



# Memorandum

**TO: HONORABLE MAYOR  
AND CITY COUNCIL**

**FROM: DENNIS HAWKINS**

**SUBJECT: TRANSMITTAL OF THE 2011  
REDISTRICTING  
ADVISORY COMMISSION  
REPORT**

**DATE: August 9, 2011**

**COUNCIL DISTRICT: Citywide  
SNI AREA: All**

## **RECOMMENDATION**

1. Conduct a Public Hearing on the 2011 Redistricting Advisory Commission recommendations
2. Accept the Redistricting Commission's report and recommendations dated May 31, 2011
3. Approve an ordinance establishing and declaring the Boundaries of the City Council Districts Using 2010 Federal Census Data as recommended by the Commission in its report and the Recommended Redistricting Plan, identified as "Plan B, dated May 23, 2011",
4. Direct City staff to take the necessary steps to implement changes to Council District boundaries as soon as possible

## **BACKGROUND**

### **A. Charter Requirements**

Pursuant to Section 403, the Redistricting Advisory Commission was appointed by the City Council on January 11, 2011, effective February 1, 2011. The Commission is composed of one member nominated by each Councilmember to represent each Council District, with the Chair nominated by the Mayor. The Commission is responsible every ten years, following the federal decennial census, to review and recommend the appropriate boundaries for City Council districts based upon Federal Census data. The Commission must complete its work within 120-days of its effective date. The Commission included the following members:

<b>District</b>	<b>Member</b>
Mayor	Rich De La Rosa, Chair
1	Cynthia Cobb
2	Forrest Williams
3	Erik Schoennauer
4	Mike Flaughner
5	Andrea Flores Shelton
6	Christopher Schumb
7	Dustin De Rollo
8	Bonnie Mace
9	Judy Chirco, Vice-Chair
10	Dave Fadness

**B. Summary of Commission’s Workplan**

**1. Commission Meetings and Public Hearings**

Beginning on February 7 and through May 26, 2011, the Commission met and deliberated 15 times, including 10 “public hearings” at locations in each Council district, for the purpose of obtaining public input, analyzing Census data and alternatives based upon available data, and compiling its recommendations. While the Charter only requires that three public hearings be conducted, the Commission members felt it important that a meeting be conducted in each Council District to allow maximum participation and access to its deliberations by the public. Meetings with the highest attendance included those in Districts 4, 6, and 8. Attendance at meetings varied from a low of approximately 15 to a high estimated to be between 200 – 300 residents. The public hearings and meetings were conducted at:

<b>District</b>	<b>Date</b>	<b>Location</b>
1	May 16	Cypress Senior Center
2	May 19	Edenvale Community Center
3	February 7, March 14, March 28, April 11, May 23 and May 26	City Hall
4	April 14	Berryessa Community Center
5	May 2	Mexican Heritage Plaza
6	May 9	Willow Glen Community and Senior Center
7	April 4	Seven Trees Community Center
8	April 25	Evergreen Community Center
9	April 18	Camden Community Center
10	May 18	Almaden Community Center

## **2. Commission Process**

Staff from the Offices of the City Clerk, City Attorney, and City Manager along with the Department of Planning, Building, and Code Enforcement, provided support for the Commission's meetings and public hearings. The Commission's activities were conducted in a way to maximize opportunities for City residents to engage in the process and express their opinions. Members of the public were given an opportunity to speak at all of the Commission's meetings and public hearings. The Commission heard testimony from over 100 individuals and one dozen organizations. Additionally, the Commission received and reviewed over 175 letters and emails from members of the public concerning redistricting issues.

The Commission utilized significant improvements in technology in its efforts to reach out to the community for input and to convey the redistricting options under consideration for public review and comment. A robust website was developed as the primary portal for the dissemination of technical information to the public for their review and comment. Agendas, minutes, and audio recordings of Commission meetings were posted on the City's website, as were custom maps, data tables and other technical analysis as requested by the Commission. Generally, such technical information was available on the website within 24 hours. Advertisements of the Commission's meeting schedule were published several times and in multiple languages using various media outlets, and *Redistricting 2011* was a "headline listing" on the main page of the City of San Jose website. The audio recordings of the meetings are currently available for review in the Office of the City Clerk and through the City website. In addition, all plans, plan exercises, and alternatives were displayed and written comments from the public were featured on the website: <http://www.sanjoseca.gov/redistricting/2011redistricting.asp>.

The Planning Department provided staff support for a "Redistricting Desk". Any Commissioner or interested member of the public could schedule an appointment with staff to review Census data and use the computer software programs to explore, model, and test different potential "population transfer areas" (PTAs) or other concepts. As a result, some transfer areas were developed and brought forward by Commissioners for formal consideration by the full Commission. In addition, the Redistricting Desk provided a convenient and accessible method for the public to obtain additional information regarding Census data and trends as well as to develop their own alternatives to present to the Commission as it reviewed various options. Staff assisted individuals in approximately 20 working sessions of 1-2 hours during the redistricting process.

## **3. Commission Guidelines**

The Commission adopted Guidelines, which included the principles set forth in the Mayor's memo of January 7, 2011 and the Council's action on January 11, 2011. The adopted guidelines are shown in the Commission's report on pages 4 – 6.

#### **4. Census Data**

The City Charter requires that the 10 Council Districts be as nearly equal in population as practicable, or each one tenth of the City's total population. According to the 2010 Census, the City's total population was 945,942 persons on April 1, 2010 (see Table 1, attached). This figure represents an increase of 51,000 persons from 2000, or 5.7%, during the 2000 - 2010 period (2000 population = 894,943 persons).

Staff brought to the Commission's attention the issue of population contained in areas that had recently been annexed to the City. The Commission determined that because Census data for those residents included in the recent annexations were readily available, it was appropriate to include them in the citywide population total. Therefore, after the 2010 data was released, the Commission voted to include in the City's population for redistricting purposes former unincorporated County pockets that had been annexed by the City after the Census count, but prior to the 2011 redistricting process. The Commission's action included only those pockets that were already annexed prior to the start of the Redistricting process, but not those pockets that were still in the process of annexation, but not finalized, such as Cambrian 36. It should be noted that these County pockets were located almost entirely within District 5, raising the population of District 5 by 6,647 persons.

The addition of the annexed areas brings the City's population to 952,612. Using this citywide population total, the mean population for San Jose Council Districts in 2011 is 95,261 persons. This is computed by dividing the total citywide population by the number of Council Districts (i.e.,  $952,612 \div 10 = 95,261$  persons per District).

#### **ANALYSIS**

During the last decade, all San Jose City Council Districts experienced some population growth. However, the growth was not evenly distributed throughout the City. The Commission's target was to be within 10% of the mean population. With a mean of 95,261 persons per District, the target population range is between 90,498 and 100,024. The recommended plan has a deviation of 9.7% and all Districts are within the target range.

The Commission's report, pages 10 – 15, contains detailed information regarding the recommended changes in District boundaries. Under the recommended plan, only 22,067 residents will change Council Districts, which represents just 2.3% of the City's population. By comparison, 38,937 residents changed Council Districts under the plan approved following the 2000 Census, or approximately 4% of the total population. Boundary lines changed in nine of the ten Council Districts, with only District 5 being unaffected.

In addition to a count of persons, the decennial Census provides data on major race groups and Hispanic ethnicity that are a key consideration in redistricting efforts. These data indicate that five (5) Council Districts have a single race/ethnic group majority (see Tables 4 and 5 of the Commission's report). Two Council Districts contain a Hispanic majority (District 3 = 52.7% and District 5 = 62.1%), two Districts contain an Asian majority (District 4 = 61.0% and District 8 = 53.2%) and one District contains a White majority (District 9 = 59.2 %.) It should be noted that for Census data provided for redistricting purposes, all Asian populations are totaled together (e.g. Chinese, Vietnamese, Korean, Japanese, etc.).

### **PUBLIC OUTREACH**

The Redistricting Advisory Commission conducted a series of 15 public meetings and hearings from February 7 through May 26, 2011. The Office of the City Clerk will post this item on the City's Website as part of the August 23, 2011 Council Agenda.

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. (Required: Website Posting)
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council, or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

### **COORDINATION**

The transmittal of the Redistricting Advisory Commission's report and recommendations has been coordinated with the Offices of the City Clerk, City Attorney and City Manager, and the Department of Planning, Building, and Code Enforcement.

### **COST IMPLICATIONS**

No additional implementation costs are anticipated at this time. However, if there are any, staff will return to the Council for further action.

HONORABLE MAYOR AND CITY COUNCIL

**Subject:** Implementation of the 2011 Redistricting Advisory Commission Recommendations

August 8, 2011

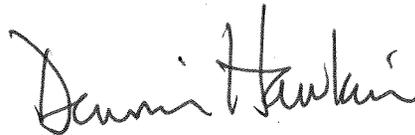
Page 6

**CEQA**

Not a project, File No. PP10-069, City administrative and organizational activities.

**SUMMARY**

The Redistricting Advisory Commission has concluded its work as prescribed by the City Charter and in conformance with applicable State and Federal law. Upon adoption of the recommended Ordinance, the new boundaries will be implemented within the Charter timeline. Overall, the objectives of the Commission are met and the desired outcomes have been achieved consistent with the Council's direction.



**DENNIS D. HAWKINS, CMC**  
CITY CLERK

For questions please contact Dennis Hawkins, City Clerk, at 408.535.1275 or Lisa Herrick, Senior Deputy City Attorney, at 408.535.1963.



## CITY OF SAN JOSÉ, CALIFORNIA

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Office of the City Clerk  
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San Jose City Clerk

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### REDISTRICTING ADVISORY COMMISSION

May 31, 2011

Honorable Mayor and City Council  
City of San Jose  
200 E. Santa Clara Street, 18<sup>th</sup> floor  
San Jose, CA 95113-1905

Dear Mayor Reed and Councilmembers:

As required under the San Jose City Charter, Section 403, the Redistricting Advisory Commission was appointed February 1, 2011 and is responsible to submit its recommendations to the City Council by May 31. The Commission has completed its work in conformance to the Charter and hereby submits its Recommendations for the Redistricting of the City Council Districts following the 2010 Census.

### RECOMMENDATIONS

On May 23, 2011, the Commission voted:

1. By a unanimous vote, the Commission recommends that the City Council adopt a redistricting ordinance in accordance with this report and the Recommended Redistricting Plan, identified as "Plan B, dated May 23, 2011", attached to this report as Exhibit 1.
2. By an 8-3 vote, the Commission recommends that the Council amend the Citywide Records Retention Schedule to retain audio recordings of Redistricting Advisory Commission meetings for at least ten (10) years. The Commission believes that future Commissions could benefit from the historical perspective of public testimony and Commission discussion from past Commissions.
3. By a unanimous vote recommends that, to allow future Commissions and the public adequate time to consider redistricting recommendations, the City Council place before San Jose voters a Charter amendment that begins the 120-day deadline for the Redistricting Advisory Commission's report no later than 30 days after receipt of federal Census data or from the day of appointment of the Commission, whichever is later. This amendment should be placed on the ballot as soon as practicable.

4. Unanimously recommends a commendation for all City staff members who worked in support of our Redistricting efforts.

## **BACKGROUND**

City Charter Section 403 establishes the Redistricting Advisory Commission and provides that the Commission study and make redistricting recommendations concerning the boundaries of City Council Districts to the City Council. On January 11, 2011, the City Council appointed the Redistricting Advisory Commission, effective February 1, 2011, pursuant to the City Charter, to study the 2010 Census and make recommendations. The Council appointed one member from each of ten Districts in the City as recommended by the Councilmember from that District and the Chairperson from the City at large, who was recommended by the Mayor. The Commission was comprised of the following members:

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3	Erik Schoennauer
4	Mike Flaugher
5	Andrea Flores Shelton
6	Christopher Schumb
7	Dustin De Rollo
8	Bonnie Mace
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10	Dave Fadness

## **Redistricting Advisory Commission Process**

### **A. Commission Meetings and Public Hearings**

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Staff from the Offices of the City Clerk, City Attorney, and City Manager along with the Department of Planning, Building, and Code Enforcement, provided support for the Commission's meetings and public hearings. The Commission's activities were conducted in a way to maximize opportunities for City residents to engage in the process and express their opinions; members of the public were given an opportunity to speak at all of the Commission's meetings and public hearings and the Commission heard testimony from over 100 individuals and one dozen organizations. Additionally, the Commission received and reviewed over 175 letters and emails from members of the public concerning redistricting issues.

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staff to review Census data and use the computer software programs to explore, model, and test different potential "population transfer areas" (PTAs) or other concepts. As a result, some transfer areas were developed and brought forward by Commissioners for formal consideration by the full Commission. In addition, the redistricting desk provided a convenient and accessible method for the public to obtain additional information regarding Census data and trends as well as to develop their own alternatives to present to the Commission as it reviewed various options. Staff assisted individuals in approximately 20 working sessions of 1-2 hours during the redistricting process.

The Commission heard a significant amount of public testimony and received numerous letters and emails regarding three topics:

- On February 7, March 14, March 28, April 11 and April 14, 2011, the request to maintain district boundaries which would support the close relationship between District 4 and the Berryessa Union School District;
- On May 9, May 16, May 18, May 19 and May 23, 2011, the opposition of many Willow Glen residents to the potential transfer of people in the vicinity of Curtner Avenue to Dry Creek Road and Leigh Avenue to Meridian Avenue from District 6 to District 9 (PTAs 6-9(a), 6-9(aa), 6-9(aaa), 6-9(e)); and
- On May 9, May 16, May 18, May 19, May 23 and May 26, 2011, the support of the transfer of PTA 6-9(d) from District 6 to District 9 and the transfer of PTA 9-6(b) from District 9 to District 6 to offset the PTA 6-9(d) transfer.

## **B. Redistricting Criteria**

As the Commission began its deliberations, one of its first steps was to consider and adopt guidelines as a framework to follow during its deliberations and development of the redistricting recommendations. The Commission was mindful of the City Council's direction, as outlined in the Mayor's January 7, 2011 memorandum, to look at criteria established by the 2001 Redistricting Advisory Commission and to maintain the continuity of existing Council Districts to the extent possible. The Commission also considered the City Council's recommendations to consider the guidelines established by California State Propositions 11 and 20 regarding the redistricting of state and federal districts. Therefore, the Commission adopted the following guidelines at its March 28 meeting:

### **MANDATORY GUIDELINES**

- |  |
|--|
| ▪ Make the Districts as nearly equal in population as may be practicable |
| ▪ Comply with Federal Voting Rights Act                                  |

## OTHER GUIDELINES FOR CONSIDERATION

### ➤ **CHARTER**

- Give consideration to natural boundaries, street lines, and/or City boundaries
- Give consideration to geography
- Give consideration to cohesiveness, contiguity, integrity, and compactness of territory
- Give consideration to community of interests within each district

### ➤ **2001 COMMISSION**

- Maintain continuity of existing Council Districts to the extent possible
- Where boundaries meet Charter requirements, maintain continuity of existing Council Districts as much as possible
- Avoid unseating current City Council members
- Comply with all applicable laws, including the avoidance of gerrymandering
- Equalize the population count in each District within 10%
- Minimize the dilution of votes, and avoid the fragmentation or the over compaction of ethnic communities
- To the extent possible, provide income diversity within Districts
- Strive to balance District interests with City-wide interests, but not at the expense or exclusion of individual Districts
- To the extent possible, recognize the importance of parks and public facilities in Districts
- Where possible, do not divide school districts between separate Council Districts
- Maintain cohesive neighborhoods within Districts and, where possible, keep neighborhood associations within a single District

### ➤ **PROPOSITION 11**

- Follow Voting Rights Act
- Develop geographically compact districts
- Develop reasonably equal population of districts
- Do not favor or discriminate against political incumbents, candidates, or parties
- Maintain "communities of interest" and neighborhoods

### ➤ **PROPOSITION 20**

- Definition of "community of interest":

A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of

interest shall not include relationships with political parties, incumbents, or political candidates.

To the extent possible in its deliberations, the Commission looked to maintain school district boundaries and neighborhood integrity within existing District boundaries. Additionally, the Commission indicated an awareness of ethnic communities and highlighted the need to consider the effect of boundary changes to ethnic populations within each Council District.

### **C. Preparation and Development of Redistricting Plans**

Alternative redistricting plans were developed through an iterative process. Initially, the Commission asked staff to prepare “starting point” (SP) exercises that would illustrate a 1% deviation from the highest to lowest population numbers between districts (SP-1) and a 5% deviation (SP-5). Subsequently, the Commission directed staff to develop an example of plans with a 7.5% deviation among districts (SP-7.5). Lastly, the Commission asked staff to develop a starting point exercise using a 10% deviation (SP-10). These exercises are attached to this report as Exhibits 2 – 5.

Staff also created a convenient record-keeping system that included “population transfer areas” (PTA) to describe geographic areas where boundary changes were being considered during the redistricting process. To the extent possible, staff developed a naming convention as shown in the following example PTA 1-2(a), which means:

<b>Transfer from District</b>	<b>Transfer to District</b>	<b>Area Alternative</b>
1	2	a

Initially, staff, in developing the various starting point exercises requested by the Commission, created potential population transfer areas on those initial plan maps. Following the discussions of these starting point exercises, consensus emerged among Commissioners that PTAs should only be added or deleted by the Commission during the public hearing process. At each Commission meeting, additional population transfer areas (PTA) were identified and discussed. A PTA Master Index was maintained as a dynamic inventory, which could, and did, change on a meeting-by-meeting basis. Specifically, a Population Transfer Area could only be included or deleted on the Master Index by a majority vote on a proposal; Commissioners were not allowed to add or delete PTAs without an open discussion of the potential transfer area during Commission hearings. The PTA Master Index was maintained by Planning staff and included the list and a diagram of current transfer area options under consideration as well as a table that was regularly updated and posted on the Commission’s website. In total, the Commission considered fifty-three (53) transfer areas during its meetings. The Master Index is attached to this report as Exhibit 6.

Summary data tables were provided with each redistricting plan or exercise. These tables included several statistical measures that formed a consistent basis for comparison of the various plans. These statistics included the total population of each recommended Council District, and the variation of these population figures from the mean population of all Districts. As the Commission narrowed its discussion down to several optional plans, a detailed breakdown of population by major race groups and Hispanic ethnicity was provided.

### **Summary of Census 2010 Population Data**

The City Charter requires that the 10 Council Districts divide the City's population to be as nearly equal in population as practicable, or a tenth of the total. According to the 2010 Census, the City's total population was 945,942 persons on April 1, 2010 (see Table 1, attached). This figure represents an increase of 51,000 persons from 2000, or 5.7%, during the 2000 - 2010 period (2000 population = 894,943 persons).

Staff brought to the Commission's attention the issue of population contained in areas that were recently annexed to the City. The Commission determined that because Census data for those residents included in the recent annexations were readily available, it was appropriate to include them in the citywide population total. Therefore, after the 2010 data was released, the Commission voted to include in the City's population for redistricting purposes former unincorporated County pockets that had been annexed by the City after the Census count, but prior to the 2011 redistricting process. The Commission's action included only those pockets that were already annexed prior to the start of the Redistricting process, but not those pockets that were still in the process of annexation, but not finalized, such as Cambrian 36. It should be noted that these County pockets were located almost entirely within District 5, raising the population of District 5 by 6,647 persons.

The addition of the annexed areas brings the City's population to 952,612. Using this citywide population total, the mean population for San Jose Council Districts in 2011 is 95,261 persons. This is computed by dividing the total citywide population by the number of Council Districts (i.e.,  $952,612 \div 10 = 95,261$  persons per District).

All ten San Jose City Council Districts experienced some increase in population during the past decade; however, growth was not evenly distributed among the Districts. For example, 2010 Census figures indicate that Council Districts 4 and 1, currently the City's largest and smallest Districts, respectively, registered a population difference of over 14,000 persons, a deviation of 15% among the Council Districts. In fact, in order to redistribute population in a manner that complies with minimum legal requirements of 10% variation, some boundary changes are necessary (either expansion or contraction) among at least six Council Districts (see Table 2, attached).

In addition to a count of persons, the decennial Census provides data on major race groups and Hispanic ethnicity that are a key consideration in redistricting efforts. These data indicate that five City Council Districts are comprised of a single race/ethnic group majority (see Tables 4 and 5, attached). Two Districts contain a Hispanic majority (District 3= 52.7%; District 5= 62.1%), two Districts contain an Asian majority (District 4= 61.0%; District 8= 53.2%), and one District contains a White majority (District 9= 59.2%). It should be noted that the Census data provided for redistricting purposes includes all Asian population together (e.g., Chinese, Vietnamese, Korean, Japanese, etc.) in one race group.

During its deliberations, particularly in regards to the District 6-District 9 boundary in the Rubino Circle neighborhood, the Commission considered the feasibility and legality of splitting Census blocks (the smallest data collection areas used by the US Census Bureau) in the creation of potential PTAs. The Commission considered advice from the City Attorney and Planning staff that such transfers may be legal but have future data matching issues. Staff was able to develop an acceptable methodology to estimate the population impacts in a defined area, but such an approach was not recommended by staff due to numerous practical limitations. The Commission also faced a difficulty in considering some population transfer areas due to oddly configured Census blocks. Therefore, the Commission determined that the division of Census blocks proved to be impractical and led the Commission to seek other solutions for the transfer of population between District 6 and District 9.

### **Process Flow**

Another important component in the 2011 redistricting process related to the sequence of consideration of boundary changes among City Council Districts. Due to the unique configuration of the City of San Jose, the Commission found it was most logical to commence redistricting considerations in those Districts with the greatest geographic constraints to boundary adjustment. As the Commission's work continued, the inter-relationships between Council Districts became more evident. For example, as population transfer areas were considered, the Commission examined the effects on total District population as well as the variances between the populations in the Districts.

Council Districts 1 and 4 were identified as good "starting points" given the extent of boundary change limitations imposed by their shape and relative position within the City limits, and because Districts 1 and 4 have the smallest and largest populations, respectively, of any District. Decisions relating to boundary changes in Council District 1, and their effects on Council Districts 6 and 9, and changes to boundaries of Council District 4 with their impacts on Council Districts 3 and 5, were especially critical to the 2011 redistricting process.

To facilitate this discussion, the Commission developed primary “process flow” areas in which it would consider transfer areas in a grouping. The principal process flows were in three sub-areas of the City:

- Districts 1-6-9
- Districts 3-4-5
- Districts 8-7-2-10

## **Description of Recommended Redistricting Plan**

### **A. General Changes**

Early in the process, and after review of the “starting point” plan exercises for 1%, 5%, 7.5%, and 10% variations, a general agreement developed among the Commission that a 10% population variation among Council Districts was a baseline for discussion since it was the legally defensible position and would necessitate transferring the fewest number of residents between Districts. Several Commissioners consistently supported a lower percentage variation. With a mean of 95,261 persons per District, the 10% variation yields a target population range of between 90,498 and 100,024 persons per District. The Commissioners stated that they felt this was legally defensible, reflected the variation incorporated in the 2001 Redistricting process, met City Council direction, and would require less movement of current boundaries with less disruption of the City’s residents. Many District representatives and community members were comfortable with the basic geography and population of their communities, and strong preferences for the minimal amount of change emerged. The sentiment expressed by most members of the Commission was that a narrower population variance would require much greater transfers of population and would be more disruptive. The Recommended Redistricting Plan B results in a total population variation of 9.7% among Districts (see attached Tables 7 and 8).

It should be noted that the Commission did consider and vote on two plans – Plan A and Plan B. Plan A was not approved by a majority of the Commission. Plan B was approved by a unanimous vote of the Commission, which is why it is the recommended plan.

Several members of the Commission maintained an interest in tightening the variation among Districts to achieve a population variation smaller than 10%. Other than the two mandatory guidelines, the Commission’s adopted guidelines did not prioritize among the various criteria and guidelines, and therefore it was difficult to balance the Districts with less variance. However, the Commission noted that for the Redistricting process following the 2020 Decennial Census, if the City Council prefers a smaller population variance, it should provide that direction to the Redistricting Advisory Commission; identify and prioritize specific redistricting criteria such as the preferred District population variance.

The Recommended Redistricting Plan maintains the continuity of existing Council Districts to the greatest extent possible (see Table 7, attached). One measure for determining the degree of change that accompanies a redistricting plan is the "total transfer population". The total transfer population is, in essence, the total number of persons that would "move" from one Council District to another. The Recommended Redistricting Plan B limits the total transfer population to 22,067 persons, or just 2.3% of the population of the City of San Jose.

The Recommended Redistricting Plan B also minimizes change in terms of the existing concentration of major race/ethnic groups (see attached Tables 10 and 11). The District 5 boundaries are unchanged by the Recommended Redistricting plan; however, its population has grown due to the annexation of various County pockets. The largest degree of change is a 1.8% reduction in the concentration of the Asian population in Council District 1 (from 38.5% to 36.7%). Further, among these nine Districts, the concentration change (positive or negative) is 1.0% or more in only three Districts, while in three others the change is between 0.5% and 1.0%, and in the remaining three the change is between zero and 0.5%. Finally, in all five Districts discussed above that contain an existing single race/ethnic group majority (discussed above), that majority status is maintained.

## **B. Description of District Boundary Changes**

### **District 1**

One boundary change is recommended for Council District 1. According to Census 2010, District 1 had the smallest population (88,645 persons) of the ten Council Districts, and therefore must expand to meet minimum legal requirements. Given the District's geographic location sharing a boundary with Council District 6 only, and otherwise completely surrounded by the cities of Santa Clara, Cupertino, Saratoga, and Campbell, the single redistricting option was to expand District 1 into District 6.

As such, the Recommended Redistricting Plan B incorporates Population Transfer Area (PTA) 6-1(a), which area is bounded by South Winchester Boulevard on the west, Interstate 280 on the north, Highway 17 on the east, and the San Jose municipal boundary (adjacent to the City of Campbell) on the south (Hamann Park neighborhood). The population of PTA 6-1(a) is 7,172 persons, per Census 2010, and increases the District 1 population to approximately the District mean (95,817 persons).

### **District 2**

Two boundary changes are recommended for Council District 2. According to Census 2010, District 2 had a population of 92,314 persons, which figure is well within a 10% deviation from the 2010 District mean. However, given the District's geographic location

between Council District 8 which needs to contract, and District 10 which needs to expand, and the District's adjacency to District 7 (which must almost inevitably undergo some boundary change due to its central location), District 2 is essential to helping multiple Districts meet minimum legal requirements.

To facilitate the Recommended Redistricting Plan B, PTA 2-10(ba) is incorporated, which area is bounded by Blossom Avenue on the west, Calero Avenue on the north, Snell Avenue on the east, and the Almaden ridge on the south. PTA 2-10(ba) has a population of 3,545 persons, per Census 2010, and increases the District 10 population to within a 10% deviation from the District mean. In addition, to help facilitate the transfer of this population from District 2 to District 10, and also absorb excess population provided to District 7 as a result of a required District 8 contraction, a second PTA 7-2(b) is included. PTA 7-2(b) is bounded by Senter Road on the west, Sylvandale Avenue/Yerba Buena Road on the north, Highway 101 on the east, and Hellyer Avenue on the south, with population of 2,610 persons, per Census 2010, for a District 2 total of 91,379 persons.

### **District 3**

One boundary change is recommended for Council District 3. In Census 2010, District 3 has a population of 93,896 persons, which figure is relatively close to the District mean so that no boundary changes are required to meet minimum legal requirements. However, given the District's geographic location adjacent to Council District 4, the Commission determined it advisable (see discussion of District 4 below) to expand District 3 into District 4, to reduce the size of District 4.

After Commission discussion, PTA 4-3(b) is incorporated into the Recommended Redistricting Plan B, which area is bounded by Highway 101 on the southwest, East Brokaw Road/Murphy Avenue on the northwest, and a combination of Ringwood Avenue, Sajak Avenue, Coyote Creek, and Berryessa Road on the northeast/southeast (specifically excluding the area further southeast, between Berryessa and Mabury Roads, and north of Highway 101 to Coyote Creek). PTA 4-3(b) has a population of 3,107 persons, per Census 2010, sufficient to reduce the District 4 population to within (by 132 persons) a 10% deviation from the District mean and result in 97,003 persons in District 3.

### **District 4**

One boundary change is recommended for Council District 4. According to Census 2010, District 4 had the largest population (102,999 persons) of any District, and must contract to meet minimum legal requirements. Given the District's geographic location adjacent to Council Districts 3 and 5 only, and otherwise mostly bounded by the cities of Santa Clara and Milpitas, redistricting options for boundary adjustments are somewhat limited. Throughout the redistricting process, numerous District 4 boundary change

options were considered, including providing population to District 5 only, to District 3 only, and to a combination of Districts 3 and 5.

Ultimately, the Commission opted for a solution that contracts District 4 by providing population to District 3 only. This solution helps preserve the status quo in rough alignment of the existing District 4/District 5 boundary with the Berryessa Union School District in response to considerable public input. As noted in the discussion of District 3 above, PTA 4-3(b) is incorporated in the Recommended Redistricting Plan B, whose boundary is designed to align with the eastern boundary of the adjacent Orchard School District, for a total population of 99,892 persons, which is the largest District in the Recommended Redistricting Plan B.

### **District 5**

No boundary changes are recommended for Council District 5. According to Census 2010, District 5 has a population of 90,863 persons. However, the Commission requested inclusion of several formerly unincorporated County pockets, located almost entirely within District 5, in the City's population for redistricting purposes. While these former pockets were not incorporated as of 2010 Census Day (April 1, 2010), their subsequent annexation in November/December 2010 and the ready availability of definitive Census 2010 data for these areas allowed a more accurate representation of the District's demographic and geographic characteristics by inclusion of these residents.

As a result, the District 5 population was increased by 6,647 persons, to a total of 97,510 persons, which figure is well within a 10% deviation from the District mean. Thus, while numerous District 5 boundary change options were considered throughout the redistricting process, involving every Council District that abuts District 5 (i.e., Districts 3, 4, 7, and 8), the Commission ultimately decided to leave District 5 intact.

### **District 6**

Three boundary changes are recommended for Council District 6. According to Census 2010, District 6 has a population of 100,236 persons, which figure is only slightly above (by 212 persons) a 10% deviation from the District mean. However, as noted in the discussion of Council Districts 1 and 9, District 6 is essential to providing each of these other two Districts with population to meet minimum legal requirements.

As such, PTA 6-1(a) is incorporated into the Recommended Redistricting Plan B, as noted in the discussion of District 1 above. In addition, to address the low population of District 9, PTA 6-9(b) is included, which area is bounded by Old Almaden Road on the west, Foxworthy/Hillsdale Avenues on the north, Highway 87 on the east, and Capitol Expressway on the south. PTA 6-9(b) has a population of 1,227 persons, per Census 2010 and results in 91,837 persons in District 6. Lastly, the small PTA 6-9(aaa),

consisting of school grounds only (Bagby Elementary School and Grace Christian School) with no resident population, is recommended to improve the integrity of the Cambrian School District which has its other facilities in District 9.

### **District 7**

Two boundary changes are recommended for Council District 7. According to Census 2010, District 7 has a population of 97,868 persons, which figure is well within a 10% deviation from the District mean. However, given its unique geographic location—centrally positioned and sharing boundaries with six Districts (i.e., Districts 2, 3, 5, 6, 8, and 10), District 7 is essential to just about any possible redistricting solution.

As such, PTA 8-7(c) is incorporated into the Recommended Redistricting Plan B, which area is bounded by Highway 101 on the west, Capitol Expressway on the north, Silver Creek Road on the east, and Yerba Buena Road on the south (Dove Hill neighborhood.) PTA 8-7(c) has a population of 3,772 persons, per Census 2010, and reduces the District 8 population to within a 10% deviation from the District mean. In addition, as noted in the discussion of District 2 above, PTA 7-2(b) is recommended to help facilitate the transfer of population from District 2 to District 10. PTA 7-2(b) is bounded by Senter Road on the west, Sylvandale Avenue/Yerba Buena Road on the north, Highway 101 on the east, and Hellyer Avenue on the south, and has a population of 2,610 persons, per Census 2010. The resulting population for District 7 is 99,030 persons.

### **District 8**

One boundary change is recommended for Council District 8. According to Census 2010, District 8 had the second largest population (101,108 persons) of any District, and must contract to meet minimum legal requirements. Given the linear mountain range along the boundary between Districts 8 and 2, the most viable options for a District 8 contraction exist along the borders with Districts 5 and 7. However, after evaluation of several potential boundary changes between Districts 8 and 5, the Commission concluded that contraction of District 8 was best accomplished through a boundary change with District 7.

Therefore, PTA 8-7(c) is incorporated in the Recommended Redistricting Plan B, which area is bounded by Highway 101 on the west, Capitol Expressway on the north, Silver Creek Road on the east, and Yerba Buena Road on the south (Dove Hill neighborhood.) PTA 8-7(c) has a population of 3,772 persons, per Census 2010, and reduces the District 8 population to within a 10% deviation from the District mean, to 97,336 persons.

### **District 9**

Three boundary changes are recommended for Council District 9. According to Census 2010, District 9 has the second smallest population (88,853 persons) of any District, and must expand to meet minimum legal requirements. Given the District's geographic location between Council Districts 6 and 10, and otherwise adjacent to the cities of Campbell and Los Gatos, redistricting options are somewhat limited. Further, after evaluation of several potential boundary changes between Districts 9 and 10, both in the Coleman Road area to the south and along the Highway 87 border to the east, the Commission concluded that expansion of District 9 was best accomplished primarily through boundary change(s) with District 6.

After lengthy discussion and extensive public input, PTA 6-9(b) is included in the Recommended Redistricting Plan, as noted in the discussion of District 6 above. PTA 6-9(b) has a population of 1,227 persons, per Census 2010. In addition, a small PTA 6-9(aaa), consisting of school grounds only (Bagby Elementary School and Grace Christian School) and no resident population, is included to help improve the integrity of the Cambrian School District which has its other facilities in District 9. Finally, PTA 10-9(ab) is recommended, which area is bounded by Highway 87 on the west, Hillsdale Avenue on the north, Canoas Creek on the east, and Capitol Expressway on the south (including the Colonial Manor and Mountain Shadows Mobilehome Parks). PTA 10-9(ab) has a population of 634 persons, per Census 2010. In essence, the inclusion of PTA 10-9(ab) into District 9 is made possible by the recommended District 9 and 10 boundary adjacency created from PTA 6-9(b) discussed above, where PTA 10-9(ab) is simply an extension of PTA 6-9(b) further east. The resulting population of District 9 is 90,024 persons, which is the smallest District in the Recommended Redistricting Plan B.

### **District 10**

Two boundary changes are recommended for Council District 10. According to Census 2010, District 10 has a population of 89,183 persons, and must expand to meet minimum legal requirements. Given the District's geographic location primarily adjacent to Districts 2, 7, and 9, it would appear to have several boundary adjustment options. However, given the similar need for District 9 to expand, and the fairly limited extent of common boundary with District 7, the Commission concluded that expansion of District 10 was best primarily accomplished through a boundary change with District 2.

To facilitate this expansion, PTA 2-10(ba) is included in the Recommended Redistricting Plan B, which area is bounded by Blossom Avenue on the west, Calero Avenue on the north, Snell Avenue on the east, and the Almaden ridge on the south. PTA 2-10(ba) has a population of 3,545 persons, per Census 2010, and increases the District 10 population to within a 10% deviation from the District mean. In addition, as referenced

above, a second District 10 boundary change is included, made possible by another boundary change between Districts 6 and 9 which created more adjacency between Districts 9 and 10. This change is PTA 10-9(ab), which area is bounded by Highway 87 on the west, Hillsdale Avenue on the north, Canoas Creek on the east, and Capitol Expressway on the south (Colonial Manor and Mountain Shadows Mobilehome Parks) and includes a population of 634 persons. The resulting population in District 10 is 92,094 persons.

### **Charter Amendment**

In 2001, the Commission recommended that the City Council consider placing a measure on the ballot that would change Charter Section 407. Under the Charter, the Commission must begin its work by February 1 in the year following the Federal decennial Census. However, the Census Bureau has historically not provided the necessary data to the City until late March, at the earliest. In essence, the Commission is accountable to complete its work within 120-days, but must wait for up to half of that time for the Census data to become available. This presents a challenge to the Commission to complete its work and allow public review in a timely and thorough manner.

The Commission renews the recommendation of the prior Commission that the Council place before San Jose voters a Charter amendment that begins the 120-day timeframe and deadline for the Redistricting Advisory Commission's report no later than 30 days after receipt of Federal Census data or from the day of appointment of the Commission, whichever is later. Such a change would give the Commission and the public a reasonable, but defined timeframe, in which to do its work. This would still enable the Council to adopt an ordinance that redraws the Council Districts by October 31 of the year following the decennial Census.

### **ACKNOWLEDGEMENTS**

The Commission is appreciative of the excellent work and support from City staff in completing its assignment and unanimously recommended a resolution of commendation for all City staff members who worked in support of our Redistricting efforts. The staff team included the following:

Planning, Building and Code Enforcement Department: Joe Horwedel, Director; Laurel Prevetti, Assistant Director; Susan Walton, Principal Planner; and Michael Bills, Senior Planner

Office of the City Manager: Deanna Santana, Deputy City Manager and Nadine Nader, Assistant to the City Manager

Office of the City Attorney: Lisa Herrick, Senior Deputy City Attorney

Office of the City Clerk: Dennis Hawkins, City Clerk; Nora Pimentel, Senior Deputy City Clerk; Mark Gerhardt, Deputy City Clerk; and Rebecca Hall, Deputy City Clerk

In particular, we commend **Michael Bills**, **Dennis Hawkins**, and **Lisa Herrick** for their exemplary professionalism and dedication to our own and to the public's understanding of and involvement in the 2011 City of San Jose Redistricting process.

### **CONCLUSION**

The Redistricting Advisory Commission recommends unanimously that the City Council approve the recommendations in this report and adopt an ordinance which implements the boundaries in the Recommended Redistricting Plan identified as the "Plan B, dated May 23, 2011."



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**RICH DE LA ROSA**  
Chair, Redistricting Advisory Commission