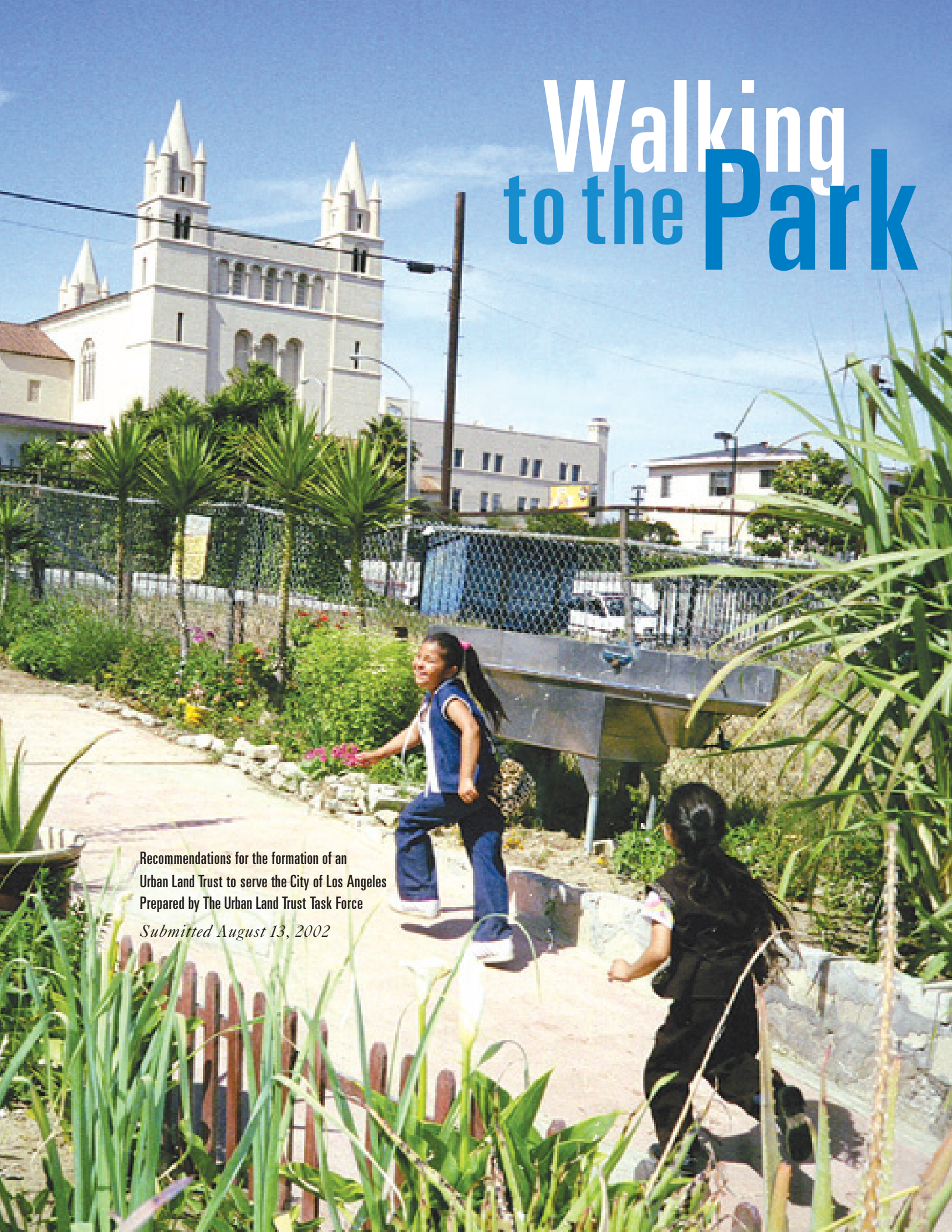


# Walking to the Park

Recommendations for the formation of an  
Urban Land Trust to serve the City of Los Angeles  
Prepared by The Urban Land Trust Task Force

*Submitted August 13, 2002*



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This report was prepared by the Los Angeles Environmental Justice Project Office of Environmental Defense. Environmental Defense is a leading national non-profit organization representing more than 300,000 members dedicated to protecting the environmental rights of all people, including future generations. Among these rights are clean air and water, healthy and nourishing food, and a flourishing ecosystem. Within this framework, our national Living Cities Program seeks to transform the major urban areas where most Americans live into healthy communities. In Los Angeles, the mission of our Environmental Justice Project Office is to actively support the prevention and redressing of environmental problems that adversely affect communities of color and low-income communities within the urban poverty core in Los Angeles.

The report was researched, written and compiled by the Urban Land Trust Task Force, convened and co-chaired by Los Angeles City Councilmembers Eric Garcetti and Ed Reyes.

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## *Prologue*

**I**n 1995, a vacant lot on the 1240 block of Francis Avenue (bounded by Westmoreland and Vermont, and 8th and 9th Avenues) became the center of attention of area residents. Years earlier, a building on that property had burned down, and now all that was left was a neglected, trash-strewn rectangle of earth. Convinced that the property could be transformed into a neighborhood garden, community members formed a coalition, enlisting support from the local Unitarian Church, the Parent Center at Hoover Elementary School, Sunset Hall (a local senior's residence), and ARTScorpsLA, a non-profit with experience developing community-driven open spaces.

The Francis Avenue Garden Coalition (as the group named itself) discovered that a private individual who did not live in the city owned the vacant lot. The landowner had no plans to develop the property and agreed to lease it to the Coalition so they could create a community garden. For seven years, the residents maintained their garden, bringing color and vitality to their neighborhood in a place that was once a source of embarrassment. For seven years, theirs was an inspiring story of civic engagement and community pride.

In 2002, however, the landowner informed the Coalition that he had decided to sell the property. The asking price is decidedly out of reach for the small neighborhood group, and the Coalition does not have capacity to apply for Proposition K or Proposition 12 funds. Another parcel of land that sits adjacent to the garden is also for sale, but the price is again too steep. The families who have made the Francis Avenue garden a part of their lives are still looking for a solution, but time is running out and the deck is stacked against them.



With an Urban Land Trust (Trust) in place, the Coalition could be looking at far more promising possibilities. Consider the following scenario: the Coalition members first focus their attention on saving their community garden. They begin by contacting their City Council representative. The City Council member puts them in contact with the Trust. The Trust works with Council staff to further research the history of the parcels to find out whether there are any City or County liens, zoning or citation history.

In this instance, the Trust discovers there is a County tax lien for unpaid taxes. It negotiates with the landowner for a fair selling price that reflects the amount of unpaid taxes as well as the value of a charitable donation to the Trust. Meanwhile, the Trust searches for land acquisition funding sources. It identifies a private foundation that offers grants for the creation of community spaces where at-risk youth will be served. The Trust partners with the Coalition to submit an application to acquire the land, make minor improvements to the garden, and pay a stipend to volunteers who would provide gardening and art classes to kids at the site every Saturday.



Next, the Coalition turns its attention to the vacant parcel across the street that is also available and would be suitable as another community space. Its grant request also includes funds to acquire this land for the creation of a pocket park that—with the community’s guidance—will be landscaped with trees, a shade structure, benches, and picnic tables.

The Trust works with the Coalition in facilitating a community planning process and brings in City resources to assist in the open space development and management plan. The Recreation and Parks Department provides guidelines to ensure that the Coalition complies with all city procedures and regulations. The Los Angeles Conservation Corps (LACC), which has a working relationship with the Trust, offers to help with the construction.

Assisted by the Trust for Public Land (TPL), the Trust completes the property acquisition. Now, the Trust’s community outreach specialists and landscape architect can take the planning process to the next level. At the same time, the Trust identifies another private foundation that can contribute funds for the park development. The Trust’s staff provides technical assistance on grant writing to community members who will submit a proposal on behalf of the Coalition.

Thanks to the dedication of the residents, the services generously donated by LACC, TPL and other non-profit organizations, and the expert advice of City officials, the park is officially opened! In a formal written agreement with the Trust, the Coalition has promised to be primarily responsible for the upkeep of the space. A neighborhood volunteer locks the gates every night. Thanks to a waiver on hook-up fees from the Department of Water and Power, as well as a reduced rate for usage, the Coalition saves money on the water it takes to maintain a healthy green space. Most important, the residents have a new place to gather, to relax, and to feel pride in their neighborhood.

It is with this story in mind that we respectfully submit these recommendations to create an Urban Land Trust in Los Angeles—an entity that would create and protect green spaces within the urban core and give neighborhood groups like the Francis Avenue Garden Coalition hope for the future.

## *Background*

Smiling children, family *pachangas*, and improved aesthetics are a few of the obvious benefits created by parks. More complex psychological and economic benefits have been documented by numerous studies conducted over the past hundred years, which have quantified the positive correlation between green spaces and increased property values, attraction of new businesses, improved mental health, lower crime rates, and stronger communities (see Appendix A for a bibliography of such studies). Furthermore, parks provide a vehicle to steer at-risk youth into positive activities and an opportunity to connect community park advocates and public agencies in new ways.

Angelenos understand the benefits of parks and despite the repeated show of support for the creation of new parks, Los Angeles still ranks last among major cities in per capita open space. Los Angeles barely reaches 10% of the national standard for per capita green space with 1.107 acres per 1,000 residents.<sup>1</sup> This discrepancy between the desire for parks and the number of parks currently available to the public is a reflection of budget restrictions, an indication that the status quo must change, and a sign that creative measures are needed.

Koreatown, Boyle Heights, and Little Tokyo are all evidence of the unmatched capacity of Angelenos to form strong centralized communities within the expansive boundaries of Los Angeles. The Urban Land Trust seeks to harness this energy and encourage the growth of more strong communities through the creation of neighborhood open spaces.<sup>2</sup> By utilizing a community-based planning model to create local parks, the Trust will tap into considerable local knowledge, energy and wisdom, which in turn will stimulate community interaction and neighborhood revitalization.



The realization of our vision of a park in every neighborhood would mean the simple joy of walking to the park would be available to every resident of Los Angeles. In a city rich in creativity and diversity, we should be able to find a way to ensure this vision. We believe an Urban Land Trust is that way.

## *Current Status of the Urban Land Trust*

### **Framework**

The sequencing below outlines the stages that will take place in the development of the Urban Land Trust in Los Angeles.<sup>3</sup>

#### *1) Predevelopment*

Community residents and organizations identify a gap in the park funding process—low-income, urban areas are not getting the funding they desperately need. They investigate how urban spaces are created in densely developed neighborhoods. They find community groups and residents already working to fill this need by creating community gardens, pocket parks and community open spaces. They also research what other cities across the country are doing. The activists conclude the creation of a local urban land trust is the best solution for Los Angeles. They gain support of their elected officials who agree that a local urban land trust will help facilitate the creation of open space in our urban core.

#### *2) Design*

With leadership from the City Council and the Mayor, the possible public/private partners come together for the first time to discuss the feasibility of an Urban Land Trust in the City of Los Angeles and recommend an urban land trust structure that will work in Los Angeles.

#### *3) Implementation*

With everyone on the same page, the partners create a business plan for the Trust. City financial commitments made during the design phase are implemented. How the Trust will operate, including staffing needs, is worked out. Specific contracts between partners are developed, and the relationship between the Trust and Recreation and Parks and other City departments are defined. The business plan will also include strategies for land acquisition, construction, programming, operation and maintenance.

#### *4) Management*

The Urban Land Trust is fully staffed and operational.



The PREDEVELOPMENT stage of the Urban Land Trust project was a two-year process begun by Coalition LA. The residents and community activists' initial efforts focused on demonstrating the need for a Los Angeles land trust to assist community organizations in creating small neighborhood open spaces and gathering City Council support for this model. Various City Councilmembers, including Jackie Goldberg (former Councilmember), Rita Walters (former Councilmember), Eric Garcetti, Ed Reyes,



Mark Ridley-Thomas, and Cindy Miscikowski, responded to residents' concerns by introducing motions to study the feasibility of a land trust, which ultimately led to the creation of this Task Force.

This report summarizes the deliberations that took place in the DESIGN phase of the Urban Land Trust public/private partnership.

### *The Design Phase*

On March 26, 2002, the Arts, Health and Humanities City Council Committee (Committee) authorized City Councilmember Eric Garcetti to convene and chair a Land Trust Implementation Task Force with representatives from non-profit parks development organizations, for-profit real estate agencies, community garden operators, neighborhood parks advocates, representatives of Mayor Hahn, Councilmembers Cindy Miscikowski and Ed Reyes, Recreation and Parks Department, Chief Administrative Officer, Chief Legislative Analyst, City Attorney and Department of Planning. The Committee directed the Task Force to investigate greening programs and urban land trust models to determine the most feasible land trust configuration for the City of Los Angeles.

On April 25, 2002, Councilmember Garcetti, with the assistance of Environmental Defense staff, convened the first Urban Land Trust Task Force (Task Force) meeting. The Task Force was divided into five committees:

- **Executive Committee** Responsible for collecting information from the chairs of each committee, monitoring overall progress, identifying next steps and production of final report.
- **Comparable Models Committee** Responsible for researching and reporting on comparable land trust models in other cities as well as independent, non-governmental entities that perform functions for the City of Los Angeles (see Appendices B and C).
- **Government Relations Committee** Responsible for recommending the optimal working relationship between the City and the land trust, particularly where governance, liability, and jurisdiction are concerned.



- **Transactions Committee** Responsible for investigating and reporting on the use of tax delinquent/nuisance property, title transfers, permitting, maintenance, development, land use and planning issues.
- **Funding Streams Committee** Responsible for investigating possible funding options and strategies (see Appendix G).

Four full Task Force meetings and several committee meetings were convened between April 25 and July 10, 2002, the date on which the Task Force came to consensus on the eight recommendations outlined in this report.

### **Next Step – Implementation Phase**

The next phase of this project will entail the implementation of the recommendations set forward in this report and the creation of a concrete business plan for the Trust. The Arts, Health and Humanities (AH&H) and Planning Land-Use and Management (PLUM) City Council Committees will decide how to move forward with the recommendations that involve assistance from the City of Los Angeles. Details on how the City of Los Angeles might assist the Trust are outlined in Recommendations Five and Six.

# Summary of Recommendations

- 1) The Trust should be founded as a 501(c)(3) non-profit organization headed by an independent board.
- 2) The Trust should enter into contractual agreements with the community groups with whom it partners.
- 3) Ideally, the Trust would acquire fee simple ownership of the properties it manages, but if this is not feasible for a particular project the Trust should explore other ownership options.
- 4) Where possible, the Trust should use deed restrictions to ensure that the properties it obtains permanently remain public neighborhood open space.
- 5) The Trust should work with the City to identify all options available for acquiring land at low or no cost, including: conservation easements; surplus, tax-delinquent, and nuisance properties; incentives for private owners to donate land including waiving municipal and Business Improvement District liens; low-cost long-term ground leases; etc.
- 6) The Trust should seek financial and technical support from the City, particularly during the initial start-up phase and funding of the Trust. The Trust should create a formal relationship with applicable governmental agencies for grant funding of land acquisition, open space maintenance agreements and youth job training contracts.
- 7) The Trust should raise money from both public and private sources.
- 8) The Trust should seek a welfare exemption from property taxes at County, State and Federal levels in addition to municipal liens. The Trust should also work with County and State officials to explore the possibility of waiving County and State liens as an incentive for property owners to donate their property to the Trust.



# Detailed Discussion of Recommendations

## *Recommendation #1: 501(c)(3) Status*

The chief charge assigned to the Task Force was to define the structural organization of the Trust and outline its subsequent relationships with governmental agencies. Based on the information gathered, the Task Force recommends that the Trust be founded as a non-profit organization with tax-exempt 501(c)(3) status with a board of directors independent from the City of Los Angeles (City). Agreements or contracts for specific grant funding, technical assistance, job training or arrangements for maintenance of neighborhood open space should define the Trust's relationship with the City.

The Task Force arrived at this recommendation based on two major considerations. First, independence from the City allows the Trust the most flexibility in decision-making, acquisition of property, and pursuing funding sources. Second, independent status also protects the City from incurring substantial liability for the Trust's actions and the responsibility of providing all of the Trust's funding.

The Trust model can be an advantageous complement to government open space acquisition efforts. As a *private organization*, it can:

- 1) Act quickly to acquire land and be creative and nimble in pursuing funding sources and acquisition opportunities;
- 2) Enjoy more flexible and cooperative relationships with private landowners than may be possible for a government entity; and
- 3) Establish ongoing close relationships with community groups that can provide a continuity of community concern for a specific site.

As an *incorporated non-profit, tax exempt entity* the Trust can:

- 1) Hold and manage land and financial assets;
- 2) Provide personal liability protection to its board members;
- 3) Enjoy exemptions from federal and state income and local property taxes and, when conveying property to public agencies, real estate transfer taxes; and
- 4) Accord income and estate tax deductibility to landowners making qualified donations.

By *acquiring and accepting interests in land*, the Trust can:

- 1) Preserve parcels of land and/or provide public access to meet local public space and recreation needs; and
- 2) Provide responsible long-term stewardship of public green space.

Although not a substitute for public sector resource management and land use controls, private land trusts can be important participants in the land use process. Success stories across the nation demonstrate that land trusts provide the local leadership and foster the commitment and flexibility essential to meeting the green space needs of dense, metropolitan areas (see Appendix B). Beyond their direct role in the preservation of specific land parcels, local land trusts can also function as a community focal point.

Although the function of the Trust may evolve in the next phase of this project, the Task Force envisions that the Trust will serve as a liaison between park funding resources (both public and private) and community resources. The Task Force suggests that the Trust:

- Acquire, hold and own property;
- Secure insurance and independent funding sources;
- Help community groups identify land;
- Pioneer initiatives with community-based organizations to convey property;
- Leverage public and private funding opportunities;
- Work with City departments to access City resources, technical assistance, and expedite the planning and approval processes to facilitate the expeditious creation of neighborhood open space;
- Provide technical assistance and coordinate public and private services to aid creation of parks; and
- Partner with community-based organizations to develop and maintain neighborhood open spaces.

### *Recommendation #2: Contractual Agreement with Community Groups*

Even with the noblest intentions behind their development, parks remain lifeless without community members to utilize and appreciate them. Well-tended gardens and other successful examples of community-managed open space demonstrate that care and participation by communities foster a greater sense of pride and security among residents and visitors. To create such parks, local residents and community groups must be engaged and included in the park development process. These groups and organizations are instrumental in the creation and maintenance of small neighborhood parks in densely developed neighborhoods. With strong community support driving the process, technical assistance providers, like the Trust, can provide materials and resources during the planning and installation phases to help community members develop and improve their organizational and leadership capacity.

Thus, the guiding principle of the Trust is **to ensure significant community involvement in every step of park creation**. Put another way, the Trust will only undertake community-driven projects. The most important factor in determining whether or not the Trust will acquire a specific parcel of land is the commitment of a local organization to manage it. The Trust will depend heavily upon communities for help in site selection, design, and park management and so must develop enforcing agents to ensure sufficient community interest.<sup>4</sup>

The Task Force recommends that relationships between the Trust and community groups be outlined formally in contracts and/or Memorandums of Understanding (MOUs). These contracts will not only guarantee that community groups fulfill their obligations but will act as a self-checking mechanism for the Trust as well.

### *Recommendation #3: Fee Simple Ownership*

The Task Force concludes that an independent, non-profit 501(c)(3) Trust should strive to acquire fee simple ownership over the properties it maintains. Fee simple ownership is the highest form of ownership interest recognized by law and provides the Trust maximum flexibility and control to create and maintain community open space on urban parcels. This ownership structure may help to ensure the long-term existence of pocket parks, community gardens, and landscapes in land-scarce urban areas, while maximizing the Trust's efficiency and flexibility.

### *Recommendation #4: Permanent Neighborhood Open Space*

The City of Los Angeles needs more public green space, especially in densely populated neighborhoods in the urban core of Los Angeles. The small neighborhood spaces that could be created with the help of the Trust will be assets to the communities who use them and should remain so. Therefore, the Task Force recommends that where possible the Trust should use deed restrictions to ensure that properties it manages and/or owns become permanent neighborhood open spaces. This will ensure that even if the community group who manages the space or the Trust itself is no longer capable of caring for the property it will continue to be preserved for neighborhood open space.

### *Recommendation #5: Methods of Land Acquisition*

**Although fee simple ownership is the preferred ownership structure,** the Task Force concludes that the Trust must be creative in its search for suitable property and utilize both the private and public sectors to obtain such property cheaply and efficiently. The Trust must have a working knowledge of the techniques for acquiring, preserving and maintaining public green space. A range of techniques can be creatively applied, singly or in combination, to meet local open space needs.

The principal tools available to the Trust for acquiring and maintaining specific parcels of land include, but are not limited to:

- 1) Conservation easements;
- 2) Full market value purchases;
- 3) Donations or bargain sales;
- 4) Options and rights-of-first-refusal;
- 5) Leases and management agreements;
- 6) Remainder interests;
- 7) Undivided interests; and
- 8) Controlled or joint venture development.

As a private entity, the Trust is uniquely positioned to exercise all or any combination of these tools. These tools are by no means mutually exclusive.

(For further information on these tools and how the Trust might employ them, please see Appendix D.)

## *City of Los Angeles Assistance in Acquiring Property*

The Task Force recommends that in addition to using the acquisition tools described above, the Trust should work closely with the City to explore opportunities for the City to assist the Trust in acquiring property at no or low cost.

### **1. Acquisition of Surplus City-Owned Properties**

Surplus City property can be an important source of land for new recreational and open space uses. Section 7.21 et seq. of the City's Administrative Code already specifies the process by which the City may dispose of properties that it owns but for which it no longer has any use. The Department of Recreation and Parks has acquired several properties that are now parks through this process. As part of the City's existing process, the Asset Management Division of the Department of General Services periodically circulates lists of these surplus properties and invites other City departments to bid on them. State law also mandates that once property has been declared surplus by a government agency, school districts have first priority to purchase the property for school uses above all other potential bidders. Once the school districts have passed on a property, the City may then make the property available to the public for purchase at fair market value.

At the direction of the Mayor's Office, the City is currently updating the inventory of surplus City properties. The Task Force recommends that the Trust and the City analyze the properties in the inventory to identify parcels with the greatest potential for conversion into neighborhood open space (e.g., not suitable for housing or commercial development). One of the City's first contributions to the formation of the Trust could be to make the inventory available to the Trust for its review.

The Task Force recommends that the City amend its policies and procedures for the disposal of surplus property to place the Trust on the distribution list to receive notices of new surplus properties. In addition, the City should explore providing the Trust opportunities to purchase surplus properties through an expedited process once City departments and state-mandated agencies have passed on the properties.

The City can also positively contribute to the Trust by implementing the following:

- *Right to make first offer.* The City could also grant the Trust the right to make the first offer on surplus City property after other state and City-mandated departments and agencies passed on the property and where housing is not an option. The City could amend its current procedures to couple this right with a low or no cost purchase price to facilitate open space development by the Trust.
- *Exploring the possibility of the donation of City-Owned Property.* The City might also consider donating parcels directly to the Trust. The City could convey the property to the Trust and reserve for itself a reversionary interest by which the property would revert back to the City in the event that the Trust fails to maintain and use the property for the specified community open space uses.



- *Selling surplus property to the Trust at less than fair market value.* Current City policy requires the City to sell surplus property at its fair market value unless the City Council makes certain findings of public benefits that warrant conveyance of the property to an outside entity for less than fair market value. These findings are made on a case-by-case basis. The City could amend its policies and the Administrative Code to permit the sale of surplus property below market value to a non-profit open space land trust for use as community open space. Adoption of a new blanket policy may expedite the sale of surplus properties to the Trust.

The City will need to evaluate the fiscal impact of such a policy change against the goal of assisting the Trust in creating and maintaining open space. In some cases, the City may have acquired a particular parcel with state funding dedicated for a specific purpose, such as transportation. In such cases, the City may be required to reimburse the state for the full market value of the property if the City ultimately does not use the property for the intended purpose. The City Council may wish to weigh the fiscal consequences of conveying such parcels at below market value to the Trust if it triggers this type of repayment requirement. At a minimum, the list of surplus City properties generated by the Department of General Services should include information about the source of funding originally used to acquire the subject parcels to help policymakers evaluate the fiscal impacts of a given surplus property sale.

## **2. Acquisition of Nuisance Properties with City Liens**

The City places liens on private property to recover the cost of services performed such as brush clearance, boarding up abandoned buildings and fencing off vacant lots that have become nuisances. In many instances, the City is one of many lien-holders on a problem property. Although the City can forgive its liens, in most instances this action alone is not sufficient inducement for a property owner to transform a nuisance property into a productive or useful parcel.

The City Attorney's Office is aggressively prosecuting owners to force abatement of nuisance properties. On the civil side, the City Attorney's Office is exploring mechanisms to leverage the City's position as a lien holder to encourage lenders and property owners to make these nuisance properties available for community gardens or other productive uses. This effort will require a careful site-by-site analysis of properties for development potential, financial encumbrances and ownership patterns. The City Attorney's Office can work with the Trust to match willing landowners or lenders seeking Community Reinvestment Act credit with neighborhood groups to establish operating and maintenance agreements that will transform vacant lots into community gardens or pocket parks.

*Establishing Access to Nuisance and Tax-Delinquent Properties.* Tax delinquent and nuisance properties may present opportunities for the Trust to acquire fee title or site control over parcels. The Housing Department and the City Attorney's Office should provide the Trust with their inventory of nuisance, tax-delinquent and problem properties and work with the

Trust to analyze the acquisition opportunities. The City could provide the Trust grant funding to analyze these opportunities and work with community groups to transform privately owned vacant or nuisance property into neighborhood open space.

### *Recommendation #6: Financial and Technical Assistance from the City*

The Task Force's research into local land trusts across the nation indicates that land trusts often find themselves in the predicament of having ambitious and well-intentioned objectives without the practical means of realizing those objectives. The most successful land trusts developed ongoing relationships with public agencies and other non-profit organizations that have the needed resources. Motivations of mutual interest strongly suggest the wisdom of land trust/government agency partnerships. Land trusts with limited resources can find a valuable patron in government and a source of financial and technical help that will not endanger their fundamental independence.

In turn, many government agencies recognize the potential help that land trusts can provide through pre-acquisition efforts, in improving the time and financial efficiency of public land acquisition programs. The Trust will often be in a better position with private landowners to negotiate below-market value and less-than fee simple acquisitions. As a non-profit, the Trust can stretch public budget resources by assuming certain land management and stewardship responsibilities through voluntary efforts.<sup>5</sup>

The Task Force expects that the Trust will require both financial and technical assistance from the City and a coordinated effort between numerous other governmental departments. The Trust will require help in the identification of suitable parcels, technical assistance in establishing maintenance and security procedures for its pocket parks, and may require government assistance in the initial funding of the Trust.

Thus, the Task Force concludes that the Trust must develop a close working relationship with various departments within the City and other governmental agencies that have an interest in the betterment of Los Angeles through the creation of neighborhood open space. Task Force members propose the following options as formal means to facilitate an ongoing relationship with relevant City departments:

- 1) Create an advisory committee made up of City representatives that would serve as an advisory board to the Trust staff;
- 2) Create a Liaison Committee within the City government structure comprised of relevant City departments, which would deal directly with the Trust; or
- 3) Designate a specific and permanent City employee, who would act as the official liaison between the Trust and the City.

Informal feasibility discussions with City departments should occur early in the next phase of the Trust's development to exchange information and anticipate obstacles to success. The City can play an important role in forming the Trust by providing access to information, assistance in identifying potential open space sites and technical assistance and training.

Key City departments should establish a collaborative working relationship with the Trust, including Recreation and Parks, General Services, Planning, Community Development, the Community Redevelopment Agency, Environmental Affairs Department, and the City Attorney's Office.

(Please consult Appendix E for consideration of possible relationships that the Trust might form with specific City departments during the implementation phase of the partnership.)

### *Recommendation #7: Flexibility in Fundraising*

The Task Force concludes that the Trust's fundraising efforts must be flexible, broad and diverse to succeed. The Trust should not limit itself to any one type of funding source. The research and cultivation necessary for a successful fundraising campaign entail considerable time, legwork and attention to detail. Consequently, the Task Force recommends that the Trust dedicates at least one professional staff member solely to fundraising.

In this phase of the project, the Task Force was charged with exploring possible funding sources for (1) the general administration of the Trust; (2) park development, i.e., primarily the acquisition of properties; (3) park maintenance; and (4) programming. Our objective was not to create an exhaustive list of funding options but to lay a foundation for a more concrete funding strategy to be developed in the Implementation phase of the project.

(An overview of the principal sources of philanthropic grant funding including foundations, corporations and government can be found in Appendix F.)

#### **Details specific to Los Angeles' Urban Land Trust**

After extensive research, it is clear that the funding of the general administration and start-up of the Trust necessitates either a grant from the City's general fund or monies gathered from a collection of private donors. This reliance on city or private funds is due to the lack of public monies available for administrative and start-up costs. The majority of public funds available for park development are reserved for acquisition and capital development costs.

Government grants - federal, state or city and county - are best used for park development. Currently, the state of California through Propositions 40 and 12, the City of Los Angeles through Proposition K, and the County of Los Angeles through Proposition A have substantial funds available for the creation and improvement of green space in the urban core. These funds cannot be allocated for the general administration of the Trust, but could be allocated for specific projects sponsored by the Trust. Most likely, these bond funds will not be useful in the start-up phase of the Trust. But once the Trust is in operation, the Trust could apply for these funds in partnership with community organizations and, when necessary, localities on specific projects.

Funding for the maintenance of neighborhood open space presents unique opportunities to utilize surrounding communities and work force organizations such as AmeriCorps and the Los Angeles Conservations Corps. Additional funds for the upkeep of parks are best

gathered from foundations, especially if maintenance is linked to programs such as job training or community improvement.

(Please see Appendix G: Funding Opportunities Chart for more detailed information on specific funding sources.)

### *Recommendation #8: Welfare Exemption*

The Task Force recommends that the Trust seek to establish a “Welfare Exemption” that will make it exempt from property taxes. The Exemption will need to be secured for each property acquired by the Trust and renewed on an annual basis. Even when a Welfare Exemption is secured, the Trust will be responsible for paying bond indebtedness approved by the voters. This exemption will need to be negotiated with the County of Los Angeles.

The Trust should also work with County and State officials to explore the possibility of waiving property liens as an incentive for landowners to donate their property to the Trust.

# Issues to be Considered in the Next Phase

Given the purposefully limited scope of the “Design” phase, the Task Force encountered many important issues that need to be explored more thoroughly in the subsequent phase of this process. Some of these issues include:

## *Community Economic Development*

Vacant lot conversion and park development are directly connected to economic development and neighborhood revitalization. Specifically, parks can enhance local real estate values and attract businesses to an area. In addition to several other benefits, including preventing youth crime and increasing healthy lifestyles, parks contribute to an overall improved urban environment - one that increases community pride and economic opportunity at the same time.

The chief purpose of the creation of an Urban Land Trust is to provide a public/private partnership for community economic development and neighborhood revitalization. Neighborhood parks often serve as neutral public spaces where community residents, local businesses and public agencies can work together.

*The Task Force recommends that significant resources be dedicated to the creation of a community economic development plan in the next phase of this project.* This plan should include the outline of an incentives package that can be used by the Trust and community groups to engage local businesses in the development and maintenance of each park project. For example, the local business association might offer a low-interest rate loan to small businesses that are willing to assist in the development and/or ongoing maintenance of the neighborhood park (i.e., *carne asada* for the annual picnic, advertising for the monthly park clean up, etc.). Representatives of small business associations, local business, community development corporations, the City of Los Angeles Community Development Department and community service organizations should be engaged in the development of this plan.

## *Work Force Development*

Funding for park maintenance can be provided through job development and training programs, administered by the Community Development and Personnel Departments, which could provide the Trust with access to funding resources that have not yet been tapped into for park operations. Expansion of existing programs such as CityJobs or Summer Youth Employment could provide valuable training in horticulture and park maintenance to residents in local park communities. Further, vocational training can help to provide economic stability to neighborhoods that lack park space by providing stable City jobs to individuals who need them most.

In the next phase, the Trust should investigate job/youth training programs through the Mayor’s Office, the Department of Recreation and Parks and Community Development Department to assist in developing next steps on this issue. The Trust should also solicit input from organizations such as the Los Angeles Conservation Corps and labor unions including Service Employee International Union (SEIU) Local 347, which represents City park maintenance employees.

## *Liability*

At minimum the Trust will need the following insurance coverage:

- 1) *Accident Coverage*. Insures the volunteer should s/he suffer injury, dismemberment or death while performing duties related to the park.
- 2) *Personal Liability Coverage*. Insures the volunteer if s/he is sued for personal injury and/or property damage arising out of the performance of volunteer duties.
- 3) *Automobile Coverage*. Insures the volunteer for property damage or bodily injury resulting from operating a motor vehicle while performing volunteer activities.
- 4) *Board Liability*. Provides protection for non-profit board members against suits brought against the board.

Liability insurance is available through a number of agencies. The Land Trust Alliance, a nationwide non-profit organization which acts as a mentor for developing land trusts, advertises the Conserve-A-Nation® Insurance Program which offers a range of coverage programs, including a basic program that consists of general liability insurance, non-owned and hired auto liability, and property coverage. This insurance policy is offered by Franey, Parr & Muha, Inc., and is available at very competitive prices.<sup>6</sup>

The type of liability coverage the Trust may need is dependent upon the Trust's ultimate function and scope of work. The Trust's board of directors and staff will need to explore liability coverage in much more detail at a later stage.<sup>7</sup>

## *Joint Use With Schools*

The Los Angeles Unified School District (LAUSD) is currently purchasing land with the intention of creating hundreds of new schools in the next five years. The Trust could enter into a joint agreement with LAUSD and aid in the operation of open spaces. For instance, the LAUSD Board could operate such spaces during school hours, and the Trust and/or community groups could operate them during non-school hours. LAUSD should be engaged in the next phase of the Trust development process to identify current obstacles, barriers, and issues that need to be resolved in order for this option to be more easily and readily utilized.

## *Neighborhood Councils*

Neighborhood Councils are currently forming throughout the City of Los Angeles, through the City Department of Neighborhood Empowerment (DONE). Once Neighborhood Councils are formed, they will receive operating funds as well as a pool of grant funds. The regulations governing the application and use of these grant funds have not yet been developed. The Trust should coordinate with the Neighborhood Councils to identify opportunities and areas of need as they relate to park plans. Depending on how the regulations for Neighborhood Council grant money are developed, the Trust may apply for grant funding to coordinate park planning and community outreach efforts with individual Neighborhood Councils.

## *Quimby Fees*

The Trust could finance its acquisitions in part with fees from developers. State law requires developers of residential subdivisions to pay Quimby fees to mitigate the impact of their developments on recreation and park space in the vicinity of their projects. The City implements the Quimby Act via ordinance and has adopted a similar ordinance for residential developments that are not subdivisions (apartments). In accordance with state law, the City directs Quimby fees to the City Recreation and Parks Department for development of open space within the area of development. The City could amend the City's Quimby ordinance to provide developers the option of paying mitigation fees to the Trust, so long as the use of those fees is restricted to the creation of open space within the area where the residential development is being constructed. The nexus between the payment and use of the fee and mitigation of the open space impact for which the developer is paying the fee must be maintained to comply with state law. An arrangement must be worked out so that the Trust and Recreation and Parks are both using funds that enhance one another, without competing for the same dollars.

## *Contamination Issues*

Among undeveloped private parcels and alleyways in the dense urban center of Los Angeles, many possess low amounts of contamination or perceived contamination. Any owner of contaminated property is liable for addressing the contamination. The Trust should complete the kind of environmental due diligence that is standard practice in the real estate industry as part of its acquisition process. This would include a Phase I environmental report for all properties, along with asbestos testing and lead based paint testing for improved properties. The Trust should purchase properties where the impact of environmental factors is reflected in the purchase price.

Brownfield redevelopment and contamination issues are complex. The Task Force recommends that this area be explored more extensively in the next phase of the Trust development.<sup>8</sup>

# Appendix A

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# Appendix B

## *Chicago NeighborSpace*

## *Atlanta Land Bank Authority*

<b>Organizational Structure</b>	Non-profit	Non-profit created by an interlocal cooperation agreement for vacant land redevelopment; an intergovernmental authority of the city and county
<b>Land Ownership</b>	Land Trust owns land in perpetuity	Doesn't acquire land
<b>How Acquire Low Cost Land</b>	Purchases city-owned surplus plots for as little as \$1; seeks out donors of private land in exchange for tax breaks; buys land at foreclosure sales	Created by state legislation to provide a mechanism to forgive delinquent taxes; accepts donations; through conveyance from the city or county pursuant to foreclosure sales; purchasing land at foreclosure sales
<b>Allow Private Donations-Land &amp; Funds</b>	yes	n/a
<b>How Open Space Project Initiated</b>	Community driven projects	Land is developed. Requests are initiated by developers who have a plan for the land
<b>Community Participation</b>	Community must participate at all levels— most green spaces are acquired after they have been running well for a number of years	n/a
<b>Technical Assistance Provided</b>	Technical assistance is provided by founding organization, Openlands, an urban conservation organization; Chicago Botanic Garden and Greencorps provides supplies and other assistance	n/a
<b>Maintenance</b>	Community groups are responsible for daily maintenance. Community members agree to a strict maintenance agreement. Staff visits sites 3 times a year	n/a

*Boston Summary**Philadelphia–Neighborhood  
Gardens Association**New York Summary*

Non-profit and community-based organizations & Land Trusts	Land Trust created by Pennsylvania Horticultural Society and Penn State Gardening Program	Non-profit and community-based organizations & Land Trusts
Land Trusts own land—Boston Natural Areas Fund (BNAF) Boston Urban Gardeners (BUG), Dorchester Gardenlands Preserve, South End/Lower Rox Open Space Land Trust	Land Trust owns land; some with restrictive deeds from the City. The City also has a formal gardening agreement with community groups	The Trust for Public Land (TPL) owns 63 community gardens, it is developing 3 separate Land Trusts to take over ownership; NY Restoration Project owns 50 sites; City offers license agreements to groups who want to use city-owned land
Some are existing gardens; unofficial 'guerilla gardens'; City leases land (for 2 years)	Preserves long-standing gardens; able to acquire vacant surplus properties for free and tax-delinquent properties with aid from city	Purchased from the City for 10% market value with deed restrictions during weak market; purchased from the City at public auction; Leased from the City for 1 year
Garden Futures, an umbrella group created by the 4 major Land Trusts, raises corporate and foundation grants that are distributed to gardens	n/a	yes
Existing gardens; gardeners approach Land Trust	The Land Trust works with Philadelphia Green to determine which sites to acquire	Community-driven
Community participation is a must—newly acquired gardens usually have been running well for a few years	Main criteria for acquisition is gardeners are highly organized; will only seek to acquire a property if a community group has already shown interest	Community-driven
BUG provides gardening supplies and horticulture training. Garden Futures runs master Gardener program; City provides technical assistance grants through Grassroots Program; all land trusts train in organizational development; BNAF works closely with community groups to design their open spaces—will hire a landscape architect	Philadelphia Green and Penn State's Urban Gardening Program provide assistance, seeds, planting supplies, tools and workshops	Several nonprofit organizations (Green Guerillas and Council on the Environment) and the City through its' Green Thumb program provide tools and technical assistance
Maintained by gardeners and community	Must be maintained by gardeners. NGA visits sites to ensure maintenance; NGA provides liability insurance	Gardeners take care of their own gardens; many groups seek corporate and foundation grants for maintenance

# Appendix B *(continued)*

## *Chicago NeighborSpace*

## *Atlanta Land Bank Authority*

<b>City's Role/ Level of Support</b>	High level of support since it was initiated by the City as part of a comprehensive plan of creating and preserving open space in the city. Open space seen as an quality of life issue	Quasi-government role, created by the City and County; relationship allows the LBA to forgive tax-liens; all decisions made by the board are checked by the Atlanta City Council
<b>Year Started</b>	1996	1991 authorized by State legislation
<b># of projects owned</b>	71	forgiven taxes on 500 properties
<b>Examples of Collaboration Between Agencies</b>	<p><b>Green Corps</b>—works to establish parks in low-income areas</p> <p><b>Open Lands Project</b>—A conservation gardening group which helps to protect hundreds of acres for park projects</p>	<p><b>Atlanta Community Tool Bank</b>—A tool lending library</p> <p><b>Atlanta Food Bank</b>—Aided in the formation of 11 parks and provided 3,000+ seeds to community gardens</p> <p><b>TPL</b>—Active in the creation of green spaces</p>
<b>Major Strengths and Weaknesses</b>	Award winning model of innovation in city governance. Initially had strong City support; strong emphasis on community participation; owns land in perpetuity. The City and County have representation on the organization's board, which recently decided to revert ownership of many parcels back to the City for non-public open space uses.	Does not own land; does not address the preservation of open space; fulfills an important function of forgiving delinquent taxes on land and making them desirable and affordable to developers who will put them back to productive use; under staffed and thus slow in completing projects

*Boston Summary*

*Philadelphia—  
Neighborhood Gardens  
Association*

*New York Summary*

City uses CDBG funds for Grassroots grant program; value gardens as a way to reduce blight

Land Trust was created with out City involvement; City does lease land to gardeners, however is unwilling to give up control of their land for fear of missing out on a future development opportunity; City must be educated on the benefits of community-managed open spaces

City sees gardening as an interim land use. The strength of the organizations is due to their longevity, diversity and numbers

4 major Land Trusts created in 1977, Grassroots Program in 1988

1986

The TPL and NY Restoration Project purchased their sites in 1999; the strongest nonprofit organizations have been around since the 1970s and 1980s

150 gardens— 80 by Land Trusts, 70 are City owned

25

TPL owns 63 gardens; The NY Restoration Project owns 50. The other Land Trusts own single gardens; City leases 750 sites to community-gardeners

**Land Banks listed above.**  
**Garden Futures-** Organizes various landowning and gardening groups in the city

**Penn State Gardening Program—** Provides education and technical support to 500 food producing organizations  
**Vacant Property Review Board—** Manages the distribution of vacant land; frequently makes the vacant land available for free  
**Philadelphia Green—** Largest Urban greening program in the US; provides technical and educational assistance

**Green Thumb Program—** Provides gardening assistance; makes vacant lots available to community groups  
**Council of the Environment of New York-** Provides technical and material assistance  
**Green Guerillas—** Aides in the greening of vacant lots

Demonstrates the importance of community and local government support; City provides technical assistance and capital improvement grants to gardens through their CDBG program; the problem of multiple land trust was addressed by creating Garden Futures, a collaborative which acts a central information resource and provides a collective voice

Since the city is unwilling to give up control of land, land security is weak— many lots are stilled owned by City agencies; groups must educate city officials and developers of the importance of green spaces in the revitalization of communities. The NGA does not seek to acquire land until a community group has shown interest. Community involvement is fundamental

The vast majority of the community gardens still under lease by the City have very little land security— as seen in 1998, when the city sought to sell 113 sites for redevelopment causing a public outcry and four lawsuits. The establishment of multiple Land Trusts lacks the strength of one city-wide Land Trust. The city's strength is the active, diverse network of community gardening groups that have been somewhat successful in keeping greening issues on the City's agenda

# Appendix C

*Los Angeles Homeless Services Authority (LAHSA)*

*Entertainment Industry Development Corp (EIDC)*

<b>Organizational Structure</b>	Joint Powers Authority (JPA) between City/County agreement held in perpetuity	501 (c)(4 ) Economic Development Corporation with a long term service contract with the City
<b>Formation</b>	City & County sued each other; created in 1993	Mayor Riordan’s Office submitted proposal & City Council voted to outsource to EIDC for services; Created in 1995
<b>Staff</b>	30 people	75 people
<b>Funding</b>	Administers funds received annually 50/50, City/County budget and program money received from HUD	Charges production companies \$450 for services
<b>Non-Governmental Revenue</b>	This is the first year LAHSA is seeking private foundation funding	Charges production companies \$450 for services
<b>Organizational Objectives</b>	Administers \$44-48 million in homeless fund from HUD for the City and County of LA; administers community planning process to set policy priorities; issues RFP; monitors contracts; owns property (City Community Development Department does EIRS); provides direct services; advocacy	Provides one-stop coordination and quality control for the delivery of location filming services; collects permit fees related to location filming for all City departments and on behalf of LA County and LAUSD; promotes LA film industry
<b>Governance</b>	10 members City/County Commission; 39 member advisory board appointed by commission	President/CEO with a 55 member public/private Board meets 1/year and Executive Committee meets quarterly

*Los Angeles Unified School District (LAUSD) Land Bank*

*Los Angeles Conservation Corps (LACC)*

Uses the non-profit LAUSD Financing Corporation to finance the acquisition and hold titles to properties which can then be purchased by LAUSD	Independent Non-Profit
Proposed by the Interim Consulting Facilities Committee and accepted in 2001	Created in 1986 by former US Secretary of Commerce Mickey Kantor
There is no dedicated land bank staff. The staff is the LAUSD's real estate and financial staff	Approximately 300 young adults as corps members and 2,200 junior high and high school students
Monies from the District's General Fund and local bonds	LACC is funded by a variety of government agencies, grants, work projects, corporate sponsors and private donations
n/a	Grants and private donations
To create a more efficient and less costly method of acquiring land to be used for LAUSD projects; the LAUSD land trust holds the titles to land purchased with local funds	To employ young adults to perform community improvement and environment work; gives corp members an opportunity to develop their education, work and leadership skills
Board comprised of Board of Education and a few other voting district staffers	President with 15 member Board

# Appendix D

## *Land Acquisition Tools*

### **Purchase vs. Donation/Bargain Sale**

The Trust can acquire interest in land, whether fee or less-than-fee (e.g., conservation easements), through one of three approaches: full market value purchase, donation or bargain sale. The full market value purchase approach is seldom employed by local land trusts simply because it is expensive and would place a substantial fundraising burden on the Trust. Donation is the option of choice for most land trusts since it requires no cash outlay and thus permits limited land trust resources to be directed to maintenance and programming on the site. The corresponding advantage to the landowner is that outright donation of land offers the greatest tax benefits. The bargain sale approach lies between full market value purchase and donation. In a bargain sale of land or a partial property interest, a landowner transfers title at a price below market value. In this way, s/he obtains valuable tax benefits as well as a direct cash return.

### **Purchase of Property at Foreclosure Sales**

The Trust may find opportunities to acquire property through the tax foreclosure sale process either by buying property directly from the owners or at foreclosure sales. Additionally, the Trust may purchase foreclosed property at a public tax sale, subject to statutory procedures.

The purchase of tax-foreclosed property directly from the owner may trigger a due-on-sale or due-on-encumbrance clause contained in notes and deeds of trusts that may have superior priority over the Trust. The Trust's mission statement must give it the flexibility to seize the opportunities provided by tax delinquent properties and its staff must obtain the necessary expertise to analyze the other encumbrances on foreclosed property prior to purchase.

### **Conservation Easement**

An easement is a non-possessory right to use land in the possession of another. For example, Landowner A (servient land) could grant an easement to give Landowner B (dominant land) permission to cross A's land to reach a public road. A negative easement, on the other hand, allows the dominant landowner/easement holder to prevent the servient landowner from doing a particular act on the servient land. A conservation easement is simply a negative easement that is used to restrict the development of the servient land to protect its natural, scenic, historic and/or open space values. If purchasing the property is not an option, the Trust may approach a private landowner for the conveyance of a conservation easement to ensure that the property is not developed and is preserved as public open space.

### **Tools That Buy Time**

Although the easement (whether acquired by donation or bargain sale) is the conservation technique most commonly employed by land trusts, there are many other tools to choose from. The important common characteristic of these tools is the ability of the Trust to leverage or control the fate of the land with small amounts of "up-front" money. The principle alternatives include:



*Options.* Options provide a land trust with a temporary interest in a property while funds are raised for permanent acquisition. An option is simply the right to purchase the property at a specified price by a specified date. If the Trust raises the necessary funds in time, it can exercise the option; if not, the option interest expires. Options can be purchased at a negotiated fraction of the ultimate purchase price, or the landowner may donate them. The tangible deadline imposed by an option may be very useful to a land trust in marshaling the necessary funds. The Trust for Public Land (TPL) has used this option for large parcels of land. The most recent example in Los Angeles was the acquisition of the Chinatown Cornfields property, which will be developed as a state park. There is no reason why this technique cannot be applied to the acquisition of small parcels of land in densely developed urban areas of Los Angeles.

*Rights-of-First-Refusal.* A right-of-first-refusal is an agreement between a landowner and a land trust that ensures if the former receives an offer to buy her/his property or decides to put it on the market, the land trust will have a specified period of time in which to match the offer before it will be sold to anyone else. Community garden activists in Los Angeles have used this technique often. It allows a community group to convert a vacant lot into a community garden without having to purchase the property. Both the right-of-first-refusal and the option techniques buy time for a land trust. Although both can be donated, the land trust's legal claim will be bolstered if at least a small amount is paid for the interest, and if the interest is subject to a written contract recorded with the county. One cautionary note concerning the rights-of-first-refusal: before exercising the right by matching an offer, make sure that it is a bona fide, "arms-length" offer, not one concocted by a friend of the landowner to force the land trust to purchase.

*Leases/management agreements.* These tools provide a land trust at least some temporary control over land use without the expense and trouble of outright ownership. Lease agreements typically give a land trust exclusive access rights to the property. Management agreements give a land trust the right to manage a property for a certain time or specify the terms and restrictions under which the landowner can continue to manage the property.

### **Tools That Buy Other Partial Interests**

*Remainder Interests.* A donor may give her/his entire interest in a personal property, but retain a life estate. This mechanism gives the former owner the right to use the property for the rest of her/his life. The Trust could use this tool for parcels of land that a landowner might not be willing to hand over during her/his lifetime. This would allow the former landowner the opportunity to develop the property however s/he may wish, but will ensure that in the future the property will be preserved for public open space.

IRS regulations require that the conveyance not be in trust, and the remainder interest must be in the property itself, not in the proceeds from sale. The amount of tax deduction is the fair market value of the remainder interest, with depletion and depreciation during the life estate taken into account, as well as the life expectancy of the donor. This is an extremely complex tax law issue, and the Trust should contact the IRS for further information.

*Undivided Interests.* An undivided portion of an entire interest in property is basically co-ownership of property. For example, the former landowner may hold a 20% undivided interest while the Trust may hold an 80% undivided interest. Both owners are entitled to exercise all ownership rights in the property. A landowner may donate an undivided portion of her property, therefore, and take the fair market value of that portion as a tax deduction. When a gift of appreciated property exceeds the percentage limitations on charitable contributions, a landowner may consider giving undivided portions of the property in successive years to benefit from the full value of the deduction.

Landowners are much more likely to enter into remainder and undivided interest agreements with a non-profit entity than a government agency.

### **Tools That Involve Development**

*Controlled Development.* This technique has been used most often by land trusts that preserve ecological habitats and entails the cluster development of the relatively non-sensitive portions of a land parcel to compensate economically for restricting development on the sensitive portions of a site. In an urban context, a portion of a parcel of land could be set aside for public use (“sensitive portion”) while the rest (“non-sensitive portion”) could be used for private development. This strategy can help meet the Trust’s objective of creating more accessible, public open space on land owned by someone economically unable to use the tax benefits associated with donations and bargain sales (e.g., non-profit affordable housing developers, Los Angeles Unified School District).

*Joint Ventures.* One other tool occasionally applied by creative land trusts involves both a controlled development and partnership between a trust and a landowner. In such partnerships, the latter provides the land and/or other contributions.<sup>9</sup>

## *Possible City Relationships*

### **Department of Recreation and Parks**

The Department of Recreation and Parks can offer the Trust a great deal of technical assistance, including:

- Help in identifying areas of the City where more parks and open space are needed by providing information on demographics, crime, and park scarcity.
- Explanation of General Plan and Zoning policies related to open space and parks.
- Explanation of various City processes that may be needed to establish pocket parks.
- Help in the estimation of costs of proposed improvements, including landscape, irrigation, lighting, restrooms, field improvements, picnic areas, sports courts, paving, lighting and fencing.
- Help in determining the costs of maintenance, operation, and security for the park.
- Help in providing maintenance service and/or training through service or partnership agreements.

### **Department of Water and Power**

The Trust could enter into an agreement with the Department of Water and Power (DWP) for free or low cost water and/or electrical service. The DWP might be approached by the Trust for “greening funds” as part of their ongoing greening programs such as the “Trees for a Green L.A.” program. DWP may also provide advice on alternative energy sources and arrangements to meet the low energy demands of neighborhood parks and open space.

### **Contract Enforcement Section of the City Administrative Office (CAO)**

If the Trust receives grant funding from the City or if it contracts with the City to operate or manage pocket parks, the Contract Enforcement Section of the CAO can play a key role in assisting the Trust in gaining a basic knowledge of the City’s contracting requirements. Los Angeles City Charter Section 370 et seq. and Division 10 of the Los Angeles Administrative Code impose a number of contracting requirements on the City and its contractors to protect the City’s regulatory and proprietary interests. If the Trust is a City contractor, it may be required to pay prevailing or living wage rates to employees, provide equal benefits to employees with spouses and employees with domestic partners, agree to non-discriminatory employment practices and other mandates. Application of these Charter provisions, ordinances and their exceptions can only be determined on a case-by-case basis after review of the specific facts and circumstances if a contractual agreement with the City is established. The Trust should consult early on with the Contract Enforcement Section as it explores funding and contract opportunities with the City.

## **Community Development Department**

The Community Development Department (CDD) may provide funding for maintenance of Trust projects through the job development and training programs it administers. CDD could provide the Trust with access to funding resources to which other park operations typically do not have access. Expansion of existing programs such as CityJobs or Summer Youth Employment could provide residents in local park communities with valuable training in horticulture and park maintenance. Further, vocational training can help to provide economic stability to neighborhoods that lack park space by providing stable city jobs to individuals who need them most. CDD's current agreement with the Los Angeles Conservations Corps provides an important model for the Trust.

CDD's Industrial and Commercial Development Division may also assist the Trust in identifying vacant properties in Empowerment Zone and Enterprise Zone areas that might be available for public green space or open space as interim or permanent uses.

## **Housing Department**

The Housing Department may be able to assist the Trust in pursuing joint-use arrangements with multi-family affordable housing developers looking for alternative arrangements to provide code-mandated open space for their developments. In addition, the Housing Department maintains a list of problem properties that may be a potential source of land acquisition opportunities for the Trust.

## **Department of Building and Safety**

The Department of Building and Safety may provide the Trust with information on nuisance properties that may be potential land acquisition opportunities.

## **Department of General Services**

The Department of General Services can provide information to the Trust regarding available surplus City property.

## **Office of the City Attorney**

The City Attorney's Office may facilitate communication between other City departments and the Trust regarding open space acquisition opportunities. The City Attorney's Office may also work in partnership with the Trust to encourage owners of nuisance properties to convey such properties to the Trust or contract with the Trust to create and manage pocket open space or community gardens as interim uses on vacant or nuisance lots.

## **Department of Neighborhood Empowerment (DONE) and Neighborhood Councils**

Neighborhood Councils are currently forming throughout the City with the assistance of DONE. Once formed, Neighborhood Councils will receive operating funds as well as a pool of grant funds to administer for their area. The Trust could apply for Neighborhood Councils grant funds to coordinate park planning and community outreach efforts with individual Neighborhood Councils.

Other City departments and government agencies that may work with the Trust include:

- Office of the Mayor (specifically the Maximizing Our Real Estate (MORE) Initiative aimed at utilizing surplus City property for open space and housing opportunities)
- Council Offices
- Community Redevelopment Agency
- Department of Planning
- Department of Public Works
- Department of Transportation
- The Los Angeles County Board of Supervisors
- Los Angeles County Parks and Recreation
- Los Angeles County Regional Planning Department
- Los Angeles Unified School District (to explore joint use opportunities with schools)
- Metropolitan Transportation Authority

The specifics of how these departments and agencies might work with the Trust should be explored in the next Implementation Phase of the project.

# Appendix F

## *Foundation Grants*

Grant making foundations can be classified into two main categories:

- 1) Private foundations, including independent foundations, company-sponsored foundations and operating foundations; and
- 2) Community foundations.

*Private foundations* are those that receive their funds from only one or a very few private sources. Typically, these are named after the person or family providing the initial endowment. Private foundation boards tend to be self-perpetuating and dominated by the founder's family and associates. Community foundations differ principally in having multiple sources of funds. Often classified as "public charities," community foundations administer numerous individual or family charitable bequests, often reserved for specific purposes, as well as community chest-like pools of unrestricted donations. Community foundations tend to be small and are often governed by trustees appointed from the community in which they operate.

Foundations *generally* prefer to support specific, tangible projects whatever their nature, rather than providing operating and administrative support. Relative to their larger counterparts, community foundations tend to have more local focus of concern, a broader set of funding interests and more flexibility. The trade-off is that they give smaller grants.

## *Corporate Grants*

In addition to corporate foundation grants, businesses often give direct contributions. Corporate contributions often go to non-profits and causes in which individual corporate directors, officers, or employees have taken an interest. Such contributions take many forms: one of the most common gifts is their staff's time and expertise, better known as in-kind services. Especially useful is access to corporate legal, scientific, accounting, audio-visual, landscape architecture and other technical expertise. Corporations can also be looked to for gifts of excess furniture, office equipment and supplies, printing services, postage, excess land holdings, gardening tools, etc.

The Trust can facilitate corporate fundraising by including one or more prominent local business people on its board of directors. The presence of these directors will lend credibility to the organization and help the Trust open corporate doors. Once a few corporate gifts have been received, and properly publicized, subsequent corporate donations will be easier to obtain.<sup>10</sup>

## *Government Grants*

Government grants are another important source of funds, but they may entail more requirements than foundation and corporate grants. Public agency funding assistance may impact the requirements the Trust will encounter when contracting with its employees, consultants and volunteers. If a public agency becomes a financier of the Trust, the agency may apply its contracting ordinances. The Trust should factor in any covenants or requirements associated

with public funding that is utilized and weigh the benefits and burdens of each individual government grant on a case-by-case basis.

Currently, there are more government-sponsored funds for park development in California than there have been in twenty years. Possible government grants are outlined in the funding chart (Appendix G).

# Appendix G

## *Funding Sources*

## *General Administration of Land Trust*

## *Park Development*

### **Federal Government**

- The National Parks Service’s new funding program for creating or rehabing sites in urban areas — requires an education/ training component
- Americorps/VISTA for hiring inter-generational teams to assist in all aspects of planning.

### **State Government**

- Proposition 40, \$2.6 billion state bond measure passed, not yet appropriated by the legislature. The funds will be appropriated over five years.
- Line Item allocation for land in future state bond.
- Proposition 12 bond measure.
- California Arts Council artist-in-residence program.
- CalTrans transportation planning grants to encourage “walking to the park” and environmental justice grants

### **City/County Government**

- Proposition K, a \$25 million bi-annual property assessment.
- County Propositions AI and All for acquisition and implementation in districts with funds remaining.
- Metropolitan Transportation Authority for streetscape greening.
- Community Development Block Grants— Block Grant Investment Fund uses revenue from mixed-use development to offset costs or repay loans
- Bond measures could be introduced by petition from the city or county
- General Fund allocations are dependent on economic climate
- Neighborhood Matching Funds, which are small grants for grassroots projects

### **Foundations**

- California Community Foundation’s Environmental and Nurturing Neighborhoods Programs if implementation is linked to community development.
- British Petroleum Environmental Program for implementation.
- Surdna Foundation of New York for implementation as training in environmental preservation, youth skills and/or community development.
- Ford Foundation environmental justice grants for implementation as community development or training.
- American Conservation Association for acquisition and implementation.
- S. Mark Taper Foundation for acquisition, implementation, job and life-skills training, childcare and enrichment.
- CCF Environmental and Nurturing Neighborhoods Programs
- British Petroleum Environmental Program for implementation.
- Surdna Foundation of New York for implementation as training in environmental preservation, youth skills and/or community development
- Ford Foundation environmental justice grants for implementation as community development or training.
- Liberty Hill Foundation’s Fund for New Los Angeles and Environmental Justice
- Lila Wallace Readers Digest Fund Urban Parks Initiative for a series of parks within a designated urban area
- The Staples Center Community Benefits Package for development through parks in project areas
- James Irvine Foundation with similar goals as CCF. Must be invited to apply
- S. Mark Taper Foundation

### **Private Business or Individuals**

- Funds raised through traditional annual giving campaigns.
- Could offer corporate sponsorship or naming opportunities.
- Annual giving and naming opportunities



*Maintenance*

*Programming*

- 
- Americorps/VISTA offers support for environmental maintenance.

- Environmental Protection Agency offers grants for food production gardens, brown field education and remediation of contaminants with general education/training and documentation of work performed within the trust.

- 
- California Arts Council will support an artist-in-residence as a mentor to a community for the creation of components or entire site.

- 
- Workforce Investment Act for job training and continued maintenance.

- 
- CCF's Environmental and Nurturing Neighborhoods Programs if maintenance is linked to job—and life—skills training
  - British Petroleum Environmental Program for maintenance linked to job, life skills, childcare and enrichment training
  - Surdna Foundation of New York for implementation as training in environmental preservation, youth skills and/or community development

- CCF if childcare or job- and life- skills training are part of programming
- British Petroleum Environmental Program for maintenance linked to job, life skills
- Surdna Foundation of New York for implementation as training in environmental preservation, youth skills and/or community development
- Rockefeller Foundation PACT grants/Rockefeller Brothers Fund for collaboration among groups
- Ford Foundation environmental justice grants for implementation as job/life-skills training, childcare and enrichment
- Amateur Athletic Foundation for projects that dedicate a large portion of their function to sports

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- Annual giving

- Annual Giving

### *Footnotes*

- 1 Peter Harnik: Inside City Parks. Washington, D.C.: ULI- the Urban Land Institute, 2000.
- 2 The term "Neighborhood Open Space" refers to community gardens, small-scale children play areas, pocket parks, small community green spaces and neglected vacant lots that are within neighborhoods.
- 3 This framework was adapted from the Public/Private Parks Partnership Framework set forth in Chris Walker: Partnership for Parks - Lessons from the Lila Wallace-Reader's Digest Urban Parks Program. The Urban Institute, April 1999.
- 4 In addition to this articulated commitment to meaningful community involvement, the Trust should also include the following goals in its founding document: to seize and expedite opportunities for development of parks; to democratize the making and maintenance of parks; and to harness the maintenance capacity and enthusiasm of local neighborhoods to reach these goals.
- 5 California State Coastal Conservancy: The Non-profit Primer - A Guide Book for Land Trusts. 1989. Available from the Conservancy.
- 6 For more information [www.landtrustalliance.org/resources/insurance.html](http://www.landtrustalliance.org/resources/insurance.html)
- 7 For further information see- California State Coastal Conservancy: The Non-profit Primer - A Guide Book for Land Trusts. 1989. Available from the Conservancy.
- 8 For further information on brownfields redevelopment contact the California Center for Land Recycling (CCLR) at 415.820.2080.
- 9 This information was obtained from the following publication: California State Coastal Conservancy: The Non-profit Primer - A Guide Book for Land Trusts. 1989. Available from the Conservancy.
- 10 California State Coastal Conservancy: The Non-profit Primer - A Guide Book for Land Trusts. 1989. Available from the Conservancy.