

Communication from Public

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Comments for Public Posting: Honorable PLUM Councilmembers and Staff, The attached report, dated June 9th, is being presented to the California Coastal Commission on Thursday. I highly recommend you review it. It discusses the exclusionary housing practices and policies that contribute to the current lack of affordable housing in the Coastal Zone and related socioeconomic and racial disparities. The Housing Department's practice with respect to the project at 1301-1303 Abbot Kinney is yet another example of that. The very reason that the Linkage Fee does not apply in the Coastal Zone is because the Coastal Zone has the Mello Act state law to protect affordable housing. Yet, the Housing Department violates the Mello Act state law by analyzing whether there are existing affordable units by looking at unpermitted commercial rents, resulting in no affordable housing as in this case. This is an ongoing problem, resulting in a significant and ongoing loss of affordable housing in the Coastal Zone. Please uphold this appeal today and send the project back to Housing and Planning and require that all future projects be processed such that existing affordable housing is protected, that commercial businesses are not allowed to perpetually operate where the building's legal use is housing and that commercial rents are not used to evaluate whether a housing unit is replacement affordable. On behalf of Citizens Protecting Venice For the Love of Los Angeles and our precious Coast, Robin Rudisill (310) 721-2343

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Th6d

June 9th, 2022

TO: Commissioners and Interested Parties

FROM: Jack Ainsworth, Executive Director

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SUBJECT: Report on the Historic Roots of Housing Inequity and Impacts on Coastal Zone Demographic Patterns

This report has been developed as a companion to the Commission's 2015 Report on Coastal Act Affordable Housing Policies and Implementation. It builds on the context established in the 2015 Report, with a specific focus on the history of exclusionary housing practices and policies in California that contribute to the current lack of affordable housing in the Coastal zone and related socioeconomic and racial disparities.

Staff recommends that readers consult the Commission's 2015 Report prior to engaging with this document: <https://documents.coastal.ca.gov/reports/2015/2/w6a-2-2015.pdf>.

Executive Summary

A central tenet of the Coastal Commission and foundational pillar of the Coastal Act is equitable access to coastal resources. Though the Commission has made great strides towards advancing this directive, a key barrier remains. The shortage of affordable housing in the coastal zone exacerbates historical inequities and bars disadvantaged groups from access to coastal residential opportunities. Affecting meaningful change requires an understanding of these historical inequities and present barriers.

The affordable housing shortage, both in the coastal zone and across the country, is felt disproportionately by households of color, who are more likely to be low-income renters than white, non-Latino households¹ because of decades of exclusionary housing practices. The disparity is not an indicator of where individuals and families *want* to live; it's an indicator of where they *can* live.

Exclusionary housing practices were used to racially segregate residential communities across America in the late-nineteenth through mid-twentieth century. At its core, exclusionary housing is any practice that prevents people from living in certain areas in a manner that discriminates based on a group characteristic, such as race or income. Exclusionary strategies included both private practices and public policies, which often worked hand-in-hand to segregate and disenfranchise communities of color. As a result, desirable neighborhoods remained majority white, and as discriminatory economic policies channeled wealth into these neighborhoods, home values and rental rates rose. Housing in desirable areas thus became unaffordable to many households of color, a pattern that persists today.

The provision of deed restricted, rent-controlled, subsidized or “by design” affordable housing can help reverse the impacts of historic exclusionary housing practices. Affordable housing is one tool for addressing the impacts of exclusionary housing practices. Access to affordable housing is an important part of creating sustainable communities with positive health and wellbeing outcomes.² When families don't need to spend a high percentage of their income on rent, they are able to spend more on food, medical care, childcare, and education. They are also able to save for a down payment on a home, making them more likely to transition into homeownership. Beyond being a means of achieving social and economic stability, homeownership is a significant contributor to intergenerational wealth. Low homeownership rates are often correlated with low socio-economic status and high housing instability.³ For families who have been barred from building wealth via homeownership, affordable housing is an

¹ Wise, E. [Understanding the Racial Homeownership Gap Using Ownership Data from PolicyMap](#). 2022.

² Zavisca JR, Gerber TP. The Socioeconomic, Demographic, and Political Effects of Housing in Comparative Perspective. *Annu Rev Sociol.* 2016. 42:347-367. doi:10.1146/annurev-soc-081715-074333.

³ Turner TM, Luea H. Homeownership, wealth accumulation and income status. *J. Hous. Econ.* 2009; 18(2):104–14.; Di ZX, Belsky E, Liu X. Do homeowners achieve more household wealth in the long run? *J. Hous. Econ.* 2007; 16:274–90; National Association of Realtors. [Social Benefits of Homeownership and Stable Housing](#). 2012; Rohe, W., Lindblad, M. [Reexamining the Social Benefits of Homeownership after the Housing Crisis](#). 2013. Joint Center for Housing Studies, Harvard University.

important tool for accessing the economic, social, and health benefits of high-quality housing.

Affordable housing is in high demand across the country, including in California. State government and local municipalities have implemented policies aimed at increasing affordable housing stock, including a few specific to the coastal zone. In order for decision-makers and civic leaders to craft effective policy solutions, it is critical to acknowledge the history of discrimination that contributes to today's housing inequity. California was not exempt from the pattern of governments and private industry using exclusionary policies to enforce residential segregation. These practices were used throughout the state, including in the coastal zone, and helped shape the make-up of today's residential coastal communities.

When the Legislature enacted the California Coastal Act in 1976, many of the overtly exclusionary housing practices used to segregate communities had been outlawed by the Fair Housing Act of 1968. Nonetheless, decades of prior, sometimes brutal implementation had established residential community patterns that are still prevalent today. These practices have helped mold the demographics of residential communities that today fall under the Commission's jurisdiction and set the stage for the policy landscape that the Commission inherited. Unfortunately, the Coastal Act no longer contains effective tools for addressing the pre-existing housing disparities in the coastal zone. The Commission is thus limited in its ability to proactively counteract fundamental inequities in access to coastal housing.

In 2019, the Commission took a step towards addressing structural environmental inequities in the coastal zone with the adoption of its Environmental Justice Policy. In 2016, 2017, and 2021, the Commission supported bills that would have returned its former authority to require affordable housing policies in Local Coastal Programs. These and other efforts are a clear indication that the agency is coming to regard the availability of affordable housing as a dimension of achieving equal access consistent with the vision of the Coastal Act. Understanding the long-term, current-day impacts of historic housing discrimination on communities of color is a foundationally important step toward reversing this pernicious status-quo.

This report provides historical context for understanding housing discrimination and affordability as they relate to the Coastal Commission's role in shaping coastal development. It explores the history of exclusionary housing practices used across the country, and then narrows in on specific examples in coastal California. Finally, it recommends areas for future research that would help inform policy changes in support of more inclusive and equitable housing outcomes in the coastal zone.

June 2022 Report on the Historic Roots of Housing Inequity and Impacts on Coastal Zone Demographic Patterns

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Introduction

California, like much of the country, is in the midst of a housing crisis that continues to exacerbate existing inequities. The median price for a single-family home in California in 2021 was \$786,750, which only 26% of households could afford to purchase.⁴ Options for affordable rentals are similarly limited; California ranks in the top seven states in the country for inadequate affordable housing stock,⁵ and over half of the state's renter households were cost burdened in 2019, meaning that they spent more than 30% of their household income on rent.⁶

The housing crisis disproportionately impacts communities of color. This is evident from the growing gap in home ownership between white households and non-white households. According to the California Association of Realtors Housing Affordability Index (HAI), only 17% of Black and Latino households could afford to purchase a median-priced single-family home in California in 2021, as opposed to 34% of white households.⁷ Similar disparities exist within California's renter population: Black and Latino households are more likely to experience cost-burden and eviction vulnerability than white and Asian Californians.⁸

These patterns persist, and are often exaggerated in the coastal zone, where home values are the most expensive,⁹ affordable housing is increasingly unavailable,¹⁰ and racial diversity is not reflective of California's population on the whole.¹¹

An assumption that emerges when discussing the lack of affordable housing in the coastal zone is that it is the predictable, market-driven result of coastal property being a limited, high value resource. Though that assumption is certainly part of the explanation, it does not recognize the long history of exclusionary housing practices that forcibly displaced low-income communities and people of color from desirable places to live, including by inhibiting construction of affordable housing stock and by limiting their

⁴ Based on a minimum income of \$144,400 needed to purchase a median-priced home in 2021; California Association of Realtors. 2022. California housing affordability by ethnicity report. Available at: <https://www.car.org/aboutus/mediacenter/newsreleases/2022releases/2021haibyethnicity>

⁵ The National Low Income Housing Coalition. 2022. The GAP: A Shortage of Affordable Homes. Available at: <https://nlihc.org/gap>

⁶ Facas, S., Nakagawa, S. 2021. [Addressing Racial Disparities in Housing: Background Paper](#). Prepared for the California State Assembly Housing and Community Development and Banking and Finance Committees.

⁷ California Association of Realtors, *supra* note 4.

⁸ Facas, *supra* note 6.

⁹ Based on a comparison of the mean Zillow Home Value Index (ZHVI) for February 2022 for homes in coastal zip codes (\$1,498,115) versus homes in non-coastal zip codes (\$779,561). ZHVI reflects the typical home value for the region (in this case, zip code). <https://www.zillow.com/research/data/>

¹⁰ Based on two metrics for assessing affordability: (1) median rent by zip code, and (2) share of housing units supported by a subsidized funding source (Housing Voucher Subsidized Units, HUD-subsidized Housing Units, Low-Income Housing Tax Credits (LIHTC) Housing Units, Other HUD-subsidized Units (e.g., Section 8, Section 236), Public Housing Units). Data for both metrics was accessed through the Public Health Alliance of Southern California's Healthy Places Index (HPA) Mapping Tool.

¹¹ Based on the Gini-Simpson Diversity Index developed from 2015-2019 American Community Survey Data as used by the Public Health Alliance of Southern California's Healthy Places Index.

ability to build intergenerational wealth through home ownership. Over a century of intentional exclusion still contributes significantly to a massive wealth gap between white people and people of color. Lack of access to homeownership due to discriminatory housing policies and economic practices means that, in some cases, more than 100 years of investments are missing from the intergenerational wealth accrued by communities of color.¹² In combination, the wealth gap and the ongoing housing crisis continue to make coastal residence unachievable for many Californians of color. Viewed through this historical lens, it becomes evident that there is a direct through-line from the overtly racist policies and actions of the previous century to the modern-day barriers that maintain the status quo.

In the past few years, the Commission has formally acknowledged the role of historical discrimination in excluding low income communities and communities of color from the coast.¹³ AB 2616 (Burke) (Ch. 578, Stats. 2016) amended the Coastal Act to include Section 30013, which provides that the Commission is to advance the principles of environmental justice and equality, and Section 30604(h), which provides for the Commission to evaluate environmental justice considerations when making permit decisions. The Commission's Environmental Justice Policy provides commissioners with guidance on how to implement its statutory authority in this regard by considering impacts to environmental justice communities¹⁴ when issuing permits. The Environmental Justice Policy also enables staff to consider housing justice more actively when analyzing projects by identifying the lack of affordable housing in the coastal zone as an environmental justice concern.¹⁵ Additionally, the Commission's Environmental Justice Unit supports the agency's understanding of how residential displacement is fueled by and exacerbates environmental racism, and has led the effort to make the Commission's public process more transparent, accessible, and equitable for communities that are affected by Commission actions, but which have not typically engaged with the agency. Finally, the Commission has on numerous occasions supported legislative actions that would restore the Commission's former affordable housing authority under the Coastal Act. These are a few examples of ways that the

¹² Rothstein, Richard. 2017. *The Color of Law: A Forgotten History of How Our Government Segregated America*. New York, NY: Liveright Publishing Corporation; Solomon, D., Maxwell, C., Castro, A. 2019. "Systemic Inequality: Displacement, Exclusion, and Segregation. How America's Housing System Undermines Wealth Building in Communities of Color." *Center for American Progress*.

¹³ California Coastal Commission Environmental Justice Policy. Adopted March 2019. Available at https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

¹⁴ This report uses the terms "environmental justice communities", "disadvantaged communities", and "marginalized communities" interchangeably, in line with the definition used in the Coastal Commission's Environmental Justice Policy. SB 1000 (Leyva) (Ch. 587, Stats. 2016) added Government Code Section 65302(h)(4)(A), expanding the definition of "disadvantaged communities" for the purpose of general plans to mean "an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation." The Commission's Environmental Justice Policy intends to encompass not only the definitions contemplated by SB 1000, but also to include other low-income and minority populations that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts.

¹⁵ Staff has been adding findings related to affordable housing and environmental justice to Staff Reports for Coastal Development Permits and Appeals when applicable. A recent example of this is [Appeal No. A-5-VEN-21-0069](#).

Commission is starting to address the historical injustices and ongoing impacts of racist policies.

As conversations about addressing housing inequity in the coastal zone become more common, it is useful for the Commission to have a clear understanding of the history of exclusionary practices that took place around the country, including in coastal California. It is also important that the agency consider the ways in which these practices helped shape present-day residential patterns in both affordability and racial segregation. This report provides a summary of the historical context needed to begin to address the following questions:

- What are exclusionary housing practices? How were these used to control who lives where in U.S. cities?
- What exclusionary housing policies and land use practices were used to shape residential patterns in the coastal zone, and what is the Coastal Commission's role in addressing the impacts?
- How does housing discrimination and the associated inequities intersect with environmental justice?

This research was guided by the questions outlined above, but does not attempt to conclusively answer them. An extensive body of research on exclusionary housing, its motivations, and its impacts exists beyond this report. Policy recommendations should be informed by that and further research, as well as by the lived experiences and desired outcomes of impacted communities. As such, policy analysis and recommendation are outside the scope of this document. The goal of this report, specifically, is to provide Commissioners, agency staff, and the public with an introductory resource on how housing affordability intersects with racial discrimination in coastal communities.

The Inequitable Distribution of Coastal Benefits

The coastal zone supports California's \$49 billion-dollar ocean-based economy, in addition to significant coastal-dependent industry in adjacent cities.¹⁶ These industries sustain a workforce of over 500,000 people and provide opportunities for communities to establish themselves in close proximity to other necessary resources, like schools, grocery stores, community centers, and healthcare facilities.¹⁷ The coastal zone also provides numerous public health benefits, including cooler temperatures, cleaner air from offshore winds, access to natural open spaces like beaches and parks, and

¹⁶ National Ocean Economics Program. Ocean Economic Data by Sector & Industry. ONLINE. 2018. Available: <https://www.oceaneconomics.org/Market/ocean/oceanEconResults.asp?IC=N&dataSource=E&selState=6&selCounty=06000&selYears=2018&selToYear=none&selSector=8&selIndust=All&selValue=All&selOut=display&noepID=unknown>. [21 June 2021].

¹⁷ Ibid.

recreation opportunities.¹⁸ These qualities collectively make the coast a consistently desirable place to live.

However, population data reflect that coastal benefits are not equitably distributed across socio-economic and racial groups. California coastal communities are on average wealthier and less diverse than the state as a whole.¹⁹ In fact, within one kilometer of coastal access locations, the proportion of white residents is 25% higher than what would be expected given an even distribution of residents across California.²⁰ Additionally, coastal residents earn on average 20% more than the state average income.²¹

In other words, by virtue of where they live, wealthy white Californians have disproportionately more access to coastal resources when compared with other communities in the state. On average, people from low-income communities and communities of color must travel further to access the social, economic, scenic, and health benefits of the coast.²² While coastal residency is not the sole factor in determining how easy it is to access these benefits, it does play a significant role in how likely individuals are to engage with the coast by reducing the financial and time costs of travel. Given this correlation, increasing housing equity²³ in the coastal zone is essential to fulfilling the Coastal Act's goal of maximizing public access to and along the coast,²⁴ as well as the State's goal of advancing environmental justice and equality.²⁵

History of Exclusionary Housing Practices

Exclusionary and segregated housing was an accepted strategy used to restrict people of color from moving to and purchasing homes in white neighborhoods since the earliest days of our nation. These practices continued to spread across the country throughout the twentieth century, despite being outlawed by two Supreme Court decisions.²⁶ Housing discrimination was officially prohibited with the passage of the Fair Housing Act

¹⁸ Reineman, Dan R., Lisa M. Wedding, Eric H. Hartge, Winn McEnery, and Jesse Reiblich. 2016. "Coastal Access Equity and the Implementation of the California Coastal Act." *Stanford Environmental Law Journal* 89-108.

¹⁹ Gini-Simpson Diversity Index, *supra* note 11.

²⁰ *Ibid.*

²¹ Reineman, *supra* note 18.

²² *Ibid.*

²³ The term "equity", as used in this report, mirrors the definition adopted in the California Coastal Commission's Environmental Justice Policy: "Equity" refers to the fairness of achieving outcomes for all groups and no one factor, such as race, can be used to predict outcomes.

²⁴ CAL. PUB. RES. CODE § 30001.5 stating that one of the goals of the Coastal Act is to "[m]aximize public access to and along the coast...".

²⁵ CAL. PUB. RES. CODE § 30013 stating that "... in order to advance the principles of environmental justice and equality, subdivision (a) of Section 11135 of the Government Code and subdivision (e) of Section 65040.12 of the Government Code apply to the commission...".

²⁶ *Shelley v. Kraemer* 334 U.S. 1 (1948) and *Jones v. Mayer Co.* 392 U.S. 409 (1968).

of 1968, but racial residential segregation persists to this day.²⁷ This is in large part due to the economic and housing stock impacts resulting from decades of discriminatory policy, as well as ongoing covert means of discrimination.

This section explores four strategies commonly used in the twentieth century to regulate land and property ownership, as well as residential patterns, with the intention of restricting people of color from high-value and predominantly white neighborhoods. These strategies include discriminatory ordinances and laws, restrictive covenants and deeds, exclusionary zoning, and redlining. Public and private actors used these practices across the country, but this report focuses on the ways these strategies were specifically deployed in California.

Most exclusionary housing practices can be grouped into one of two categories. The first includes those that are explicitly based on race, and prohibit or severely limit which racial or ethnic groups can own property or live in a specific area. The second category includes policies and practices that are implicitly racially motivated, policies that engage in implicit discrimination that are “race-neutral on paper but have racially exclusionary effects.”²⁸ The impact of both categories is the same: communities of color are limited in where they can live and whether or not they can own property, contributing to low homeownership rates and reduced economic opportunity.

The implementation of these practices does not follow a clear chronology; rather, different types of implicit and explicit exclusion tactics often overlapped, some becoming more prevalent as others were invalidated by court decisions or lost their effectiveness when state and federal fair housing legislation was passed. Similarly, not all exclusionary housing practices targeted all non-white racial and ethnic groups at the same time. The emergence of race-specific discriminatory policies often coincided with an increase in that community’s population in a predominantly white city or neighborhood. For example, anti-Chinese and anti-Japanese sentiments fueled the majority of exclusionary practices in California in the late 1800s and early 1900s, following increased immigration. Land and housing restrictions were broadly focused on Asian and Asian-American families during this time. Although racism towards the small community of Black families that had established themselves in Los Angeles was common, restrictive housing policies aimed at Black people were less so.²⁹ In fact, for a brief period the rate of Black homeownership in Los Angeles in 1910 was the highest of any in the country—36%.³⁰

²⁷ History. 2021. Fair Housing Act. Accessed 2022. Available online: <https://www.history.com/topics/black-history/fair-housing-act#:~:text=The%20Fair%20Housing%20Act%20of,religion%2C%20national%20origin%20or%20sex>.

²⁸ Moore, Eli, Nicole Montojo, and Nicole Mauri. 2019. *Roots, Race, and Place: A History of Racially Exclusionary Housing in the San Francisco Bay Area*. Public Education Report, Haas Institute for a Fair and Inclusive Society, University of California, Berkeley. <https://belonging.berkeley.edu/rootsraceplace>.

²⁹ Reft, Ryan. 2017. “How Prop 14 Shaped California’s Racial Covenants.” KCET. Available at <https://www.kcet.org/shows/city-rising/how-prop-14-shaped-californias-racial-covenants>

³⁰ Simpson, Kelly. 2012. “The Great Migration: Creating a New Black Identity in Los Angeles.” KCET. Available at <https://www.kcet.org/history-society/the-great-migration-creating-a-new-black-identity-in-los-angeles>

In the 1930s and 40s, the Second Great Migration brought Black Americans from the South to Southern California. Local governments and the real estate industry responded to the growing Black population by expanding existing discriminatory practices to include Black people. They also imposed racially restrictive covenants on properties in white neighborhoods, conducted racial redlining, and engaged in discriminatory lending practices for mortgages.³¹

This pattern of using exclusionary housing practices to change community demographics highlights the intentionality of government-initiated and government-supported racial discrimination. Knowledge of this historical context can help inform decision-making and policy solutions and is an important part of reckoning with past injustices.

Early Forms of Discriminatory Land Use Practices

Discriminatory land use practices date back to early colonization and the forced removal of indigenous peoples from their ancestral lands in California during the eighteenth and nineteenth centuries. The California missions, first organized under Spanish rule in the mid-1700s, killed, displaced and enslaved both coastal and inland tribes.³² In the 1800s, ports, timber, and the availability of arable land established the value of coastal land, and contributed to the pattern of forced inland migration of and genocide against coastal tribes.³³ By the time the United States began setting aside reservation lands for federally-recognized tribes in the 1870s, the high value of coastal real estate meant that tribes in both Orange and Los Angeles counties were excluded from land distributions.³⁴

California also has a long history of land use practices and actions grounded in anti-Latino sentiments, which largely began when the U.S. won the Mexican-American War in 1848. The U.S. was legally required to recognize land title claims to ranchos³⁵ under the Treaty of Guadalupe Hidalgo, but in practice the process for acquiring certification was difficult and many Mexican families lost their land claims to squatters.^{36, 37}

³¹ Ibid.

³² Castillo, Edward D. Short Overview of California Indian History. *State of California Native American Heritage Commission*. Available at <https://nahc.ca.gov/resources/california-indian-history/>

³³ Moore, *supra* note 28.

³⁴ Castillo, *supra* note 32.

³⁵ Ranchos were large land grants awarded to individuals by the Spanish Crown, and later, the independent Mexican government. They constituted permanent ownership rights to land, and were common throughout the territories of Alta California in the mid-to-late 1800s.

³⁶ Libecap, GD., Lopes, A., Lueck, D. 2015. [A Legacy of History: 19th Century Land Demarcation and Agriculture In California](#).

³⁷ A thorough history of colonization, genocide, and early state and federal campaigns to remove indigenous peoples and Mexican and Mexican American families from desirable land prior to the twentieth century is outside the scope of this research. But that does not mean these specific histories are any less important than those discussed herein. Understanding the complete history of land use and housing discrimination against all non-white communities is a vital part of addressing persisting inequities, and an area for further research and reading beyond this report.

City Segregation Ordinances and Racially Discriminatory Land Use Laws

Two of the earliest implicitly racial zoning regulations recorded in California were the Cubic Air Ordinance of 1870 and the Laundry Ordinance of 1880, both enacted in San Francisco. The Cubic Air Ordinance, which required 500 cubic feet of space for every person in a lodging house, resulted in the jailing of thousands of Chinese residents. It

was informed by a health officer's annual report on Chinatown, which documented high density housing and urged the city to paint the Cubic Air Ordinance as a public health and safety measure.³⁸ The Laundry Ordinance similarly targeted Chinese residents of the city, but purported to restrict business growth by giving city officials broad discretion to regulate laundries, and restricting them to buildings made of brick or stone exclusively. At the time, the majority of laundries were located in wood buildings and owned by Chinese families. The city prosecuted over a hundred Chinese laundry-owners before the U.S. Supreme Court declared the ordinance unconstitutional in *Yick Wo v. Hopkins* 118 U.S. 356 (1886). Non-Chinese laundry owners were typically exempt from the restrictions, which led the court to find Order 1569 in violation of the Equal Protection Clause of the 14th Amendment.³⁹

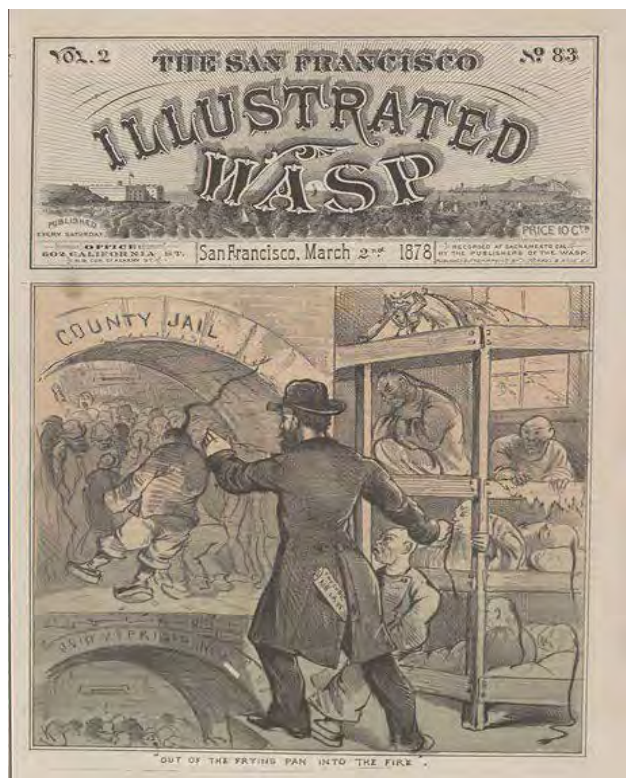


Image 1. A cartoon from The San Francisco Wasp (Vol. 2, No. 83) in March of 1878 referencing the Cubic Air Ordinance. The cartoon depicts white lawmakers displacing Chinese men from a crowded lodging house to an even more crowded county jail.

³⁸ Yang J. S. 2009. The anti-Chinese Cubic Air Ordinance. *American journal of public health*, 99(3), 440. <https://doi.org/10.2105/AJPH.2008.145813>

³⁹ Moore, supra note 28; In Justice T. Stanley Matthews' deciding opinion, the Court concluded: "No reason whatever, except the will of the supervisors, is assigned why they should not be permitted to carry on, in the accustomed manner, their harmless and useful occupation, on which they depend for a livelihood; and while this consent of the supervisors is withheld from them, and from 200 others who have also petitioned, all of whom happen to be Chinese subjects, 80 others, not Chinese subjects, are permitted to carry on the same business under similar conditions. The fact of this discrimination is admitted. No reason for it is shown, and the conclusion cannot be resisted that no reason for it exists except hostility to the race and nationality to which the petitioners belong, and which, in the eye of the law, is not justified. The discrimination is therefore illegal, and the public administration which enforces it is a denial of the equal protection of the laws, and a violation of the fourteenth amendment of the constitution."

A few years after the Laundry Ordinance was declared unconstitutional, the state passed one of the earliest examples of explicit racial zoning. The Bingham Ordinance of 1890, Order No. 2190, explicitly prohibited Chinese residents from living in the city of San Francisco,⁴⁰ except in designated areas that often included slaughterhouses and were described as “unhealthful.” A federal court declared the Bingham Ordinance unconstitutional in *In re Lee Sing*, 43 F. 359 (C.C.D. Cal. 1890).⁴¹

In 1913, California passed the Alien Land Law, prohibiting Asian immigrants from owning land. The law was amended in 1920 and 1923 to bar the children of Asian immigrant parents or Asian-owned corporations from leasing or owning land.⁴² The law and its amendments were used to target Japanese immigrant communities in urban and rural areas, with a focus on driving Japanese farmers out of the growing agricultural industry. California enforced the law through so-called “escheat actions,” in which any property acquired “with intent to prevent, evade or avoid” the land law would be returned to the state. For the first two decades of its existence, California’s Alien Land Law was rarely legally enforced; the state carried out only 14 escheat actions prior to 1941 and not all were against Japanese American families.

However, during World War II and the forced internment of 120,000 Japanese Americans, California began to strictly enforce the Alien Land Law. The California Legislature passed a number of bills harboring anti-Japanese sentiments, including amendments to the original Alien Land Law which strengthened the state’s ability to bring escheat suits against Japanese Americans.⁴³ As a result, there was a significant increase in these cases during a time when incarcerated Japanese Americans could not defend themselves in court. Then, in 1945, when Japanese Americans released from internment began to make their way back to the West Coast, California established a fund from the proceeds of escheated properties. The fund was divided up between state and county treasuries, further incentivizing local governments to enforce the land law.

California’s Alien Land Law remained on the books until 1956, though courts invalidated it in 1948 and 1952.⁴⁴ But by then, many other states had already passed similar property ownership laws that benefited white residents, and much of California’s prime agricultural land was tightly held by well-established white families and corporations. A comparison of California Agriculture Census counts between 1920 and 1945 shows a

⁴⁰ The text of the ordinance can be found online at: <http://libraryweb.uchastings.edu/library/research/special-collections/wong-kim-ark/SanFranOrdinances/bingham.pdf>

⁴¹ Moore, *supra* note 28.

⁴² 2019. Alien Land Laws in California (1913 & 1920). The University of Texas at Austin Immigration and Ethnic History Society. Accessed June 15, 2021. <https://immigrationhistory.org/item/alien-land-laws-in-california-1913-1920/>.

⁴³ McGovney, Dudley O. 1947. *The Anti-Japanese Land Laws of California and Ten Other States*. California Law Review.

⁴⁴ *Oyama v. California* 332 U.S. 633 (1948); *Sei Fujii v. State of California* 38 Cal. 2d 718 (1952)

significant drop in non-white farm owners during this period, from 6,486 to 2,638. The same time-span saw a rise in white-owned farms, from 111,184 to 136,279.⁴⁵

The impact of these laws was that families of Asian descent were not only unable to live in certain parts of California, having lost their land and being barred from purchasing new land, but were also unable to gain access to the same level of economic opportunity as non-Asians. Internment exacerbated this inequity by stripping families of their farms, businesses, and homes, amounting to economic losses estimated to be between \$1-\$3 billion nationally, not adjusted for inflation.⁴⁶ The former assets of Japanese American families were often purchased in distress sales for far below true market value.⁴⁷ These policies resulted in significant economic setbacks for these communities and established a pattern of legally enforceable removal and subsequent exclusion of people of color from desirable residential areas.

Restrictive Covenants and Deeds

Restrictive housing covenants were agreements between property owners, developers, and real estate operators binding them not to sell property to certain groups based on race, creed, or color.⁴⁸ Language was often written into deeds to homes, which were notarized and formally filed with the county. An example restriction from the coastal community of Pacific Grove Acres in Monterey County reads:

“That the premises herein described, or any part thereof, shall not be in any manner used or occupied by Asiatics or Negroes, and the party of the second part, agrees not to sell or lease the said property, or any part thereof, nor to convey by dead, or otherwise, any portion of the premises herein described excepting to persons belonging to the Caucasian race, and agrees not to lease, sell, convey, or otherwise dispose of the whole or any portion of the premises herein described to any person born in the Turkish Empire, nor to any lineal descendant of such person, except that persons of said races may be employed as household servants.”⁴⁹

Covenants like these grew in popularity in California in the 1920s because they were a private end run around a court ruling, *Buchanan v. Warley* (1917), that declared explicitly overt racist city ordinances unconstitutional.⁵⁰ In 1926, the U.S. Supreme Court validated the use of restrictive housing covenants, private deeds, and developer plat maps on the grounds that the Fifth and Fourteenth Amendments only applied to government action, not private party action. The court did not address the legality of

⁴⁵ California Agricultural Census. State Table 1 – Farms, Acreage, and Value: Censuses of 1920-1950. Available at https://agcensus.library.cornell.edu/wp-content/uploads/1950-California-Table_of_Contents-1812-Table-02.pdf

⁴⁶ Moore, supra note 28.

⁴⁷ Ibid.

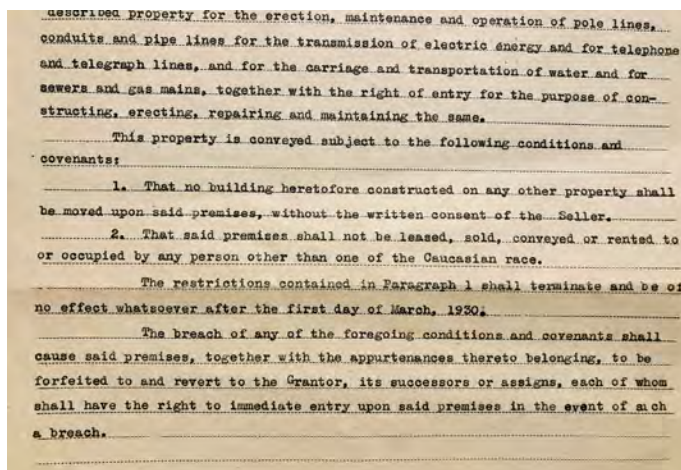
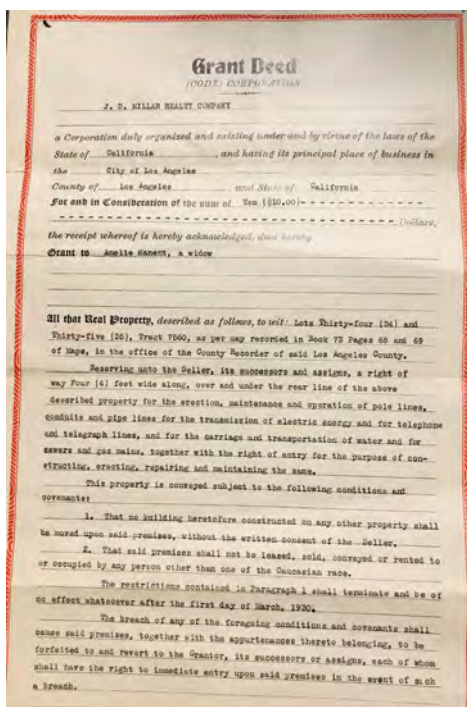
⁴⁸ Grant Pankey, Katharine I. 1947. *Restrictive Covenants in Seattle: A Case Study in Race Relations*. Civic Unity Committee.

⁴⁹ Monterey County Abstract Company. 1921. Deed Book 187, Page 55, Deed No. 287, Covenant No. 4.

⁵⁰ *Buchanan v. Warley*, 245 U.S. 60 (1917).

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enforcing racially restrictive covenants, and so state courts continued to engage in judicial enforcement of covenants. Some families of color were able to purchase homes despite covenants, but many were severely limited in their housing choices by deed restrictions.⁵¹ By 1940, almost 80 percent of properties in Los Angeles contained restrictive covenants that barred Black families from living there.⁵²



Images 2 and 3. A grant deed to a home from 1928 in the Inglewood neighborhood of Los Angeles county states that 'said premises shall not be leased, sold, conveyed or rented to or occupied by any person other than one of the Caucasian race.'

Although the *Buchanan v. Warley* decision effectively barred local, state, and federal government from enacting racist land use laws, it did not stop government agencies from supporting exclusionary practices under the guise of 'guidance.' Restrictive housing covenants and the emerging practice of discriminatory lending shifted responsibility to private associations as opposed to public entities, but government continued to play a key role. The Federal Housing Administration (FHA), for example, perpetuated the belief that residents of color would cause land values to go down, which white property owners and homeowners associations would cite when implementing private restrictions on specific neighborhoods. The 1938 FHA manual even claimed that "a change in social or racial occupancy generally contributes to instability and a decline in values." Fines for buying or selling to black families in restricted neighborhoods were steep, and discouraged neighbors from breaking their covenants late into the 1950s, even after *Shelley v. Kraemer* (1948) established the use of such covenants as

⁵¹ Popescu, Roxana. 2021. "From Imperial Beach to Campo to Oceanside, racists housing covenants shaped San Diego for decades." November 17. Inewssource. Available at <https://inewssource.org/2021/11/17/san-diegans-broke-through-racist-housing-deeds/>

⁵² United States Commission on Civil Rights. 1973. *Understanding Fair Housing*. Clearinghouse Publication 42-23. <https://files.eric.ed.gov/fulltext/ED075565.pdf>

unconstitutional. The FHA continued to have a strong impact on the financing of these racially segregated subdivisions throughout this period.

To this day, homes across the country, including many in California, still have racist and discriminatory language in their deeds.⁵³ Although these restrictions are not enforceable by law, they are a painful but instructive reminder that links historical practices to present-day impacts.

Exclusionary Zoning

Another tactic used to racially and socioeconomically segregate cities was single-use zoning, a practice not explicitly based on race but implemented with the intention of having a similarly exclusionary effect on people of color. In California, single-use zoning, sometimes called exclusionary zoning, traces its roots back to Berkeley in 1916 with the passage of one of the country's first zoning district ordinances. Under Berkely's zoning ordinance, neighborhood residents could petition to have their communities zoned into districts, which then adopted guidelines that dictated what types of development could be allowed in each district. The City Council acted on a number of petitions that cited racial motivations, such as the removal of "two Japanese laundries, one Chinese laundry" and the prevention of a black-owned dance hall from opening near a prominent all-white residential development made exclusionary through restrictive covenants.

Most notable in the 1916 Berkely zoning ordinance was the establishment of "Class I" zones, which designated land exclusively for single-family homes. Single-family homes were, and continue to be, more expensive to own or rent than denser multi-family housing options. Many communities of color in the early 1900s were unable to afford single-family homes due to years of economic disenfranchisement, and so "Class I" zoning led to further segregation of residential neighborhoods.⁵⁴ Zoning advocates argued that "apartment houses are the bane of the owner of the single-family dwelling," and would "condemn the whole tract... of fine residences."⁵⁵ The motivations for these laws were explicitly racist; in reflecting on the role of Berkely's 1916 ordinance, a prominent zoning advocate was quoted as saying: "We [Californians] are ahead of most states [in adopting zoning]... thanks to the persistent proclivity of the 'heathen Chinese' to clean our garments in our midst".⁵⁶

Single-use and single-family zoning institutionalized the discrimination that had been occurring in property deeds and covenants.⁵⁷ The U.S. Supreme Court upheld single-use zoning ordinances in *Euclid v. Ambler* (1926), determining that they were

⁵³ Popescu, Roxana. 2021. "Racial covenants, a relic of the past, are still on the books across the country." November 17. NRP KQED. Available at <https://www.npr.org/2021/11/17/1049052531/racial-covenants-housing-discrimination>

⁵⁴ Rothstein, supra note 12.

⁵⁵ Hirt, Sonia A. 2014. *Zoned in the USA: The Origins and Implications of American Land-Use Regulation*. Ithaca: Cornell University Press.

⁵⁶ Ibid.

⁵⁷ Moore, supra note 28.

constitutional as long as they were related to “the public health, safety, morals, or general welfare,” and were not arbitrary or unreasonable.⁵⁸ The Supreme Court’s decision overruled the findings of a district judge, who had acknowledged the racial motivation of the zoning ordinance and determined it to be in violation of the precedent set by *Buchanan*.⁵⁹

Cities across California were quick to pick up and institute single-use and single-family zoning.⁶⁰ As a result, today there is a very limited amount of residential land available for apartments and condos. For example, in the Bay Area only 17 percent of housing is multi-family.⁶¹ The percentage of residential land in a municipality zoned for single-family homes predicts the racial diversity of that municipality.⁶² To put it another way, white people are overrepresented in cities with high levels of single-family zoning when compared to what would be expected from regional demographic patterns. Communities of color are underrepresented in these same municipalities.⁶³ The impacts of these zoning methods can be seen on both physical and socio-economic scales.⁶⁴ High levels of single family zoning is correlated with higher incomes, home values, and homeownership rates.⁶⁵ Because homeownership is the primary means by which Americans build intergenerational wealth, the historical legacy of single-family zoning with implicitly racist restrictions has played a large part in the socioeconomic gap between white communities and communities of color.⁶⁶

The Home Owners’ Loan Corporation (HOLC) and Redlining

Even while courts attempted to stop the use of racially restrictive covenants, deeds, and housing ordinances, economic discrimination and segregation continued to restrict communities of color from investing in property and homes in practice.

⁵⁸ Moore, supra note 28; Single-use zoning is known as “Euclidean zoning” in much of North American because of *Euclid v. Ambler*, 272 U.S. 365, 383 (1926). It has been the dominant system of zoning in North American since implementation.

⁵⁹ Rothstein, supra note 12; The district judge explained that despite agreeing with the purpose of the ordinance, he could not ignore the *Buchanan* violation: “The blighting of property values and congesting of the population, whenever the colored or certain foreign races invade a residential section, are so well known as to be within the judicial cognizance.”

⁶⁰ Rothstein, supra note 12.

⁶¹ Menendian, Stephen, Samir Gambhir, and Arthur Gailles. 2020. *Racial Segregation in the San Francisco Bay Area, Part 5*. Othering & Belonging Institute, University of California, Berkeley.

⁶² Menendian, Stephen, Samir Gambhir, Karina French, and Arthur Gailles. 2020. *Single-Family Zoning in the San Francisco Bay Area: Characteristics of Exclusionary Communities*. Othering & Belonging Institute, University of California, Berkeley.

⁶³ Ibid; Rothwell, Jonathan. 2019. *Land Use Politics, Housing Costs, and Segregation in California Cities*. UC Berkely Turner Center for Housing Innovation.

⁶⁴ Loh, T.H., Kim, J., and Vey, J.S. 2022. *Diverse neighborhoods are made of diverse housing*. February 8. Accessed March 15, 2022. <https://www.brookings.edu/blog/the-avenue/2022/02/08/diverse-neighborhoods-are-made-of-diverse-housing/>.

⁶⁵ Menendian, supra note 62.

⁶⁶ Baldassari, Erin, and Molly Solomon. 2020. *The Racist History of Single-Family Home Zoning*. October 5. Accessed June 18, 2021. <https://www.kqed.org/news/11840548/the-racist-history-of-single-family-home-zoning>.

Redlining, or the practice of denying borrowers' access to credit based on the racial or socioeconomic makeup of the neighborhood where their property is located, began as early as the 1930s. The HOLC designed and released a series of "Residential Security" maps in the 1930s that identified neighborhoods—predominantly low-income and communities of color—as having a high lending risk classification, influencing public and private investment decisions.⁶⁷ Other federal agencies like the FHA and the Department of Veterans Affairs adopted these maps for home mortgage programs. It became much harder for Black families in particular to get loans, develop credit, and invest in property and homeownership, contributing to a much slower rate of wealth accumulation in Black communities than in white ones.

Redlining occurred in metro regions all over the United States, and coastal California was no exception. Redlining maps from San Diego show that oceanfront communities like La Jolla and Coronado were color-coded as blue, designating them as ideal for investors. Much of southeastern San Diego, on the other hand, was color-coded red.⁶⁸ The 1936 HOLC maps and accompanying neighborhood descriptions described the neighborhood of Logan Heights, for example, as:

"Racial concentration of colored fraternity. Homes show only slight degree of pride of ownership and are on average negligently maintained."

Conversely, the HOLC described La Jolla as:

"Residents embrace nearly all types of professions and are all white. No threat of foreign infiltration. Homes are well maintained."

By the time the Fair Housing Act of 1968 declared redlining practices and housing discrimination based on "race, color, religion, sex, familial status, or national origin"⁶⁹ federal crimes, the consequences of these practices were already solidified. Today, over 50 years later, the impacts of redlining are still evident in the demographic patterns of cities like San Diego. For example, in 2016 the median household income for San Diego's HOLC neighborhoods identified as Class A ("Best"; examples include La Jolla, Pacific Ocean-facing Coronado, and La Playa in Point Loma) was \$108K, while the median household income for Class D neighborhoods ("Hazardous"; examples include Encanto, Fairmount Park, Bayridge, and Logan Heights) was \$47.5K. Similarly, Class A neighborhoods are today on average 80% White, 10% Hispanic, and 1% Black, while Class D neighborhoods are 18% White, 52% Hispanic, and 9% Black.⁷⁰

⁶⁷ Moore, *supra* note 28.

⁶⁸ Robert K. Nelson, LaDale Winling, Richard Marciano, Nathan Connolly, et al., "Mapping Inequality," *American Panorama*, ed. Robert K. Nelson and Edward L. Ayers, accessed June 18, 2021, <https://dsl.richmond.edu/panorama/redlining>.

⁶⁹ Fair Housing Act of 1968, 42 U.S.C. § 3604 (1968).

⁷⁰ Xu, Wenfei. n.d. *HOLC Redlining Mapping Tool*. Accessed June 14, 2021. <http://www.wenfeixu.com/redliningmap/>.

Table 1. Comparison of HOLC Redlining Map Classes in San Diego

HOLC Neighborhood Class Rating	Examples	Median Household Income (2016)	Racial Demographics (2016)
Class A (“Best”)	La Jolla, Pacific Ocean-facing Coronado, La Playa (Point Loma)	\$108,000	80% White, 10% Hispanic, 1% Black
Class D (“Hazardous”)	Encanto, Fairmount Park, Bayridge, Logan Heights	\$47,500	18% White, 52% Hispanic, and 9% Black

Redlining maps heavily influenced what areas of a city received funding and investment for improvements, meaning that neighborhoods rated “Hazardous” in 1936 are today some of the more economically disadvantaged parts of urban California.⁷¹ Additionally, redlining policies funneled loans for homeownership away from people of color, contributing heavily to wealth inequality still evident today.⁷² Low credit and other economic disadvantages associated with redlining have had lasting impacts on Black communities. Black homeowners pay higher mortgage rates and higher insurance premiums today in large part due to over-pricing for risk factors, like credit score and loan-to-value ratios.⁷³

Neighborhood patterns documented by HOLC maps persist today specifically *because* those maps were drawn; the risk-grading developed by the HOLC established a baseline on which racial and socioeconomic segregation and disenfranchisement would thrive, shaping communities and cities for decades after the formal practice ceased.

Exclusionary Housing and Discrimination in the Coastal Zone

Local histories are an important part of grounding nation-wide patterns in the lived realities of California’s communities of color. The impacts of racially discriminatory

⁷¹ Andre M. Perry, David Harshbarger. 2019. America’s formerly redlined neighborhoods have changed, and so must solutions to rectify them. Brookings Institute, accessed February 8, 2022.

<https://www.brookings.edu/research/americas-formerly-redlines-areas-changed-so-must-solutions/>; [Several of California’s least prosperous coastal communities today were graded as “Class D” by HOLC maps, including Barrio Logan in San Diego and the areas adjacent to the Tenderloin in San Francisco.](#)

⁷² Mitchell, Bruce, and Juan Franco. 2018. *HOLC “Redlining” Maps: The Persistent Structure of Segregation and Economic Inequality*. National Community Reinvestment Coalition.

⁷³ Aronowitz, M., Golding, E. L., Choi, J.H. 2020. *The Unequal Costs of Black Homeownership*. <https://gcfp.mit.edu/wp-content/uploads/2020/10/Mortgage-Cost-for-Black-Homeowners-10.1.pdf>

housing policies and practices in coastal California can be seen at multiple levels, from county-wide patterns to specific land parcels. This section explores the specific histories of three geographic areas, each at a different scale. The following cases provide brief examples for how exclusionary practices were used in these jurisdictions, influencing modern-day population demographics and contributing to disparities in access and wealth along the coast.

Coastal County Example: Los Angeles

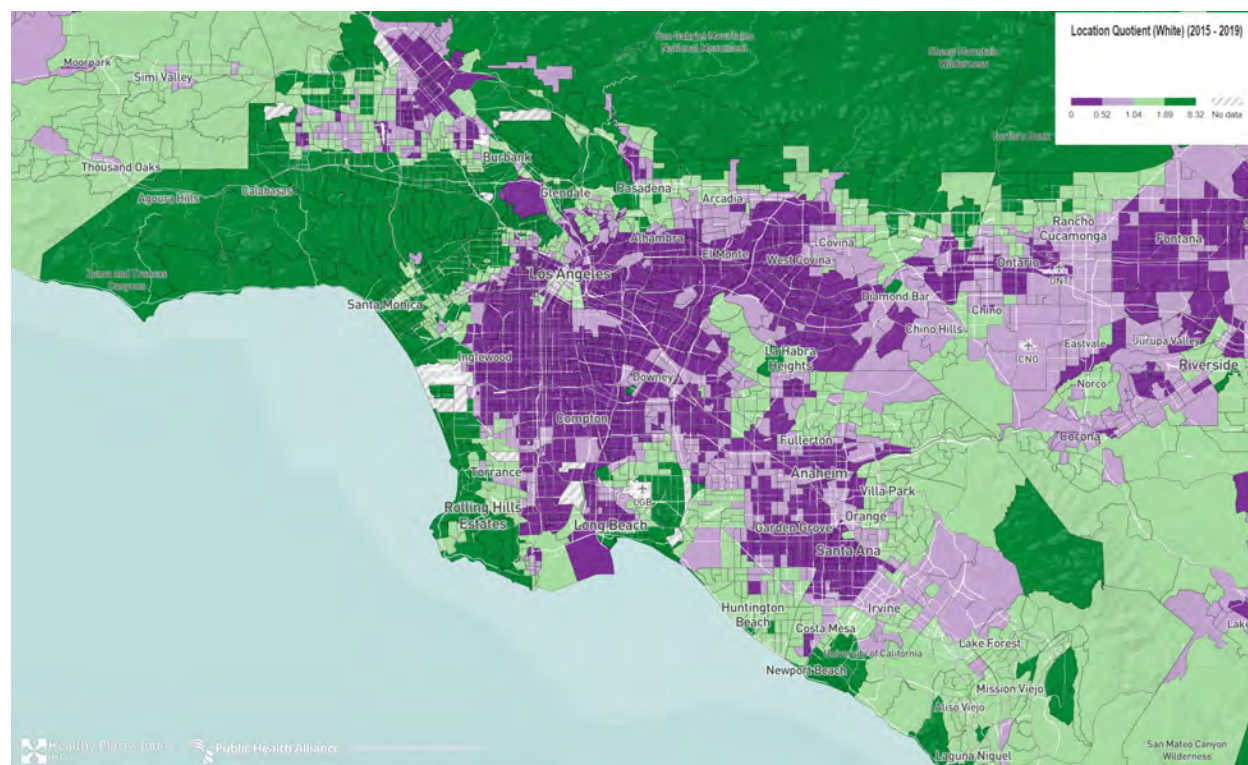


Image 4. Map of Location Quotient (LQ) values for white population percentage for census tracts in Los Angeles County. LQ values measure the relative amount of racial segregation for a given tract compared to the county on the whole. Any tract with a value greater than 1 (light and dark green on the map above) exhibits a disproportionately high percentage of white people compared to the county on the whole.

Los Angeles (LA) County provides an informative case study for understanding the connections between affordable housing, coastal access, and equity. The current demographic patterns in LA reflect the impact of historic housing policies. Today, some of the wealthiest, least diverse communities are located at the northern and southern coastal extents of the county, which are the same areas that HOLC maps identified as

“First [and] Second Grade” in the 1930s, advising both realtors and white homebuyers to invest in these regions, without fear of “racial intrusion”.⁷⁴

Restrictive covenants, deed restrictions and mortgage policies endorsed by the federal government continued until the 1950s. Cities now known for their exclusivity and proximity to some of the best beaches in Southern California, such as Malibu and Pacific Palisades, upheld these racial covenants⁷⁵ and other policies barring public beach access during the early days when these cities were developing. Architects and investors invited people to move to the exclusive Palos Verdes Estates, for example, by promising protection against “encroachment by any possible developments of an adverse sort,” and “undesirable neighbors.”⁷⁶ The city’s designer was quoted as saying that Palos Verdes would bring together “the cream of the manhood and womanhood of the greatest nation that has ever lived, the Caucasian race and the American nation.”⁷⁷ Over thirty pages of restrictions, including those prohibiting anyone “not of the white or Caucasian race,” were imposed on every lot in the subdivision.⁷⁸ Today, the entire Palos Verdes Peninsula is disproportionately white when compared to the racial demographics of Los Angeles county as a whole.

Neighborhoods elsewhere in California similarly upheld deed restrictions in the 1950s. Deeds to homes in Long Beach’s Park Estates and Los Altos neighborhoods contained language prohibiting the sale, rental, or lease of property to “any person of African or Asiatic descent or to any person not of the white or Caucasian race.”⁷⁹ The FHA even formalized a process for including discriminatory covenants in subdivision contracts. These practices limited access to housing, beaches, and other public amenities for communities of color. Today, as a result, communities of color—particularly Black communities—are located predominantly in South Central Los Angeles.⁸⁰

Coastal Zone Example: Westlake, Daly City, San Mateo County

The Westlake neighborhood in Daly City, south of San Francisco, holds the dubious distinction of being the first post-World War II all-white subdivision in the United States.

⁷⁴ Nelson, *supra* note 68.

⁷⁵ An example of a housing covenant in Malibu reads: “[S]aid land or any part thereof shall not be used or occupied or permitted to be used or occupied by any person not of the white or Caucasian race, except such persons not of the white or Caucasian race as are engaged on said property in the bona fide domestic employment of the owner of said land or those holding under said owner and said employee shall not be permitted upon the beach part of said lands for bathing, fishing or recreational purposes.” (Malibu property restrictions recorded 1945 (on file with the Center for Law in the Public Interest); Garcia, Robert, and Erica Flores Baltodano. 2005. “Free the Beach! Public Access, Equal Justice, and the California Coast.” *Stanford Journal of Civil Rights and Civil Liberties* 143-208.

⁷⁶ Fogelson, Robert M. 2007. *Bourgeois Nightmares: Suburbia, 1870-1930*. Yale University Press.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ Mullio, Cara, and Jennifer M. Volland. 2004. *Long Beach Architecture: The Unexpected Metropolis*.

⁸⁰ Garcia, Robert, and Erica Flores Baltodano. 2005. “Free the Beach! Public Access, Equal Justice, and the California Coast.” *Stanford Journal of Civil Rights and Civil Liberties* 143-208.

When the first homes in the subdivision were sold in 1949, all sales included a racial covenant that read:

The real property above described, or any portion thereof, shall never be occupied, used or resided on by any person not of the white or Caucasian race, except in the capacity of a servant or domestic employed thereon [sic] as such by a white Caucasian owner, tenant or occupant.⁸¹

Although this occurred after the Supreme Court's 1948 ruling in *Shelley v. Kraemer*, the FHA nonetheless provided mortgage insurance for buyers, despite the agency's assurance that it would not insure developments that excluded Black residents.⁸² The FHA went on to oppose the court's ruling openly for several more years, claiming that nothing in the *Shelley* decision had the power to change the policies and procedures of the federal agency. It continued to finance the Westlake subdivision and numerous others through the 1950s, and only ceased the practice of racially discriminatory financing in 1962 under executive order of President John F. Kennedy.⁸³

As a result, white families who were able to buy homes in Westlake in the 1940s and 50s benefited from equity appreciation as their property values rose, a gain not available to low- and middle-income minority families who were barred from owning homes in the subdivision until the 1960s.⁸⁴ Today, Westlake is a more diverse community, but still has a significantly lower Black population than surrounding cities in the Bay Area.⁸⁵ The lack of affordable housing in Westlake, in combination with a history of housing policies that financed white, single-family ownership, continues to depress residential and economic opportunities for the area's low-income communities and black communities.⁸⁶

Coastal Zone Parcel Example: Bruce's Beach

In addition to the discriminatory housing policies at the county and city level, overt racism often influenced who was allowed to own particular land parcels in the coastal zone, with enduring impacts. A well-known instance of this in Southern California involved two adjacent beachfront plots bought in 1912 by a Black couple, Willa and Charles Bruce. Located in Manhattan Beach, the property was one of only two beaches where Black Americans were allowed at the time.⁸⁷

⁸¹ Rothstein, *supra* note 12.

⁸² Moore, *supra* note 28.

⁸³ Moore, *supra* note 28; Executive Order No. 11063, 1962.

⁸⁴ Moore, *supra* note 28.

⁸⁵ The Office of Environmental Health Hazard Assessment (OEHHA). California Communities Environmental Health Screening Tool: CalEnviroScreen 4.0. Accessed February 10, 2022.

⁸⁶ Rothstein, *supra* note 12.

⁸⁷ Moore, Michael Scott. 2021. "California's Novel Attempt at Land Reparations." *The New Yorker*. May 27. <https://www.newyorker.com/news/us-journal/californias-novel-attempt-at-land-reparations>.

The Bruces expanded their business, which came to be known as Bruce's Lodge or Bruce's Beach, to include a resort, a restaurant, and a dance hall. Bruce's Beach attracted visitors from all over the county, and eventually, a number of Black families purchased adjacent plots and built homes, developing a community on the coast.⁸⁸ The Bruces, their customers, and their neighbors were targets of violent racism and intimidation by nearby white property owners. White residents of Manhattan Beach placed "No Trespassing" signs to block Black beachgoers and harassed visitors of Bruce's Lodge.⁸⁹ Despite all this, Bruce's Beach flourished, and the family remained steadfast in their desire to own coastal property that would provide Black people with beach access. Willa Bruce told the *Los Angeles Times* in 1912: "Where we have tried to buy land for a beach resort we have been refused, but I own this land and I am going to keep it."⁹⁰

When these targeted acts of intimidation did not persuade the Bruces to leave, white property and business owners turned to local government officials. In the mid-1920s a white real estate broker petitioned the city to condemn a number of plots along the coast of Manhattan Beach, including the Bruces' property and the adjacent Black-owned homes and create a public park.⁹¹ LA passed an ordinance in 1924 allowing the city to acquire the land through eminent domain, and despite attempts by the Bruces to stop the seizure, all the plots in question were vacated by 1927.⁹² The land sat empty for decades following its confiscation.⁹³

Forcibly removing communities of color from desirable property via eminent domain was and continues to be a common tactic used by local governments. This report did not explore the history of eminent domain law as an exclusionary housing practice, but that history is an important part of understanding the role government plays in displacing communities of color and influencing patterns of systemic racism.⁹⁴

Almost a century later, in 2021, SB 796 (Bradford), partially corrected the injustices inflicted on the Bruces through the return of the property to the family's heirs. The bill, signed by Governor Newsom in September 2021, also removed deed restrictions on future development on the plots.⁹⁵ However, in an interview with one of the Bruce's great-great-grandsons, Anthony Bruce told NBC News Correspondent Harry Smith that family members had no immediate plans to move back to the property, because "nothing has changed" in terms of the area's racial attitudes. "When you're robbed of

⁸⁸ City of Manhattan Beach. 2021. *Bruce's Beach Task Force: History Subcommittee Report*. Available at: <https://www.manhattanbeach.gov/home/showpublisheddocument/46327/637539367135870000>

⁸⁹ Ibid.

⁹⁰ *Los Angeles Times* (1886-1922); "Colored People's Resort Meets With Opposition", Jun 27, 1912; pg. I15

⁹¹ City of Manhattan Beach, *supra* note 88.

⁹² Manhattan Beach CA Ordinance 282 (1924).

⁹³ City of Manhattan Beach, *supra* note 88.

⁹⁴ U.S. Commission on Civil Rights. 2014. *The Civil Rights Implications of Eminent Domain Abuse*. Washington, DC. Available at: https://www.usccr.gov/files/pubs/docs/FINAL_FY14_Eminent-Domain-Report.pdf

⁹⁵ SB 796 (Bradford) Bill Analysis. 2021. California Coastal Commission. May 3.; Information on bill status available at: https://leginfo.ca.gov/faces/billStatusClient.xhtml?bill_id=202120220SB796.

your dignity, when you're robbed of your integrity, when you're robbed of your decent basic rights as a human being and mistreated like that, I mean, it sticks with you for a long time," said Bruce.⁹⁶

Bruce's Beach is just one of the many cases in which land taken from Black people contributed to intergenerational disenfranchisement. The coastal land is now valued at almost \$75 million in a community where Black residents currently make up less than 1% of the population.⁹⁷

The case also highlights the connections between public beach access and residential use in the coastal zone. Bruce's Beach not only created a safe recreational space for Black people, but also encouraged the development of a residential black community around the resort.⁹⁸ This underscores how important intentional protection of access—both recreational and residential—is in making the coastal zone a safer and more equitable space.

Gaps and Further Research

This report only briefly summarizes the extensive history of exclusionary housing policies used to enforce and maintain residential segregation across the United States, with a focus on California coastal regions where housing is some of the least affordable. It defines four types of exclusionary practices that were common between 1870 and 1960: discriminatory ordinances and laws, restrictive covenants and deeds, exclusionary zoning, and redlining. It explores the use of these exclusionary practices broadly and within the coastal zone, and reflects on the impacts of this history on housing equity. Finally, it looks at a number of examples of exclusionary practices documented in coastal regions around California in order to illustrate the local histories that influence persistent coastal demographic patterns today.

While this report covers many parts of this extended history, it does not capture every nuance or detail of the policies it summarizes, nor does it explore the other factors that influence racial segregation and housing affordability in the coastal zone, such as market trends and global economics. Housing inequity is a complex issue that overlaps with many other modern movements, including environmental and racial justice, economic justice, and immigration reform. Analysis of those critical intersections is not captured in this research. This section discusses these gaps as well as others. It also

⁹⁶ MSNBC. Transcript: The 11th Hour with Brian Williams, 10/1/21. Accessed January 24, 2022. <https://www.msnbc.com/transcripts/transcript-11th-hour-brian-williams-10-1-21-n1280691>

⁹⁷ Meeks, Alexandra. 2021. A Black family's beach property in California was taken during the Jim Crow era. The county is now giving it back, and it's worth millions. CNN, accessed January 25, 2022. <https://www.cnn.com/2021/04/12/us/bruces-beach-los-angeles-county-black-family/index.html>

⁹⁸ Jefferson, Alison Rose. 2021. Op-Ed: What Manhattan Beach's racist land grab really meant. April 5. *Los Angeles Times*. Available at: <https://www.latimes.com/opinion/story/2021-04-05/manhattan-beach-bruces-beach-racist-land-grab>

highlights areas for further research that would support comprehensive policy recommendations.

Causes of the Affordable Housing Shortage in the Coastal Zone

Importantly, this report does not assert that exclusionary housing practices were more common in the coastal zone than in other parts of the state or country. Additionally, it does not claim that exclusionary housing policies were the only or the most effective driver of the current affordable housing shortage in the coastal zone. Instead, it establishes the importance of recognizing the policies behind the historic and present-day inequities in access to coastal residential opportunities, with the intent of contributing to a more comprehensive understanding of current trends.

While it is clear that affordable housing and diversity are particularly lacking in the coastal zone, it is less clear what combination of specific factors continues to drive those related outcomes. This report does not explore the many possible drivers that make the affordable housing crisis in the coastal zone different from the rest of the state. Research on economic patterns, land values, construction and labor costs, legal limitations, and the interplay of various housing authorities along the coast would give greater insight into coastal-specific barriers to housing affordability.⁹⁹

Other Strategies for Exclusion, Discrimination, and Disenfranchisement

This report does not include a complete list of all the ways that government and private actors reinforced housing segregation and economic disenfranchisement in communities of color. Due to limited staff time and capacity, this document focused on four related housing practices with documented impacts on coastal communities in California.

Other strategies used to further housing inequity that were outside the scope of this research include the centuries of slavery and violence against Black people, eminent domain practices and land takings,¹⁰⁰ the intentional placement of freeways and other types of public infrastructure through communities of color,¹⁰¹ segregated public housing programs,¹⁰² gentrification,¹⁰³ and policing and prison systems that trap

⁹⁹ Taylor, Mac. 2015. California's High Housing Costs: Causes and Consequences. March 17. California Legislative Analyst's Office. <https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.aspx>

¹⁰⁰ U.S. Commission on Civil Rights, *supra* note 94.

¹⁰¹ Meares, Hadley. 2020. How Racism Ruined Black Santa Monica. December 23. LAist. Available at <https://laist.com/news/la-history/black-santa-monica-history-vintage-los-angeles>

¹⁰² Popkin, Susan J. 2013. Public housing and the legacy of segregation. August 19. Urban Wire. Available at <https://www.urban.org/urban-wire/public-housing-and-legacy-segregation#:~:text=Instead%20of%20offering%20poor%2C%20African,decent%2C%20affordable%20places%20to%20live.>

¹⁰³ Richardson, J., Mitchell, B., Franco, J. 2019. Shifting Neighborhoods: Gentrification and cultural displacement in American cities. March 19. National Community Reinvestment Coalition. <https://ncrc.org/gentrification/>

communities of color in poverty cycles.¹⁰⁴ This research also briefly mentions the role of discriminatory lending practices, but does not delve deeply into the actions of both the real estate and banking institutions that together molded neighborhoods to be racially segregated on the basis of false premises about land values.¹⁰⁵ These practices, and others, intentionally disenfranchised and excluded communities of color from building wealth, maintaining economic stability, and having equitable access to housing.

It is also important to note that this document only covers a subset of exclusionary practices common between 1870 and 1960, and that discriminatory practices continued beyond this time period and are still occurring today. The history of the urban renewal and redevelopment period, public housing projects, the Civil Rights Movement, the Fair Housing Act of 1968, and modern-day rental discrimination are all important parts of the housing inequity story.¹⁰⁶ Those histories are outside the scope of this document, but should be considered with equal importance when researching the drivers behind racial segregation and affordable housing patterns.

With these other strategies come countless stories of communities and individuals impacted by intentionally discriminatory policies. This report includes a few illustrative examples of the history of exclusion of people of color and low-income populations from coastal communities in California by way of targeted housing and land use practices. It is not an exhaustive compilation—there are many more stories of communities experiencing marginalization via the practices described herein and others. In particular, it is important to recognize that many of these experiences are shaped by local conditions and personal histories, and so they contain unique nuances all the way down to the individual level. The history of exclusion and discrimination looks slightly different for every community, family, and individual living along the coast, and those differences are not fully captured in this report.

Displacement, Placement, and Environmental Inequities

Another gap in this report is the discussion of what happens after communities are excluded from desirable residential areas. Intentional *displacement* is often followed by the intentional *placement* of communities of color in undesirable residential areas.¹⁰⁷ Federal, state, and local governments also have a track record of intentionally placing undesirable and unhealthy industry near communities of color.¹⁰⁸ An extensive body of research exists that documents this pattern of co-locating communities of color with

¹⁰⁴ Institute for Research on Poverty. 2020. Connections Among Poverty, Incarceration, And Inequality. Fast Focus Research/Policy Brief No. 48-2020. Available at <https://www.irp.wisc.edu/resource/connections-among-poverty-incarceration-and-inequality/>

¹⁰⁵ U.S. Commission on Civil Rights, *supra* note 52.

¹⁰⁶ Moore, *supra* note 28.

¹⁰⁷ Rothstein, *supra* note 12.

¹⁰⁸ U.S. Commission on Civil Rights. 2003. Not in My Backyard: Executive Order 12,898 and Title VI as Tools for Achieving Environmental Justice. October. <https://www.usccr.gov/files/pubs/envjust/ej0104.pdf>

dangerous, unhealthy, and toxic industrial practices.¹⁰⁹ This is a foundational premise in the environmental justice movement. Communities of color are disproportionately impacted by negative environmental outcomes by nature of where they are limited in establishing their communities and where environmental hazards are intentionally placed.¹¹⁰

Studies also show that low income communities and communities of color are more vulnerable to the impacts of climate change in part because of unstable and low-quality housing, as well as decades of disinvestment.¹¹¹ They are exposed to flooding, sea level rise, and increased extreme heat exposure.¹¹² In cities across the country, communities that were historically redlined face a higher risk of both coastal and inland flooding.¹¹³ When affordable housing is located in coastal areas specifically, policies for addressing sea level rise and coastal flooding tend to preferentially benefit neighboring white and wealthy communities, while abandoning communities of color.¹¹⁴ For these reasons, it is important to consider social vulnerability¹¹⁵ and equitable adaptation planning when designing affordable housing policies in coastal California jurisdictions.

The cumulative impacts of pre-existing burdens, climate change impacts, and future environmental hazards on disadvantaged communities require that decision-makers use a multi-faceted approach to developing solutions. Because of the relationship between environmental health and residential location, housing quality and affordability must be a part of any conversation on environmental justice issues, and vice versa.¹¹⁶ This intersection remains a key area for research for the Commission's jurisdiction.

¹⁰⁹ Johnston, Jill, and Lara Cushing. "Chemical Exposures, Health, and Environmental Justice in Communities Living on the Fenceline of Industry." *Current environmental health reports* vol. 7,1 (2020): 48-57. doi:10.1007/s40572-020-00263-8; Tessum, Christopher W., David A. Paoletta, Sarah E. Chambliss, Joshua S. Apte, Jason D. Hill, and Julian D. Marshall. 2021. "PM_{2.5} Polluters Disproportionately and Systemically Affect People of Color in the United States." *Science Advances* 7 (18). <https://doi.org/10.1126/sciadv.abf4491>; University of California, Berkeley. *Toxic Tides: Sea Level Rise, Hazardous Sites, and Environmental Justice in California*. 2022. Accessible at <https://sites.google.com/berkeley.edu/toxictides/home?authuser=0>

¹¹⁰ U.S. Commission on Civil Rights, *supra* note 108.

¹¹¹ Gauthier, Taylor. 2021. *The Devastating Effects of Climate Change on US Housing Security*. April 9. Available at <https://www.aspeninstitute.org/blog-posts/the-devastating-effects-of-climate-change-on-us-housing-security/>

¹¹² Maya K Buchanan et al 2020 *Environ. Res. Lett.* 15 124020

¹¹³ Capps, Kriston and Christopher Cannon. 2021. *Redlined, Now Flooding*. March 15. Available at <https://www.bloomberg.com/graphics/2021-flood-risk-redlining/>; Plumer, Brad and Nadja Popovich. 2020. *How Decades of Racist Housing Policy Left Neighborhoods Sweltering*. August 24. Available at <https://www.nytimes.com/interactive/2020/08/24/climate/racism-redlining-cities-global-warming.html>

¹¹⁴ Domingue, Simone Justine. 2021. "The (In)Dispensability of Environmental Justice Communities: A Case Study of Climate Adaptation Injustices in Coastal Louisiana and Narratives of Resistance." *Environmental Justice*, December. <https://doi.org/10.1089/env.2021.0098>.

¹¹⁵ Social vulnerability refers to the concept that certain social characteristics, such as race, income, education level, etc., have greater vulnerability to hazards because of a range of social, economic, historical, and political factors that reduce their capacity to prepare for, cope with, and recover from climate change impacts.

¹¹⁶ Haberle, Mega. 2017. *Fair Housing and Environmental Justice: New Strategies and Challenges*. *Journal of Affordable Housing*, Vol. 2 No. 2. Available at https://www.prrac.org/pdf/AH_26-2_06Haberle.pdf

Mapping of Housing Segregation in the Coastal Zone

This report looked at patterns that extend beyond the Commission's jurisdiction. While this high-level summary establishes important historical context, an understanding of the patterns present specifically within and along the border of the coastal zone would give the Commission better insight into regional and local nuances. The Commission and other affordable housing advocates would benefit from a clearer understanding of the specific housing segregation patterns within the coastal zone. Two recent studies out of U.C. Berkeley's Othering and Belonging Institute mapped racial segregation in the San Francisco Bay Area¹¹⁷ and the Greater Los Angeles Region.¹¹⁸ Regional studies like these can provide a more nuanced and complete picture of segregation, housing inequity, zoning practices, and associated resource-access issues.

Network of Housing Policies Applicable to the Coastal Zone

One thing that makes tackling the affordable housing shortage difficult are the myriad overlapping jurisdictional authorities and housing policies that apply to one particular area. Commission staff and other housing advocates would benefit from research on the various housing policies applicable to the coastal zone and how they interact with each other and the Coastal Act.¹¹⁹ These include the Mello Act of 1982 and subsequent Mello Act Ordinances, the Density Bonus Law, the Housing Accountability Act, Coastal Act and LCP policies on ADUs, the California H.O.M.E. Act (SB 9),¹²⁰ inclusionary zoning initiatives, and others. Understanding this ecosystem of policy and legislation is an important part of designing effective policy solutions that are compliant with existing law.

Inclusionary Zoning Policies

Mentioned above, inclusionary zoning—also called inclusionary housing—is a practice that requires that new, market-rate residential development provide for a certain percentage of housing units for lower-income households.¹²¹ These programs can also require that new development without low-income units pay a fee or dedicate land for future affordable development. Inclusionary housing is commonly used as a policy-based solution to the housing inequities created by decades of exclusionary zoning, including affordable housing shortages.¹²² Inclusionary housing programs are not new.

¹¹⁷ U.C. Berkeley Othering and Belonging Institute. 2019. Racial Segregation in the San Francisco Bay Area. February 6. Available at <https://belonging.berkeley.edu/segregationinthebay>

¹¹⁸ Menendian, S., Gambhir, S., Hsu, C. 2022. Single-Family Zoning in Greater Los Angeles. March 2. U.C. Berkeley Othering and Belonging Institute. <https://belonging.berkeley.edu/single-family-zoning-greater-los-angeles>

¹¹⁹ Kalnel Gardens LLC v. City of Los Angeles (2016); Wenter, Bryan. 2016. Court Resolves Tensions Between Housing Laws and Coastal Act in Favor of Coastal Act. Miller Starr Regalia. September 30. Available at <https://www.landusedevelopments.com/2016/09/court-resolves-tensions-housing-laws-coastal-act-favor-coastal-act/>

¹²⁰ California Senate. The California H.O.M.E. Act. <https://focus.senate.ca.gov/sb9>

¹²¹ Home for All San Mateo County. Inclusionary Zoning. <https://homeforallsmc.org/toolkits/inclusionary-zoning/>

¹²² California Coalition for Rural Housing. 2003. Inclusionary Housing in California: 30 Years of Innovation. Available at <http://www.wellesleyinstitute.com/wp-content/uploads/2013/01/NPH-IHInCAfor30years2003.pdf>

In fact, the Coastal Commission implemented an inclusionary housing program, active from 1977 to 1981, under mandate of the Coastal Act.¹²³

There is substantial variation in how municipalities design and implement inclusionary housing programs.¹²⁴ Because of this variation, it can be difficult to determine how effective inclusionary zoning is on a statewide or national scale. It can also be difficult to determine what component of successful inclusionary zoning programs is driving beneficial outcomes.¹²⁵ That said, California has a long history of inclusionary housing programs in specific coastal jurisdictions, and further research on the combined effectiveness of these individual programs in addressing housing inequity in the coastal zone would be of benefit to the Commission.

Conclusion

Addressing modern housing inequities in the coastal zone requires recognition and understanding of the history of intentional exclusion and marginalization that occurred across the country. In California, and in the coastal zone specifically, the housing and economic policies and practices that disenfranchised communities of color in other parts of the U.S. were successfully and broadly employed. These past policies and practices shaped the racial and socioeconomic landscape of the coast today.

The purpose of this report was to discuss some of the key tactics used by both government and private industry to maintain racial and socioeconomic homogeneity in communities across the country and to summarize how these practices manifested in coastal California. Although many of the housing policies and land use practices described here have been declared unconstitutional or are no longer enforced, the impacts of decades of discrimination remain. Restrictive covenants, discriminatory deeds, exclusionary zoning, and redlining all contributed to a system that limits access to the residential, economic, and recreational benefits of the coast for disadvantaged communities. This occurred through the explicit removal and displacement of people of color and low-income communities from their homes along the coast, through racially motivated housing policies that made it impossible for communities of color to purchase homes near the coast, and through intimidation methods that made coastal neighborhoods unsafe and unwelcoming. Additionally, the federal government limited economic opportunities for disadvantaged communities in the coastal zone by restricting funding, loan availability, and mortgage programs.

¹²³ Christie, S., and Lester, C. 2015. Report on Coastal Act Affordable Housing Policies and Implementation. California Coastal Commission. Accessed at: <https://documents.coastal.ca.gov/reports/2015/2/w6a-2-2015.pdf>

¹²⁴ Denver Housing Economic Study. Inclusionary Housing Ordinances in Urban Environments Around the U.S. Available at <https://www.denvergov.org/content/dam/denvergov/Portals/767/Documents/Chart%20of%20Comparison%20Cities.pdf>

¹²⁵ Cassola, Adèle. 2019. "Zoning for Inclusion and Affordability: US Lessons on the Opportunities and Limits for Local Housing Policy." In *Zoning*, 148–71. Routledge.

The Coastal Commission inherited a housing landscape shaped by decades of intentional exclusion, with few legal tools for addressing the resulting inequities. It is imperative that we acknowledge this context when thinking about the goals of the Coastal Act. Without statutory authority to implement policies that address pre-existing disparities, the Commission has been and will be unable to address fundamental housing access inequities even as it strives to maximize public access to other types of coastal resources as required by the Coastal Act.

The Legislature's action in 1981 to remove the Coastal Act mandate to protect and provide for affordable housing in the coastal zone must be viewed through this lens. Through a bill justified by its supporters by the need to protect local property tax revenues, as well as to remove a barrier to the drafting of Local Coastal Programs, the Legislature undercut the Coastal Act's single most effective tool for reversing decades of housing unaffordability and discrimination in the coastal zone.¹²⁶ This report provides the historical context necessary to view this action as part of a continuum of institutional racism in California.

Residential patterns within the coastal zone of today continue to be shaped by a persistent vision of a white and wealthy California coast. That vision is upheld, implicitly and explicitly, through a dearth of policies that would preserve and create affordable housing in the coastal zone. For the Coastal Act to truly protect the coast for all people, the Legislature must proactively create space and opportunity for members of California's marginalized communities to not only work and recreate in the coastal zone, but to live and thrive there as well.

¹²⁶ Christie, *supra* note 123; Anthony, Harry Antoniades, and Kathryn H. Anthony. 1982. "Urban Development along the California Coast." *Ekistics; Reviews on the Problems and Science of Human Settlements* 49 (293): 160–64.

Further Reading

As mentioned earlier, this report is a summary of a long and complex history that cannot be consolidated into just twenty pages. Below is a list of resources for further reading that cover this, and related histories in more detail. The list is not exhaustive, and so staff and Commissioners are encouraged to explore other resources on their own, and share new findings. If a PDF of the resource is available online, the link is included.

Books, Articles, Reports, etc.

- [Crisis, Response, and Recovery: The Federal Government and the Black/White Homeownership Gap](#) by Carolina K. Reid
- [Land Use Politics, Housing Costs, and Segregation in California Cities](#) by Jonathan Rothwell
- The Color of Law by Richard Rothstein
- [Reconstruction and Reclamation: The Erased African American Experience in Santa Monica's History](#) by Alison Rose Jefferson
- [Roots, Race, and Place: A History of Racially Exclusionary Housing in the San Francisco Bay Area](#) by the Haas Institute for a Fair and Inclusive Society
- Zoned in the USA: The Origins and Implications of American Land-Use Regulation by Sonia A. Hirt

Data Visualization Projects

- [Redlining Map Tool with Present-Day Demographic Data](#)
- [HOLC Redlining Mapping Tool](#)
- [Mapping the Impacts of Urban Renewal](#)
- [Mapping Race in America](#)
- [Healthy Places Index](#)