

US EPA New Partners for Smart Growth

A Vision for Sustainable and Healthy Communities Executive Order 12898 at 20 Title VI at 50

> Robert Garcia Founding Director and Counsel rgarcia@cityprojectca.org



Celebrate results under:

President's Order on Environmental Justice and Health @ 20

Title VI of the Civil Rights Act of 1964 @ 50

War on Poverty @ 50

Brown v Board of Education @ 60

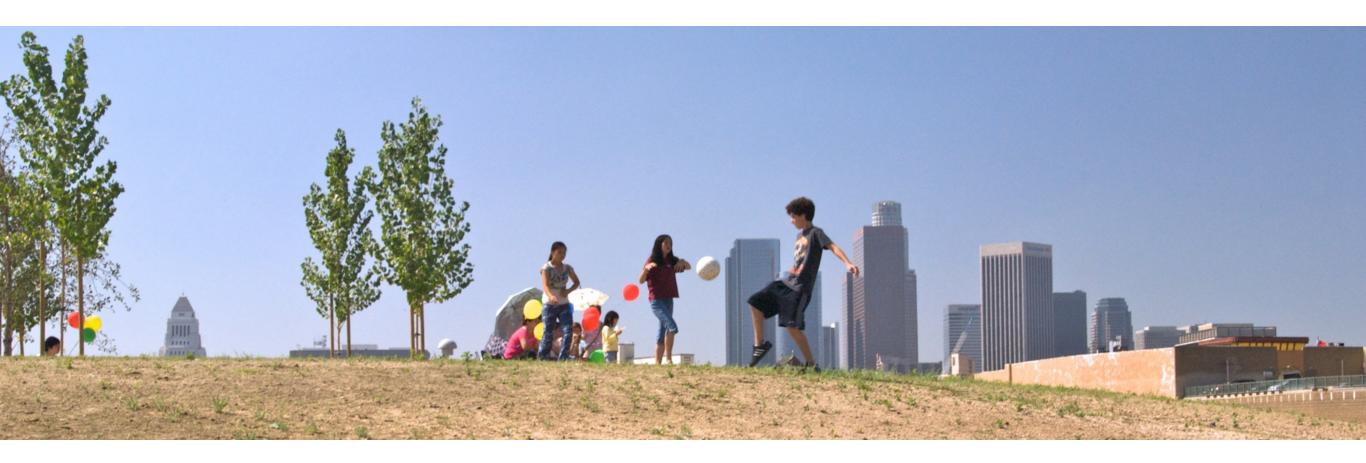
It takes a movement

The Civil Rights Movement

The Environmental Justice Movement

The Green Justice Movement



















The Olmsted Vision

Parks, Playgrounds and Beaches for the Los Angeles Region

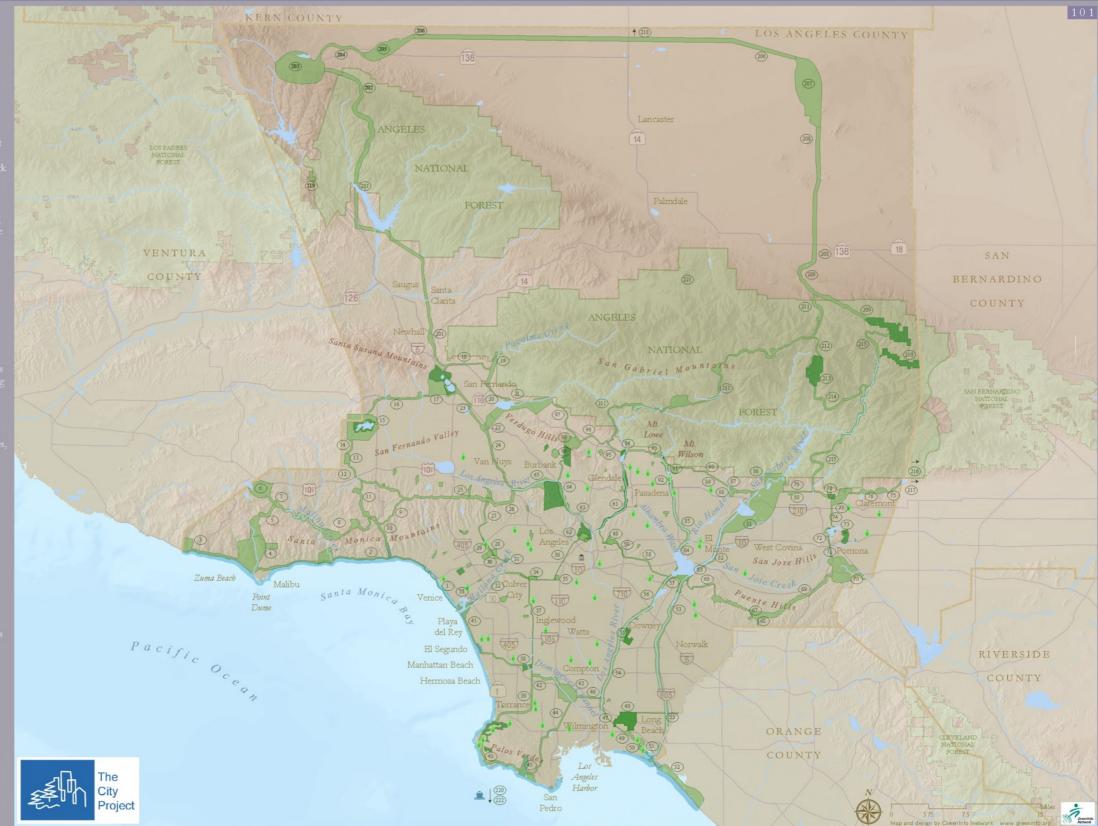
In 1930, the firm started by the sons of the great landscape architect Frederick Law Olmsted proposed a comprehensive and coherent network of parks, playgrounds, schools, beaches, forests, and transportation to promote the social, economic and environmental vitality of Los Angeles and the health of its people. According to the Olmsted Report in words that remain true today:

Continued prosperity [in Los Angeles] will depend on providing needed parks, because, with the growth of a great metropolis bere, 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.

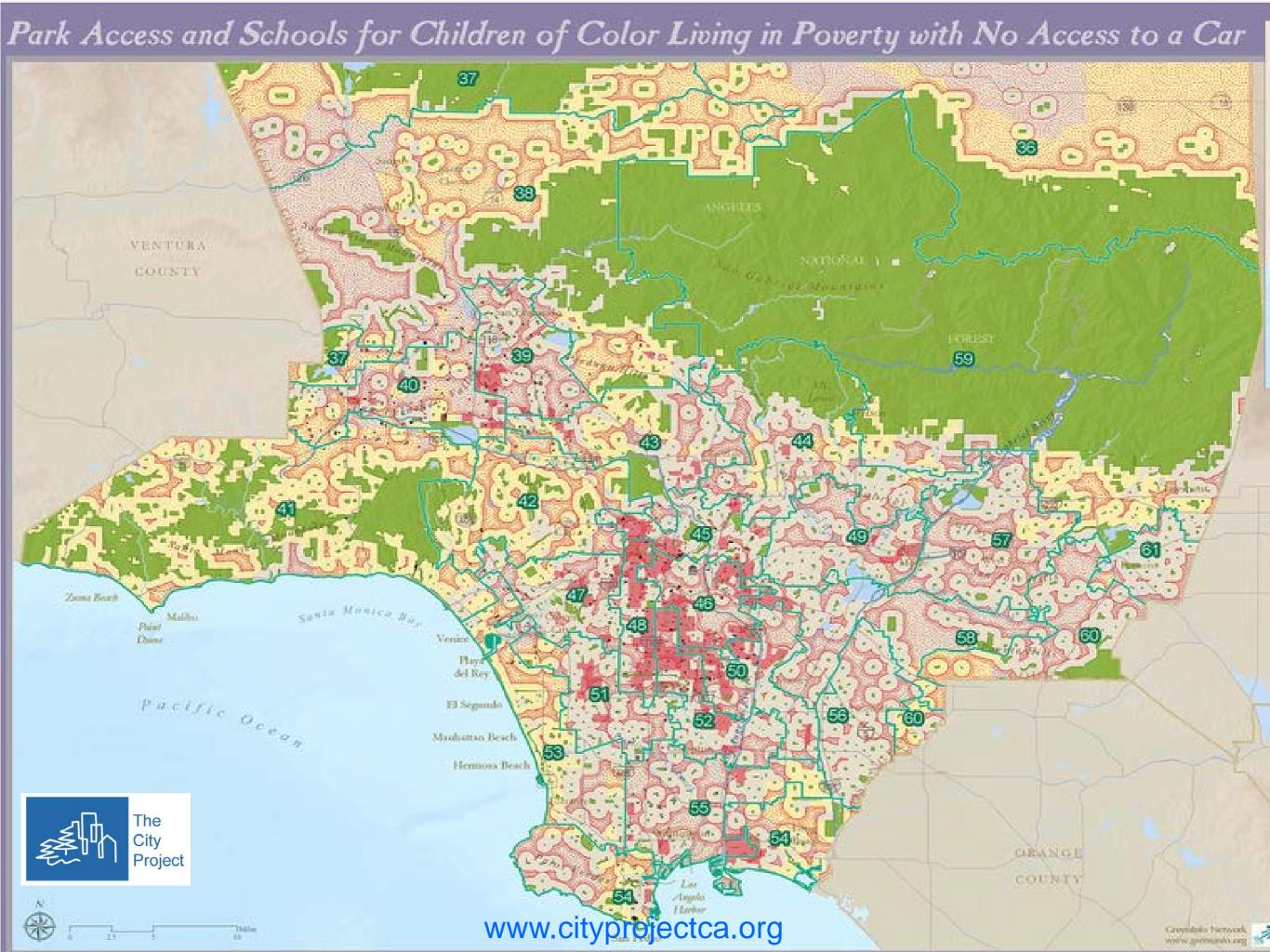
The Olmsted Report recommended 71,000 acres of parkland, and another 92,000 acres in outlying areas, with 440 miles of connecting parks and parkways, including a parkway along the Los Angeles River. The Olmsted Report proposed the joint use of parks, playgrounds, and schools to make optimal use of land and public resources, and called for the doubling of public beach frontage. Implementing the Olmsted vision would have made Los Angeles one of the most beautiful and livable regions in the world. Civic leaders killed the Report because of politics, bureaucracy, and greed in a triumph of private power over public space and social democracy. Activists today are restoring a part of the vision and the lost beauty of Los Angeles.

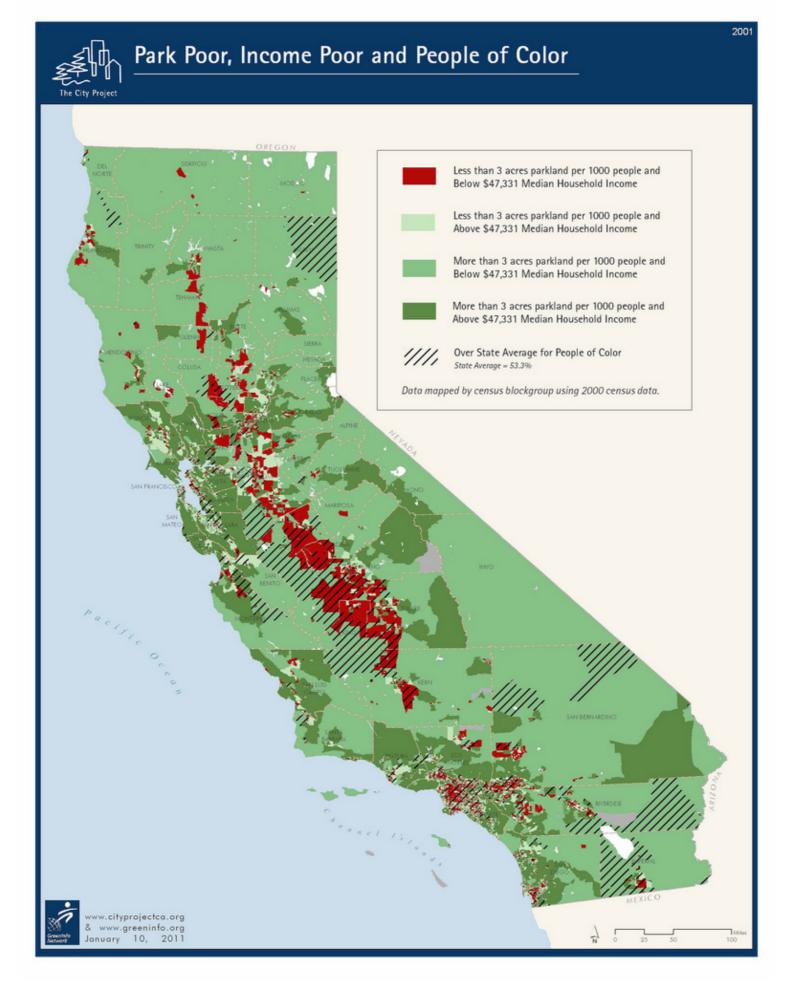


Lakes, reservoirs, rivers, marinas, and other waterways shown in their current condition. The present day roas freeway network, and national forests besides the Ange are shown for reference only.





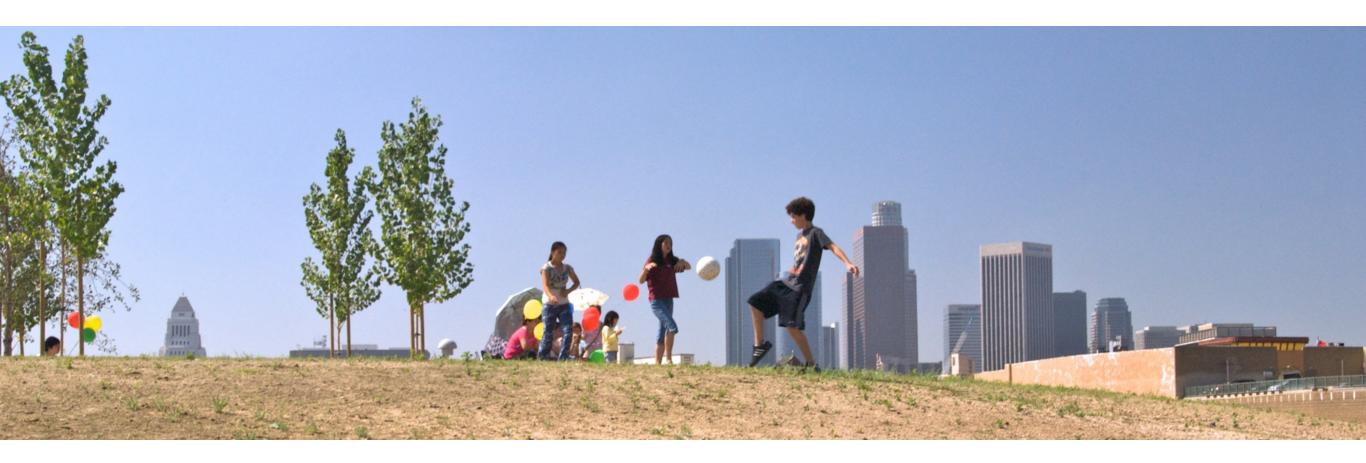














"A heroic monument" and "a symbol of hope"

Los Angeles Times



The City Project with diverse allies "organized a civil rights challenge that claimed the project was the result of discriminatory land-use policies that had long deprived minority neighborhoods of parks."

Los Angeles Times



Secretary Andrew Cuomo US HUD

Withheld any federal subsidies for the proposed warehouse project unless there was a full environmental study that considered the park alternative and the impact on people who were of color or low income.

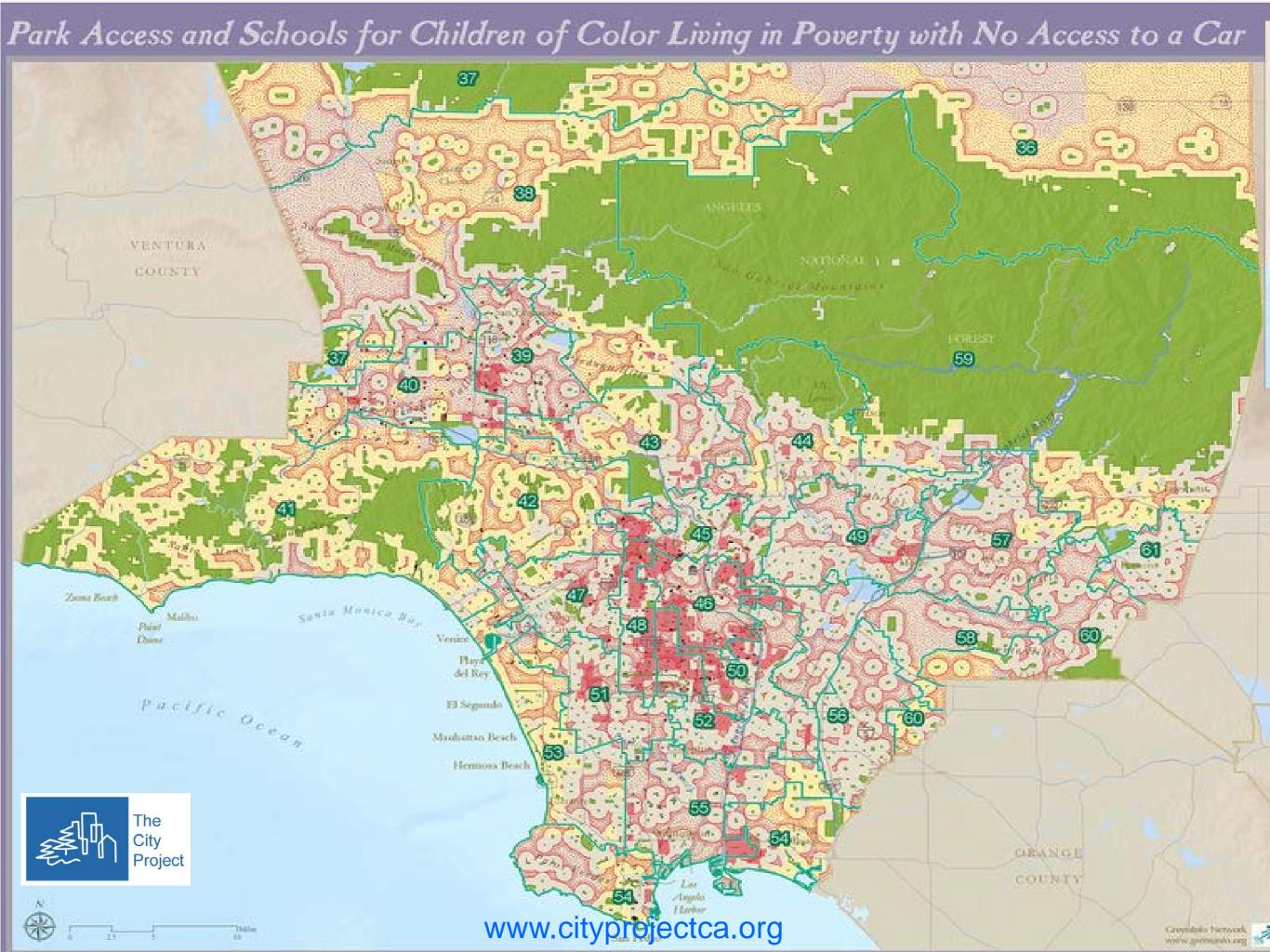
Citing the President's Order on Environmental Justice and Title VI



Civil rights compliance and Equity Plan positive terms

- 1. What do you plan to do
- 2. Analyze burdens and benefits on all people
- 3. Analyze alternatives
- 4. Include minority and low-income people in the planning process
- 5. Implement a plan to distribute benefits and burdens fairly





Unjustified Discriminatory Impacts Title VI Regulations

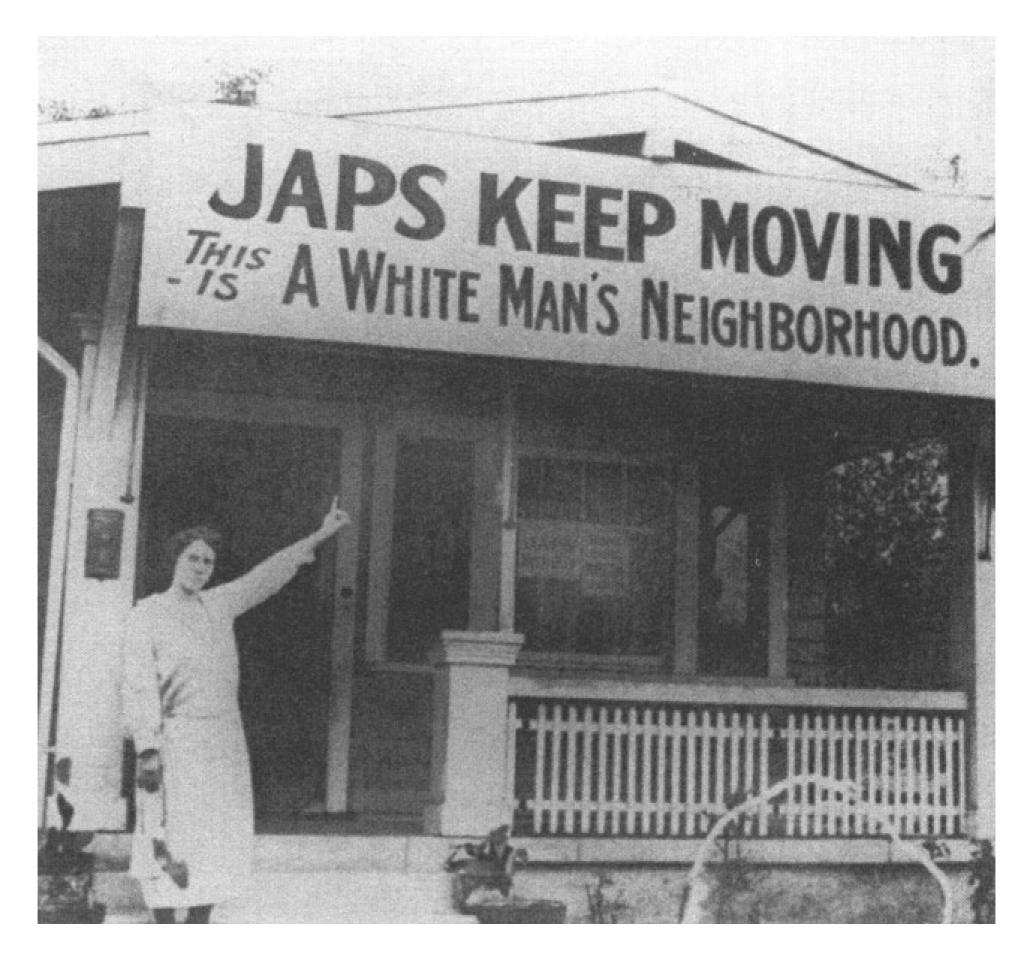
1. Are there numerical disparities?

Data collection and analysis, anecdotal evidence, statistical studies, GIS

2. Are the disparities justified by business necessity?

3. Are there less discriminatory alternatives to accomplish similar goals?







Intentional Discrimination Title VI Statute

Circumstantial evidence

- 1. Numerical impact is the starting point for analysis.
- 2. Is there a history of discrimination?
- 3. Are there departures from substantive values?
- 4. Are there departures from normal procedures?
- 5. Is there a pattern of discrimination?
- 6. Do decision makers know the harm they will cause



































WHAT'S HAPPENING UNDER GROUND?

MILLION PROPERTY.





GREEN JUSTICE



Bringing the San Gabriel Mountains Closer to the People



By Robert Garcia | on February 9, 2012









Schools of Hope

\$27 Billion School Bonds LAUSD

Build 130 new schools & modernize hundreds more

Joint use of schools, pools, and parks

Meaningful Work

Each \$50 million = 935 annual jobs, \$43 million wages, \$130 million local business revenue

Apprenticeships; careers; contracts Women Minority Veteran Small

School Bond Oversight Committee Planning, Implementation, Ballots

Physical Education Compliance Statewide



HUD decision was a seminal act that has inspired real change –

Green justice movement creating parks on the ground

Over 1,000 acres of multibenefit green space in L.A.

\$10 Billion in state wide park bond measures

Supported by voters of color & low income voters

They passed the bonds, they need their fair share of the benefits



HUD decision was a seminal act that has inspired real change –

At the policy level other federal agencies address civil rights compliance in the planning process

Army Corps of Engineers Los Angeles River Study EJ Order

NPS Healthy Parks, Healthy People US Strategic Action Plan

NPS San Gabriel National Recreation Area EJ Order

NPS Santa Monica Mountains NRA citing disparities

CA State Parks Forward Initiative



Green Jobs 21st Century Civilian Conservation Corps



HEALTHY PARKS, SCHOOLS AND COMMUNITIES:

Mapping Green Access and Equity for Southern California

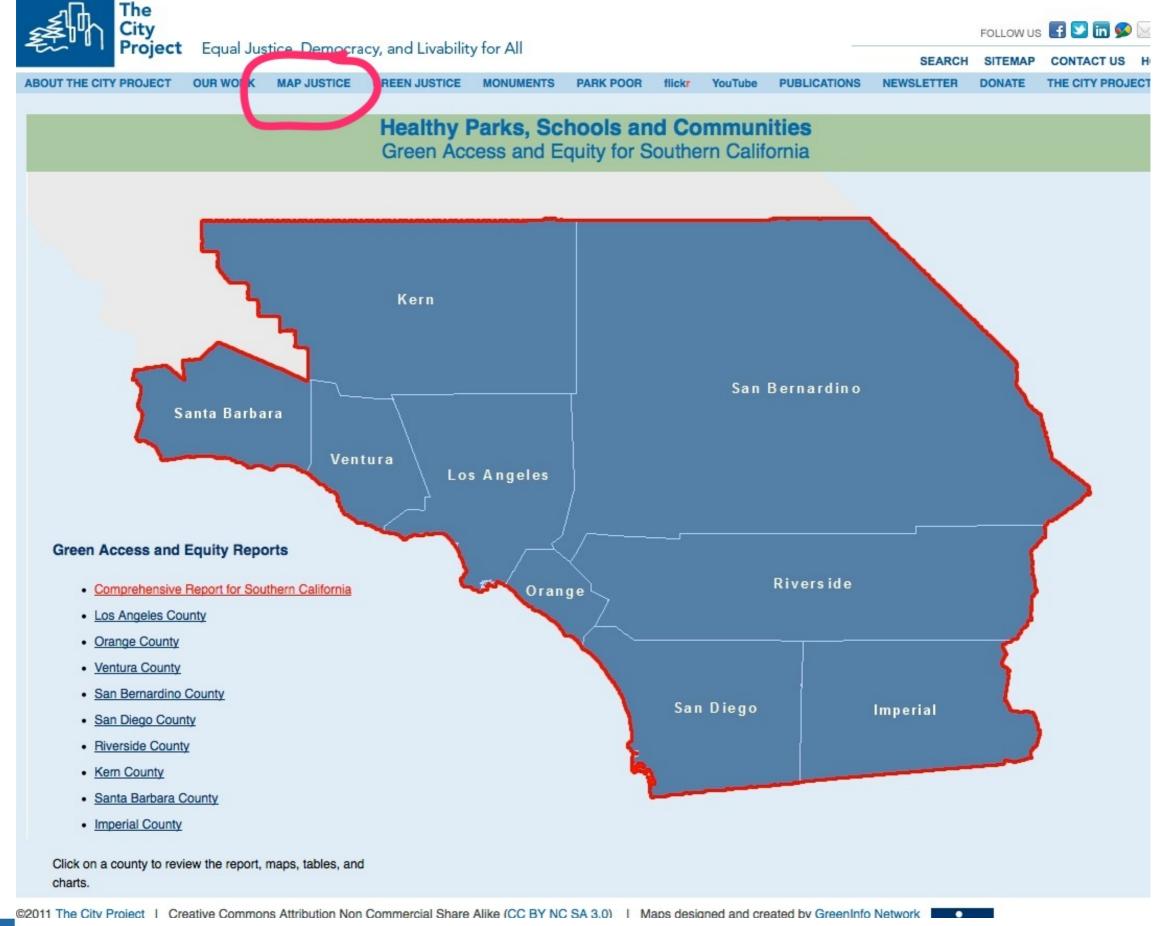
Los Angeles County | Orange County | Ventura County | San Bernardino County | San Diego County | Riverside County | Kern County | Santa Barbara County | Imperial County







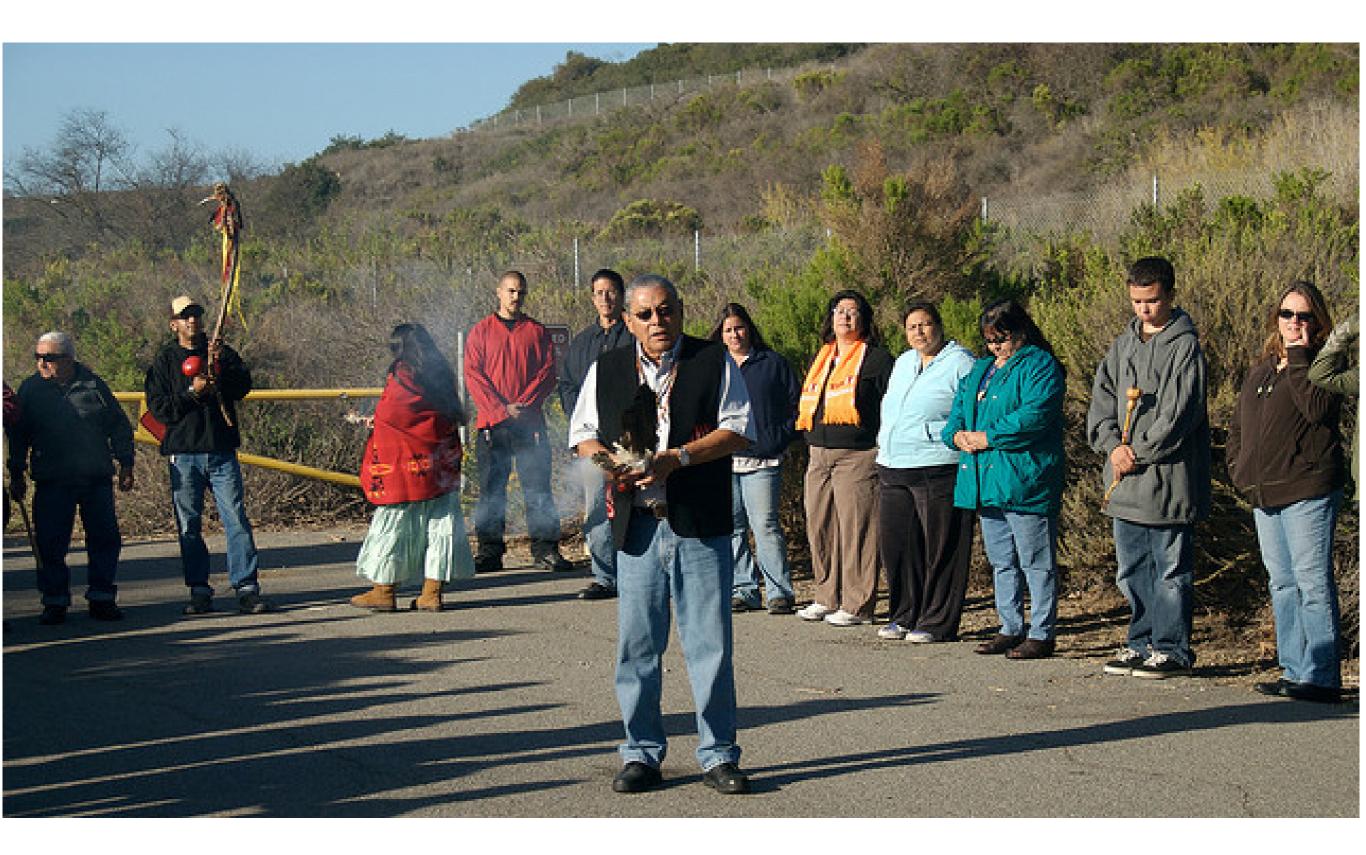


















Values at Stake

Human Health and Development

Jobs, Contracts, Economic Vitality

Change Renters to Buyers

Conservation Values

Culture, Heritage and Spirituality

Equal Justice, Democracy, Livability for All



Civil Rights Laws

Apply to programs or activities by recipients of federal funding

Voluntary compliance is the preferred way of achieving the goals of the civil rights laws

Equal access to public resources

Prohibit intentional discrimination

Prohibit unjustified and unnecessary discriminatory impacts

Combine with other laws – e.g., environmental laws, education laws



Civil Rights Laws

Title VI of the Civil Rights Act of 1964 and Regulations Race, color, national origin

President's Order 12898 on Environmental and Health Justice 1994 Minority, low income

Affordable Care Act section 1557 Race, color, national origin, sex, disability, age Applies to recipients *and* federal agencies Wellness and prevention

Parallel State Laws - California 11135 and Regulations



Civil rights compliance and Equity Plan positive terms

- 1. What do you plan to do
- 2. Analyze burdens and benefits on all people
- 3. Analyze alternatives
- 4. Include minority and low-income people in the planning process
- 5. Implement a plan to distribute benefits and burdens fairly



Unjustified Discriminatory Impacts

1. Numerical disparities -- anecdotal evidence and statistical studies

- 2. No business necessity justifies disparities
- 3. There are less discriminatory alternatives



Intentional Discrimination

Circumstantial evidence

- 1. Numerical impact is the starting point for analysis.
- 2. Is there a history of discrimination?
- 3. Are there departures from substantive values?
- 4. Are there departures from normal procedures?
- 5. Is there a pattern of discrimination?
- 6. Do decision makers know of impact



Legal, Policy and Planning Framework

Voluntary compliance with civil rights and related laws

Creative problem solving

Data collection and analysis

Coalition building grass roots to tree tops

Multidisciplinary research and analysis

Planning and administrative process

Access to justice through the courts

Civic Engagement

Full and fair information, data collection, analysis



Full and fair community participation www.cityprojectca.org



Equal Justice, Democracy, and Livability for All!

Robert Garcia Founding Director and Counsel rgarcia@cityprojectca.org

Donations Are Tax Deductible!

