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3/5/24

### Public comment for 3/6/24 SoCo LAFCO meeting, DUC study item

Focus on Sonoma Valley DUC issues

#### Asks, questions, and suggestion for staff and LAFCO Commission

- Let public see the Plan West draft plan, data, and maps referred to in the staff report, the public can see a draft EIR, why not a draft DUC study or draft DUC mapping tool and data?
- Allow public to use the DUC mapping tool to double check any LAFCO staff or LAFCO Policy Committee findings
- Allow public to use the mapping tool to double check LAFCO staff assertion that there is no DUC contiguous to the City of Sonoma and/or City sphere
- Clear up staff report terms for Block Groups and blocks; the staff report appears to mix up Census *blocks* and Block Groups so it is not clear what Census unit the tool is aimed at. Block Groups are the staff-recommended lens for DUC study but this is in places described as a “block.” A block is different from a Block Group.
- Use a DistrictR-type mapping tool that goes to the block level to refine analysis of exactly where DUCs are in Sonoma Valley, especially in areas contiguous to the City, this to be consistent with the SB-244 “all or a portion” clause
- Use 2020 Census data for a [DistrictR](#)-type tool if ACS updates have too high margin of error, if such a tool can be recommended by the Commission
- Explicitly endorse the the SB-244 “all or a portion” clause, this will then justify adding a block level tool for looping in contiguous population that is sub-Block Group; if portions are valid, there *is* a way to find them
- Can an annexation split a known DUC community of interest (COI) and only take part of it? Is the issue of contiguity somehow related this? Please ask staff to give a full gaming out of the 10-acre clause and contiguity issue and all contingencies for DUCs and annexation therein
- Why is the contiguity issue important and what are the consequences for DUCs and the City/ County in any annexation should DUCs be found to be contiguous to the City/ City sphere or not?
- Will 2020 Census data stand for 10 years at LAFCO to identify local DUCS? Or will there be a need to make updates in that time? If so then the Census American Community Survey (ACS) updates will have to be used, with their higher margin of error; these can be done at the time of an application.
- Keep in mind that the 2020 Census was intentionally compromised by the Trump administration to undercount DUCs, DACS and BIPOC communities, so 2020 Census data for DUC numbers will err to the low side; a margin of error/ benefit of the doubt to a higher DUC count is reasonable
- Are residents of a City sphere of influence in unincorporated area and served by the County? Do SOI residents vote in City elections? Can a sphere area be called “the City?”

- Would the City sphere need to be updated if it was found that DUCs were contiguous to it?
- What difference would it make to have LAFCO staff versus the LAFCO Policy Committee do the DUC study? If staff appears to have already decided DUC location, would the Policy Committee do the same? This underlines the importance of allowing the public work the same tools to double check conclusions, as was the case in BOS redistricting. BOS redistricting still went political in the end, but at least all could see the same maps and use the same tools and data.
- The proper identification of local DUCs here in Sonoma Valley seems to be a stand-alone issue aside from however many acres the City might or might not annex. The contiguity issue may be more about potentially justifying that the City could cherry pick Maxwell Park or the Donald Street neighborhood and then not be obligated to take not any DUCs.

### **Intro and discussion of issues**

Yes, this is long. I have worked hard on this topic for years. The material is complicated and detailed. I ask you to please read it all and think about the points

### **Sonoma MSR, DUCs, annexation**

My initial concern with the LAFCO 8/3/22 Sonoma MSR was of a DUC undercount and that local DUCs did not seem accurately represented and located, given any potential annexations by the City of Sonoma.

The [City MSR](#) as-much-as recommend that the City consider annexation of the Springs area. Recommendation 11.1 says, “The City is encouraged to consider actions taken in concert with other local agencies to improve the effectiveness and efficiency of providing municipal services in the Sonoma Valley region, up to and including the possibility of expanding City boundaries to include areas in the Valley that are largely developed and urbanized.”

As well, former City Planning Director David Storer and LAFCO have identified the Maxwell Park SOI area as potentially annexable. By my analysis, a Latino DUC community of interest (COI) is contiguous to this sphere area.

Further annexation-related services analysis is a process that may come at later stages of any potential Sonoma City annexation(s). A few quick examples, the City has among the highest pavement indexes in the County whereas the Springs has among the lowest. The City is now embarking on plans to create its own Parks and Rec Department, which could be seen as an embarrassment of riches when compared to the dearth of parks and rec opportunities in the Springs.

In terms of services, the term *opportunity hoarding* comes to mind when looking at the City compared to the Springs. The City does not seem to “need” more parks and rec services when

neighbors have so little, hence the MSR led to LAFCO thoughts of expanding the City to provide parks and rec services into the Springs area. This segues to the current “shared services conversation” between City and County that is acting as a precursor to an annexation conversation.

### **Sonoma has an annexation study process going now**

There is now an incremental, step-by-step process underway by the City of Sonoma to look into what an annexation would entail, this will address the Springs area at least as an annexation alternative and likely include most of Tracts 1503.05 (Boyes-Fetters-Agua Caliente) and 1503.04 (El Verano) plus contiguous Block Groups in Tract 1503.06 (Springs East). The latter areas contain the Springs Latino DUC COI and portions of it.

Could an annexation split this COI? If not, then the proper identification and location of this DUC COI is critical so that their interests will be accurately represented.

As expected, the idea of annexation is controversial and most people (likely including government actors) seem to decide pro or con right away without allowing City staff and others to develop a picture of what all the issues are organically, in a process. If annexation were a basketball game, we are in the first part of the first quarter. You don't win or lose a game at this stage, though every shot and play matters.

One controversial annexation issue? Possible need to expand Sonoma City UGB which is an article of faith in a Valley where *no growth* forces have succeeded in creating a land use pattern that results in the segregation of the poorest residents in the unincorporated Springs. This as rents and home prices reach unsupportable levels for essential worker/ working class residents anywhere in Sonoma Valley. Displacement of essential workers and working class (many of which are DUC members) is a serious demographic and equity issue in Sonoma Valley.

Powerful status quo City, Springs, and County actors now circle the wagons against possible annexation, while others who are rallying against current SDC plans seek to create a Sonoma Mountain Community Services District (SMCSD). A successful SMCSD and a failed Springs-area annexation effort would isolate the Springs Latino DUC COI with less services and less representation; an unequal member of the Sonoma Valley community.

Controlling sprawl and growth through many land use chess moves has unintended consequences in Sonoma Valley, the unsustainable heating up of housing prices. This hits the working class the hardest. As well, Sonoma has an aging population which needs the vigor of youth to be sustainable. It's plain not right to use younger, local Latino DUC labor but then hold them in a separate but not equal position, and subject them to inflated housing and all other prices, this while being paid low wages.

Hence, proper Latino DUC identification and location is the least the powers that be can do for this COI.

The above-noted potential annexation process in the is one context for the current LAFCO DUC study, to accurately identify the location of Springs DUCs as they have bearing on possible City annexation plans. Another context is County/ City Housing and Land Use Elements which are required to map DUCs. A good, solid mapping of actual DUC locations by LAFCO will likely result in the County needing to provide more services, and incur more costs. It is generally observed in SoCo, that equity comes in last place after economy and environment. Indeed, with annexation questions, money is the primary argument against the representational equity annexation would bring.

It is not unreasonable to imagine that decision makers would find ways to use land use and demographic measurement policy to not incur costs, so as to allocate scarce monies elsewhere.

Somehow the Alpha wealthy *of the world* don't have enough money to be equitable in their own back yard? I hope not.

### **Unequal services**

Addressing DUCs is more than just about municipal services efficiency and lack of sidewalks it's about, from SB-244: overall "lack of investment threatens residents' health and safety and fosters economic, social, and education inequality. *Moreover, when this lack of attention and resources becomes standard practice, it can create a matrix of barriers that is difficult to overcome.*" Italics mine. It is well-demonstrated from many sources, including US Census, TCAC maps, the AFFH data viewer, and the Measure of America Human Development Index, that the Latino Springs area is a long-term, known DUC and DAC. Isolation and segregation of this area has become land use "standard practice." Education inequality in the Latino Springs is noteworthy as a parallel track in Sonoma Valley.

### **Do we have a DUC?**

The Springs Latino COI appears to meet DUC status as both an island (substantially surrounded by a city and county boundaries) and legacy community (50 years old) where the COI MHI is less than 80% of state MHI.

Again, it is well-demonstrated from many sources, including US Census, TCAC maps, the AFFH data viewer, and the Measure of America Human Development Index, UC Berkely Othering and Belonging Institute, Turner Center, Bay Area Equity Atlas that the Latino Springs area is a long-term, known DUC and DAC. The objective evidence is in. It has been a struggle to have people see it because of deeply imbedded, white privilege blind spots of many decision makers.

The exact extent of this DUC is the prime question in Sonoma Valley for many reasons, one the current LAFCO DUC study should endeavor to answer definitively. If the poor have little power, at least they be seen clearly for their real numbers and actual location.

### **DUCs, cherry-picking and annexation**

In any potential annexation, a City is not allowed to cherry pick a only a higher resource area if there are any DUCs contiguous to the annexed area. If DUCs are contiguous to an annexed area 10 acres or larger, the annexing entity must take the DUC as well. This is the "[10 acre provision](#)."

LAFCO Executive Director Bramfitt said in a recent personal communication that "I will reiterate as I have before that (*italics mine*) *there are no DUC territories proximate to the City of Sonoma* and that the "10-acre annexation" provision will therefore never be invoked. For Sonoma Valley, identification of DUCs is therefore something of an academic exercise with no further implications for LAFCO."

How can we know exact DUC location if now we have old data, and the new DUC study has not been finalized yet, and the public does not find the draft data and maps by Plan West in the DUC study packet?

### **DUCs are contiguous to the City**

In the case of any Sonoma Valley potential annexation, I respectfully disagree with Mark that *there are no DUC territories proximate to the City of Sonoma*. I see there is no question that there *are* DUCs contiguous, adjacent and proximate to the City of Sonoma with both Temelec seniors and the Latino lower-income COI in the Springs.

It seems almost absurd to have to split hairs and argue over whether a Latino DUC is contiguous or proximate to Sonoma because by all obvious measure, it is. Most people have no idea where the boundary of the City and Springs is because it is one unified area, the only area like this in the County where a contiguous unincorporated area has twice the population of the contiguous incorporated area. Guess which area has the BIPOC COI?

Given a look at local maps, Google satellite maps, Census Block Group maps, AFFH data viewer maps, DistrictR maps, you have to try to *not* make the case that a Latino DUC COI is contiguous to the City. Would a matter of one block or two mean a 7000+ member DUC was not there and did not apply to any annexation plans? This does not seem right...

This is why a detailed study on the merits of the exact DUCs and DUC locations here is called for; that's what this is all about. If the DUC study is not done, and there is no report or maps from Plan West, how can Mark say that?

Look at a satellite map of Sonoma Valley and say the Springs is not contiguous to the City. Look at 2020 Census MHI numbers and ethnicity data and say that at least 10 members of the Springs Latino DUC do not live next to the City. Replicable studies need to be shown that falsifies this.

However, IMO, this is not a matter of a block or two, *whole Block Groups of the Latino and senior DUCs are contiguous to the City sphere and the City*. If there is a dispute, the public needs access to the DUC draft study and the mapping tool so as to double check the Plan West and LAFCO staff conclusions. This is not an unreasonable request.

DUC identification is by population characteristics as they are on the ground, not by overlays of Block Group or Tract location. A DUC can be a DUC if the community of interest doesn't all live in the same exact Block Group or Tract. The SB-244 "all or a portion of" a DUC clause applies to this exact point.

My own studies attached as part of the DUC study packet show that there is at least the minimum required DUC next to the City and the City sphere.

### **Yes to LAFCO Block Group lens, add a block-level lens too**

The LAFCO staff plan to move to a Block Group level of focus is good, better than a Tract or Census Designated Place (CDP) level. I suggest in addition, that LAFCO also use a DistrictR-type tool to further refine the exact location of local Sonoma Valley DUCs. DistrictR can go to a sub-Block Group level, to the actual blocks and this tool and ones like it were used in the BOS Redistricting process and by Davis Demographics for the Sonoma Valley United School District Trustee Area redistricting. No one said these maps were not accurate. Voting rights ride upon these block-level maps. Why not see the actual and map local DUCs by the block when serious equity issues are at stake in Sonoma Valley?

DistrictR is easy to use, loop in an area and data layers from that area are produced, not cumbersome at all.

Level of mapping focus can be used to dilute or to make geographies on the ground clearer. The Sonoma City Housing Element consultant, DeNovo, used a Tract-level focus and diluted local equity issues between the east and west sides, thereby affecting the Housing Element's calls on upzoning and RHNA site inventory, this to more preserve the status quo. The County EJ Element process uses Tracts because they said Block Groups take too much time and cost too much. Good on LAFCO staff to recommend BGs.

### **Can annexation split a DUC community of interest (COI)?**

Finally here, the City is not likely IMO to just annex 10 acres/ Maxwell Park and then leave out the Latino Springs. That would defeat the whole purpose of why many are asking for an annexation process and why LAFCO recommended it in the MSR. If the City is considering the whole Latino Springs DUC, in the Valley urban service area, that is an area much larger than 10 acres.

The question then becomes, why would LAFCO try to not see DUCs where I and others do, especially when LAFCO in 2010 already identified the Boyes Hot Springs CDP as a DUC? If in 2024 LAFCO moves to a Block Group lens and fine tunes DUC location with a block-level lens like DistrictR, it is extremely likely with the SB-244 "all or a portion of" clause, that Springs DUCs will go right to the City edge. All you need is 10 households. What am I missing? A good faith effort to prove DUC contiguity can be made, who will make it with the Plan West mapping tool and data?

### **Need for verifiability of any DUC study**

The public needs to see the Plan West draft study and maps so as to one, be able to check LAFCO conclusions on DUC location, and be able to work the tool to make alternative cases. If Mark can say there are no DUCs contiguous to the City, how can he and anyone else really know this if we are only at the draft stage, and no one can see any maps or data? If the final study is not done?

### **City Sphere of influence (SOI) issues**

The Sonoma MSR seems to count an SOI area as being “in the City” but SOI residents are *not in the City* in the sense that they do not vote, they are not City residents proper; they are unincorporated residents. [LAFCO](#) says that an SOI area is a *probable service area*, while the MSR says “the disadvantaged communities (communities plural, my parentheses) lie within the City and receive the full complement of city services.” The MSR says one DAC is in the City and one DUC is in the sphere, but one of these communities does not receive city services. This is an inconsistent description of what boundaries constitute “the City”, could be a typo.

The MSR goes on to say, regarding “Present and probable need for services to disadvantaged communities: As discussed in Chapter 4 the disadvantaged communities lie within the City and receive the full complement of city services. It is recommended that Sonoma LAFCO reaffirm the current SOI as it adequately represents the probable extent of the City and city services. As there is no change in the sphere the action of the commission to reaffirm the current SOI is exempt from CEQA by way of the commonsense exemption.

Note, that LAFCO also recommended the City consider a wider annexation into the Springs, so the current SOI *does not* represent the probable extent of the City and city services, because the City is now considering something bigger than the SOI. Note also, the Sonoma sphere and UGB are not coterminous in the very northwest corner of the City sphere, at the intersection of Hwy 12 and Verano Ave.

**DUCs and requirements to update Sphere**, the following are two of five:

“Social or economic communities of interest: This section discusses the existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the City. These are areas that may be affected by services provided by the City or may be receiving services in the future.”

Present and probable need for services to disadvantaged communities - Beginning July 1, 2012 the commission must also consider services to disadvantaged communities which are defined as populated areas within the SOI whose median household income is less than or equal to 80 percent of the statewide median income.

Here we see that the determination to not see any DUCs contiguous to the City of Sonoma has repercussions. If by level of mapping focus, a DUC COI can be made to go away, then by level of mapping focus, you could also see it. In my opinion, a BG level plus fine tuning with a block-level is the best and most accurate method. Here it is possible to see DUCs and thus change the whole SOI calculus for Sonoma as far as need to update it.

### **Where is a demonstrable Springs Latino DUC community of interest (COI)?**

Tract 1503.05: Boyes/ Fetter's/ Agua Caliente, (Block Groups 2, 3, 4)

Tract 1503.04: El Verano (BGs 1,2, 3)

Tract 1503.06: Springs East (BGs 2,3).

There is a strong, demonstrable case for a lower-income, Latino DUC community of interest in the Springs that shows up over and over again as the shape of Tract 1503.05 and contiguous Block Groups and blocks, particularly into the El Verano 1503.04 Tract and the Springs East Tract 1503.06.

The core DUC area is bigger than Tract 1503.05; more accurate BG maps will show that. DistrictR-type block mapping tools will be needed around the edges of BGs and to show DUC membership up to the City boundary, because as per SB-244 DUCs can be in "all or a portion" of an area and the only way to find the portion is with a block-level tool.

The above-noted DUC Tract and BG areas, by my own studies, contiguous the City sphere and to the City itself.

### **Contiguous DUCs**

El Verano Tract 1503.04 BG4 touches city Tract 1502.03 BG3 (City mobile home parks.)

DUC connections could be made here with both senior and Latino DUC COIs, just need 10 households each who qualify.

Tract 1502.05 BG2 (Mission Highlands) touches Tract 1502.05 BG3 in City. Here a Latino DUC COI connection could be made.

1502.03 BG1 (Harrington Rd. City SOI area) is only maybe 20 yards from being contiguous to 1503.03 BG4 (Temelec) where a senior DUC connection could be made. Not contiguous but substantially adjacent!

Furthermore, from the City MSR, the "area... within the northwest portion of the City's SOI" is a small piece of Census [Tract 1502.05 BG2](#). This "area... within the northwest portion of the City's SOI" is basically Maxwell Park and a small neighborhood centering on Melrose Ct of @ 35 lots south of Verano Ave and east of Hwy 12.

Here a *portion* meets DUC status. 31% are under \$50K median household income and 39.3% are under \$60K. Fourteen percent or 66 people of this area are potential members of the low-income Latino community of interest DUC, part of a larger whole community of interest that is all contiguous to the City of Sonoma based on this contiguous contact point.

My numbers for this area are older. A new LAFCO study should address this and other demonstrably contiguous DUCs in the Tracts and BGs illustre here, on the merits that I have



presented, and disprove it if possible based on a study that can be double-checked by the public vs. simply saying there are no DUCs contiguous to the City, period.

**Minimal DUC status starts with:** An area with at least 12 registered voters (or a cluster of 10 homes) where the median income is less than 80% of the State median income.

Aside from this minute case of the Melrose Ct. area, the current sphere by Maxwell Park is contiguous to BGs of Tract 1503.04 and 1503.05 both of which have a strong case to be DUCs.

Additionally, with this MSR remains the question to the City of whether to update the SOI, which would entail CEQA and costs? LAFCO recommended the City stay put and not update the sphere. If DUCs were in the sphere or contiguous to it, would that require an SOI update?