



# **Growing Greener and More Inclusive: Sustainability, Equity and Unincorporated Communities**

**Phoebe Seaton**

California Rural Legal Assistance, Inc.

**Solana Rice**

PolicyLink

**New Partners for Smart Growth**

Charlotte, North Carolina

February 8, 2011

# Sustainability and Equity

**What is the emerging practice of planning for sustainable communities?**

**How can planning for sustainability incorporate a central focus on equity: a commitment to fair, just inclusion and the creation of communities of opportunity?**

# Sustainable Communities Initiative

## *Livability Principles:*

- Provide more transportation choices
- Promote equitable, affordable housing
- Enhance economic competitiveness
- **Support existing communities**
- Coordinate policies and leverage investment
- Value communities and neighborhoods

# Sustainable Communities Initiative

## *Purposes:*

- Promote multijurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, infrastructure plans
- Empower jurisdictions to consider the interdependent challenges of economic growth and revitalization, social equity, access to opportunity, public health, and environmental impact simultaneously

# Integrating Equity Principles into the Objectives of the Sustainable Communities Initiative (SCI)

**Decrease in per capita VMT and transportation-related emissions for the region.**

## *Equity concerns:*

- (1) Low-income residents are often unable to rely on inadequate or unreliable public transit.
- (2) Existing communities within and beyond city limits yet close to economic centers suffer from divestment and have become undesirable neighborhoods

# Integrating Equity Principles into the Objectives of the Sustainable Communities Initiative (SCI)

**Decrease in per capita VMT and transportation-related emissions for the region.**

## ***Planning intervention:***

Improve the quality of service for existing riders. Making these improvements will also attract new riders, thus promoting sustainability of public transit

Invest in existing communities so that residents can enjoy basic infrastructure and services while at the same time attracting new residents to existing communities

# SCI awardee: San Joaquin Valley Partnership

- Smart Valley Places
  - 14 Cities
  - Community Leadership component to ensure equity and community engagement throughout the planning process
    - California Coalition for Rural Housing, Central California Regional Obesity Prevention Project and Local Government Commission as leads

# California's Sustainability Initiative

- **Strategic Growth Council**

- Promote planning for sustainable development to support climate change legislation
- Equity criteria, including attention to disadvantaged communities and environmental justice in its program definition and requests for proposals
- In first round of planning grants, there was a 20% set aside for planning in disadvantaged communities



# SGC objectives

Reduce greenhouse gas emissions as well as:

- • improve air and water quality,
- • promote public health,
- • promote equity,
- • increase housing affordability,
- • increase infill and compact development,
- • revitalize urban and community centers,
- • protect natural resources and agricultural lands,
- • reduce automobile usage and fuel consumption,
- • improve infrastructure systems,
- • promote water conservation,
- • promote energy efficiency and conservation, and
- • strengthen the economy.

# A case study of linking sustainability and equity: The Community Equity Initiative

- Addressing infrastructure and health disparities as well as related exclusion from public processes faced by disadvantaged unincorporated communities in the San Joaquin Valley
- Partnership of California Rural Legal Assistance, Inc., PolicyLink and the CRLA Foundation formed in 2007
- Advisory committee of many resident groups, advocacy organizations and researchers
- Immediate actions as well as research and structural policy change

# The Community Equity Initiative

<b>Support Resident Leadership and Engagement</b>	<b>Reform Local and State Policy</b>
<b>Legal Representation</b>	<b>Research</b>

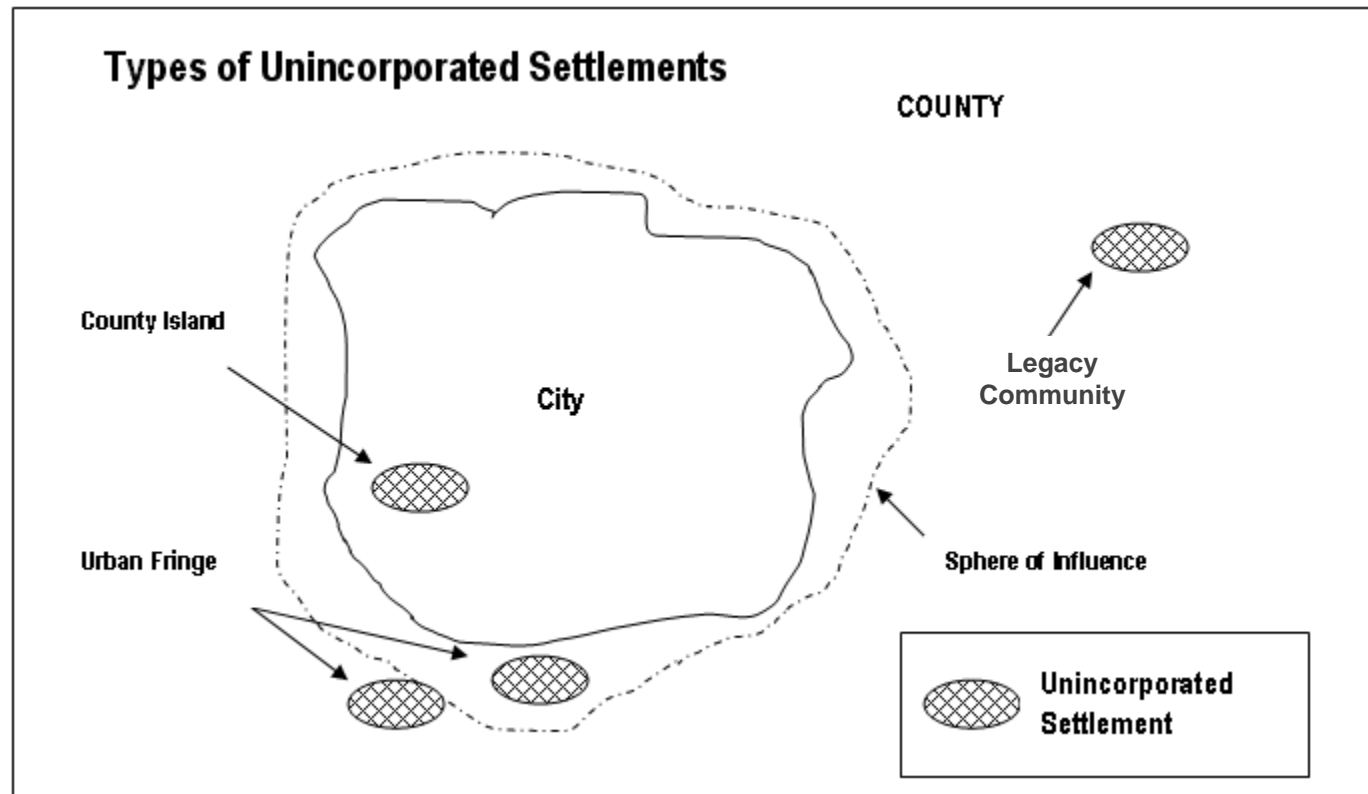
# Community Equity Initiative

---

1. Define California's disadvantaged unincorporated communities
  2. Describe challenges and barriers these communities face with respect to environmental justice and sustainability
  3. Illustrate efforts to address those challenges and barriers
-

# Three Types of Disadvantaged Unincorporated Communities

1. Islands
3. Fringes
5. Legacy Communities



# Conditions in Disadvantaged Unincorporated Communities



- Unsafe drinking water
- No sewer systems
- No sidewalks
- No parks
- No community centers
- Inadequate transit
- No streetlights
- Standing water
- Loose dogs
- Unpaved roads
- Close to unhealthy land uses
- Unreliable fire & police services
- Environmental Justice communities

# Systemic Barriers to Infrastructure Equity in DUCs

- **Information gaps**
  - Lack of accurate information regarding DUCs
  - Residents of DUCs lack access to information
- **Lack of Short and Long Term Planning**
- **Public Finance / Land Use Planning Scheme**
  - Localization of responsibility for raising funds
  - Encourage greenfield development/ Discourage investment in existing, low income communities
  - Funding opportunities often do not align with need & equity
- **Unaccountable governance systems**
  - Fragmented government creates inefficiency and gaps
  - Insufficient representation of DUCs in government
- **Race / Ethnic / Class Discrimination**

# Addressing Information Gaps

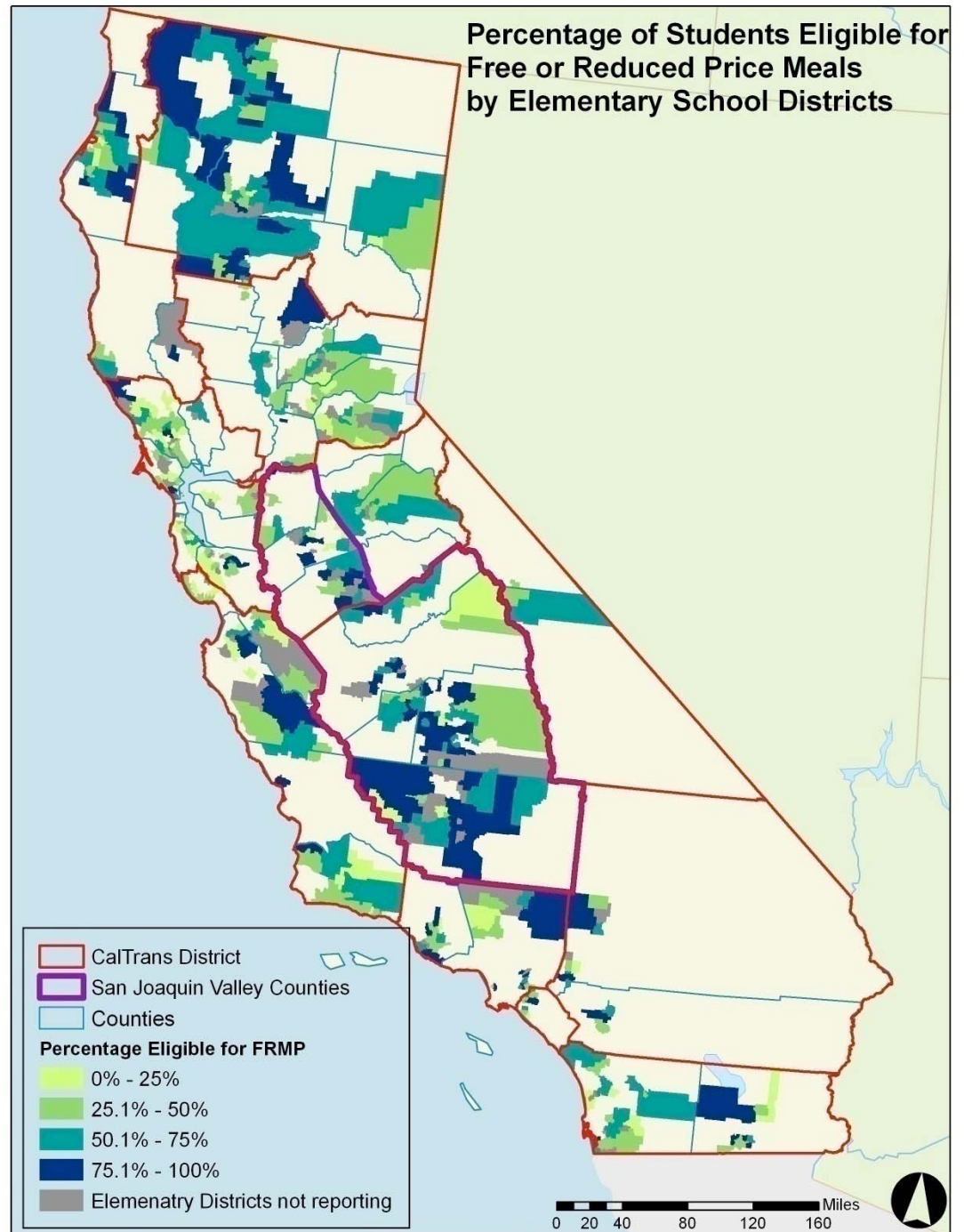
---

- **Mapping**
  - **Community Surveys**
  - **Historic Research**
-



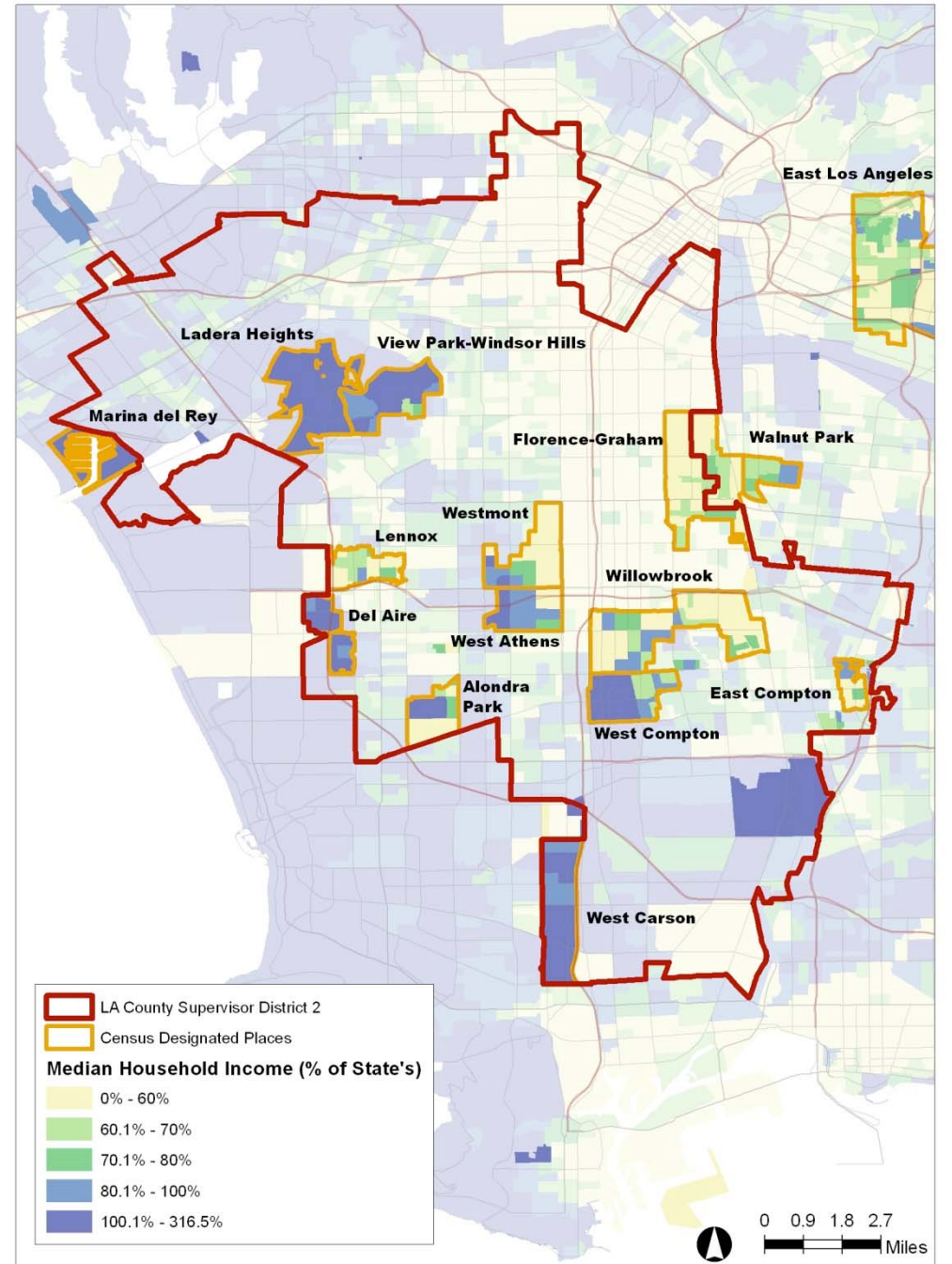
# Advocacy

## Safe Routes to Schools statewide analysis



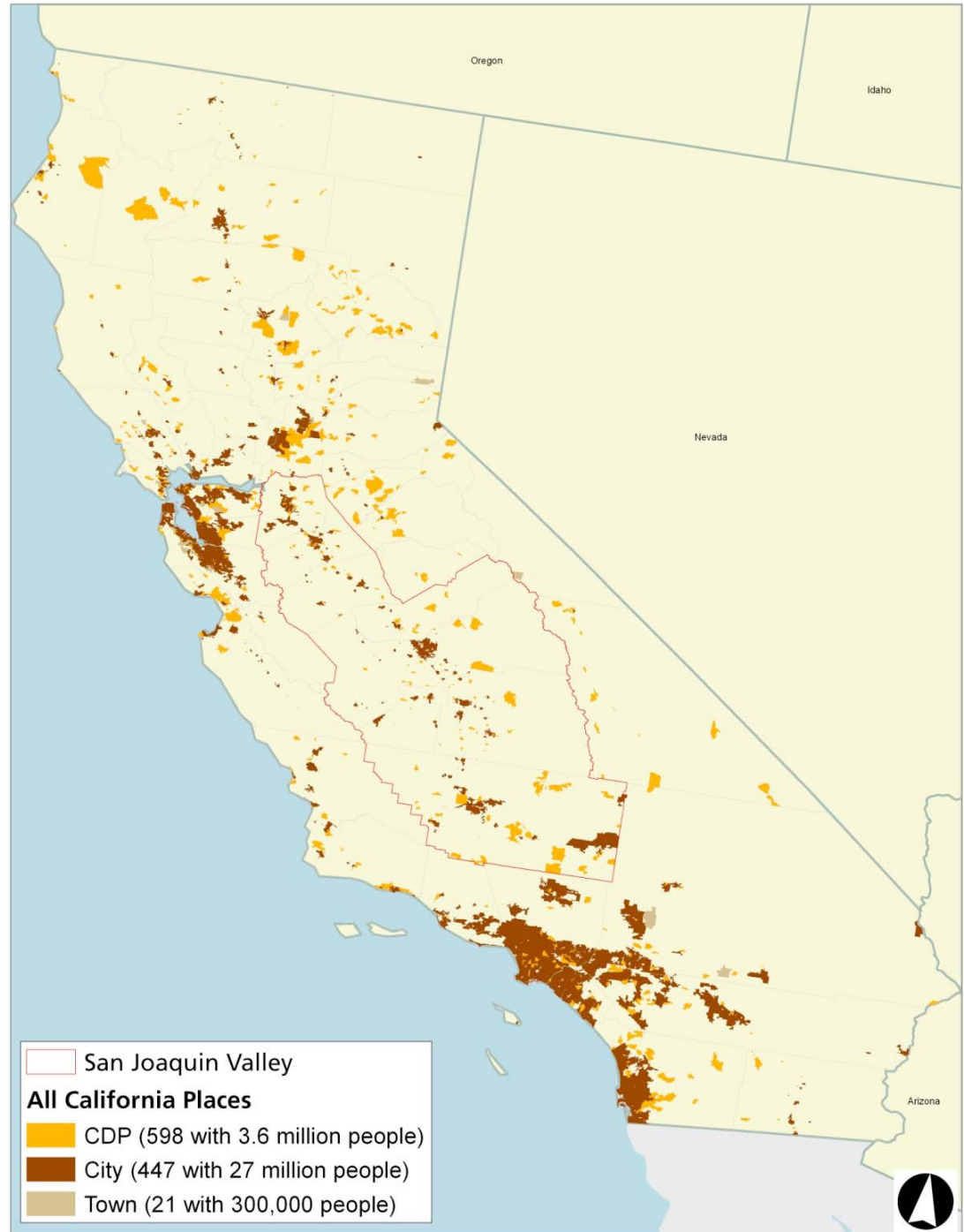
# Legislative Mapping

Median Household income by Block group - Supervisor District 2 (Ridley-Thomas)



Map Created by PolicyLink, 2010

# Identifying Disadvantaged Unincorporated Communities



# Census Designated Places are small proportion of unincorporated communities



Map Created by PolicyLink, 2009

# Identifying Disadvantaged Unincorporated Communities

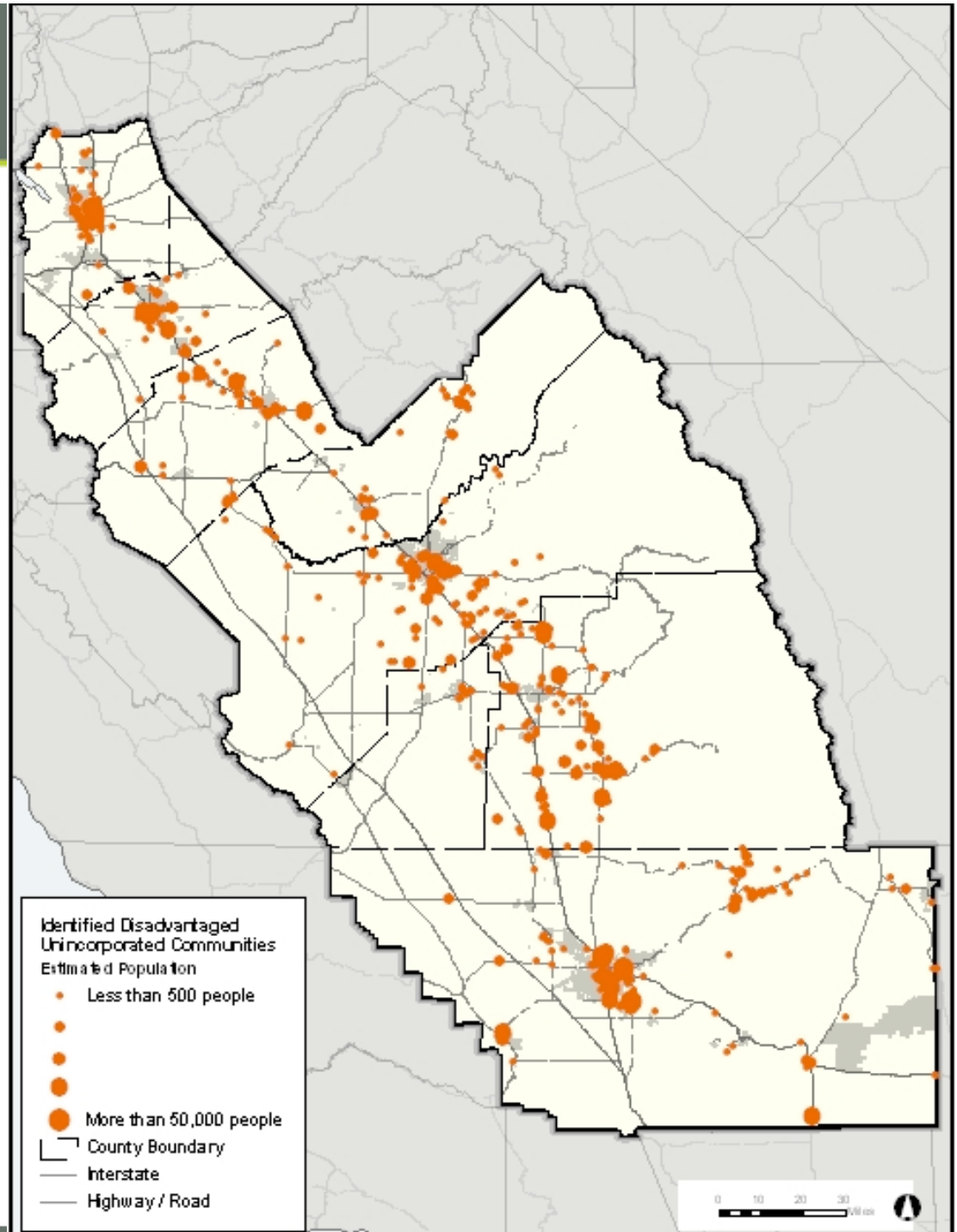
---

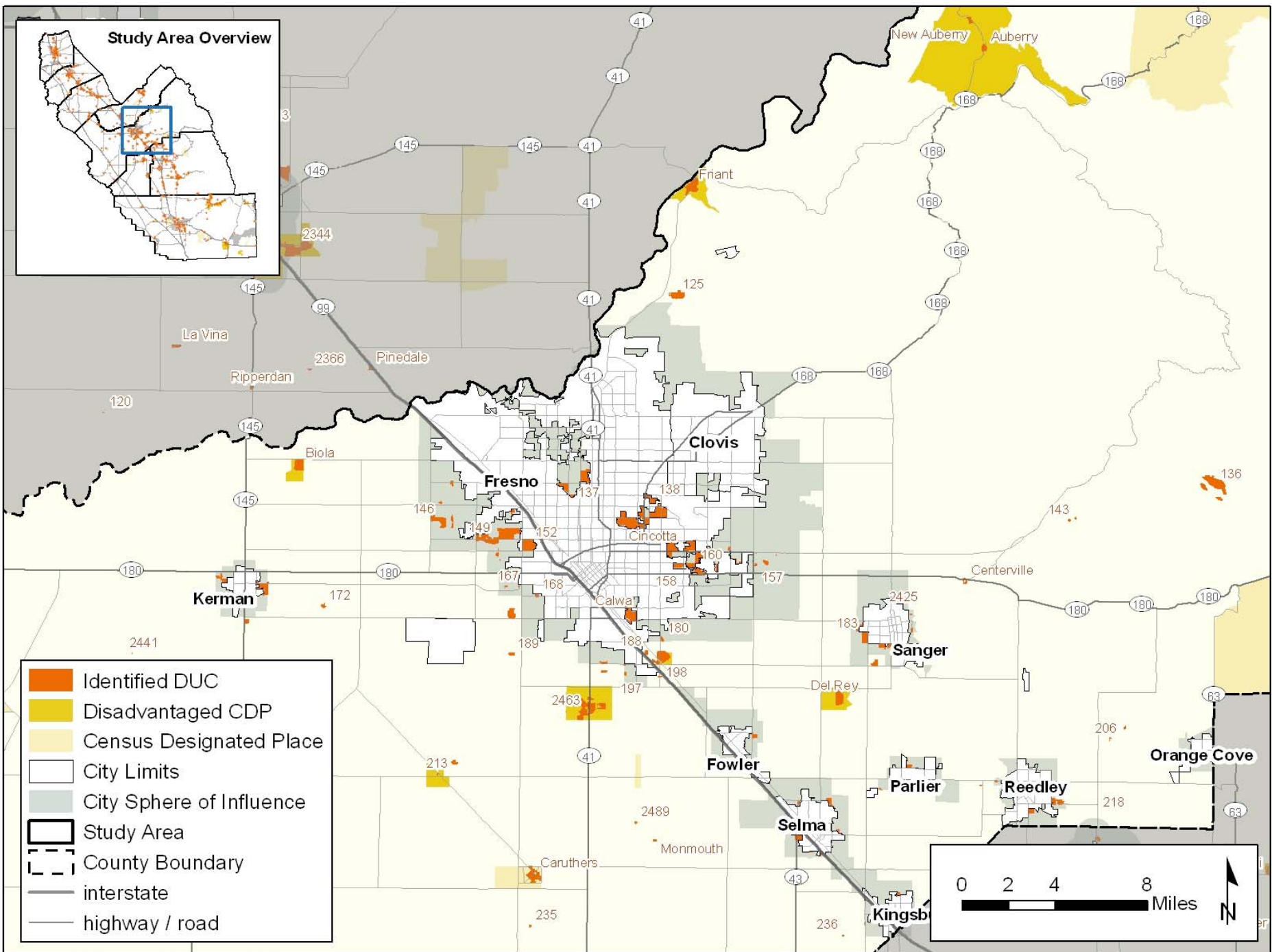
- **Unincorporated areas**
  - **Densely settled (250 parcels/sqmi)**
  - **Low-income (80% of CA median household income)**
-



# Preliminary Findings

- 550 communities
- +500,000 residents





# Moving toward equity

---

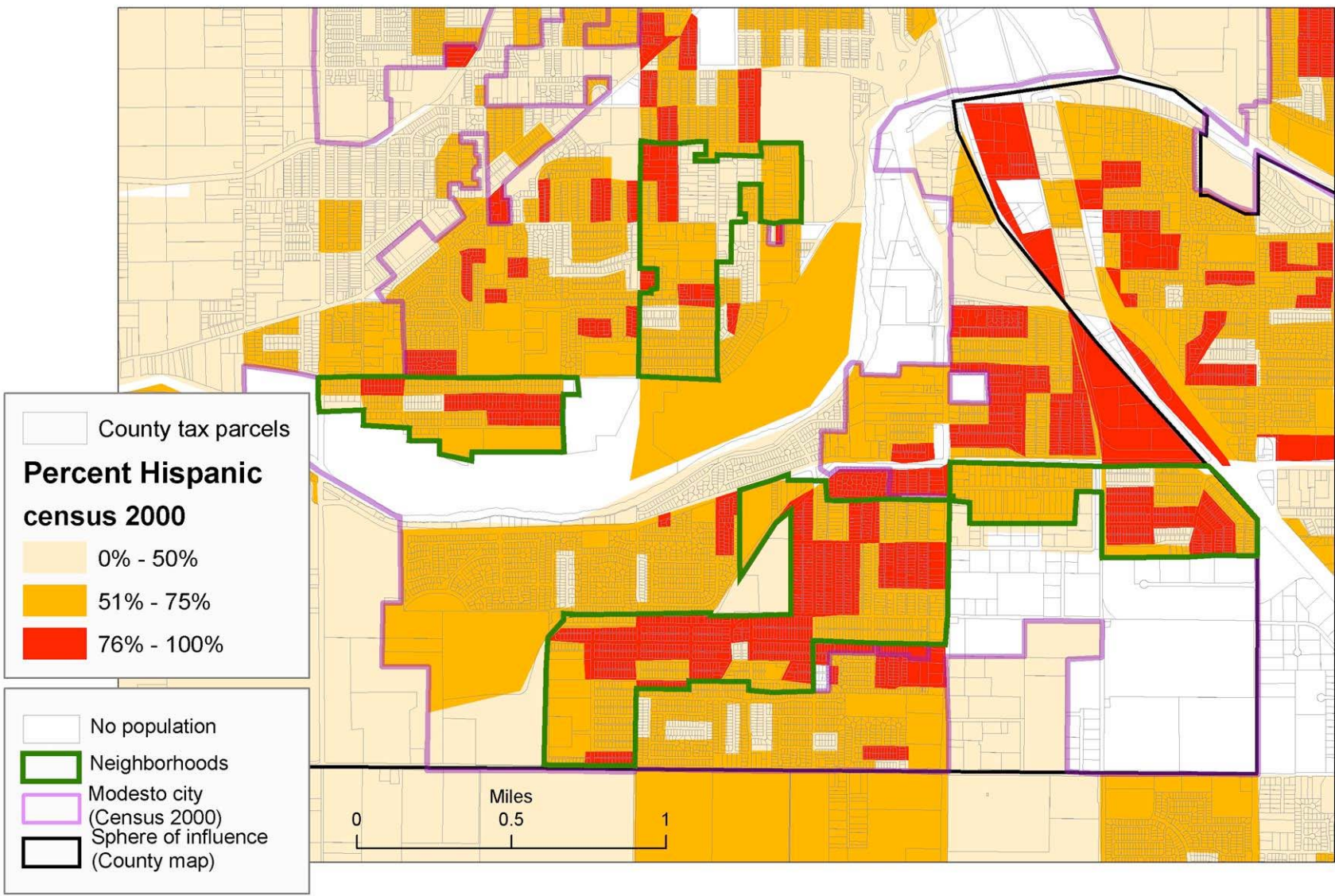
- Examples of how we *are* moving toward equity and sustainability in the San Joaquin Valley's Disadvantaged Unincorporated Communities
    - Parklawn (Stanislaus County)
    - Tooleville (Tulare County)
    - Matheny Tract (Tulare County)
-



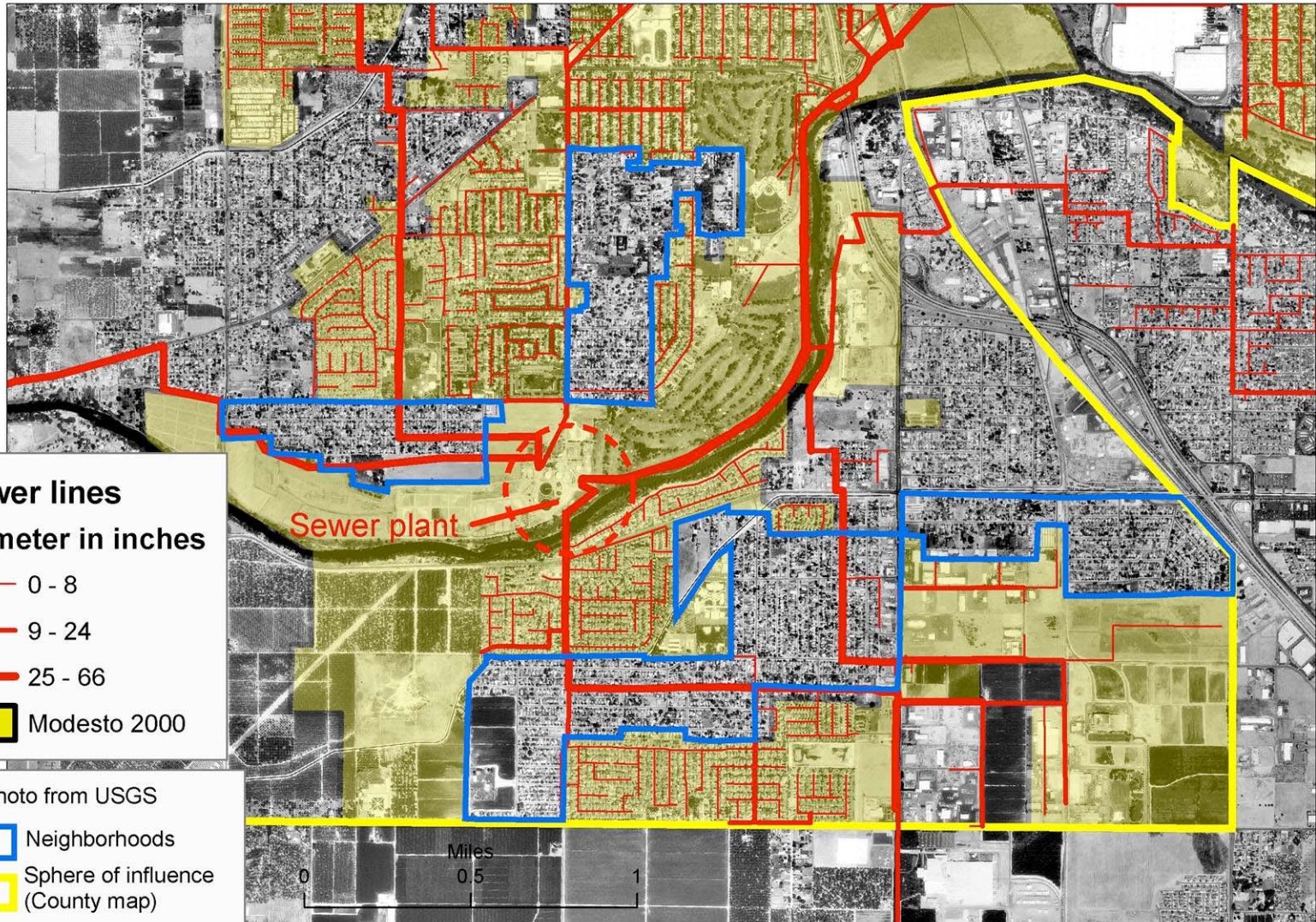
# Parklawn

- **Barriers and Challenges**
  - Bad planning and land use policies
  - Barriers to Funding
  - Information Gaps
  - Discrimination
  - Exclusion from Public Processes

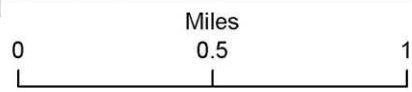
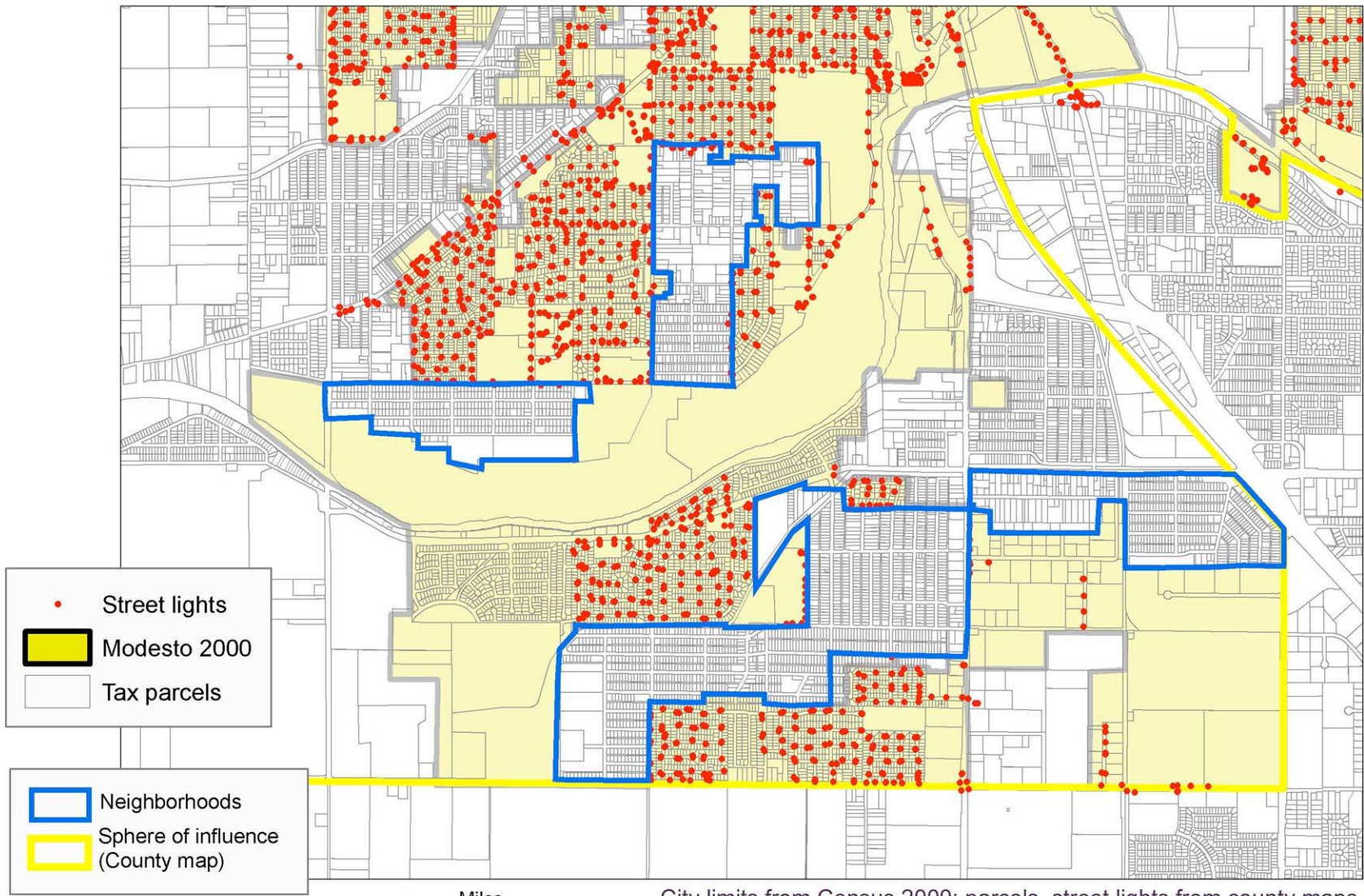
The following maps have been created by Cedar Grove Institute for Sustainable Communities [www.cedargroveinst.org](http://www.cedargroveinst.org)











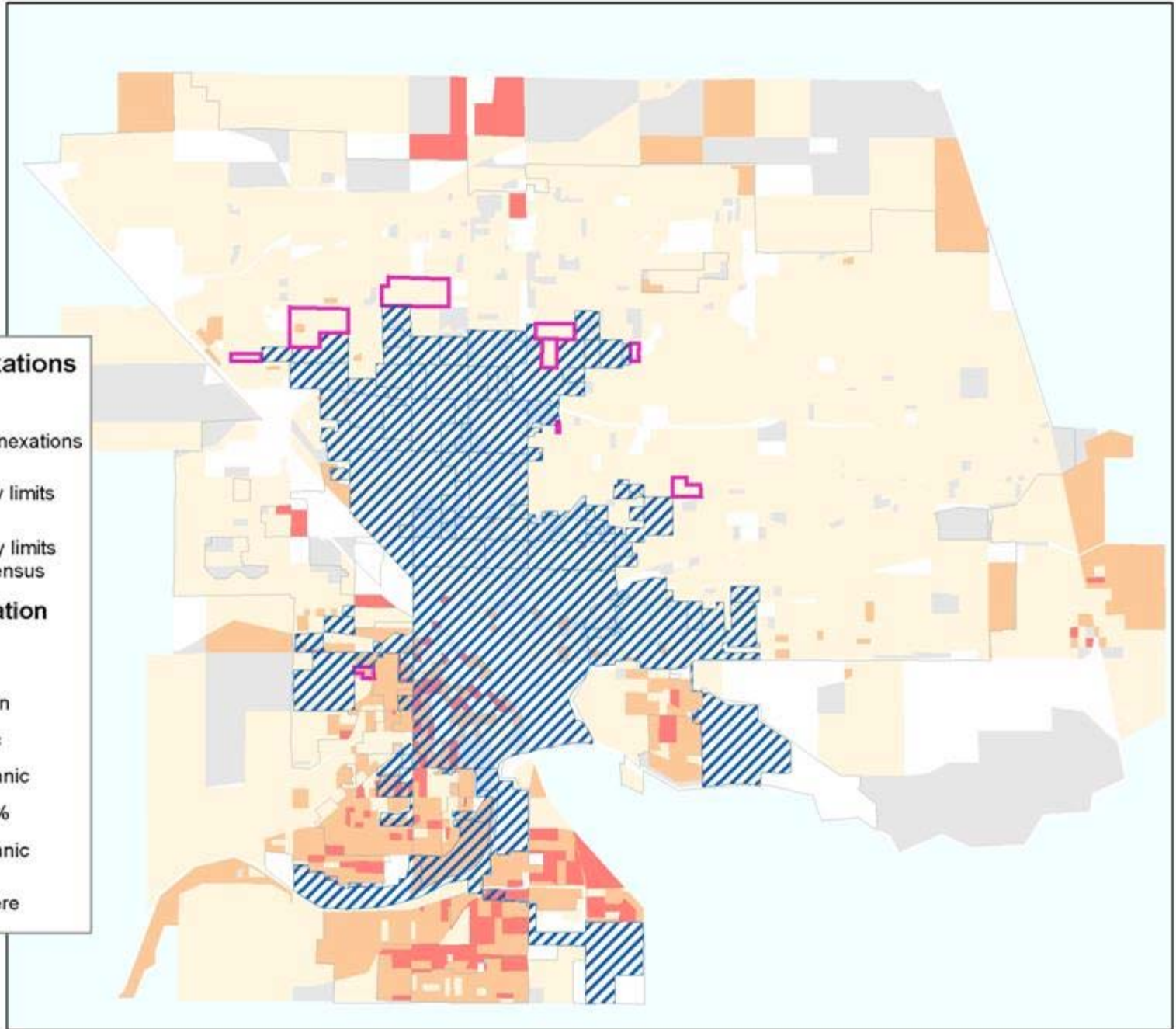
City limits from Census 2000; parcels, street lights from county maps.

**Modesto annexations  
1961**

- Modesto annexations during year
- Modesto city limits prior to year
- Modesto city limits per 2000 Census

**Hispanic population  
as % of total  
2000 Census**

- no population
- 0% Hispanic
- < 50% Hispanic
- 50% - 75%
- > 75% Hispanic
- outside sphere



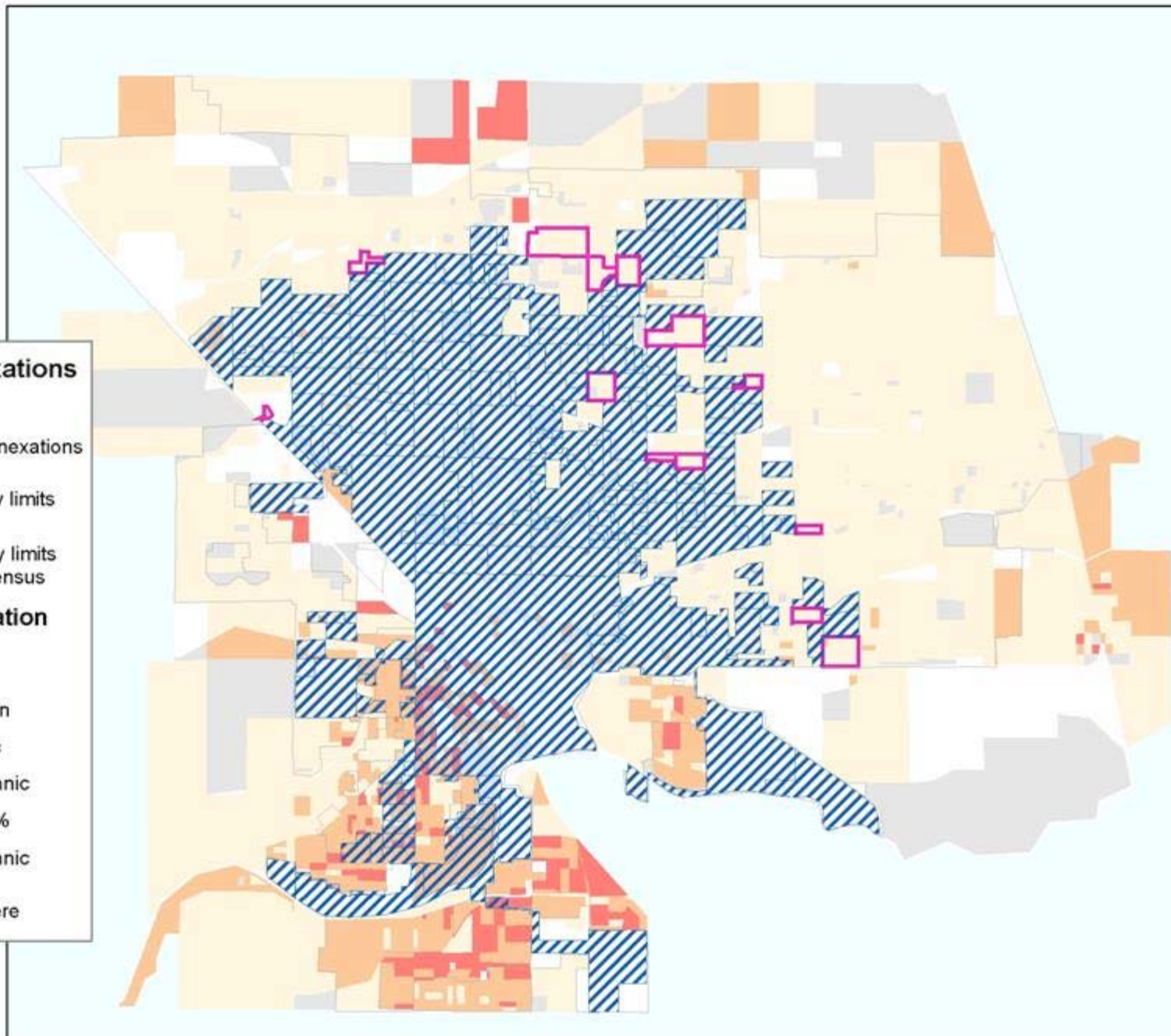


### Modesto annexations 1971

- Modesto annexations during year
- Modesto city limits prior to year
- Modesto city limits per 2000 Census

### Hispanic population as % of total 2000 Census

- no population
- 0% Hispanic
- < 50% Hispanic
- 50% - 75%
- > 75% Hispanic
- outside sphere

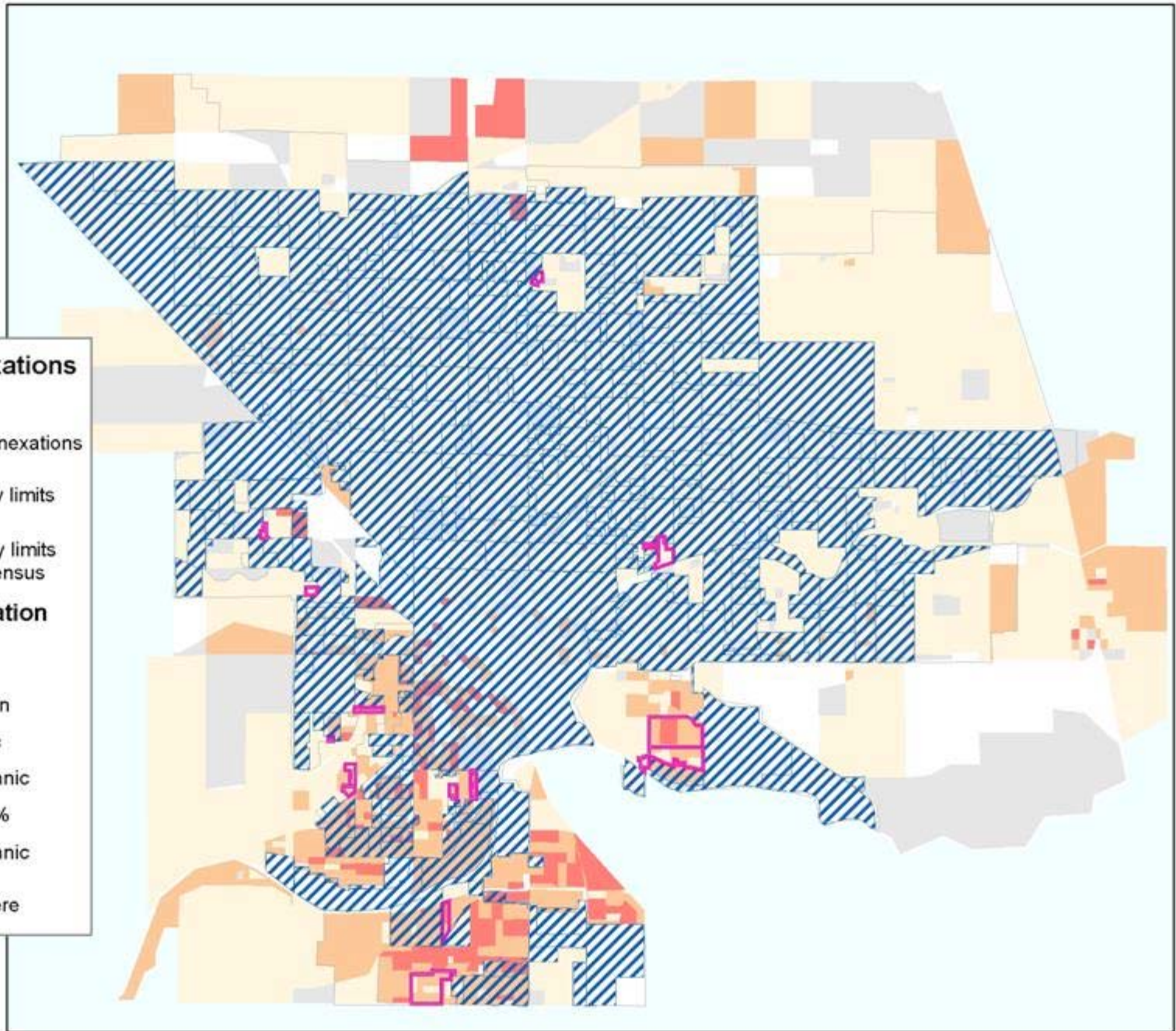


**Modesto annexations  
1981**

- Modesto annexations during year
- Modesto city limits prior to year
- Modesto city limits per 2000 Census

**Hispanic population  
as % of total  
2000 Census**

- no population
- 0% Hispanic
- < 50% Hispanic
- 50% - 75%
- > 75% Hispanic
- outside sphere









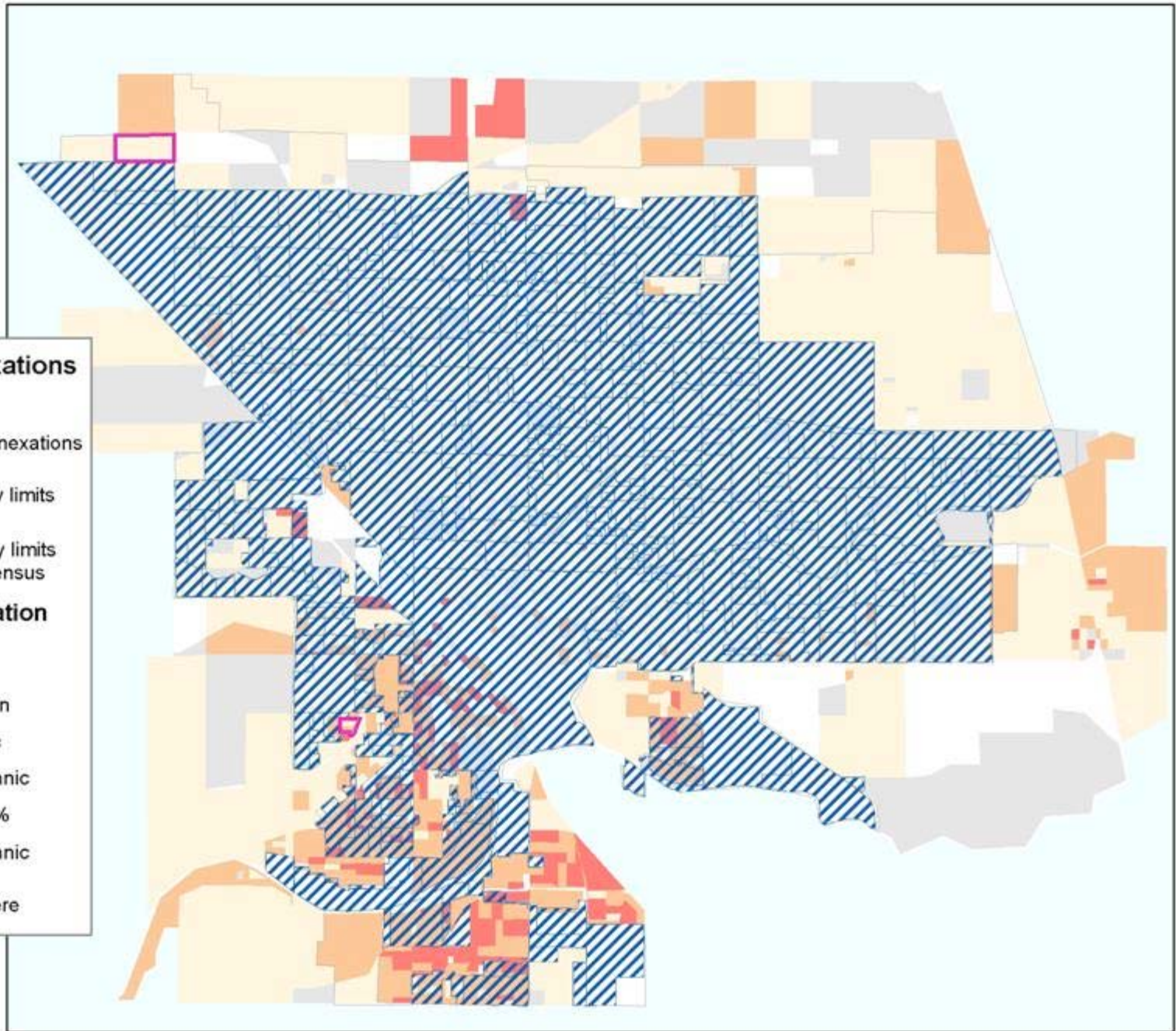


### Modesto annexations 1991

-  Modesto annexations during year
-  Modesto city limits prior to year
-  Modesto city limits per 2000 Census

### Hispanic population as % of total 2000 Census

-  no population
-  0% Hispanic
-  < 50% Hispanic
-  50% - 75%
-  > 75% Hispanic
-  outside sphere



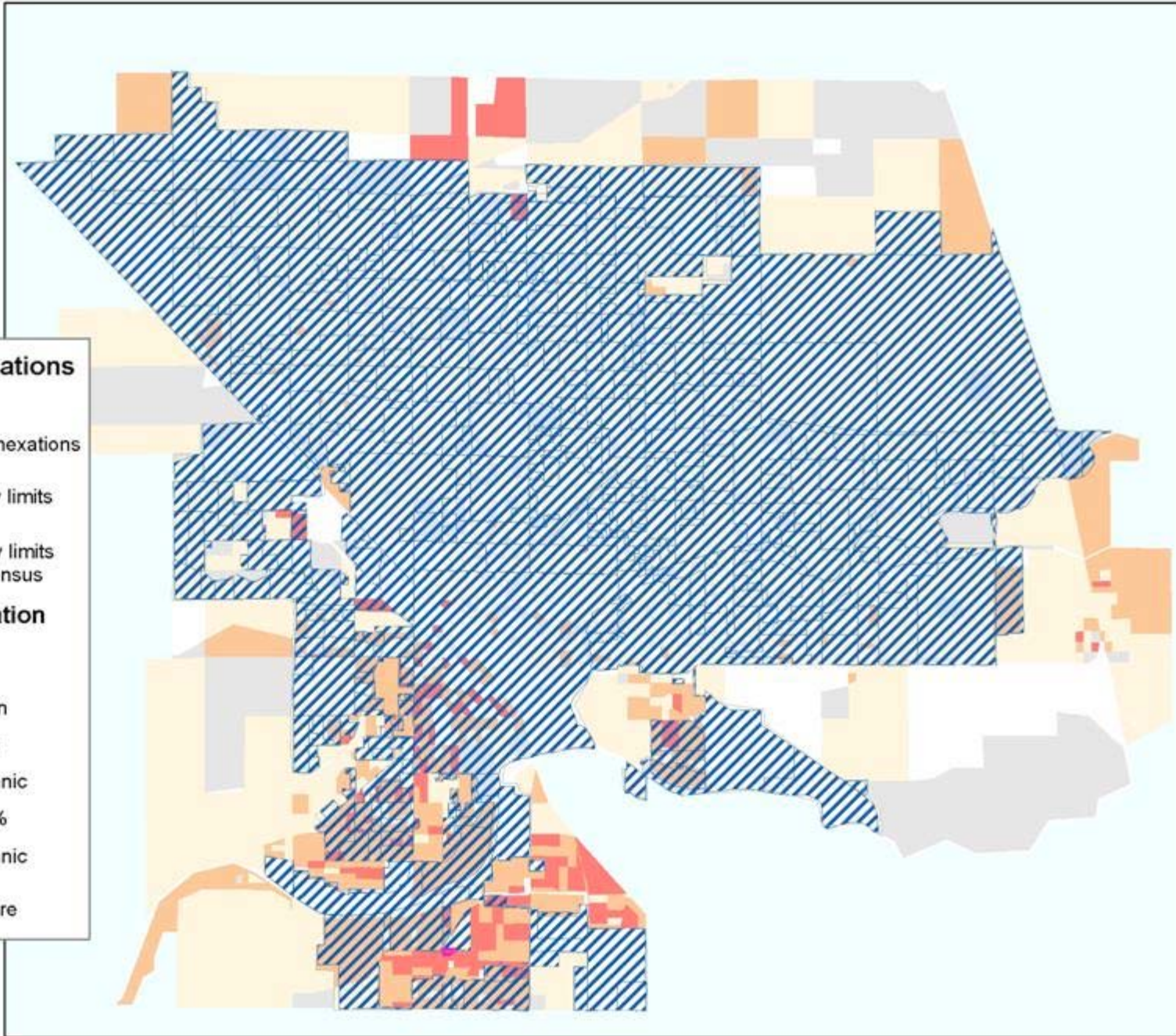


### Modesto annexations 2004

- Modesto annexations during year
- Modesto city limits prior to year
- Modesto city limits per 2000 Census

### Hispanic population as % of total 2000 Census

- no population
- 0% Hispanic
- < 50% Hispanic
- 50% - 75%
- > 75% Hispanic
- outside sphere



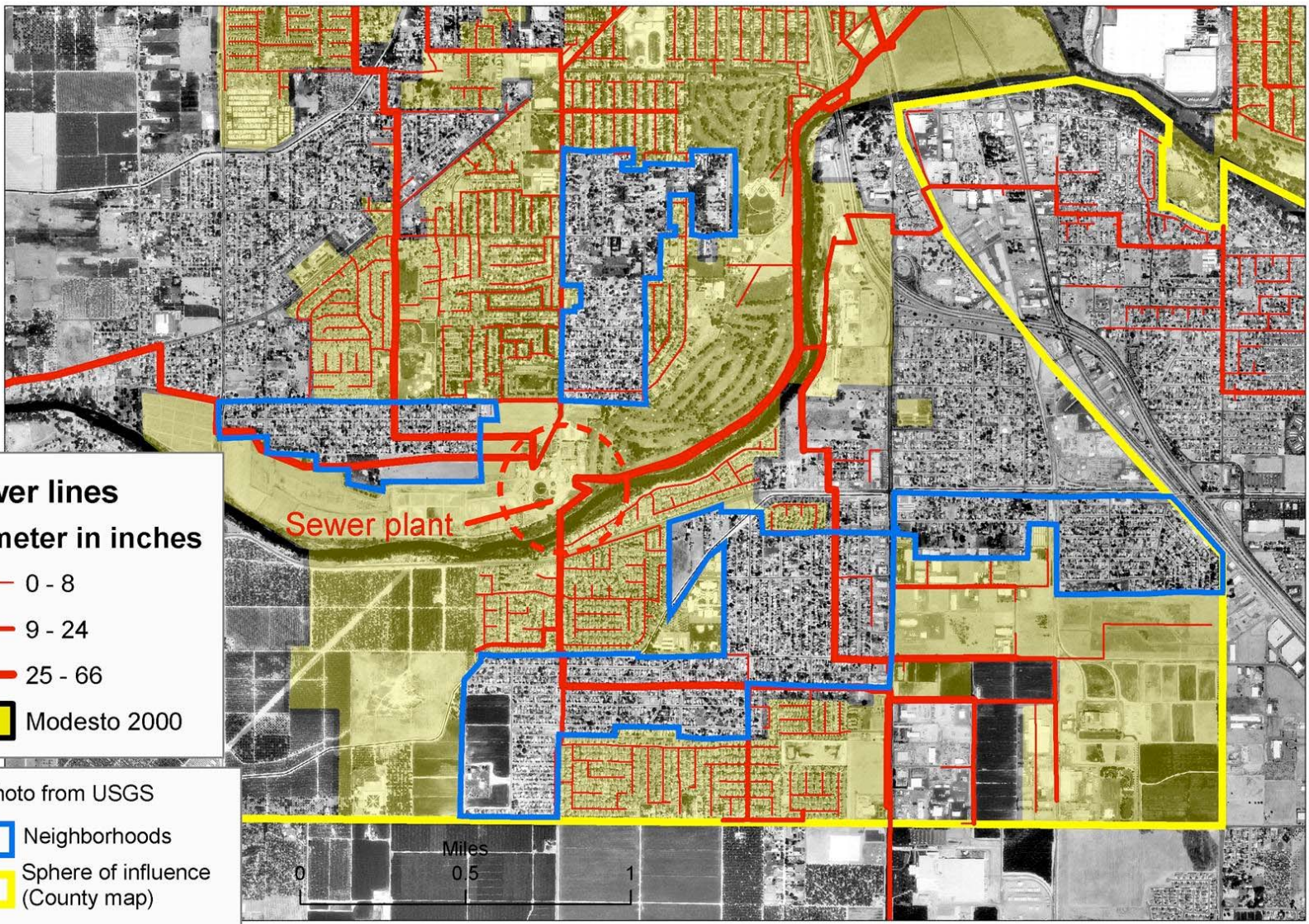
# Parklawn: Barriers to Sewer Extension

File under: This really belongs in the Onion





- **Measure M**

- Only City of Modesto residents can participate in a **fiscally neutral** vote to extend municipal sewer lines to an unincorporated community
- A community can only be eligible for a Measure M vote if its infrastructure is otherwise up to municipal code
- The City maintains that community members of Parklawn should share the cost of that vote and plan on BILLING a neighborhood group for a portion of the costs







**Sewer lines  
diameter in inches**

-  0 - 8
-  9 - 24
-  25 - 66
-  Modesto 2000

**Air photo from USGS**

-  Neighborhoods
-  Sphere of influence  
(County map)

Miles  
0 0.5 1



# Failing Septic Systems

Photos: David Bacon 2010



# Parklawn: Addressing the Challenges

- **Legal Action:** CCCI v. City of Modesto, County of Stanislaus
  - Master Tax Share Agreement (MTSA) violates Equal Protection
  - Failure to invest in sewer and other infrastructure violates Equal Protection and the Fair Housing Act (FHA)
  - Application of Measure M Vote violates Equal Protection
  - Inadequate law enforcement violates Equal Protection & FHA
- **Local Advocacy**
  - Parklawn United Neighbors
- **State Level Advocacy**
  - Strategic Growth Council

# Parklawn: Moving towards equity & sustainability

- CCCI V. City of Modesto, County of Stanislaus: 9<sup>th</sup> Circuit Decision
  - Sufficient inference of intent to discriminate in the MTSA to remand to the trial court on equal protection
  - Post-acquisition discrimination in provision of services (law enforcement) is covered by Fair Housing Act
- Parklawn won the Measure M sewer vote
- Commitment to Prioritize a Parklawn Sewer Project and commitment to address public health risks, specifically septic tank failures, with public funding
- \$1 million of SGC grants from Disadvantaged Community set-aside awarded to Stanislaus County
- Active and sustained involvement of community in decision-making

# Tooleville (Tulare County)

- **Barriers and Challenges**
  - Bad planning and land use policies
  - Barriers to Funding
  - Information Gaps
  - Discrimination
  - Exclusion from Public Processes

Photos: CRLA, Inc and David Bacon 2010









# Tooleville: Addressing the Challenges

---

- **Local Advocacy**
  - United for Change in Tooleville
- **State Level Advocacy**
  - Service Consolidation

# Tooleville: Moving toward Equity & Sustainability

- Negotiations underway to tie to city water
- Eliminating the Route 65 Alternative
- Large potholes at bus stop have been filled, eliminating puddles and increasing safety
- Applications for grants for pedestrian safety
- Tulare Lake Basin Pilot Program
- Engaged group of residents with capacity to participate in planning and funding decisions

# Matheny Tract (Tulare County)

- **Barriers and Challenges**
  - Bad planning and land use policies
  - Barriers to Funding
  - Information Gaps
  - Discrimination
  - Exclusion from Public Processes

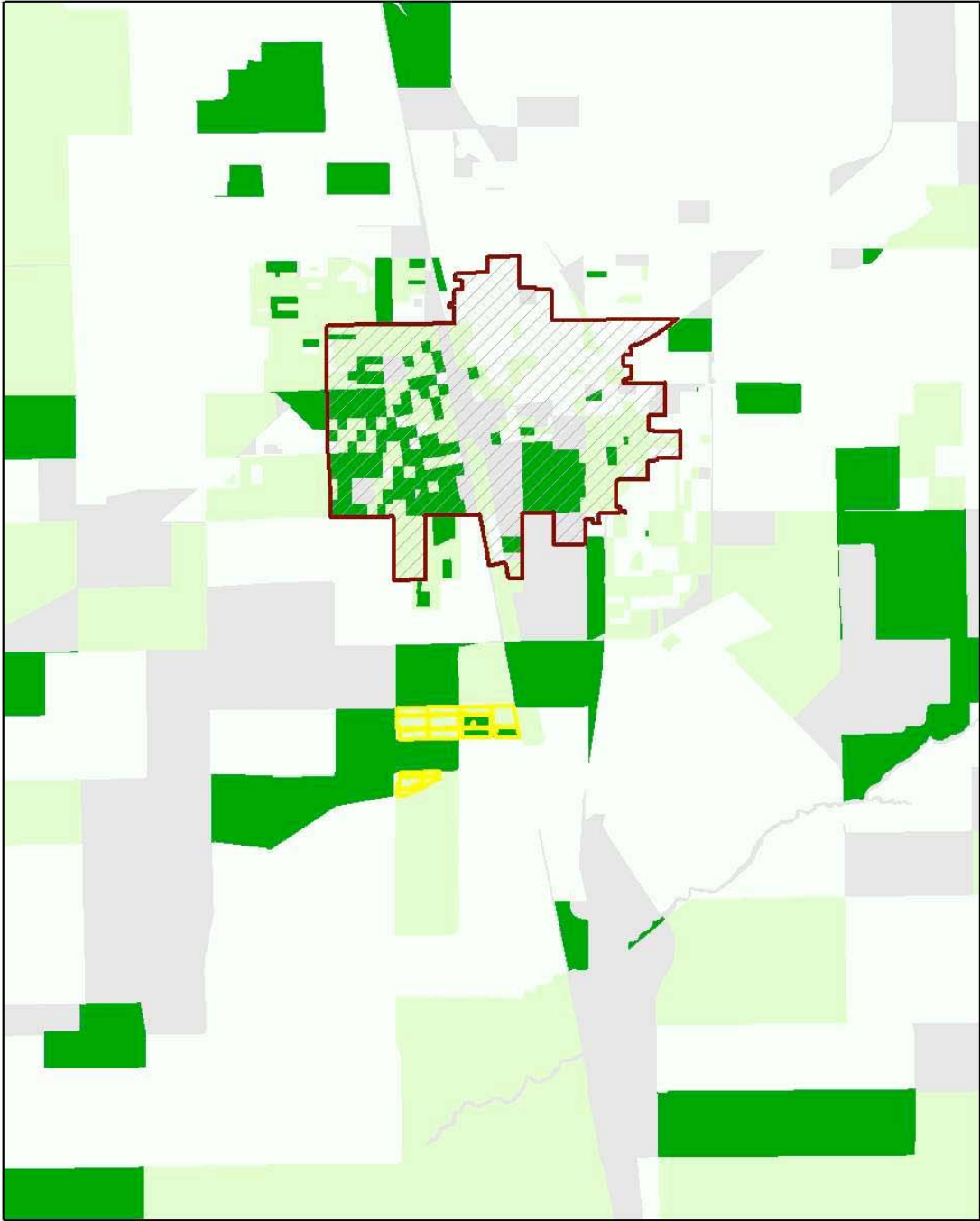
The following maps have been created by Cedar Grove Institute for Sustainable Communities [www.cedargroveinst.org](http://www.cedargroveinst.org)

**Tulare city area**

- Core city
- Methany Tract parcels



**Census 2000  
Percent minority**

- 0% - 50%
- 50.1% - 75%
- 75.1% - 100%
- No population







1965

**Tulare city area**



-  Core city
-  Methany Tract parcels

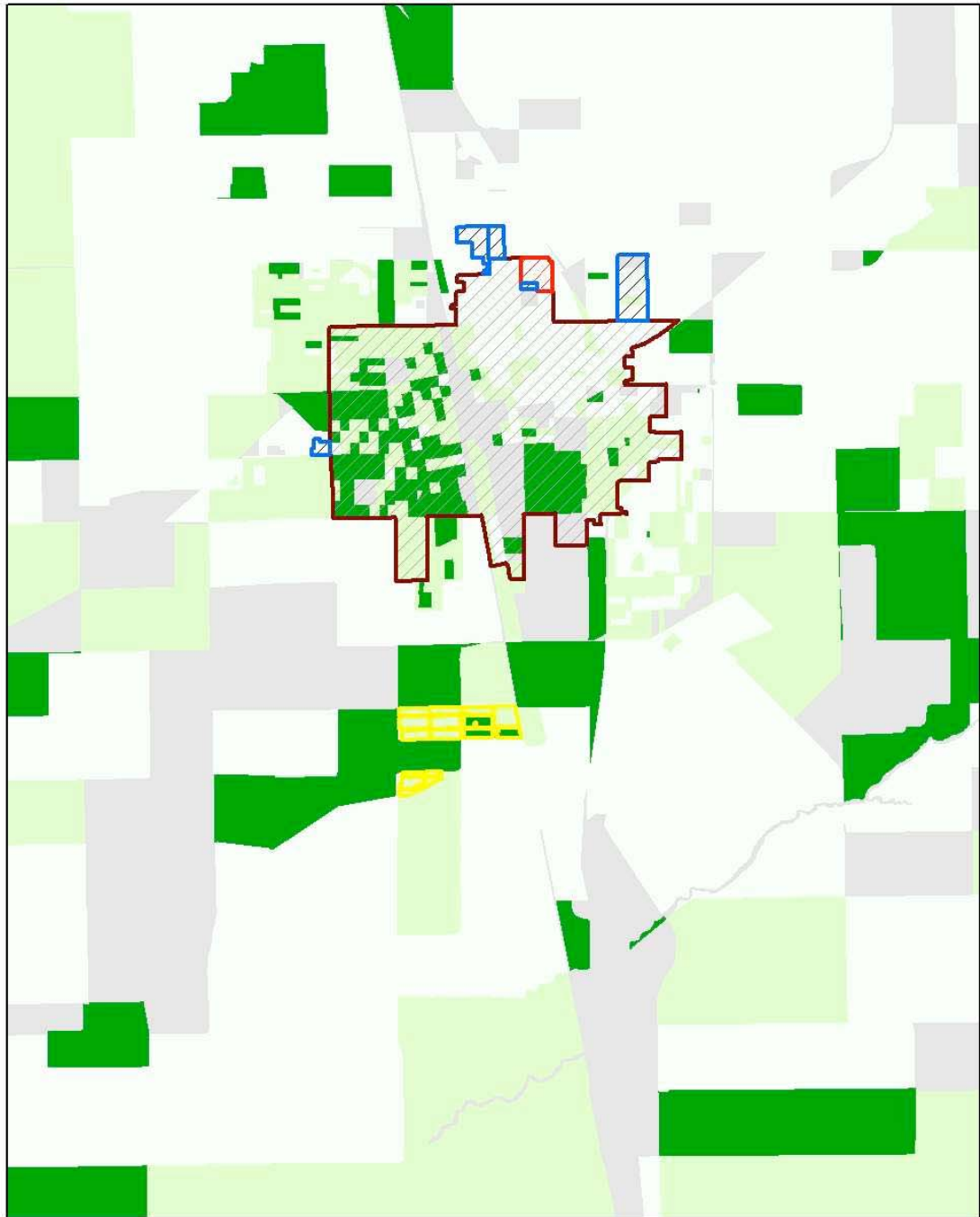
**Census 2000**

**Percent minority**

-  0% - 50%
-  50.1% - 75%
-  75.1% - 100%
-  No population

**Annexation Year**

-  This year
-  Previous years



1967

**Tulare city area**

- Core city
- Methany Tract parcels

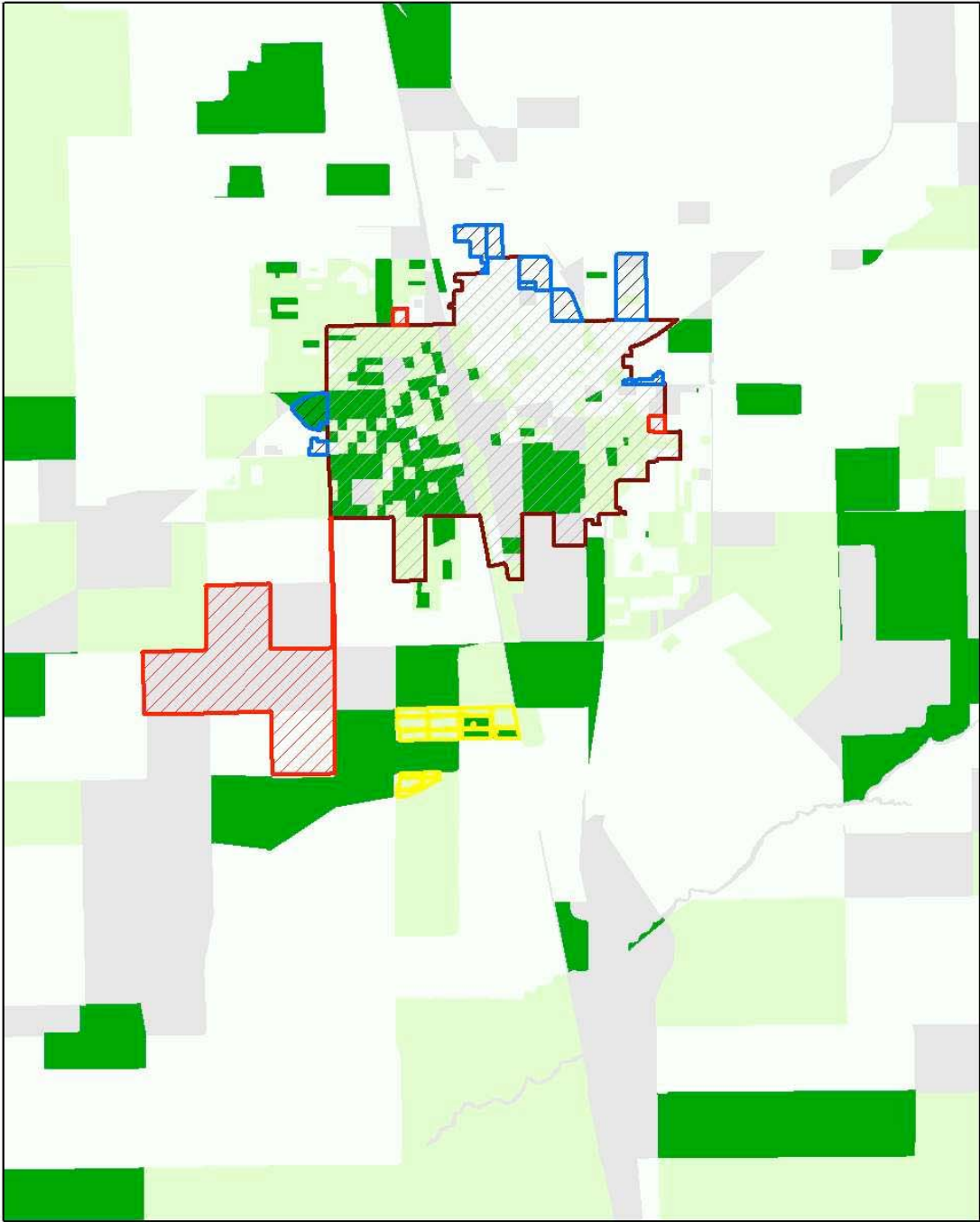
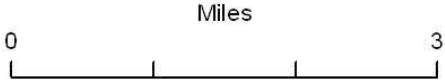
**Census 2000**

**Percent minority**

- 0% - 50%
- 50.1% - 75%
- 75.1% - 100%
- No population

**Annexation Year**



- This year
- Previous years









1971

**Tulare city area**



-  Core city
-  Methany Tract parcels

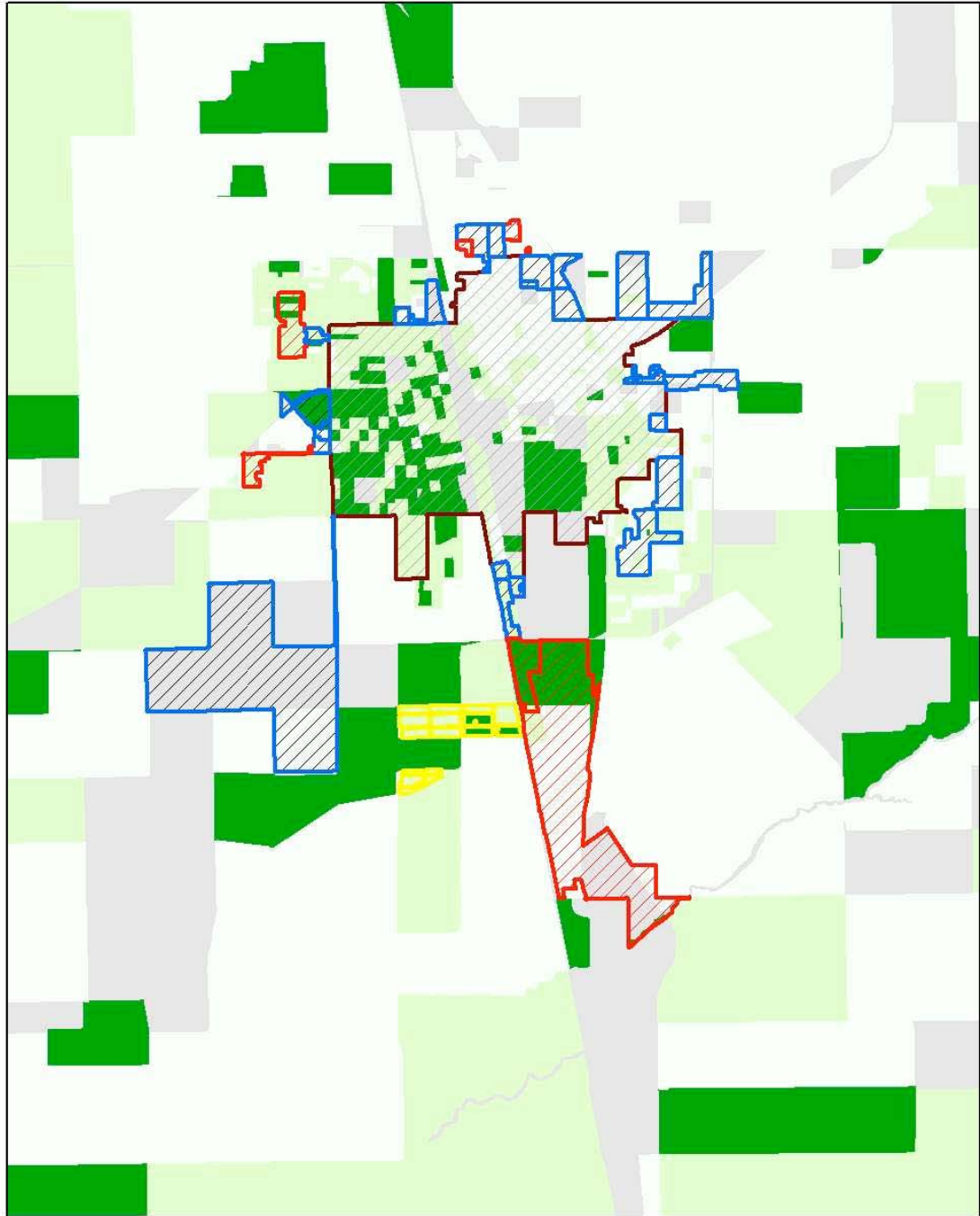
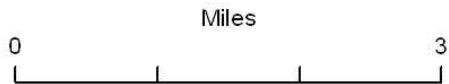
**Census 2000**

**Percent minority**

-  0% - 50%
-  50.1% - 75%
-  75.1% - 100%
-  No population

**Annexation Year**



-  This year
-  Previous years









1972

**Tulare city area**



-  Core city
-  Methany Tract parcels

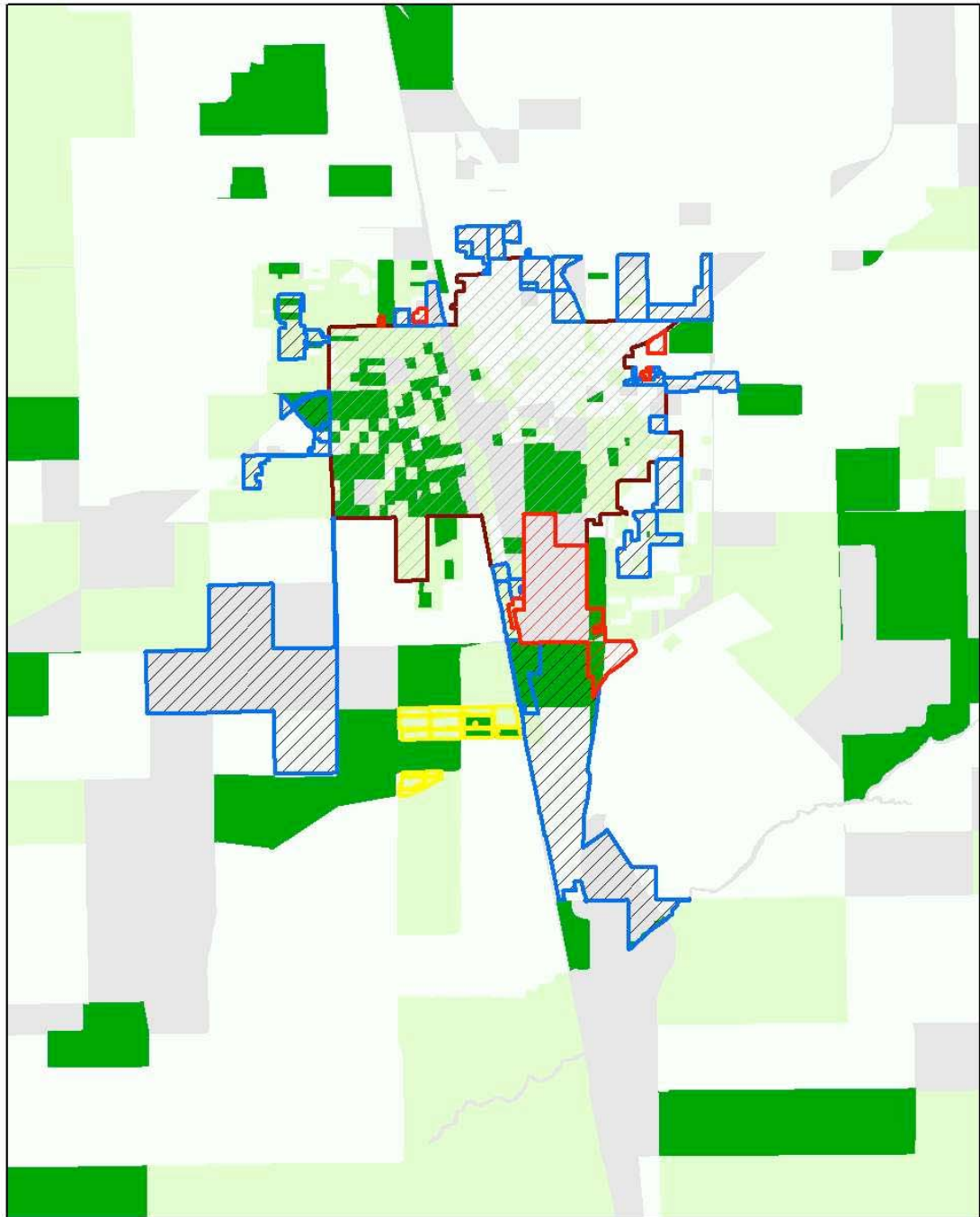
**Census 2000**

**Percent minority**

-  0% - 50%
-  50.1% - 75%
-  75.1% - 100%
-  No population



**Annexation Year**

-  This year
-  Previous years







1976

**Tulare city area**



-  Core city
-  Methany Tract parcels

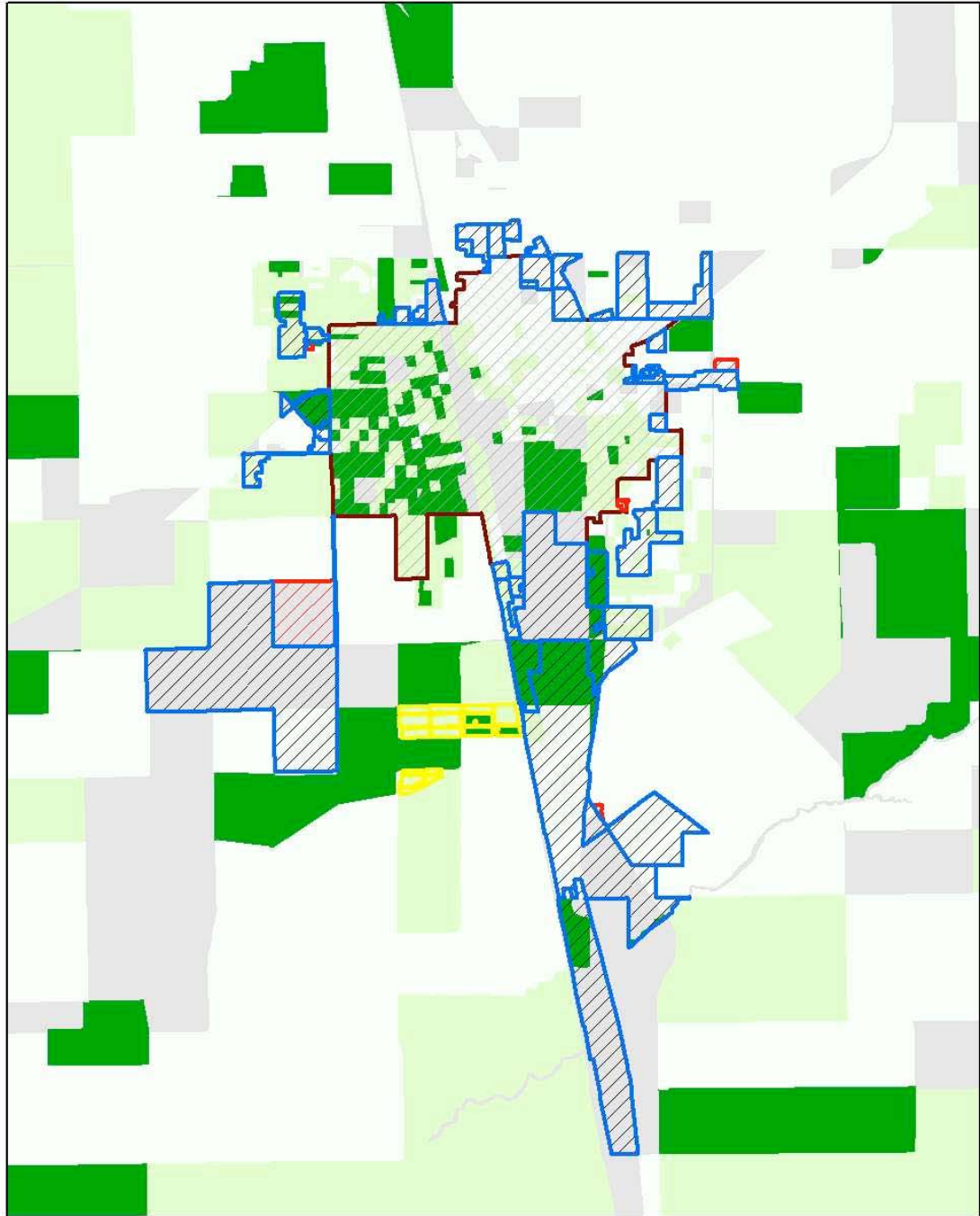
**Census 2000**

**Percent minority**

-  0% - 50%
-  50.1% - 75%
-  75.1% - 100%
-  No population

**Annexation Year**

-  This year
-  Previous years



1987

**Tulare city area**

- Core city
- Methany Tract parcels

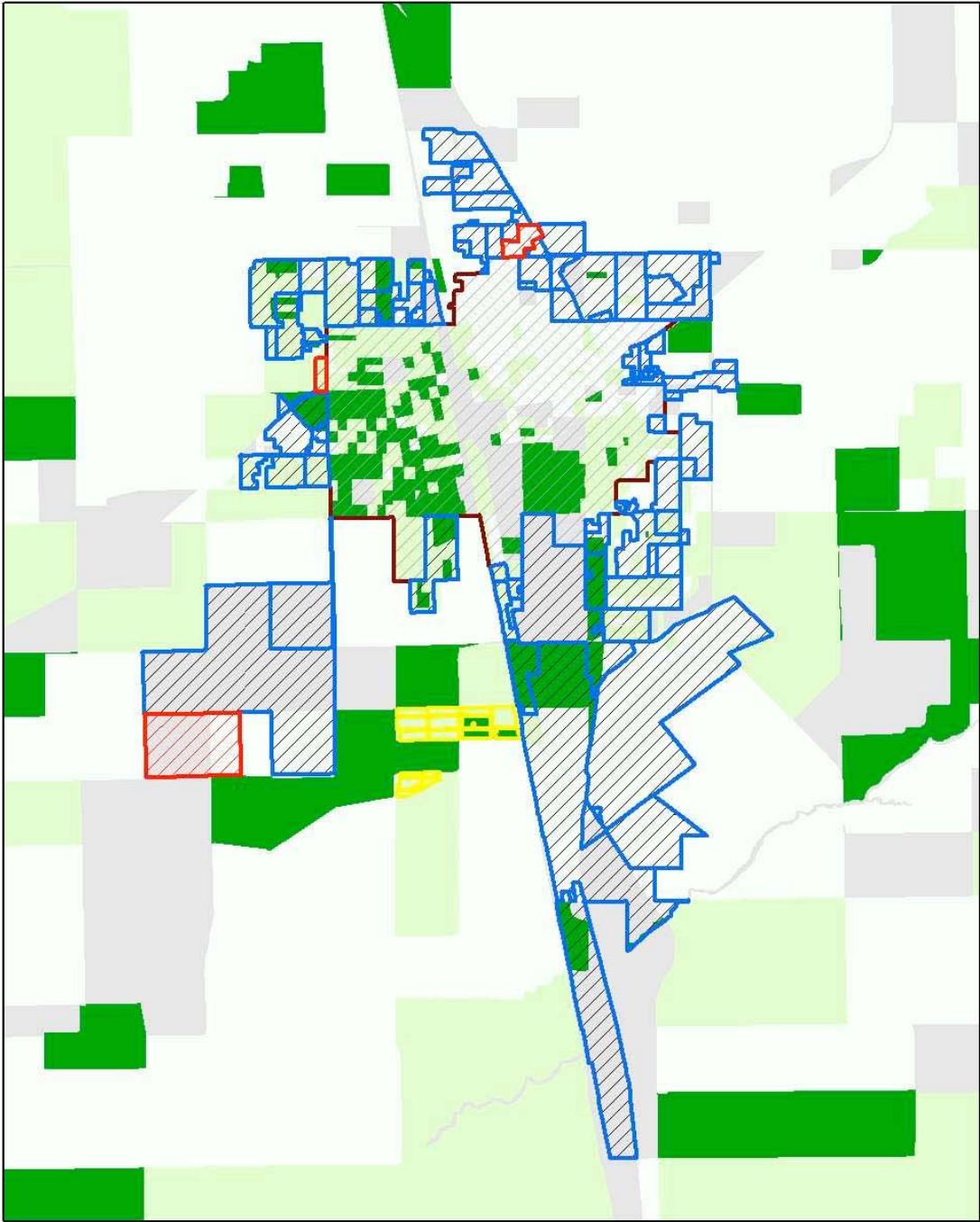
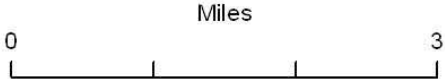
**Census 2000**

**Percent minority**

- 0% - 50%
- 50.1% - 75%
- 75.1% - 100%
- No population

**Annexation Year**

- This year
- Previous years





1994

**Tulare city area**

- Core city
- Methany Tract parcels

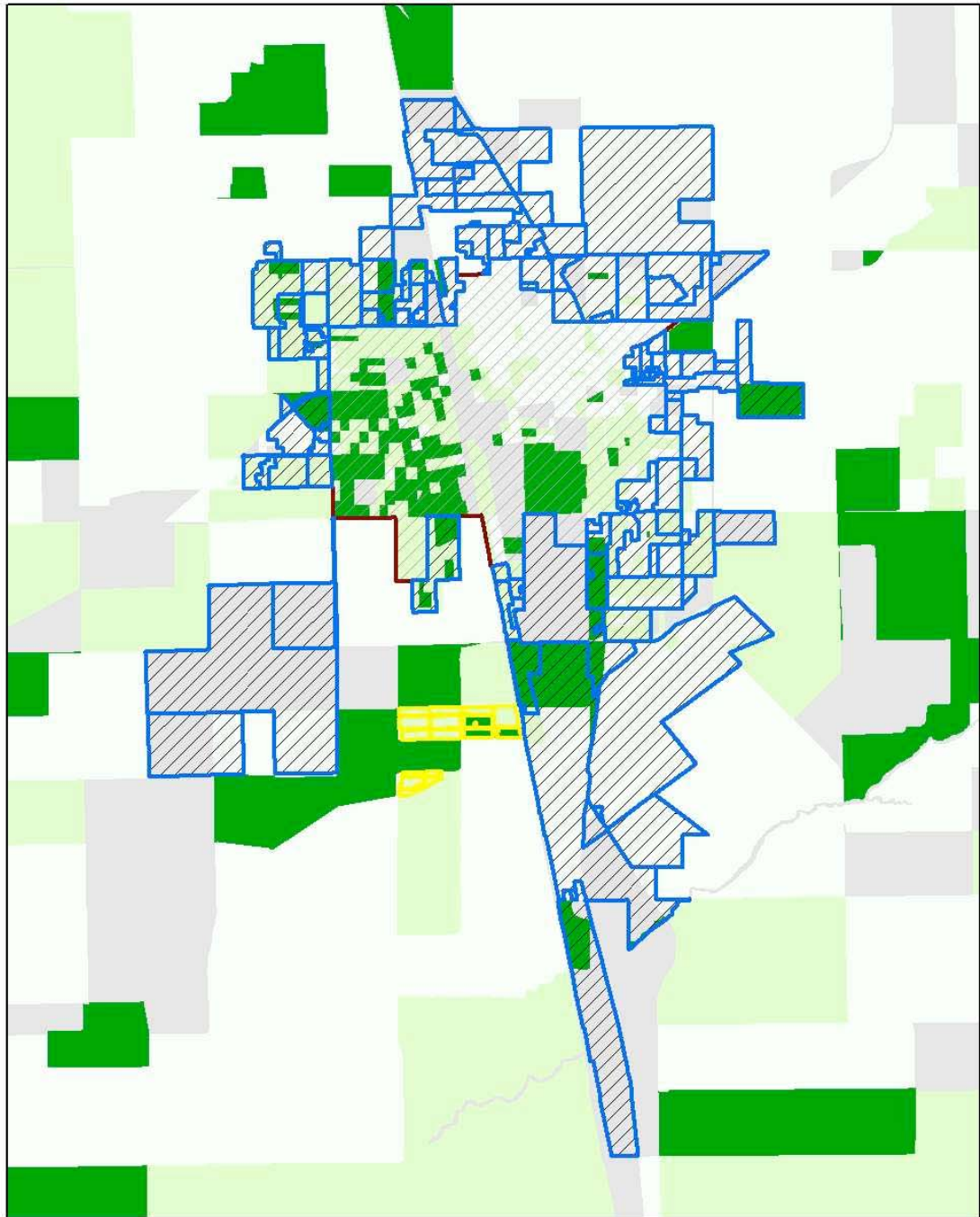
**Census 2000**

**Percent minority**

- 0% - 50%
- 50.1% - 75%
- 75.1% - 100%
- No population

**Annexation year**

- Previous years



2009

**Tulare city area**

- Core city
- Methany Tract parcels

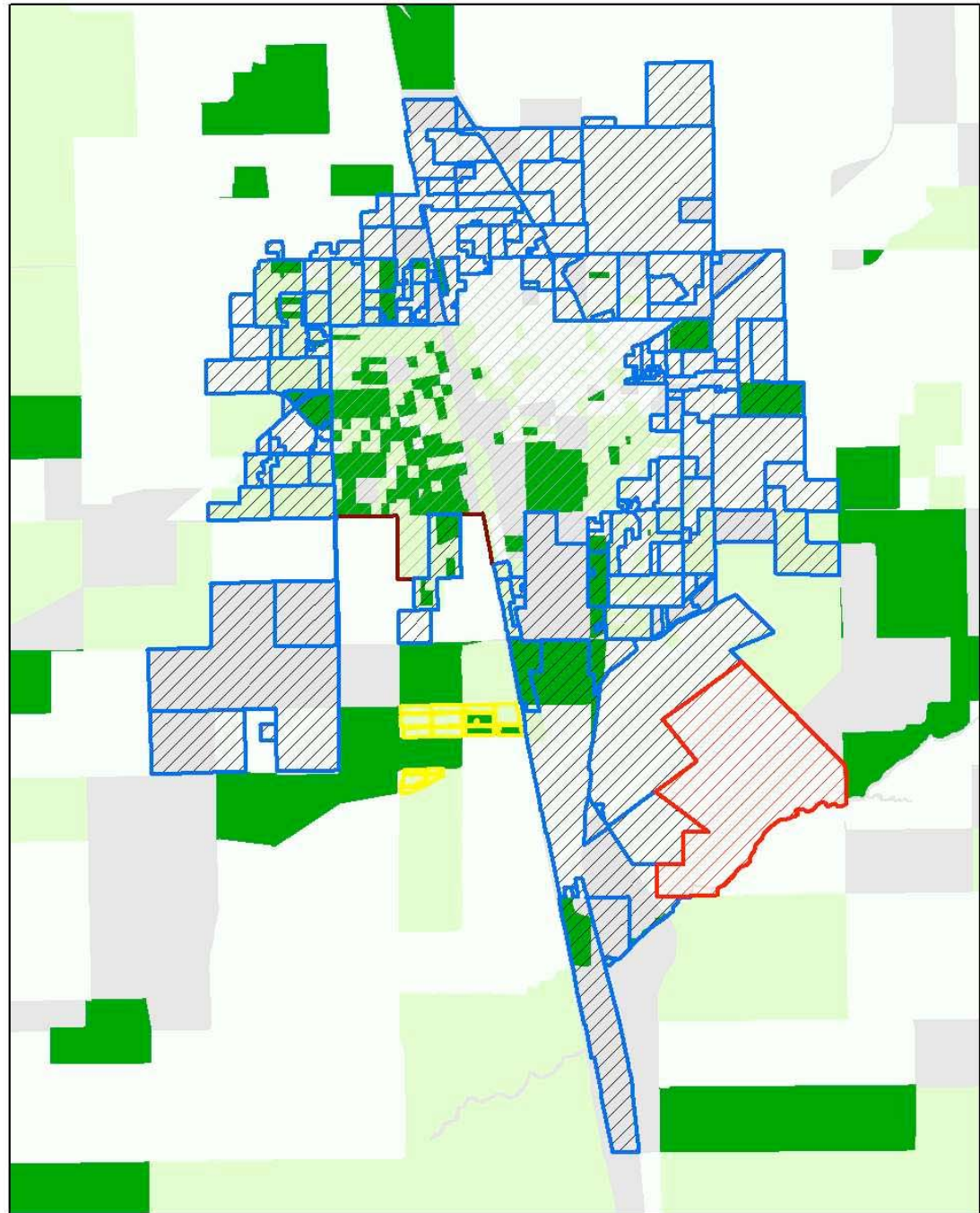
**Census 2000**

**Percent minority**

- 0% - 50%
- 50.1% - 75%
- 75.1% - 100%
- No population

**Annexation Year**

- This year
- Previous years







# 2010?

## Tulare city area

 Core city


 Metheny Tract parcels


## Industrial Park Proposal


 from Fig. 4.1, Spec. Plan


## Census 2000

### Percent minority

 0% - 50%

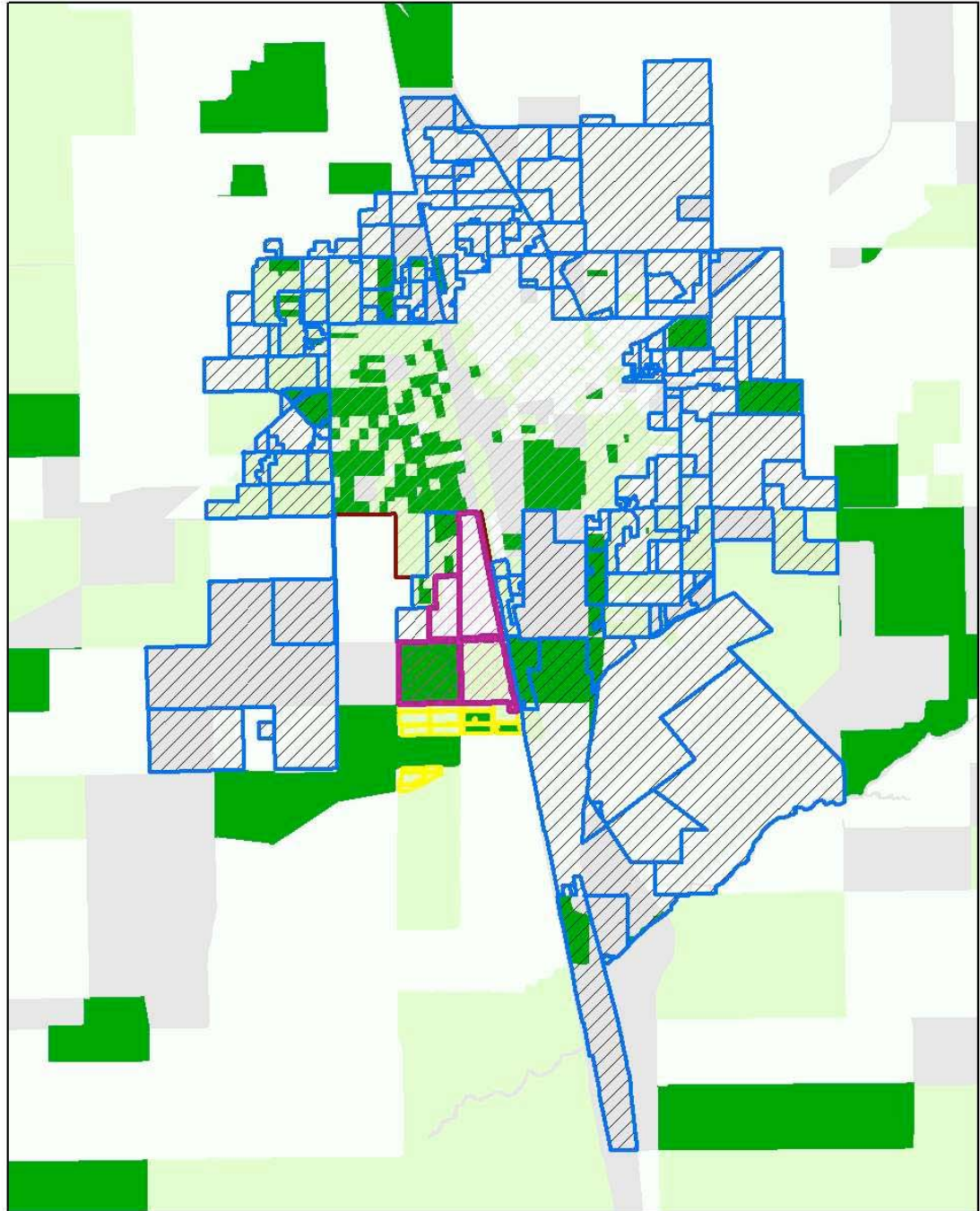
 50.1% - 75%

 75.1% - 100%

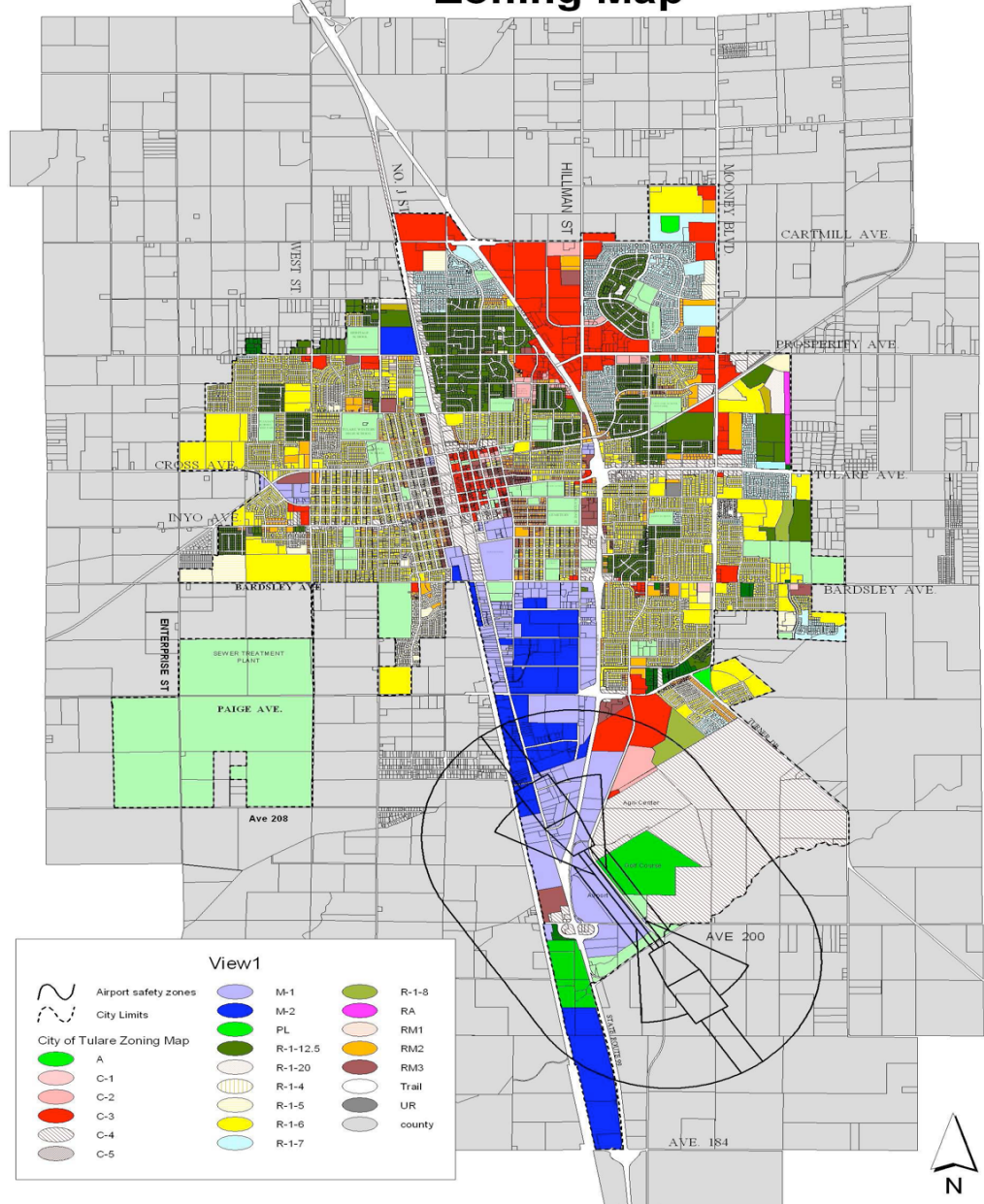
 No population

## Annexation year

 Previous years



# CITY OF TULARE Zoning Map



View1		
	Airport safety zones	
	City Limits	
City of Tulare Zoning Map		
	A	
	C-1	
	C-2	
	C-3	
	C-4	
	C-5	
	M-1	
	M-2	
	PL	
	R-1-12.5	
	R-1-20	
	R-1-4	
	R-1-5	
	R-1-6	
	R-1-7	
	R-1-8	
	RA	
	RM1	
	RM2	
	RM3	
	Trail	
	UR	
	county	

June 2009

2000 0 2000 4000 6000 8000 Feet





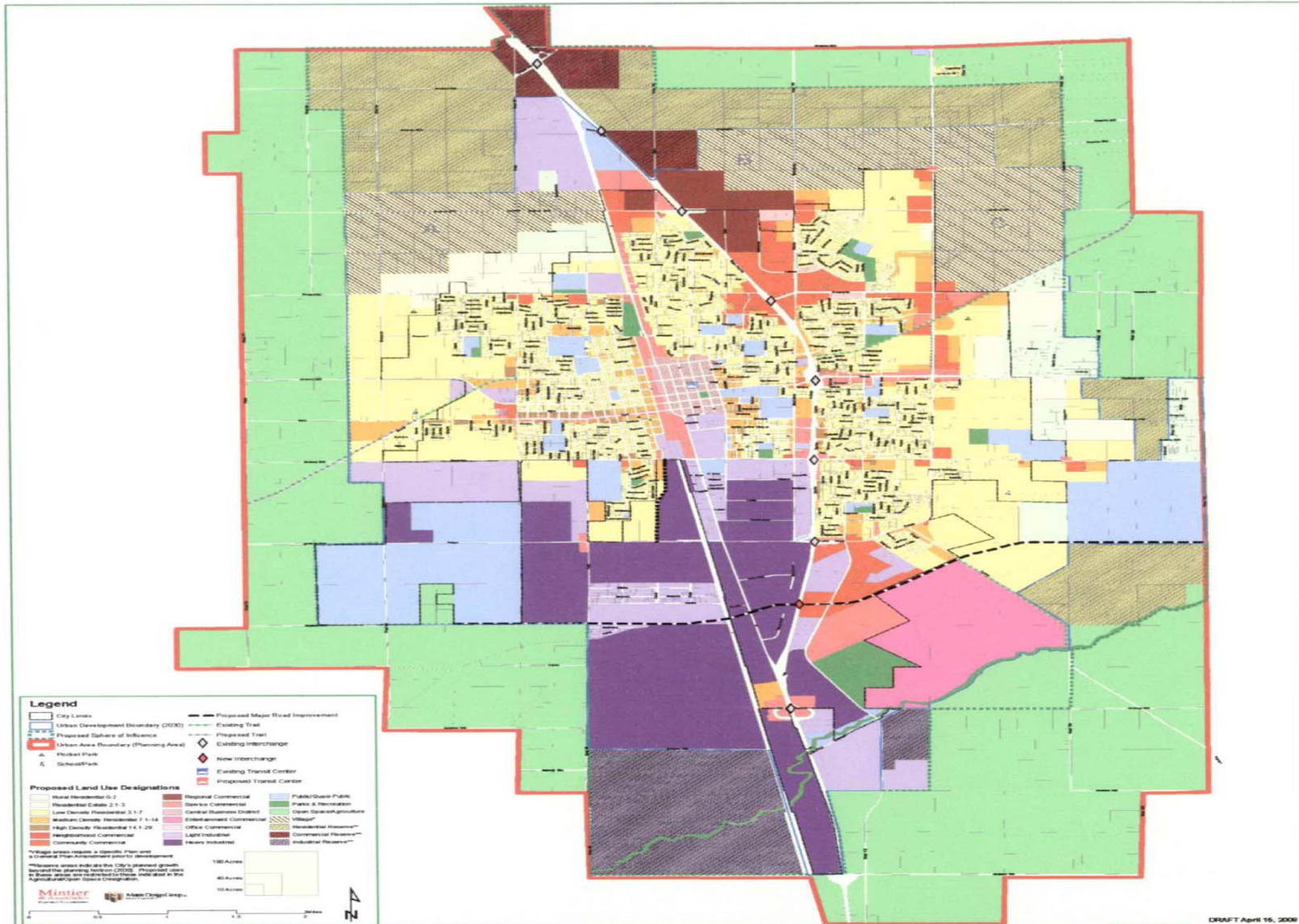


FIGURE 1-1



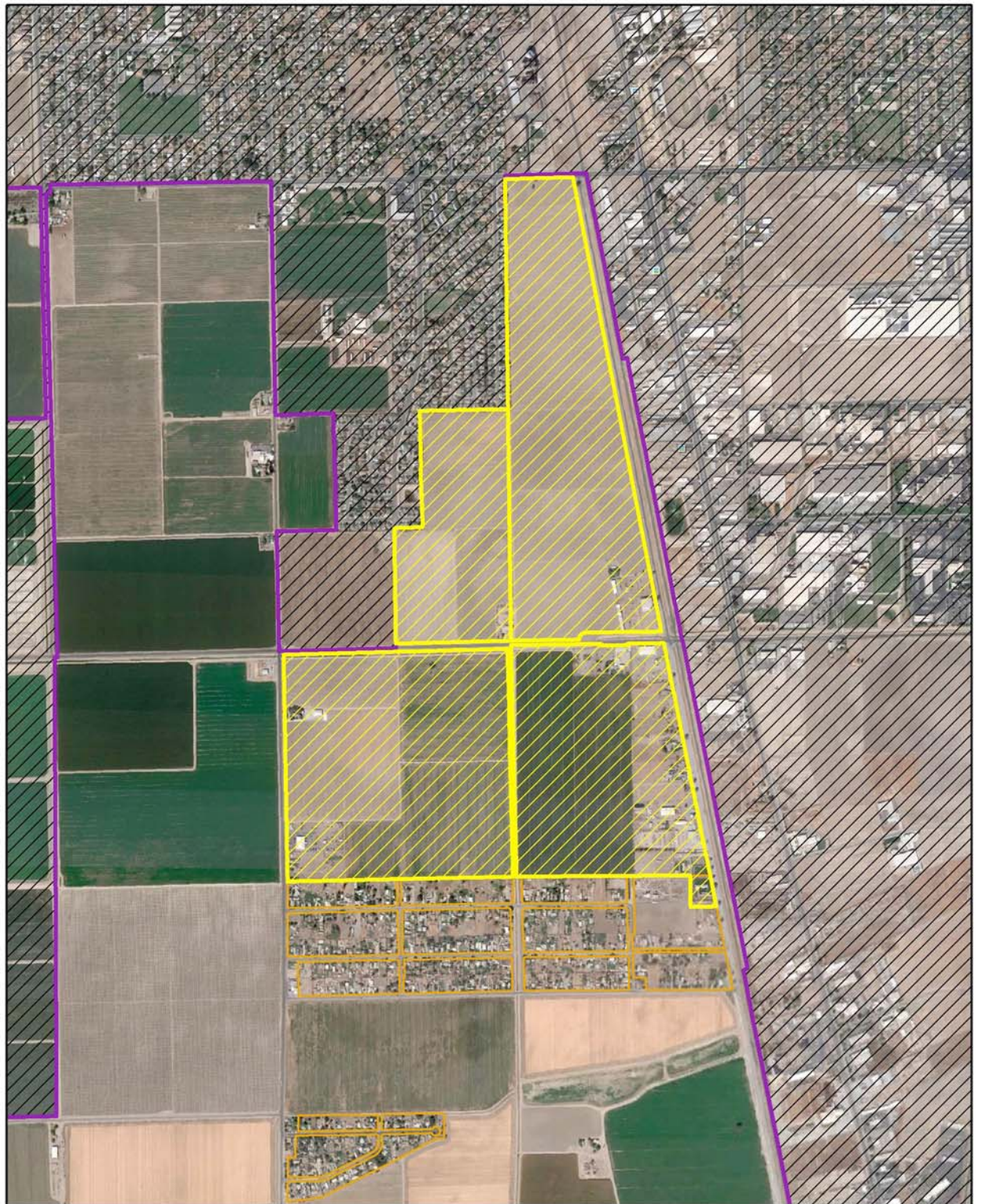
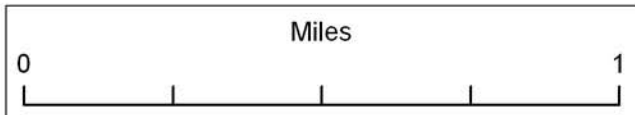
**Tulare city**

 Industrial Park proposal

 City limits

**County zoning**

 'residential' designations



# Matheny Tract: Addressing the Challenges

- **Legal Action**

- Through the public process at the border commission (Local Area Formation Commission - LAFCO)
  - Civil Rights and Fair Housing
  - California Environmental Quality Act
  - Environmental Justice Component of LAFCO law
    - The extent to which the proposal will promote environmental justice. “Environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

- **Local Advocacy**

- Matheny Tract Committee

# Matheny Tract: Moving toward Equity & Sustainability

- Water project underway to tie the community to City of Tulare water
- MOU between County and City for Sewer Project
- Notice provisions far beyond the scope required by law
- Local Policy Change re LAFCO processes
- Predicted statewide Policy Change re LAFCO processes
- Sustained involvement from community residents



## Statewide Efforts: three legislative approaches

Three bills were introduced in the 2010 session, with two of them passed but vetoed, to address some of these challenges and link the future of disadvantaged unincorporated communities to planning for sustainability

# SB 194: Prioritize Resources

## Targeting CDBG Entitlements:

- Require Citizens' Advisory Committees to include representatives of disadvantaged unincorporated communities
- Ensure proper notice, information and technical assistance
- Instruct counties to prioritize needs of residents in small DUC's

# Future Sustainable Communities Pilot Project - SB 1174 (Wolk)

- **Identify disadvantaged unincorporated communities in the planning process:**
- **Quantify and analyze conditions**
  - Sewer service;
  - Municipal water service;
  - Paved roadways, storm drains, sidewalks, and lighting;
  - Park access
  - Public transit access
  - Housing conditions, crowding, and costs
- **Set goals, objectives**
- **Develop timeline for actions**
  - Resources
  - Annexation
  - Development or expansion of regionalized services and infrastructure for legacy communities



## Annexation reform: AB 853 (Arambula)

**A bill to address obstacles and facilitate annexation of disadvantaged unincorporated fringe or island communities.**

- Give residents authority to petition board of supervisors to initiate annexation
- Require petitioning of LAFCO
- Reform tax transfer agreement process to prevent stalemates
- Require approval when proposed annexation will result in health and safety benefits



**Equity Summit 2011:**  
Healthy Communities, Strong Regions,  
A Prosperous America

**November 8-11, 2011**

**Detroit Marriott at the Renaissance Center**

**For more information visit: [www.PolicyLink.org](http://www.PolicyLink.org)**