimination from adult-supervised park programs.”⁴⁴ The study recommends that “alternative activities like recreation” should be part of every gang prevention strategy.⁴⁵ In the aftermath of the riots and rebellion following the acquittals of the police defendants in the state trial involving the Rodney King beating, gang members issued a manifesto calling for peace and listing the shortage of parks and open spaces as one of their major concerns.⁴⁶

B. Environmental Values

More than 160 bird species have been found in the Baldwin Hills. Fox, raccoon and other wildlife thrive within sight of downtown Los Angeles. The Baldwin Hills part of the 127 square-mile Ballona Creek Watershed. Preserving the area as open space will have direct impacts on reducing urban runoff and improving water quality in the Ballona Creek, Ballona Wetlands, and the Santa Monica Bay. Remediation of sites contaminated by oil drilling operations, reduction of non-native species, and elimination of artificial water regimes will increase the health of the ecosystems in the region. Reconstructing habitat linkage from the Baldwin Hills to the creek will help reverse the species fragmentation that has occurred due to urban sprawl.

C. Economic Benefits

When cities create urban parks, property values rise and the number of businesses and jobs grows, contributing to the state and local economies.⁴⁷ The following examples illustrate a national trend on the beneficial economic impacts of parks on communities. These kinds of economic benefits will flow to the community in the Baldwin Hills through the park:

- After Chattanooga, Tennessee, replaced abandoned warehouses with an eight-mile greenway, the number of full-time jobs and businesses more than doubled, and property values increased by 127%.
- After Oakland, California, created a three-mile greenbelt surrounding Lake Merritt near the city center, surrounding property values increased by \$41 million.
- After the revitalization of Meridian Hill Park in Washington, D.C., visits to the park tripled, and many park visitors use local businesses. Occupancy rates in surrounding apartment buildings dramatically increased.
- After expansion and restoration of the Martin Luther King, Jr. National Historic Site, Atlanta, Georgia’s 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.

⁴³ Russell R. Pate et al., *Sports Participation and Health-Related Behaviors Among US Youth*, Archives of Pediatrics and Adolescent Medicine (Sept. 2000).

⁴⁴ L.A. District Att’y, *Gangs, Crime and Violence in Los Angeles: Findings and Proposals from the District Attorney’s Office* (1992).

⁴⁵ *Id.*

⁴⁶ Anastasia Loukaitou-Sederis & Orit Stieglitz, “Children in Los Angeles Parks: A Study of Equity, Quality, and Children Satisfaction with Neighborhood Parks,” *Town Planning Review* 1-6 (2002).

⁴⁷ See, e.g., Steve Lerner & William Poole, *The Economic Benefits of Parks and Open Spaces* 12, 13, 17, 20, 26 (1999).

- After citizens prevented San Antonio, Texas, from burying the San Antonio River, the resulting river park has become the most popular attraction in the city's \$3.5 billion tourist industry.
- After the Pinellas Trail was built through Dunedin, Florida, store vacancy rates went from 35% to 0%.⁴⁸

D. Equal Justice, Democracy, and the Good Life

The struggle for the park in the Baldwin Hills is bringing people together to create the kind of community where they want to live and raise children. People who have never participated in government before are coming together to stand up for their right to equal access to parks and recreation -- and winning.

The City Project has worked and published extensively on equal justice, democracy, and livability through the urban park movement, as discussed below. Professor Regina Austin among others has written eloquently on open space, social inequality, and the good life for all.⁴⁹

E. Spirituality

Social justice and stewardship of the earth have motivated spiritual leaders including Nobel Peace Prize Laureate Rigoberta Menchú, Cardinal Roger Mahony, and the Justice and Peace Commission of the Catholic Archdiocese of Los Angeles to actively support parks and open space in California.⁵⁰ African-American ministers called on their congregations to support Proposition 40 from the pulpit the Sunday before the election, and Cardinal Roger Mahony endorsed Prop 40.

According to the United States Catholic Conference, for example, Catholics are called upon to protect people and the planet, living their faith in relationship with all of God's creation. Catholics show their respect for the Creator through stewardship and care for the earth as a requirement of their faith.⁵¹ The United Nations has published an interfaith book of reflection for action, *Earth and Faith*.⁵² Extensive information about spirituality and the environment is available at various web sites.⁵³

IV. The Heart and Soul of African American Los Angeles

It is necessary to connect the historical dots to understand how and why African-Americans came to live in disproportionate numbers in the areas surrounding the Baldwin Hills without

⁴⁸ *Id.*

⁴⁹ See, e.g., 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 (1998).

⁵⁰ García, *Dreams of Fields*, *supra*, at 10; Julia Romano, "A Controversial Woman of Peace," *Santa Monica Bay Week* (Nov. 21, 2002).

⁵¹ United States Catholic Conference, Inc., Washington D.C. (1999).

⁵² Libby Bassett *et al.*, *Earth and Faith* (2000).

⁵³ See, e.g., Coalition for the Environment and Jewish Life of Southern California, www.CoeJLSC.org.

adequate access to parks and recreation. The poverty of parks and environmental degradation in the African American community is not an accident of unplanned growth, but the direct result of a continuing history and pattern of discriminatory land use planning, restrictive housing covenants, federal mortgage subsidies for racially homogenous neighborhoods, and other discriminatory funding policies and practices.⁵⁴

The City Project has worked and published extensively on these matters. *See generally* Robert García *et al.*, “Community, Democracy and the Urban Park Movement” (chapter in Dr. Robert Bullard’s book on Environmental Justice published by the Sierra Club); Robert García *et al.*, *The Cornfield and the Flow of History: People, Place, and Culture*, Center for Law in the Public Interest (2004);⁵⁵ *Dreams of Fields: Soccer, Community, and Equal Justice*, Center for Law in the Public Interest (2002);⁵⁶ Robert García, *Equal Access to California’s Beaches*, Center for Law in the Public Interest (2002), published in the Proceedings of the Second National People of Color Environmental Leadership Summit - Summit II;⁵⁷ Robert García and Thomas A. Rubin, “Crossroad Blues: The MTA Consent Decree and Just Transportation,” *chapter in* Karen Lucas, *ed.*, *Running on Empty: Transport, Social Exclusion, and Environmental Justice* 221-56 (2004); Robert García *et al.*, *Free the Beach!*, Center for Law in the Public Interest.

V. The History and Pattern of Discrimination against African Americans in Los Angeles

The original settlers in 1781 of El Pueblo de Los Angeles, Los 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.⁵⁸ The last Mexican governor of California before statehood, Pío Pico, was born of African, Native American, and European ancestry under a Spanish flag.⁵⁹

Biddy Mason, one of the most prominent citizens of early Los Angeles, was born a slave in Mississippi. She walked behind her owner’s wagon first to Utah and then to Los Angeles. 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.”⁶⁰ With savings earned as a midwife, Biddy Mason bought a homestead a few blocks south of the Plaza on Spring Street between Third and Fourth. She helped found the First African Methodist Episcopal Church, one of the most influential and affluent African American churches in the City today. The Biddy Mason wall and pocket park in the heart of downtown Los Angeles commemorate her contributions to the City.⁶¹

⁵⁴ *See, e.g.*, Mike Davis, *City of Quartz* 160-64 (1990); Mike Davis, “How Eden Lost Its Garden,” chapter in *Ecology of Fear* (2000).

⁵⁵ Available online at www.clipi.org.

⁵⁶ *Id.*

⁵⁷ www.ejrc.cau.edu/summit2/Beach.pdf.

⁵⁸ Jean Bruce Poole and Tevvy Ball, *supra*, at 11.

⁵⁹ *Id.* at 30-31.

⁶⁰ *Scott v. Sandford*, 60 U.S. 393, 407 (1857).

⁶¹ Dolores Hayden, *supra*, at 168-87.

Despite the prominent role of Blacks in early Los Angeles, Black residential and business patterns began to change in response to discriminatory housing and land use patterns in the twentieth century. Los Angeles pioneered the use of racially restrictive housing covenants. The California Supreme Court sanctioned restrictive covenants in 1919 and California courts continued to reaffirm them as late as 1947.⁶² The Federal Housing Authority not only sanctioned restrictions, but developed a recommended formula for their inclusion in subdivision contracts.⁶³ Blacks increasingly became concentrated in South Central Los Angeles. 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.⁶⁴

The landmark Supreme Court decisions *Shelley v. Kraemer*⁶⁵ and *Barrows v. Jackson*,⁶⁶ decided in 1948 and 1953, respectively, legally abolished racially restrictive housing covenants. Even after the High Court declared those decisions to be the law of the land, however, the Los Angeles Urban League identified 26 different ploys that white homeowners used to exclude blacks, including payoffs by neighbors to discourage home sales to prospective black buyers, vandalism, cross burnings, bombings, and death threats.⁶⁷ Until the late 1950s, the Code of Ethics of the National Association of Real Estate Boards contained a provision explicitly prohibiting real estate agents from introducing people of color into white neighborhoods. Banks and developers were unwilling to break the racial lines set by white homeowners and real estate agents. “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.”⁶⁸

In the 1960s, as social and legal segregation began to fall, middle and upper class blacks disproportionately moved westward from South Central Los Angeles. White flight from advancing blacks opened up opportunities to rent or buy housing. Urban renewal programs targeted ethnic areas and wiped out most nineteenth century buildings and neighborhoods.⁶⁹ By the 1990s, the Baldwin Hills area including the Crenshaw District and Leimert Park had become the geographical focus of black Los Angeles.⁷⁰

⁶² The United States Supreme Court ultimately declared restrictive housing covenants unconstitutional and unenforceable in *Shelley v. Kramer*, 334 U.S. 1 (1948).

⁶³ 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 Mike Davis, *City of Quartz* 160-64 (1990); Mike Davis, “How Eden Lost Its Garden,” chapter in *Ecology of Fear* (2000).

⁶⁴ California Department of Parks and Recreation, *Five Views: An Ethnic Sites Survey for California* 68-69 (1988).

⁶⁵ *Shelley v. Kramer*, 334 U.S. 1 (1948).

⁶⁶ *Barrows v. Jackson*, 346 U.S. 249 (1953).

⁶⁷ Josh Sides, *L.A. City Limits: African American Los Angeles from the Great Depression to the Present* 101 (2003) [hereinafter “*L.A. City Limits*”].

⁶⁸ *Id.* at 108.

⁶⁹ *Five Views*, *supra*.

⁷⁰ James P. Allen and Eugene Turner, *Changing Faces, Changing Places: Mapping Southern Californians* 16-20 (2002).

VI. The Baldwin Hills

Professor Josh Sides in his recent book describes the unique role of the Baldwin Hills in the history of African Americans in Los Angeles and across the nation:

By the late 1950s and early 1960s, blacks had pushed west and south of West Adams into Leimert Park and the exclusive area of Baldwin Hills, which quickly became the heart of affluent black Los Angeles, a position it still holds today.

A five-square-mile area of unincorporated hillside west of Leimert Park/Crenshaw and south of West Adams, Baldwin Hills boasted large homes and expansive views. Largely undeveloped until the 1940s, hundreds of houses and apartment complexes were built there in the 1950s. As they had in Compton, blacks moved into new and large homes, with an average of four to six bedrooms per household. African Americans in Baldwin Hills were generally much better educated than their South Central counterparts, a fact that translated into greater job opportunities in the post-boom economy. Accordingly, just over 71 percent of all employed African Americans in Baldwin Hills were white-collar workers. Many Baldwin Hills residents were typical of those who fled South Central after the Watts riot; according to the 1970 census, 57 percent of blacks in Baldwin Hills had lived in the central city in 1965.

In addition to superior housing, residents of Baldwin Hills and the nearby Leimert Park and Crenshaw areas also enjoyed many more conveniences as consumers. While many Watts and Willowbrook residents were forced to buy groceries at overpriced liquor stores, Baldwin Hills residents had other options. The Crenshaw Shopping Center—opened in 1947, as one of the first planned suburban malls in the United States—was the most popular shopping area for local residents. And, during the 1960s, the Baldwin Hills Center and the Ladera Center also opened, offering residents even greater selection and convenience. Central to this improved consumer selection, and middle-class life in general, was the greater mobility of Baldwin Hills residents relative to blacks in the central city. Whereas 57 percent of Baldwin Hills households had one car, and 37 percent had two or more cars, a survey of Watts residents found that 57 percent did not own a car.

Perhaps the greatest advantage to residing in Baldwin Hills was the superior quality of the area's public schools. In 1971, the Los Angeles Department of City Planning described Baldwin Hills public schools as the "the best schools of any city area inhabited primarily by black people" and "on par with those in West Los Angeles and the San Fernando Valley." In addition to boasting low dropout rates and small class sizes relative to public schools in Watts and South Central, public schools in Baldwin Hills were also more racially integrated.⁷¹

⁷¹ *L.A. City Limits*, *supra* at 190-191.

VII. The Poverty of Parks

Los Angeles is marred by a history and continuing pattern and practice of racialized public space. Historic barriers to open space and recreation are perpetuated today by the poverty of parks in Los Angeles and disparities in access to parks, recreation, and open space based on race, ethnicity, income, and other salient factors.

As Professor Sides documents in his book on the history of African American Los Angeles:

Though never codified in law, there were many real racial barriers to the alluring amenities of public life in Los Angeles. African American youth, eager to escape the heat of central city summers, seldom found refuge in city swimming pools. In many parks, such as Centinella Park in the all-white suburb of Inglewood, blacks were simply not allowed in the pool. In other parks, blacks were allowed to swim only on the day before the pool was cleaned.⁷²

African Americans were forced to recreate where they felt comfortable and not feared. For example, Lincoln Park in East Los Angeles was a popular destination for black and Mexican youth, which attracted the large Mexican and black populations from East Los Angeles and black children from South Central, who would take the Pacific Electric railroad to reach the park.⁷³

In 1978 in the wake of Proposition 13, local officials established funding formulas that cut off local funds for parks and schools. According to former Mayor Richard Riordan, poorer communities in the inner city have been historically short-changed by City funding formulas for parks and recreation programs. Money is not invested throughout the City based on need, but is distributed equally among the 15 City Council districts regardless of need, according to the Mayor as reported in the *Wall Street Journal*.⁷⁴

The City's Recreation and Parks Department has also long recognized the inequities in park funding. "It's a pattern we all understand," according to Dallan Zamrzla, then-director of planning and development for the Recreation and Parks Department. "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."⁷⁵ Because there has been little new construction in poorer neighborhoods, those areas benefit little from the state Quimby Act, which requires developers to put money into parks near their new projects. Many of the urban parks are more heavily used and require more staff. These criteria and methods of administration have an adverse disparate impact because they fail to take into account for the needs of the poorest neighborhoods, which are disproportionately communities of color.⁷⁶

Local officials virtually abandoned public recreation in the wake of Proposition 13, which cut funding for local services. Los Angeles also adopted the principle of apportioning its park

⁷² *Id.* at 21.

⁷³ *Id.*

⁷⁴ Shirley Leung, "Riordan Seeks More Funds for Urban Core," *Wall Street Journal* (April 28, 1999).

⁷⁵ Jocelyn Stewart, "Officials Resort to Creativity to Meet Need for Parks," *L.A. Times* (June 15, 1998).

⁷⁶ *Id.*

budget through a formula based on park size – which favors disproportionately white, relatively wealthy areas – while encouraging parks to operate as businesses based on user fees. Since the wealthier and whiter areas of the city have disproportionate shares of park area and fee generating facilities, this has entailed a regressive redistribution of park resources. The result is ‘recreational apartheid’ and a calamitous deterioration of public space in the inner city as parks become increasingly run down, unsupervised and dangerous.”⁷⁷

A recent by the University of Southern California documents that there are not enough parks in Los Angeles, there are disparities in access to parks in communities of color and low income communities, and the method for distributing Proposition K park bond funding exacerbates rather than alleviates these inequities.⁷⁸ According to the USC study, low-income communities and communities that are disproportionately Latino, African-American, and Asian/Pacific Islander have dramatically lower levels of access to park resources than white-dominated areas of Los Angeles. Neighborhoods with the largest population of youth receive half as much Prop K funding as those areas with the smallest population of youth. Communities with the highest rate of park accessibility receive as much or more bond money than many areas with higher poverty levels, higher rates of young people, and below average park accessibility.

The poverty of parks is aggravated by the disappearance of schoolyards where children can play and join recreation programs, due to the epic overcrowding at public schools in Los Angeles and the concomitant use of portable classrooms that devour classroom space.

VIII. Legal and Policy Justifications for Protecting the Baldwin Hills Community and Parks

California law prohibits intentional discrimination and unjustified discriminatory impacts under Government Code section 11135.⁷⁹

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.”⁸⁰

The communities surrounding the Baldwin Hills are disproportionately communities of color and low-income communities, as described above. People of color and low-income people surrounding the Baldwin Hills are entitled to equal access to the benefits of parks and open space: fun; recreation; better health; athletics, academics, and alternatives to gangs, crimes, drugs, violence, prostitution, and teen sex; open space, wildlife, and a healthy environment; the economic benefits of parks and open space; and the other values described above.

The absence of meaningful public participation can also constitute intentional discrimination and unjustified disparate impact discrimination under the authorities.

⁷⁷ Davis, *supra*, at 308.

⁷⁸ Jennifer Wolch, et al., *Parks and Park Funding in Los Angeles: An Equity Analysis* (May 2002).

⁷⁹ See Cal Gov. Code § 11135 *et seq.*; 22 CCR § 9810.