August 19, 2008

Paul McCarthy  
County of Los Angeles  
Department of Regional Planning  
Impact Analysis Section, Room 1348  
320 West Temple Street  
Los Angeles, CA 90012  
http://planning.lacounty.gov/spBH.htm#Resources

re: Green and Clean Baldwin Hills for All for Generations to Come:  
Public Comments on Draft Environmental Impact Report for the Baldwin Hills Community Standards District (SCH# 2007061133; County Project # R2007-00570; Environmental Case # RENV2007-00048)

Dear Mr. McCarthy:

I. Overview

A. Background

The City Project is proud to work with the Greater Baldwin Hills Alliance (“GBHA”), Dr. Robert Bullard and the Environmental Justice Resource Center at Clark Atlanta University, Concerned Citizens of South Central Los Angeles, the National Latino Congreso, Natural Resources Defense Council, and a diverse and growing coalition to engage, educate, and empower the community to better ensure that the Baldwin Hills are clean and green for all for generations to come. We seek to protect human health, homes, and the environment and restore the area to parkland by regulating the existing Oil Field. This is the next best thing to prohibiting oil drilling in this diverse and densely-populated urban community. We put people and parks before oil profits.

Plains Exploration and Production Company (PXP) plans to drill up to 1,000 new wells in the next 20 years, adding to its nearly 500 existing wells in the Baldwin Hills Oil Field. The Alliance is working with elected officials and PXP to improve the draft Environmental Impact Report (EIR or DEIR), and the County’s August 13, 2008, draft Community Standards District (draft August 13 CSD). “The County has decided to use its own version of a CSD as a base which will also incorporate all mitigation measures, selected provisions of the PXP CSD and the CSD prepared by the Greater Baldwin Hills Alliance.”

The Alliance is working to establish health and environmental standards; public accountability; monitoring; a health and environmental baseline; oversight of the oil operations; a built-in process to improve the regulations as new information and better technology becomes available.

1 Russell Fricano, Response to GBHA questions, Aug. 12, 2008.
to protect health and the environment; transition to parkland; improved aesthetics; respect for all neighbors; and equal justice for all.

The City Project is committed to work with the community to make the dream come true for the Baldwin Hills Park. The two-square mile Park would be the nation's largest urban park in over 100 years. The Park will provide the remarkably diverse and park-poor region with much needed green space for recreation, conservation, education, and economic vitality. 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 community has struggled long and hard for a park in the Baldwin Hills. The City Project worked with the community to stop a power plant and save the Park in 2001, to stop a garbage dump in 2003, to save the Baldwin Hills Conservancy and its budget when a Governor’s commission threatened to abolish both in 2005, and to stop 24 new oil wells without adequate environmental review in 2007.

Strengthened by years of struggle, the community remains even more determined than ever to make the dream for a park in the Baldwin Hills come true for all to enjoy.


B. Summary of Specific Comments on the DEIR

The purpose of this letter is to provide public comments on the DEIR. We anticipate submitting public comments on the draft August 13 CSD later.

We support the regulation of the Baldwin Hill Oil Field through the environmental review and CSD process. We appreciate the work by the Los Angeles County Department of Regional Planning, the Regional Planning Commission, County Supervisor Yvonne Burke, John Pierson and MRS, and others for the DEIR and the draft August 13 CSD. We appreciate the many meetings between the Alliance, with each of them, and with PXP to negotiate a better CSD and other benefits for the community.

The following is a summary of the specific comments discussed below to require that the DEIR be recirculated.

1. The DEIR Does Not Analyze the Draft August 13 CSD at All (Part II Below)

2. The DEIR Land Use Section 4.08 Does Not Analyze Inconsistencies between the CSD, the Baldwin Hills Master Plan, and the Los Angeles County General Plan (Part IV Below)

3. The DEIR Section 4.10 Does Not Adequately Analyze Recreation Impacts (Part V Below)
4. The DEIR Section 4.16 Does Not Adequately Analyze Environmental Justice and Civil Rights Laws (Part VI Below)

The DEIR fails to comply with the requirements of CEQA, Public Resources Code Section 21000 et seq.; the CEQA Guidelines, California Code of Regulations, title 14, section 15000 et seq. (“CEQA Guidelines”); and civil rights and environmental justice laws. The DEIR should be recirculated. The DEIR cannot properly form the basis of a final EIR and final CSD.

Dr. Robert Bullard is the Director of the Environmental Justice Resource Center (EJRC), a comprehensive university-based center dedicated to education, research, and service. Founded in 1994 at Clark Atlanta University in Atlanta, Georgia, the EJRC has built a solid national and international reputation in a number of fields, including environmental and economic justice, environmental racism, land use and industrial facility permitting, brownfields redevelopment, community health, transportation equity, suburban sprawl, and smart growth, energy, and climate justice. Through its community-driven research, policy analysis, training initiatives, and forums, the Center is reaching a wide range of students, faculty members, and community constituents. Its work is also impacting the work of nongovernmental organizations (NGOs) as well as governmental agencies and officials.

The City Project is a multicultural policy and legal advocacy organization that is working to broaden access to parks and open space, especially in underserved communities, and to fight childhood obesity by guaranteeing that students get enough physical education. *New York Times, Nov. 12, 2008.*

Concerned Citizens of South Central Los Angeles is a nonprofit public benefit community-based organization whose mission is to work for social justice and economic and environmental change within the South Central community.

NRDC is a not-for-profit membership corporation organized under the laws of the State of New York, with offices in Los Angeles, San Francisco, New York and Washington, D.C. NRDC has approximately 551,650 members throughout the United States, including 102,599 members in the State of California. NRDC is dedicated to the preservation, protection and defense of the environment, its wildlife and natural resources. NRDC actively pursues effective enforcement of air quality rules and regulations, and the reduction of air pollution in Southern California on behalf of its members. In addition, NRDC actively advocates open space and recreation opportunities in urban areas on behalf of working-class communities and communities of color.

Part II below discusses the utter failure of the June 20 DEIR to discuss and analyze the County’s draft August 13 CSD. Part III discusses the Baldwin Hills community and park, and the continuing history and pattern of discriminatory access to park, recreation, and health resources. Part IV discusses the land use section 4.08 of the DEIR, and the need for the DEIR to address inconsistencies between the CSD, the Baldwin Hills Master Plan, and the County of Los Angeles General Plan. Part V discusses DEIR section 4.10 on recreation. Part VI discusses Environmental Justice and equal protection under federal and state civil rights laws, including
II. The DEIR Does Not Analyze the Draft August 13 CSD at All

The purpose of the EIR here is to assess the CSD. The “proposed CSD . . . is the project description for the Baldwin Hills CSD EIR.” Draft EIR at 2-1.

The Regional Planning Department released the County draft CSD on August 13 to some stakeholders for the following reason: “The County has decided to use its own version of a CSD as a base which will also incorporate all mitigation measures, selected provisions of the PXP CSD and the CSD prepared by the Greater Baldwin Hills Alliance.” However, the County has not published the draft August 13 CSD on its Web site as of August 18, 2008. The public comment period on the draft EIR is scheduled to expire on August 19, 2008. Public comments on the draft August 12 CSD apparently are being accepted informally until a planned September 10, 2008, hearing on the draft EIR before the Regional Planning Commission.

The draft June 20 EIR as a practical and logical matter does not and cannot inform the public and responsible officials of the environmental consequences of the draft August 13 CSD. The draft August 13 CSD was published almost two months after the June 20 DEIR; the draft August 13 CSD has not yet been published on the County Web site as of August 18; and the time to submit public comments on the DEIR expires August 19.

The basic purpose of an EIR under the California Environmental Quality Act (CEQA) “is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made.” Citizens of Goleta Valley v. Board of Supervisors, 52 Cal.3d 553, 564 (1990).

III. The Baldwin Hills Park, Community, and Equal Access to Parks and Recreation

A. A Positive Vision for Parks, the EIR, and the CSD

The DEIR does not adequately analyze parks, recreation, and the values at stake for the community.

---

2 Russell Fricano, Response to GBHA questions, Aug. 12, 2008.
3 The draft County August 13 CSD was not mentioned or published on the County web site as of August 18, 2008, at 8:04 pm PST, http://planning.co.la.ca.us/spBH.htm.
4 In addition, community stakeholders and public officials have requested an extension of time to submit public comments on the DEIR. We are submitting these comments under the duress of the unreasonable time frame and reserve the right to resubmit public comments if any extension of time is granted.
The Greater Baldwin Hills Alliance has published a draft Community Standards District that better addresses these issues. Because the Oil Field is located within the territory of the Baldwin Hills Park Master Plan, the CSD must be consistent with the long-range future plans to establish the world class park there. Because the Oil Field is located within the area encompassed by the Baldwin Hills Park Master Plan, a Baldwin Hills Park reinvestment fund should be established to acquire and restore land pursuant to the Park Master Plan. The Reinvestment Fund should receive revenue for any new well or re-drilled well based on a formula that reflects an adjustable percentage of immediate and long-range oil and gas productivity from proposed drilling sites. The reinvestment fund should be administered in a manner consistent with public transparency laws under the authority of a local public agency to be selected by the County Board of Supervisors based on the recommendations of an Advisory Committee. Greater Baldwin Hills Alliance, Draft Community Standards District, published June 19, 2008, at pp. 3, 24, available at www.greaterbaldwinhillsalliance.org and www.baldwinhillsoil.org.

In contrast, in response to the following question about conversion of the Oil Field to parkland and natural public space, the County responded as follows:

> *What approach is the County recommending to foster eventual conversion of the oil field to parkland?*

> Staff is recommending a drilling plan which also shows the location of abandoned and retired wells. This plan could be used to identify areas with the potential for future remediation for proposed conversion of parkland.


**B. The Baldwin Hills Park**

The two-square mile Baldwin Hills Park would be the nation's largest urban park in over 100 years. The Park will provide the remarkably diverse and park-poor region with much needed green space for recreation, conservation, education, and economic vitality. 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.

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 a dense and diverse urban community that is park poor to create a world-class park and natural space for all the people of California to enjoy.
The Baldwin Hills are one of the most park-poor areas in California, with barely one acre of parkland per 1,000 people. The Baldwin Hills Park provides badly needed park and recreation opportunities. Childhood obesity rates are among the highest in the Los Angeles region. Children crave the simple joys of playing in the park and need places for physical activity to help reduce the epidemic of obesity and diabetes.

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, the only regional park serving 2.5 million people within ten miles, are often closed before noon because the heavily used park has simply run out of space.

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. 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.”

C. The Baldwin Hills Community

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 non-Hispanic white communities. Within a three mile radius of the Baldwin Hills, the population is 40% African American, 23% Latino, 8% Asian-Pacific Islander and 11% non-Hispanic white. 18% of the households have incomes that fall below the poverty line.

The community just east of the Baldwin Hills is over 90% African-American, compared to about 11% in Los Angeles generally. The African-American community surrounding the Baldwin Hills is the historic heart 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 adequate access to parks and recreation. 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. The concentration of African-American

---

6 Baldwin Hills Park Master Plan (May 2002) at 8. See also id. at 2-3.
7 United States Census, GreenInfo Network, The City Project.
8 For example, 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. The last Mexican governor of California before statehood, Pío Pico, was born of African, Native American, and European ancestry under a Spanish flag. Jean Bruce Poole and Tevvy Ball, El Pueblo: the Historic Heart of Los Angeles, at 11, 30-31 (2002). Biddy Mason, a prominent citizen of early Los Angeles, was born a slave in Mississippi, gained her freedom in California, became
homes and businesses, and the lack of parks and recreation, in these neighborhoods is not an accident of unplanned growth, but the direct result of the continuing history and pattern of discriminatory land use planning, restrictive housing covenants, federal mortgage subsidies limited to racially homogenous neighborhoods, and New Deal 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 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.  

People of color suffer from the double whammy of disproportionately being deprived of environmental benefits including parks, while bearing environmental burdens including toxic sites. The recent national study *Toxics Waste and Race at Twenty 1987-2007* documents that California has the nation's highest concentration of people of color living near hazardous waste facilities. Statewide, 81% are people of color. Greater Los Angeles is the worst in the nation, with 1.2 million people living less than two miles from 17 hazardous waste facilities. 91%, or 1.1 million, are people of color. Although about one-third of United States residents are nonwhite, more than half of the people living near such facilities were Latino, African American or Asian American.

Los Angeles pioneered the use of racially restrictive housing covenants. 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. Blacks increasingly became concentrated in South Central Los Angeles. The California Supreme Court sanctioned restrictive covenants in 1919 and California courts continued to reaffirm them as late as 1947. The Federal Housing Authority not only sanctioned racially restrictive restrictions, but developed a recommended formula for their inclusion in subdivision contracts.

When the United States Supreme Court declared racially restrictive housing covenants unconstitutional and unenforceable in the 1950s, African Americans were free to move west from South Central Los Angeles in search of a better life in the Baldwin Hills. The landmark

---

12 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).
decisions *Shelley v. Kraemer*\(^{13}\) and *Barrows v. Jackson*,\(^{14}\) 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.\(^{15}\) 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.”\(^{16}\)

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.\(^{17}\) By the 1990s, the Baldwin Hills area including the Crenshaw District and Leimert Park had become the geographical focus of black Los Angeles.\(^{18}\)

With Sugar Hill in Harlem, the Baldwin Hills traditionally has been an epicenter of excellence for African-American life and culture across the United States.\(^{19}\)

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,

\(^{13}\) *Shelley v. Kramer*, 334 U.S. 1 (1948).
\(^{15}\) Josh Sides, *L.A. City Limits: African American Los Angeles from the Great Depression to the Present* 101 (2003) [hereinafter “*L.A. City Limits*”]
\(^{16}\) Id. at 108.
\(^{17}\) *Five Views*, supra.
\(^{19}\) Sides, *L.A. City Limits* at 21, 72, 101, 108 (2003).
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.  

D. The Struggle for the Park Never Ends

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. See, e.g., City of Los Angeles Controller Laura Chick, Audit of Recreation and Parks Department (Nov. 2005 and January 2006).  

---


21 The Controller's audit of Recreation and Parks is available in three parts at www.cityprojectca.org/blog/wp-content/fiscalmanagementCityParks11102005_01.pdf; www.cityprojectca.org/blog/wpcontent/RecreationandCommunityServicesAudit.pdf; and www.cityprojectca.org/blog/wp-content/MaintanceAudit01092006.pdf.
As Professor Sides documents in his 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.22

The community has struggled long and hard for a park in the Baldwin Hills. The City Project is proud to have worked with the community to stop a power plant and save the Park in 2001, to stop a garbage dump in 2003, to save the Baldwin Hills Conservancy and its budget when a Governor’s commission threatened to abolish both in 2005, and to stop 24 new oil wells without adequate environmental review in 2007.

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.


“The conversion of unused sections of the oilfield into a park was proposed by then-county supervisor Kenneth Hahn in 1968. A 50 acre state recreation area was dedicated 15 years later and eventually expanded to 320 acres. As Baldwin Hills’ oil peters out (only about 400 of its 1,130 wells are still active), there are plans to expand the recreation area to about 1,200 acres – or about two square miles.” Bob Pool, Surroundings / Baldwin Hills; Where L.A. Looks Pretty as a Picture Postcard; After a cleansing rain, the city shines from the panoramic vantage point of the Kenneth Hahn State Recreation Area, L.A. Times, Feb. 27, 2003.

The community stopped PXP (through its predecessor corporate form Stocker Oil Company) from putting a power plant in the site of the planned park.

In poor black neighborhoods in Los Angeles, the economic ladder is often perched against the Baldwin Hills.

There, on that lonely hump in the urban plain, lies hope. There, doctors and lawyers and politicians make up one of the wealthiest black communities in the nation. And there, in the heart of the hills, conservationists are hoping to create the crown jewel: a 1,200-acre state park.

22 Id. at 21.
That partly explains the outrage aroused when [PXP] proposed building a 53-megawatt power plant in the middle of that envisioned green space, on what is now a working oil field. Neighbors managed to come together with environmentalists and civil rights activists in such a strong coalition that they may have rung the project's death knell.

... To many, the power plant proposal was another slight in a long history of discrimination, from the days of racist real estate covenants to white flight to zoning decisions that seem to put the unwanted--the power plants and chrome plating facilities--in minority neighborhoods.

Joe Mozingo, A Fight for Their Goal, Their Gains; Baldwin Hills: Residents of the upscale black neighborhood rejoice over a victory in battle to block power plant. Many feel choice of site reflected racial bias. L.A. Times, June 23, 2001.

"We listened to the community,' La Jolla [energy company] President Steve Wilburn said in an interview Thursday. ‘We need to find another place for this [power plant].’" Joe Mozingo, Energy Company Abandons Plans for Baldwin Hills Plant; Power: Homeowners and environmentalists rejoice at decision. The site is proposed as a 1,200-acre state park. L.A. Times, June 21, 2001. See also Stocker [PXP] Officially Drops Plans for a Power Plant, L.A. Times, July 6, 2001.

“In Baldwin Hills, residents eager to see oil fields transformed into a 1,200-acre park turned out en masse . . . to protest plans to build a power plant on the property. The near-unanimous opposition prompted [PXP and] La Jolla Energy Development Inc. to withdraw from this ill-advised project, allowing work on the imaginative park plans to go forward.” Editorial, No Big Boxes in This Yard, L.A. Times, June 30, 2001.

“The community's outcry against the power plant . . . is an outpouring of support for a grand dream of a park in one of the most park-deprived areas of park-poor Los Angeles. The million people who live within a five-mile radius need this oasis.” Editorial, The Power of a Park, L.A. Times, June 11, 2001.

"This effort goes to show that if you show up in numbers and participate and have the facts behind you, you can win,' said state Sen. Kevin Murray (D-Culver City).” Joe Mozingo, A Fight for Their Goal, Their Gains; Baldwin Hills: Residents of the upscale black neighborhood rejoice over a victory in battle to block power plant. Many feel choice of site reflected racial bias. L.A. Times, June 23, 2001.

“It's up to the Southern California delegations in the Legislature to let the governor know that . . . new parks and clean beaches affect a lot of city-dwelling voters.” Editorial, Keep Veto Ax Off the Parks, L.A. Times, July 25, 2001.
“First they fought off a power plant. Then they defeated a garbage dump. Now people who have struggled for decades to transform a forlorn patch of hills and swamps into a park stretching from the Baldwin Hills to Culver City are preparing to take on Gov. Arnold Schwarzenegger.” Lisa Richardson, *Fighting This Conservancy Won't Be a Walk in the Park*, L.A. Times, Oct. 22, 2004.


E. The Values at Stake

The DEIR recites to but fails to analyze some of the values at stake in the vision for the Baldwin Hills Park and in the Park Master Plan. *See DEIR 4.10-3* (“health, youth development, education, public safety, conservation values and economic values, among others”).

Parklands are places to have fun. Having fun complements other values including human health; youth development and academic performance; conservation values of clean air, water, and land, habitat protection, and climate justice; economic vitality for all; spiritual values in protecting people and the earth; and sustainable regional planning. Fundamental principles of equal justice and democracy underlie each of these other values.

*Fun*

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

*Human Health*

*Physical Activity*

Recent evidence-based research illustrates the profound health implications of the lack of parks and recreation. The precipitous decline in children’s physical activity levels, and escalating rates of childhood obesity and diabetes, are alarming national health trends. More than one out of every four adolescents in California (29%) -- nearly one million teenagers -- get less than the recommended levels of physical activity. Inactivity and obesity are even more significant in ethnic and low income minority groups. Physical activity among youth can help prevent childhood obesity and related conditions. Children who are physically fit perform better in school. After engaging in physical activity, children perform better on tasks requiring

---


concentration. Physical education quality and quantity are particularly deficient for less affluent students and those in racial and ethnic groups at high risk for overweight and obesity.

Access to safe parks or other places for physical activity, along with other characteristics of the neighborhoods where adolescents live, have an important effect on whether teens meet recommendations for physical activity, and whether they get any activity at all. In California, the percent of teens engaging in regular physical activity is higher when teens have access to a safe park than when they have no access. In addition, the percentage of teens who get no physical activity at all is higher among those with no access to a safe park than among those who have access to a safe park. Regular physical activity, along with a healthful diet, is key to preventing obesity and many chronic health conditions associated with obesity. Insufficient physical activity contributes to obesity and to risk of complications and death from chronic conditions, such as Type 2 diabetes, heart disease, hypertension, and some cancers. It is also associated with greatly increased costs for medical care and lost productivity, estimated to cost California approximately $13 billion a year.

Overweight and Unfit Children in California

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Overweight</th>
<th>Unfit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latino</td>
<td>34%</td>
<td>45%</td>
</tr>
<tr>
<td>African American</td>
<td>29%</td>
<td>46%</td>
</tr>
<tr>
<td>White</td>
<td>20%</td>
<td>34%</td>
</tr>
<tr>
<td>Asian</td>
<td>18%</td>
<td>36%</td>
</tr>
</tbody>
</table>

Youth Development

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.


Stress, Depression, and Mental Functioning

In the environments of modern cities, parks and open spaces provide needed reprieve from the everyday stressors that lead to mental fatigue, improving the health of adults and children by reducing stress and depression and improving the ability to focus, pay attention, be productive, and recover from illness. Evidence shows that 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. Researchers have found associations between contact with natural environment and improvements in the functioning children with Attention Deficit and Hyperactivity Disorder (ADHD). 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 decreases in “mental fatigue” and finding problems insurmountable.

Recovery from Illness

Parks and green space also have direct healing effects. A classic study demonstrated that views of trees enhance the recovery of surgical patients and shortens the duration of hospitalizations. Research demonstrates that people who live in greener environments reduces the number of health complaints.

Social Support and Social Cohesion

Greener parks satisfy needs for interaction by enticing residents into public spaces with trees, lush lawns and playgrounds. In a study conducted at a large public housing development in Chicago, Illinois, vegetated areas were found to be used by significantly more people and those individuals were more likely to be engaged in social activities than similar areas without vegetation. Social interaction and neighborhood spaces have been identified as key facets of healthy communities supporting social networks, social support, and social integration that have

---

been linked to improvements in both physical and mental health. Sociability may alleviate some forms of mental illness and contribute to a sense of belonging and community. Neighborhood workdays for park and/or garden maintenance and improvement efforts foster common purpose and sense of ownership among residents. Perhaps most importantly, parks become a source of community pride and inspiration for further community improvements and revitalization.

Conservation and Climate Justice

Parks and natural open spaces promote conservation values including clean air, water, and ground, habitat protection, and climate justice. Green spaces in parks, schools, sports fields, and other public places can help clean water through natural filtration. Flood control basins can provide green space for parks and playing fields. California would benefit state-wide from investment in green spaces in underserved communities in the fight to stop global warming and achieve climate justice. Green construction can also create green jobs for local workers and small business enterprises. Green spaces can help reduce the urban carbon footprint and global warming. Such land could otherwise be used for economic activities that generate heat and carbon.

Global warming is fundamentally an issue of human rights and environmental justice that connects the local to the global. With rising temperatures, human lives—particularly in people of color, low-income, and indigenous communities—are affected by compromised health, financial burdens, and social and cultural disruptions. Moreover, those who are most affected are least responsible for the greenhouse gas emissions that cause the problem—both globally and within the United States. These communities are the least able to bear the burdens of correcting it absent appropriate conservation, economic, and equitable measures.

Economics, Jobs, and Wealth Creation

Parks and recreation helps to strengthen and stimulate California’s economy through recreation-related sales of clothing, equipment, fees and services, the revenues generated from the tourism and hospitality industries, and increased property values. Tens of billions of dollars in infrastructure bonds can be used to create local jobs and an even playing field for small business enterprises. Affordable housing and other forms of wealth creation can help stop gentrification and displacement when parks and schools revitalize communities. It is necessary to ensure that the economic benefits are distributed equitably.

---

36. See Public Comments submitted by Ruth Coleman, Director, California Department of Parks and Recreation to California High Speed Rail Authority 11 (August 19, 2004).
Spiritual Values in Protecting the Earth and its People

Social justice and stewardship of the earth motivate spiritual leaders. The United Church of Christ has published the environmental justice studies on toxics in 1987 and 2007 discussed above. Cardinal Roger Mahony, and the Justice and Peace Commission of the Catholic Archdiocese of Los Angeles, have actively support equal access to parks and natural space. Nobel Peace Prize Laureate Rigoberta Menchú has praised work to promote equal access to parks and recreation as a way of giving children hope and saying no to violence. In 2004, the Nobel Peace Prize Committee awarded the Peace Prize to the Kenyan woman Wangari Muta Maathai for planting trees and speaking out for women. The award for Ms. Maathai is an explicit mainstream recognition that there is more at stake in caring for creation than traditional environmental values.

Equal Justice and Democracy

Fundamental principles of equal justice and democracy underlie each of the values above. The Maps and demographic analyses in this Policy Report document unfair disparities in access to natural public places. As a matter of simple justice, parks, school fields, and other natural public places are a public resource, and the benefits and burdens should be distributed equally.

IV. Section 4.8 Land Use and Inconsistencies between the Draft CSD and the Baldwin Hills Master Plan

The DEIR must be recirculated to evaluate the draft August 13 CSD's consistency with the Baldwin Hills Park Master Plan. The DEIR also fails to analyze critical elements of the Los Angeles County General Plan. Furthermore, the County is obligated to name the Baldwin Hills Conservancy and the California Department of Parks and Recreation as Trustee Agencies.

We agree with the City of Los Angeles Environmental Affairs Department: “While the DEIR describes the Baldwin Hills Park Master Plan, it does not analyze consistency between the proposed CSD and this plan. The consistency analysis should be expanded to include this

39. See video of Ms. Menchu on The City Project’s YouTube website at http://www.youtube.com/profile?user=CityProjectCA.
41. See generally García and White, *Healthy Parks, Schools, and Communities*, at 8-19, 21-24, supra; Regina Austin, “Not Just for the Fun of It!: Governmental Restraints on Black Leisure, Social Inequality, and the Privatization of Public Space*, 71 S. Cal. L. Rev. 667, 711-12 (1998).
42. This section incorporates Ken Kutcher’s public comments and we gratefully acknowledge his research and analysis.
review.” Letter from Detrich B. Allen, General Manager, Environmental Affairs Department, to Paul McCarthy, County of Los Angeles, Department of Regional Planning, Aug. 14, 2008.

### A. Special Baldwin Hills Area Conservation Legislation

Senate Bill No. 1048 (Murray, 1999) provides in section 1:

(a) It is the intent of the Legislature in enacting this section to provide for the planning of the expansion of the Kenneth Hahn State Recreation Area, and the development of related public facilities in the Baldwin Hills area of Los Angeles County.

(b) The Secretary of Resources shall establish an advisory committee to assist in the development of a master plan for the expansion and development project described in subdivision (a). The advisory committee shall consist of representatives of the communities served by the project, local governments of adjacent areas, and other interested state entities.

(c) . . . [T]he Secretary of Resources, in conjunction with the Director of Parks and Recreation, shall, not later than January 1, 2002, prepare and submit to the Legislature a master plan for the expansion and development of the Kenneth Hahn State Recreation Area that is designed to accomplish all of the following goals:

1. **Increase active recreation opportunities for underserved communities.**
2. Create a comprehensive trail system.
3. Provide for public access and entry ways.
4. Protect and restore natural habitat.
5. Protect critical viewsheds.
6. Protect and improve urban water quality.
7. Emphasize connections between existing parks, trails, and urban streams.
8. **Restore industrial lands to park and open-space purposes.**
9. Protect watersheds connecting to Santa Monica Bay.

(Emphasis added.)

In addition to public health and welfare, the clear purposes of this legislation include increasing active recreation opportunities for underserved communities, promoting Environmental Justice, protecting the environment, and restoring industrial lands to park and open space: “(1) Increase active recreation opportunities for underserved communities,” “(4) Protect and restore natural habitat,” “(6) Protect and improve urban water quality,” and “(8) Restore industrial lands to park and open-space purposes.”

After at least eight public workshops involving more than 800 participants, the Baldwin Hills Conservancy adopted the Baldwin Hills Master Plan as required by Public Resources Code
Section 32565.5(f): "the conservancy shall, by May 1, 2002, approve the master plan." The County was an active participant. The Baldwin Hills Park Advisory Committee included: Los Angeles County Supervisor Yvonne Brathwaite-Burke, Los Angeles County Department Parks & Recreation Assistant Director Jim Park, and Stocker Resources, the predecessor entity of PXP.

Prior to its adoption, the Park Master Plan was also submitted to the California Department of Parks and Recreation in August 2001. Park Master Plan at 5.


The purpose of the Conservancy includes: “To acquire and manage public lands within the Baldwin Hills area, and to provide recreational, open-space, wildlife habitat restoration and protection, and lands for educational uses within the area.” Pub. Res. Code § 32555(a) (emphasis added). Thus, the purpose of this state agency includes protecting recreation, open space, and the environment.

The powers and duties of the Conservancy include developing the area for optimum recreational and natural resource values (the values are discussed in Part II(D) above) based on the needs of the community as defined by the community:

Develop and coordinate an integrated program of resource stewardship so that the entire Baldwin Hills area is managed for optimum recreational and natural resource values based upon the needs and desires of the surrounding community

Establish policies and priorities within the Baldwin Hills area, and conduct any necessary planning activities in accordance with the purposes set forth in Section 32555.44

Public Resources Code Section 32553(a) defines the "Baldwin Hills area" to include the

---

43 The Baldwin Hills Park Advisory Committee included: Los Angeles County Supervisor Yvonne Brathwaite-Burke, Los Angeles County Department Parks & Recreation Assistant Director Jim Park, Los Angeles County Police Department Captain Carl Moore and Los Angeles County Sheriff's Department Captain Rod Lyons. Multiple Oil Field landowners were also members of the Baldwin Hills Park Advisory Committee, including Stocker Resources, the Cone Family, the Bickers Group, the Airey Family Trust and others.

44 Public Resources Code Section 32573(a) similarly mandates: “The conservancy shall do all of the following: Establish policies and priorities regarding the territory within the Baldwin Hills area, and conduct any necessary planning activities in accordance with the purposes set forth in Section 32555.”

Public Resources Code Section 32578 provides: “The conservancy shall have, and may exercise, all rights and powers, expressed or implied, necessary to carry out the purposes of this division, except as otherwise provided.”
Baldwin Hills Oil Field.\textsuperscript{45}

The County is obliged to consider the inconsistency between the draft CSD and the Park Master Plan, including increasing active recreation opportunities for underserved communities, promoting Environmental Justice, protecting the environment, and restoring industrial lands to park and open space. The County cannot simply pretend that the Park Master Plan does not exist. Indeed, as outlined above, the County was itself an active participant in the formation of the Park Master Plan.

The purpose of the Baldwin Hills Park Master Plan is stated on page two: “The purpose of the Baldwin Hills Park Master Plan is to serve as a guide for future natural open space and parkland acquisition and improvements, facility development and habitat restoration within the Baldwin Hills, and for connections to trails, parks and other public facilities." In assessing consistency, "[p]erfect conformity is not required, but a project must be compatible with the objectives and policies." \textit{Endangered Habitats League, Inc. v. County of Orange}, 131 Cal. App. 4th 777, 782, 32 Cal. Rptr. 3d 177 (2005). A project is deemed inconsistent if it conflicts with a policy "that is fundamental, mandatory, and clear." \textit{Id}. Moreover, a lead agency cannot claim consistency with a land use policy when it is simply disregarded: "You do not 'use' something by disregarding it." \textit{Id}. at 784.

Nevertheless, the DEIR does exactly that and disregards the Park Master Plan:

The CSD is not a set of development standards for the Baldwin Hills Park Master Plan, and as such, the EIR only addresses potential future oil development at the Inglewood Oil Field. The EIR does not address other potential developments of the oil field property that could occur in the future once oil and gas development and production activities have ceased.

DEIR at 1-1.

\textbf{B. Planning and Zoning Consistency Analysis}

Regardless of whether the County intends to permit new oil drilling that will extend the life of the Oil Field and thereby further postpone the expansion of the park envisioned in the Park Master Plan, the DEIR needs to identify the inconsistencies between the Park Master Plan’s goals of increasing active recreation opportunities for underserved

\begin{footnotesize}
\textsuperscript{45} \textit{Public Resources Code Section 32553(a) defines the "Baldwin Hills area" as follows:}

the land area currently within the Kenneth Hahn State Recreation Area, the Baldwin Hills community, the surrounding property bordered on the south by Slauson avenue, and on the east by La Brea Avenue, including the approximately 21 acres of land zoned RE40 and bordered by La Brea Avenue on the east, Don Alberto Place to the south, and Don Ricardo Drive on the north, and including a spur of land extending from Stocker Street to an area between La Brea Avenue and Crenshaw Boulevard, as designated on the Baldwin Hills Conservancy Map, dated March 1, 2001.

This land includes the Baldwin Hills Oil Field.
\end{footnotesize}
communities, promoting Environmental Justice, protecting the environment, and restoring industrial lands to park and open space, and then explore potential mitigation measures. See Endangered Habitats League, Inc. v. County of Orange, supra. See also Lighthouse Field Beach Rescue v. City of Santa Cruz, 131 Cal. App. 4th 1170, 31 Cal. Rptr. 3d 901 (2005) (city's off-leash dog law conflicted with California Department of Parks and Recreation policy otherwise requiring leashes on the beach, resulting in environmental degradation).

In this regard, Specific Management Goal #2 of the Park Master Plan provides:

Protection of Natural Lands. Those areas still in a natural condition are to be protected to maintain that state. Those areas identified for restoration will be restored to allow natural processes to return, and managed to maintain them in a natural state. Those areas needed to facilitate wildlife movement will be managed to optimize restoration of wildlife populations to a healthy and sustainable condition.

Park Master Plan at 68.

The DEIR must be recirculated to evaluate the draft August 13 CSD's consistency with this Specific Management Goal #2 of the Park Master Plan.

Furthermore, we suggest that the DEIR should analyze the entire Park Master Plan for land use consistency with the CSD. See Orinda Ass'n v. Board of Supervisors, 182 Cal. App. 3d 1145, 1168, 227 Cal. Rptr. 688 (1986) ("the draft EIR made express findings that numerous aspects of the Project--including height, large-scale regionally oriented office space, density, building mass, scale, inconsistency with the existing local retail and service orientation of the community, and growth-inducing impact--were in violation of applicable land-use regulations, and that these violations constituted 'significant environmental impacts'").

In addition, the County is obliged to name the Conservancy and the California Department of Parks and Recreation as Trustee Agencies: "[I]f a county considers a land development next to a state park, the county must consult with the Department of Parks and Recreation if the park may be affected, even though that department has no approval authority over the project." 1 Stephen L. Kostka & Michael H. Zischke, Practice Under The California Environmental Quality Act § 3.38, 139-40 (2d ed. CEB). See also California CEQA Guidelines Section 15386(c).

The DEIR's Land Use analysis fails to evaluate the CSD for consistency with Policies 20 and 21 of the Safety Element of the Los Angeles County General Plan. As stated at page 4.1-52 of the DEIR, these policies require the following analysis: “Review proposed development project involving the use or storage of hazardous materials, and disapprove proposals which cannot properly mitigate unacceptable threats to public health and safety to the satisfaction of responsible agencies.” A copy of the Safety Element should be made a part of the administrative record of these proceedings, and copies of Policies 20 and 21 should be made available to the general public.
The DEIR fails to properly identify the potential significant adverse impacts of PXP's CSD as to the following Land Use Element goals and policies:

**Goal:** To encourage high quality design in all development projects, compatible with, and sensitive to, the natural and manmade environment. [LU-5.]

**Policies**

...  

14. Assure that new development is compatible with the natural and manmade environment by implementing appropriate locational controls and high quality design standards.

15. Protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing and traffic. [LU-4 through LU-5.]

Rather than identify the deficiencies of PXP's draft CSD as potentially significant impacts and then proposing mitigation measures to address them, the DEIR studies the impacts of PXP's draft CSD with mitigation and concludes there will be no significant impact. This analysis needs to be recirculated. The EIR cannot study the project as mitigated; it must study the project before mitigation measures are in place and then recommend mitigation measures that should be adopted to address the adverse impacts of the project as proposed.

The CEB book on CEQA describes the process as follows:

Identification of a project's significant environmental effect is one of the primary purposes of an EIR and is necessary to implement the state public policy that agencies should not approve projects if there are feasible mitigation measures or project alternatives available to reduce or avoid significant environmental impacts. Pub. Res. C §§21002, 21002.1(a). Thus, identification of significant environmental effect is the first step in an EIR's three-step analysis of a proposed project's environmental effects:

- First, the EIR evaluates significant impacts of the project as proposed.
- Second, the EIR identifies feasible mitigation measures and project alternatives that may reduce or avoid the identified impacts.
- Third, the EIR determines whether the project's environmental effects are unavoidable or can be avoided by using mitigation measures or project alternatives.
1 Kostka, supra, § 13.2, pp. 618-19 (parentheticals omitted).

The Land Use analysis in the DEIR wrongly merges steps one and two together in its consistency analysis. For example, as to Land Use Element Policy 14, the DEIR states, "The expected growth of the oil field is in intensification of the existing use and should maintain the compatibility with the implementation of all the mitigation measures." DEIR at p. 4.8-22 (emphasis added). This approach fails to follow the three step analysis and results in the failure to identify a significant adverse impact of the CSD as drafted by PXP.

The same defect occurs with respect to Land Use Element Policy 15: "[N]oise mitigation will aide in keeping noise produced from the oil field below county guidelines." DEIR at p. 4.8-22. And: "Section 4.3, Public Health provides for mitigation measures that reduce the level of emissions from sensitive receptors to less than significant." Id. The DEIR needs to be recirculated after identifying these potentially significant adverse impacts on Land Use.

The DEIR's Land Use analysis inexplicably fails to discuss and evaluate the following environmental Land Use policies:

17. Establish and implement regulatory controls that ensure compatibility of development adjacent to or within major public open space and recreation areas including National Forests, the national Recreation Area, and State and regional parks. [LU-5.]

This project site is immediately adjacent to the Kenneth Hahn State Park. The DEIR clearly needs to be revised and recirculated to address Land Use Element Policy 17.

To the extent applicable, the DEIR also fails to evaluate the following Land Use Element policies:

18. Prohibit development of existing substandard parcels when it is determined that such development, individually or in combination with adjacent existing and/or proposed development, will significantly increase exposure to unmitigable public health and safety hazards.

19. Discourage the development of existing substandard parcels when it is determined that such development, individually or in combination with adjacent existing and/or proposed development, will result in: (1) significant degradation of natural resources shared by community residents; and (2) disruption of established community character recognized in the Plan.

LU-5 through LU-6.

The DEIR's Land Use analysis also fails to discuss and evaluate the following additional environmental Land Use goal and implementing policies: “Goal: To foster compatible land use arrangements that contribute to reduced energy

The establishment of new oil drilling opportunities clearly conflicts with this adopted Land Use goal of energy conservation and is a significant and unmitigable adverse environmental impact.

The DEIR's Land Use analysis also fails to discuss and evaluate the following additional environmental Land Use Element goal and implementing policy: "25. Establish land use controls that afford effective protection for significant ecological resources, and lands of major scenic value." LU-7.

PXP's CSD providing no controls to protect significant ecological resources and scenic views in the Baldwin Hills, and instead permitting up to 1,065 new wells in the Oil Field, is not consistent with this policy. Scenic views from the Kenneth Hahn State Park will be significantly degraded by the CSD as proposed by PXP and require mitigation. See DEIR at pp. 4.10-5 through 4.10-6. Furthermore, ecological habitats identified in the Baldwin Hills Park Master Plan would not be protected by PXP's draft CSD without mitigation. See DEIR at p. 4.5-28 ("Clearing, grading and construction activities that result in removal of riparian, coastal scrub coyote bush scrub, and oak woodland habitat is considered a potentially significant impact to biological resources. In addition a major oil spill could also result in loss of sensitive natural communities"). These are significant potential adverse impacts that need to be identified and mitigated. The EIR needs to be recirculated to address these impacts.

Furthermore, the CSD as drafted by PXP provides for future administrative processing of new well permits, which directly conflicts with Land Use Policy 26: "Ensure continuing opportunity for citizen involvement in the land use decision-making process." LU-7.

This conflict with Land Use Policy 26 can be mitigated only by a CUP or other similar procedure for processing new well permits.

The DEIR's Land Use analysis also fails to note the following additional environmental Land Use policy with which the CSD is incompatible: "30. Prevent inappropriate development in areas that are environmentally sensitive or subject to severe natural hazards, and in areas where essential services and facilities do not exist and are not planned." LU-7.

The proposed District is located in an environmentally sensitive region and habitat. It is also located in an area subject to severe natural hazards, including earthquakes and subsidence. It is also located in an area that is underserved by parks. And it is located in an area that is underserved by fire protection. No additional fire stations are planned. And the only new park that is planned is on the same land as the proposed oil drilling.

The DEIR's Land Use analysis also fails to note the following additional environmental Land Use Element Policy with which the CSD is incompatible: "31. Promote compatible land use arrangements that reduce reliance on the private automobile in order to minimize related social, economic and environmental costs." LU-8. The establishment of new oil drilling opportunities
clearly conflicts with this adopted Land Use goal of energy conservation and is a significant and unmitigable adverse environmental impact.

Finally, the Background Report for the Los Angeles County General Plan provides: "[M]ineral production must not be allowed to conflict seriously with the goals of environmental protection." OS-22.

For the reasons discussed above, the CSD as drafted by PXP does not satisfy this criterion.

V. Section 4.10 The DEIR Fails to Adequately Analyze Recreation Impacts

The DEIR recognizes that the Baldwin Hills area is park poor and that this can have devastating consequences on quality of life. The DEIR nevertheless fails to analyze the alternatives to improve parks, recreation, human health, and the environment. The DEIR fails to analyze the County's Conservation, Open Space and Recreation Element of the General Plan. The DEIR must be recirculated.

The DEIR states:

The area surrounding the Baldwin Hills is one of the most park-poor urban areas in California, with less than 1 acre of park space per 1,000 people, far below the nationally recommended standard of 6 to 10 acres per 1,000 people. . . . Lack of parks has a profound effect on the quality of life of the citizens of the affected areas. Availability of parks and recreational opportunities have a direct effect on health, youth development, education, public safety, conservation values and economic values, among others, for any given geographical area (Garcia, White 2006).

DEIR 4.10-3.

The DEIR nevertheless fails to consider the County's Conservation, Open Space and Recreation Element of the General Plan. The Conservation, Open Space and Recreation Element highlights the need for more outdoor recreational opportunities.

Specifically, the Element establishes the following Recreation Goal: "To improve opportunities for a variety of outdoor recreational experiences." OS-11.

To implement this General Plan Goal, the Element contains three relevant policies: Policies 30, 31 and 33.

Recreation Policy 30 reads: “Provide low intensity outdoor recreation in areas of scenic and ecological value compatible with protection of these natural resources.” OS-11.
Recreation Policy 31 reads: "Develop local parks in urban areas as part of urban revitalization projects, wherever possible." OS-12.

Recreation Policy 33 provides: "Develop a system of bikeways, scenic highways, and riding and hiking trails; link recreational facilities where possible." Id.

The vision to establish the Baldwin Hills Park is discussed in the Land Use Section III above. Parks, Environmental Justice, and equal protection are discussed in Section V below.

*The following map from the DEIR shows the Oil Field and parklands in the Baldwin Hills area.*
VI. Section 4.16 The DEIR Fails to Comply with Environmental Justice and Equal Protection Laws

The DEIR does not adequately address Environmental Justice, equal protection of the laws, and the relevance of each to the Baldwin Hills parklands, community, Oil Field, EIR, and CSD. The DEIR must be recirculated.

The DEIR concedes that “[the potential future development could disproportionately impact minority and/or low-income populations.” 4.16-8. The DEIR nevertheless concludes: “No mitigation recommended.” Section 4.16.7 at 4.16-8.

The DEIR acknowledges that Los Angeles County addresses environmental justice through the activities of the Southern California Association of Governments (“SCAG”) and “Title VI (the Civil Rights Act of 1964).” DEIR 4.16-7. The DEIR nevertheless fails to address SCAG’s Environmental Justice and Title VI analyses calling for a multiagency effort to improve access to parks and recreation.46

A. The DEIR Fails To Analyze SCAG and Multi-Agency Efforts to Remedy Inequities in Access to Parks and Recreation

SCAG directly addresses the need to improve access to parks and recreation for all, particularly low income communities, in the 2008 Regional Transportation Plan (RTP) Environmental Justice Report. According to SCAG: “Public parks serve all residents. . . . However, not all neighborhoods and people have equal access to these public resources,” including local, state, and national parks. “[A] multi-agency effort must be undertaken in order to further address and remedy the issue of inequity of park access.” SCAG RTP Environmental Justice Report 11-14, 20 (2008).

Access to parks is inequitable, particularly for low income neighborhoods, in the SCAG region. The following map based on the SCAG Environmental Justice Report illustrates these disparities.

46 The DEIR cites but does not analyze SCAG’s Environmental Justice and Title VI analyses. The DEIR states only as follows:

The Southern California Association of Governments has addressed environmental justice primarily through public access and outreach and equity analysis of disparities and associated mitigation. In 2004, they published the “Compliance Procedure for Environmental Justice in the Transportation Planning Process” with emphasis on Title VI (the Civil rights Act of 1964). An environmental justice analysis is conducted on regional transportation plans including an evaluation of the distribution of net benefits and costs across income categories and ethnic groups. DEIR 4.16-7.
Los Angeles County is one of the eight counties in the state with the greatest need for green space – in combined terms of the fewest acres of green space per thousand residents, and highest levels of child obesity, youth, poverty, and people of color. These facts are illustrated and analyzed in the following map.\footnote{See Robert García and Aubrey White, Policy Report, \textit{Healthy Parks, Schools and Counties: Mapping Green Access and Equity for California} (2007) at pages 3-6, Map 1, and Tables 9A-9F. The Policy Report is fully incorporated by reference here and is available with complete maps and charts is available online at www.cityprojectca.org/blog/archives/362.}
Green Access and Equity for California
Child Obesity, Poverty, People of Color, and Green Space by County

This Map shows in red the counties with the combined highest levels of child obesity, fewest acres of parks per thousand residents, highest levels of poverty, and most children and people of color. The counties with the lowest combined levels are shown in yellow-green. The counties in orange are in between. The Map also shows 37 public school districts that do not enforce physical education requirements of 200 minutes of instruction every 10 school days.

B. The DEIR Fails To Analyze Applicable Civil Rights Laws

Recipients of public funds including the County of Los Angeles are prohibited from engaging in practices that have the intent or effect of discriminating based on race or ethnicity. The DEIR fails to analyze compliance with these civil rights laws.

Title VI of the Civil Rights of 1964 and its implementing regulations prohibit both (1) intentional discrimination based on race, color or national origin, and (2) unjustified discriminatory impacts for which there are less discriminatory alternatives, by applicants for or recipients of federal financial assistance including school districts such as LAUSD. An important purpose of the statutory equal justice framework is to ensure that recipients of public funds do not maintain policies or practices that result in discrimination based on race or ethnicity.

The regulations that every federal agency has enacted pursuant to Title VI bar criteria or methods of administration by recipients of federal financial assistance that have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of a program with respect to individuals of a particular race, color, or national origin. Intent to discriminate is not required. See 334 C.F.R. 100.3(b)(2).

California law 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. See Cal Gov. Code § 11135; 22 CCR § 98101(i) (2007). The regulations pursuant to 11135 bar criteria or methods of administration that have the purpose or effect of subjecting a person to discrimination on the basis of ethnic group identification or color. Discriminatory intent is not required under the disparate impact standard.

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.”

---

48 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). The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and parallel state law also prohibits intentional discrimination. See also Section 1983 of the Civil Rights Act of 1871.


50 Section 11135 provides: “No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.”

1. Compliance with Laws Prohibiting Discriminatory Impacts

There are three prongs to the discriminatory impact inquiry: (1) whether a practice has a disproportionate impact based on race, ethnicity, or color; (2) if so, the agency such as the County bears the burden of proving that such action is justified by business 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. See, e.g., Larry P. v. Riles, 793 F.2d 969, 981-83 (9th Cir. 1984).

There is evidence of unjustified discriminatory impacts for which there are less discriminatory alternatives, including:

- The DEIR does not analyze the County’s draft August 13 CSD.
- The DEIR does not analyze consistency between the CSD, the Baldwin Hills Master Plan, and the Los Angeles County General Plan.
- The DEIR does not adequately analyze the impact of the absence of parks and places for physical activity on human health.
- The DEIR does not adequately analyze the SCAG call for a multiagency effort to increase parks and recreation.

Each of these failures in the DEIR perpetuate the inequitable access to park and health resources and disproportionately impact people of color and low income people in the Baldwin Hills area. The DEIR concedes that “[the potential future development could disproportionately impact minority and/or low-income populations.” 4.16-8.

These failures are not justified by business necessity. The DEIR can be recirculated to adequately analyze these issues.

There are less discriminatory alternatives to the failures of the DEIR. The DEIR can analyze not only the County’s August 13 CSD, but also the CSD published by the Greater Baldwin Hills Alliance. The latter is more protective of human health, homes, and the environment, and fosters conversion of the Oil Field to parkland.

2. Compliance with Laws Prohibiting Intentional Discrimination

To evaluate intentional discrimination, the following kinds of evidence are relevant: (1) the impact of the action and whether it bears more heavily on one racial or ethnic group than another; (2) a history of discrimination; (3) departures from procedural norms in reaching a decision; (4) departures from substantive norms; (5) whether the decision maker knows of the harm its decision will cause; and (6) a pattern or practice of discrimination. See Village of

---

52 Agencies are obligated to comply with the regulations, even though the regulations are no longer privately enforceable in court. Alexander v. Sandoval, 532 U.S. 275, 293 (2001).
There is evidence of intentional discrimination here, including:

- The DEIR does not analyze the County’s draft August 13 CSD.
- The DEIR does not analyze consistency between the CSD, the Baldwin Hills Master Plan, and the Los Angeles County General Plan.
- The DEIR does not adequately analyze the impact of the absence of parks and places for physical activity on human health.
- The DEIR does not adequately analyze the SCAG call for a multiagency effort to increase parks and recreation.

1. People of color and low income people are disproportionately impacted by the DEIR and the proposed community standards district, as the DEIR concedes. “The potential future development could disproportionately impact minority and/or low-income populations.” DEIR 4.16-8.

2. Historically, there is evidence of discrimination against people of color and low income people in the Baldwin Hills area and in Los Angeles County, as discussed in Part III above.

3. There are procedural irregularities in the process in which the DEIR and CSD have been circulated. Perhaps one of the most glaring examples is that the DEIR does not analyze the County’s draft August 13 CSD, which could form the basis for the final CSD that will govern the Oil Field for decades to come.

4. There are substantive irregularities in the DEIR, as discussed in Parts II, IV, V, and VI(a) above.


6. There is a pattern of discrimination against people of color in the location of toxic sites and in the lack of parks and recreation, as discussed in Section II above.

---

53 Each document was provided to the Regional Planning Department, the EIR consultant MRS, and PXP, and is fully incorporated by reference here. Each document is available at www.greaterbaldwinhills.org and baldwinhillsoil.org.
The DEIR must be recirculated in order for the County to affirmatively comply with civil rights and environmental justice laws.

VI. Conclusion

The City Project is proud to work with the Greater Baldwin Hills Alliance and a diverse and growing coalition to protect human health, homes, and the environment, and to ease the transition of the Oil Field to parkland, through the regulatory process. We will submit additional comments on the draft August 13 CSD on or before the due date for public comments.

We incorporate by reference the public comments on the DEIR by our allies in the Greater Baldwin Hills Alliance, including but not limited to the comments by Ken Kutcher and John Kuechle, to the extent those comments are not inconsistent with the views expressed here.

In conclusion, the DEIR must be recirculated for the reasons stated and under the authorities cited above.

Very truly yours,

Robert García  
Executive Director and Counsel  
The City Project

Dr. Robert Bullard  
Environmental Justice Resource Center  
Clark Atlanta University

Concerned Citizens of South Central Los Angeles

Natural Resources Defense Council

cc:

The Honorable Yvonne Burke  
The Honorable Mark Ridley-Thomas  
The Honorable Karen Bass  
The Honorable Bernard Parks