

Gerrymandered Supervisor Districts in Alameda County (version 3)

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Executive Summary

Unacceptable in 2021.

“It looks like we’ll have to do some tweaking, but nothing major” said board Chairman and District 4 Supervisor Nate Miley, of Oakland.
(quoted in 2011 in reference 10)

This report finds 16 instances where supervisor districts in Alameda County violate California Elections Code §21500. The districts *may have* been acceptable in 2011, but they do not conform to 2021 laws, because in the intervening years, Assemblyman Bonta revised and codified the standards for district boundaries (see §21500.c in references 4 or 5). Irrespective of what the 2020 census finds about populations inside districts, the *shapes of districts violate current laws. Consequently, any redistricting that merely adjusts existing districts likely will not be acceptable.*

Historical cause. The root cause of the misshapen districts is the historical development of Alameda County. Originally most people lived in Oakland. When California required five county districts in 1884, then the city was divided among Districts 3, 4 and 5. As the county outside Oakland grew, the city became smaller relative to the surrounding areas. Districts 3 and 4 had to stretch to include populations away from the city. This stretching has continued to the present day, and is made possible by gerrymandering, which violates the new Elections Code.

Judicial review of “cracking”. Bonta’s legislation does enable judicial review (Elections Code §21503.a.2 in reference 5). Technical violations of the Elections Code may not suffice to overturn districts (although the new Code has yet to be tested). However, the violations have the cumulative effect of harming four communities of interest:

- the north Hispanic community of Oakland in Districts 3 and 4, see sec. 2.3
- the central Hispanic community of Hayward in District 2 and of unincorporated areas in Districts 3 and 4, see sec. 2.3
- the majority-minority Asian community of Fremont in Districts 1 and 2, see sec. 2.4
- the isolated community of the Tri-Valley Area in Districts 1 and 4. see sec. 2.5

“Cracking” dilutes the electoral influence of a community of interest. Especially when minority communities are harmed, as in Alameda County, the inevitable outcome of judicial review is a court-appointed master to redraw the districts. In that case, all the violations cited here can be addressed.

Outline. The bulk of this report enumerates violations of the Elections Code. Section §21500.c lists five prohibitions in order of *decreasing legal priority*. It is forbidden to:

- draw non-contiguous districts (see section 1 below),
- divide communities of interest (section 2 especially 2.3 and 2.4).
- divide cities (not discussed here),
- draw boundaries not easily recognized (section 3),
- bypass areas of population (section 4).

From the standpoint of civil liberties, however, the most important violations are to divide racial and ethnic communities of interest, which are discussed in sections 2.3 and 2.4 on pages 7 and 9. Readers may wish to begin there.

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1 §21500.c.1 — Districts that are not contiguous

“Supervisory districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous.”

— Elections Code §21500.c.1

1.1 Corner of Piedmont and Oakmore-Glenview

District 5 extends from the northern border of Alameda County southward to the city of Piedmont, whose most southern point is the corner of Trestle Glenn Rd and Park Bl. The district also contains part of the Oakmore and Glenview neighborhoods south of Park Bl. District 5 connects Piedmont to Oakmore-Glenview by crossing 200 feet of Park Bl between Trestle Glen Rd and Leimert Bl (Figure 1). This distance is so short that, on county maps of reasonable resolution, the parts of District 5 appear to be joined together at just a point.

violation 1

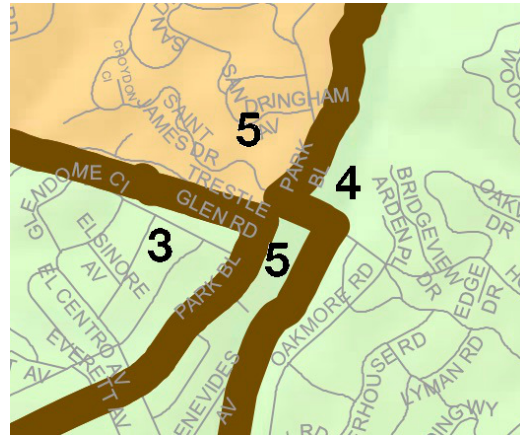
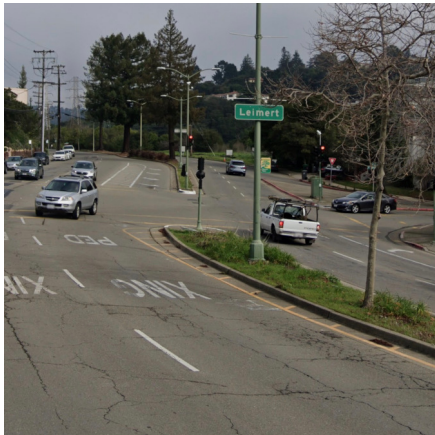


Figure 1: (left) Looking north kitty-corner across Park Bl from the corner where Trestle Glen Rd ends at the west side of Park Bl to the corner where Leimert Bl starts on the east side of Park Bl. District 5 is 200 feet wide at this point. (right) District 5 crosses Park Bl at essentially a point. This map is a small portion of reference 2; a larger portion is shown in Figure 11.

2 §21500.c.2 — Divided communities

“The geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. Communities of interest do not include relationships with political parties, incumbents, or political candidates.”

— Elections Code §21500.c.2

- | | |
|---|-------------|
| A Chinatown and Central (downtown) is split between Districts 3 and 5. | violation 2 |
| B Central East Oakland is split between Districts 3 and 4. | violation 3 |
| C Three residential districts, Lower Hills, San Antonio and Fruitvale, are split between District 3 and the dangling appendage of District 5. | violation 4 |
| D Northwest Hills is split between Districts 4 and 5. | violation 5 |

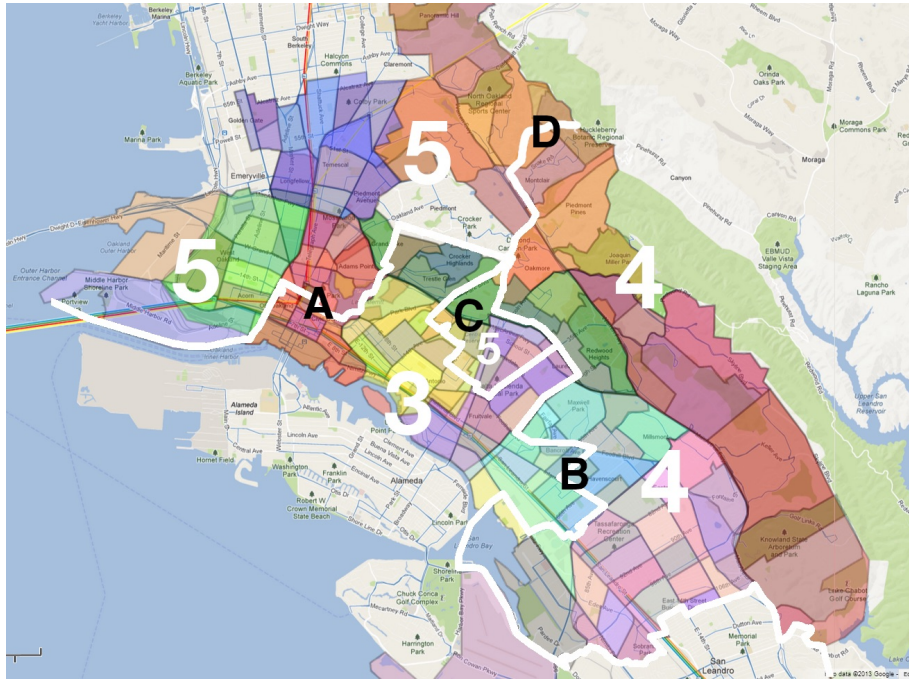


Figure 3: Supervisor districts drawn over the 10 historical residential districts and 131 neighborhoods in Oakland, which are colorized from figure 3. District boundaries split 6 of the residential districts at locations A, B, C and D.

2.2 Northwest Hills residential district

As seen in section 2.1, Districts 4 and 5 divide the historical residential district called Northwest Hills. This division merits special attention. Both supervisors Carson and Miley live in Northwest Hills (Figure 4). Dividing the residential dis-

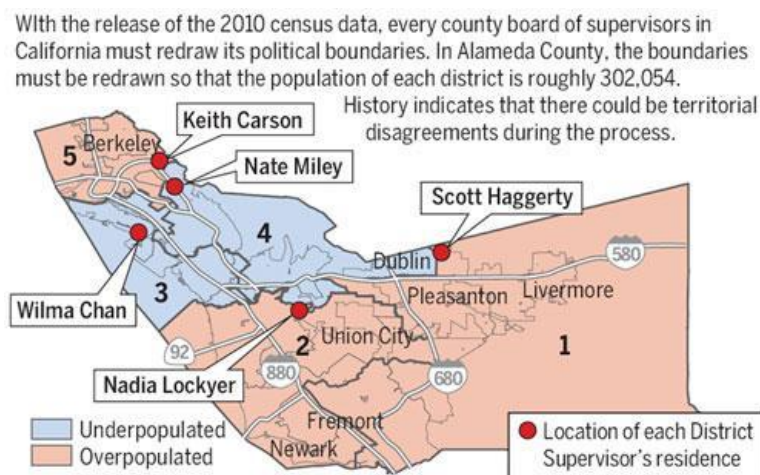


Figure 4: Map from 2011 showing where three of the present supervisors reside: Carson, Miley and Chan. This map is from reference 10.

trict favors Carson and Miley because they can run in separate districts. Elections Code §21500.c.2 specifically forbids recognizing communities of interest based on relationships to incumbents.

violation 6

2.3 Hispanics in north and in central Alameda County

Among the greatest injustices of the current supervisor districts are the division of the two, main areas of Hispanic populations in the county (Figure 5). The

HISPANICS as Percent of the Population in Census Blocks

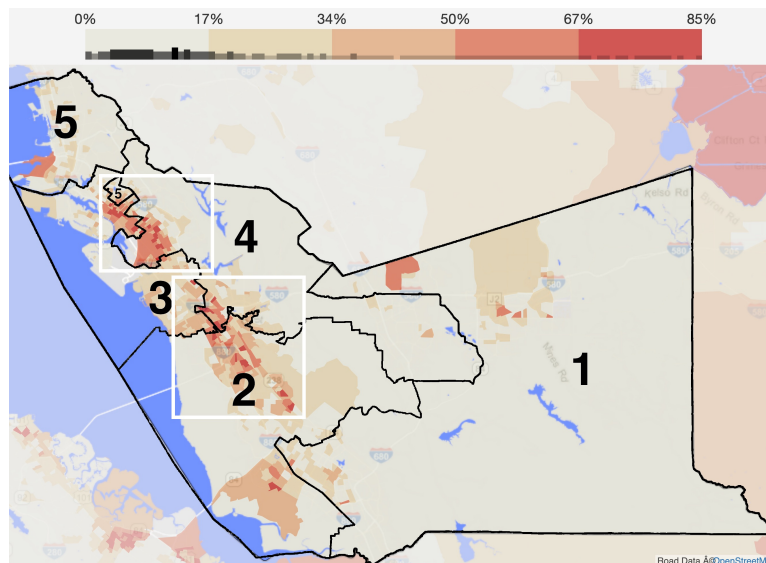


Figure 5: Hispanics as percent of the population rise to 85% in census blocks of two areas in north and central Alameda County. (Census blocks are smaller areas than census tracts, which are composed of one or more census blocks.) Map from reference 6.

“north” and “central” areas have approximately 109,000 and 131,000 Hispanic residents, respectively. Together, they account for over two-thirds of the total Hispanic population of about 354,000.

The “north” Hispanic community lies in the Oakland residential districts (north to south) of San Antonio, Fruitvale, Central East Oakland and Elmhurst. Hispanics are over half the population in many census blocks. This community is divided between districts 3 and 4. Meandering district boundaries seem deliberately chosen to split the community, because the district lines divide *no other* racial or ethnic communities of interest (see Figure 6 top).

violation 7

The “central” East Bay also has a large Hispanic community. Unincorporated towns of Ashland, Cherryland and San Lorenzo are the northern end of an

Percent of Racial or Ethnic Populations in Census Blocks of Two Areas

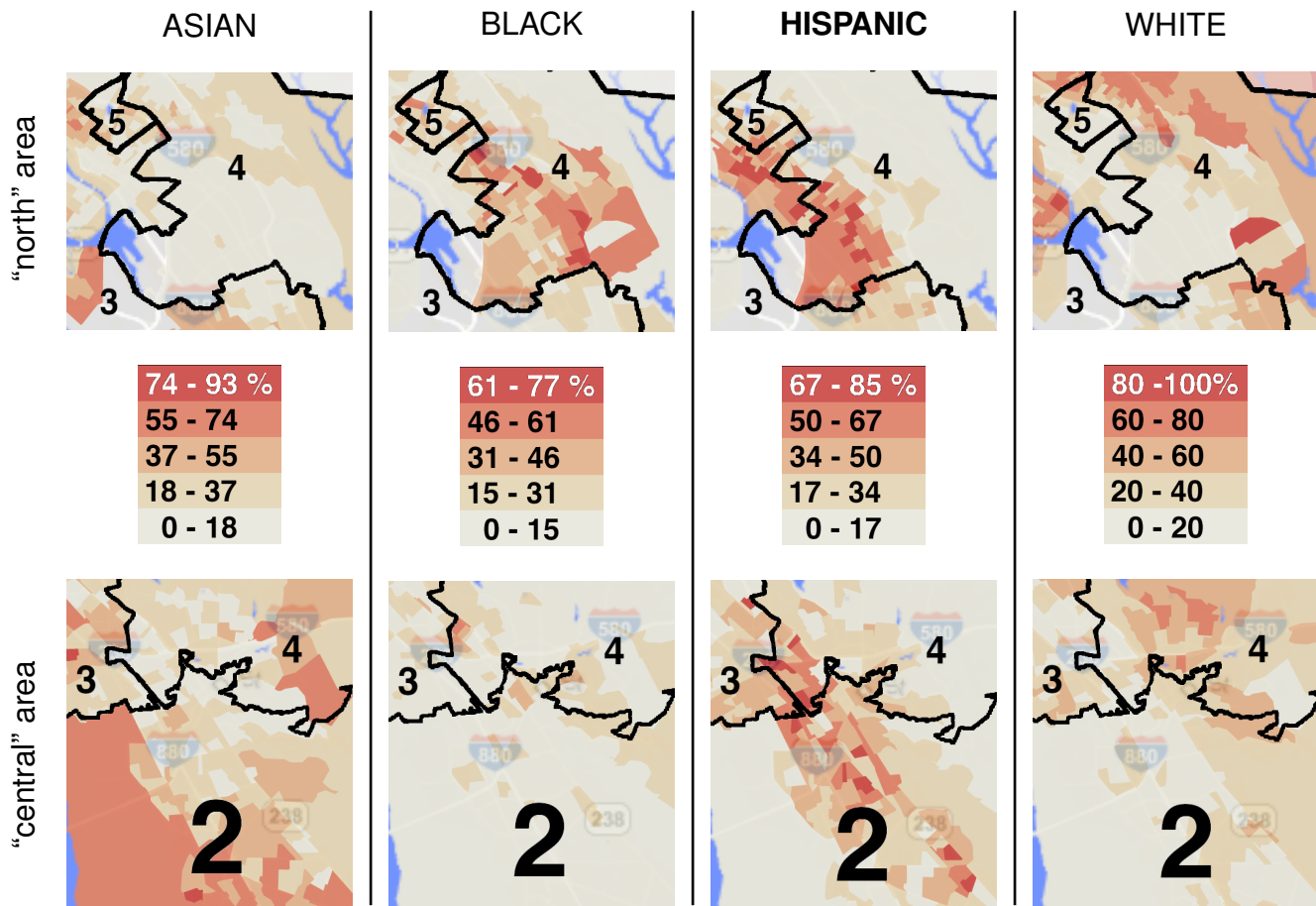


Figure 6: *Supervisor districts divide only the Hispanic communities* in "north" (top) and "central" (bottom) areas. Shown are district boundaries overdrawing percent of racial and ethnic groups in census blocks; darker orange is higher percent. The "north" and "central" areas are outlined in Figure 5. (Note, there are no large populations of Whites at upper right in the "north" area, or of Asians at lower left in the "central" area. Census blocks there include large regions of protected open space.) Maps from reference 6.

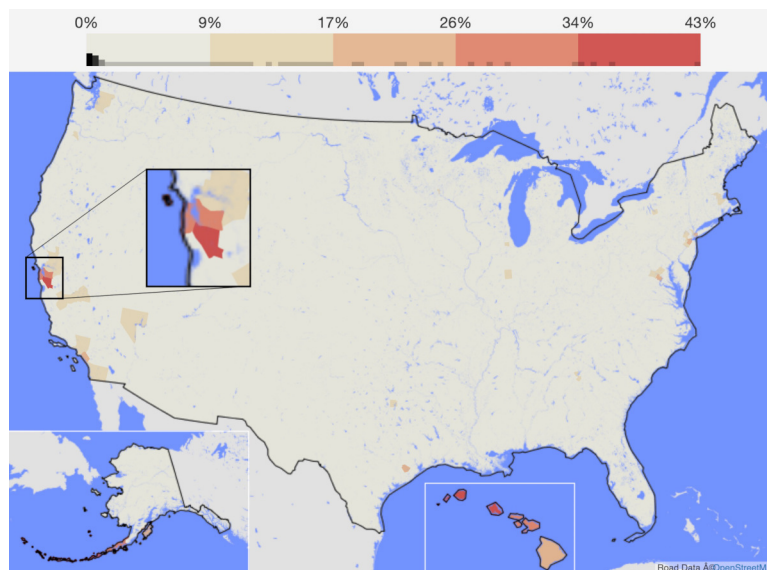
Hispanic population that extends south through Hayward into Union City. This community is divided between Districts 2, 3 and 4. The boundaries between districts navigate around the unincorporated areas between San Leandro and Hayward. Once again, these boundaries split the Hispanic community but *no other* community of interest (Figure 6 bottom).

violation 8

2.4 Majority Asians in the Fremont CCD

The Bay Area has by far the largest Asian population in the mainland United States (Figure 7 top). Asians numerically merit a supervisory district in Alameda County with 28.2% of the population (Figure 7 bottom).

ASIANS as Percent of the Population in US Counties



Race and Ethnicity in Alameda County and in California

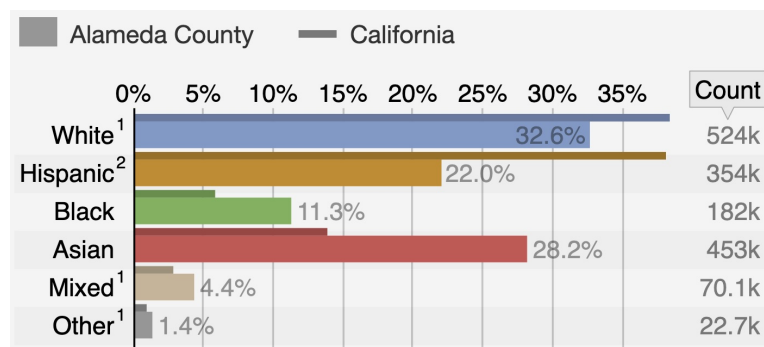


Figure 7: (top) Asians as a percentage of the population in all US counties. (bottom) Race and Ethnicity in Alameda County and in California. Source from reference 6.

The greatest concentration of the Asian population is located in and around Fremont. An outright majority of residents in that area are not only Asian ethnically (Figure 8 top), but they also are Asian *immigrants* (Figure 8 bottom).

The Fremont area is officially recognized as the ***Fremont Census County Division*** (CCD). A CCD is a relatively permanent statistical area which has been

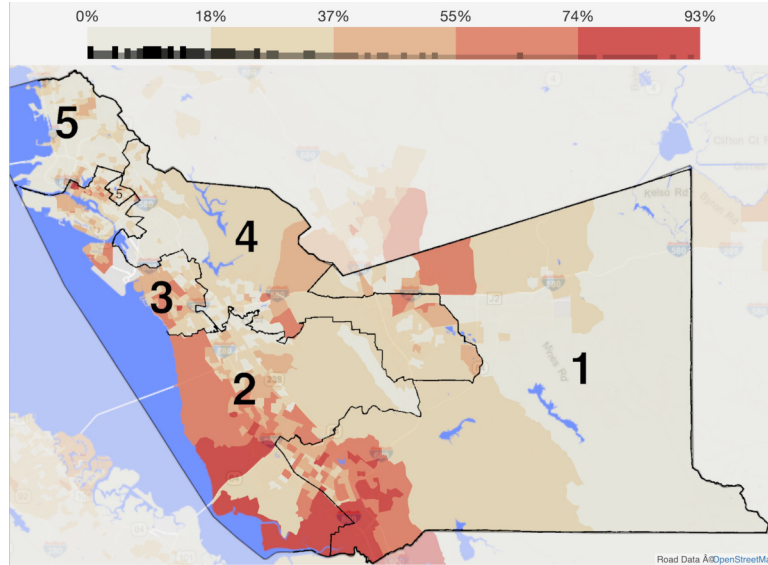
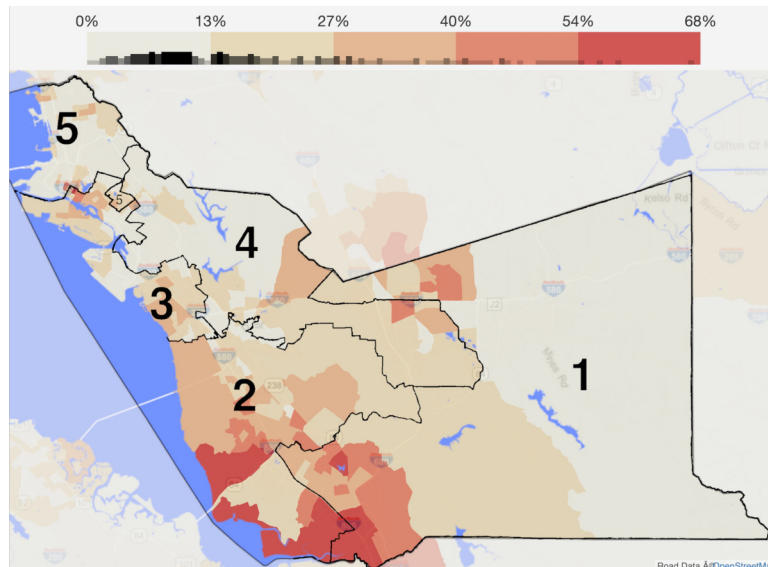
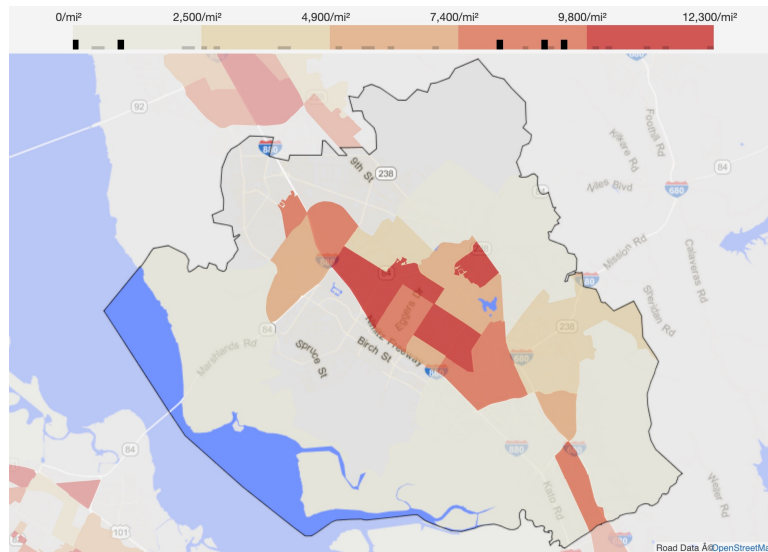
ASIANS as Percent of the Population in Census Blocks**Born in ASIA as Percent of the Population in Census Tracts**

Figure 8: Asians and those born in Asia as percent of the population. Blocks and tracts adjacent to the bay in the south are large only because they include protected shoreline. Maps from reference 6.

delineated cooperatively by the United States Census Bureau and state and local government authorities. The Fremont CCD consists of the cities of Fremont, Newark and Union City (Figure 9 top). Fremont is the second largest city in the county. Census Bureau estimates for 2019 indicate the Fremont CCD has almost exactly the population required for a supervisor district (Figure 9 middle).

Fremont CCD Population Density in Census Blocks



Fremont CCD Total Population Compared to Alameda County

geographic area	population	percent
Fremont city	241,110	14.4
Newark city	49,149	2.9
Union City city	74,107	4.8
Fremont CCD	364,366	21.8
Alameda County	1,671,329	100.0

Fremont CCD Race and Ethnicity Compared to Alameda County

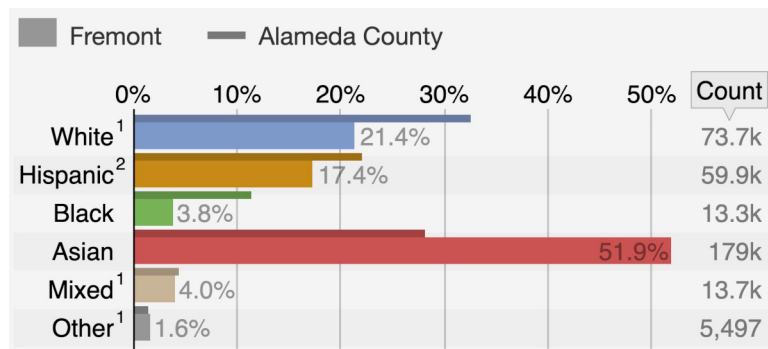


Figure 9: (top) Population density, (middle) total population, and (bottom) race and ethnicity in the Fremont CCD. Note, the map of density at top corrects the impression from Figure 8 that high-population areas reach to the shoreline. Top and bottom from reference 6. Middle from reference 9.

Significantly, the Fremont CCD would be a “*majority-minority*” supervisory district, meaning, a majority of an ethnic or racial minority (Figure 9 bottom).

Unfortunately, this community is currently split between Districts 1 and 2.

violation 9

2.5 Tri-Valley or Livermore-Pleasanton CCD

Another Census County Division, called the Livermore-Pleasanton CCD, is better known as the Tri-Valley Area (Figure 10). This area is the southern end of

Livermore-Pleasanton CCD Population Density in Census Blocks

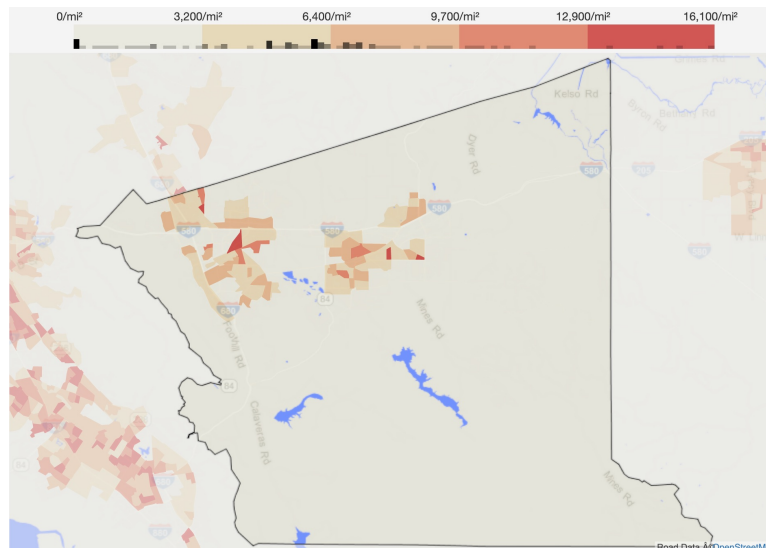


Figure 10: The Tri-Valley Area consists of Dublin, Livermore, Pleasanton and Sunol and the open space to the south and east.

variously-named valleys to the west of the Diablo Range. The valleys and the hills surrounding them lie between the eastern county line and the eastern face of the East Bay Hills.

Topographic isolation creates problems for both air quality and water supply in the CCD. Three, low but formidable mountain passes connect the Tri-Valley Area to different counties at three points of the compass: east to San Joaquin over the Altamont Pass, south to Fremont over Mission Pass (Sunol Grade) and onward to Santa Clara, and west to Alameda through Dublin Canyon (Dublin Grade). The only exit from the Tri-Valley Area without crossing a mountain pass is north to Contra Costa.

The sense of isolation from Alameda County is heightened because traffic over the mountain passes especially impedes east-west travel. Interstate 580 runs east-west through the Tri-Valley Area; it is the primary ground route between San Francisco Bay and the rest of California. Much of the traffic originates outside the

valleys either as long-distance commuters or as freight-hauling trucks.

Tri-Valley inhabitants are not only remote but also are independent from the remainder of Alameda County. Their employment is at business parks either in the valley or in neighboring counties. Most have at least four-year college degrees, and many work as managers or professionals.

For these reasons, the Tri-Valley Area has separate branches of many county agencies, community groups, and recreational venues, to name a few:

1. Alameda County Agricultural Fair Association,
2. East County Board of Zoning Adjustments,
3. East County Hall of Justice, Superior Court of California,
4. Livermore Municipal Airport (LVK), “gateway to the Tri-Valley”,
5. Livermore Stockmen’s Rodeo Association,
6. Tri-Valley Air Quality Community Alliance,
7. Tri-Valley Community Television,
8. Tri-Valley Conservancy,
9. Tri-Valley Democratic Club,
10. Tri-Valley Group of the Sierra Club,
11. Tri-Valley Republicans,
12. Visit Tri-Valley, accredited by Destinations International Marketing,
13. Zone 7 Water Agency.

The inhabited Tri-Valley Area centers on Pleasanton, with Dublin, Livermore and Sunol, respectively, to the north, east and south. These cities all were joined in District 1, until District 4 stretched to annex Dublin in 1991, thereby dividing the Tri-Valley community. District 4 swapped Dublin for Pleasanton in 2011. Nevertheless, District 1 supervisors continue to locate their district office in the central city of Pleasanton, even though that city is not in their district! violation 10

3 §21500.c.4 — Boundaries that are not identifiable

“Supervisory district boundaries should be easily identifiable and understandable by residents. To the extent practicable, supervisory districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.”
— Elections Code §21500.c.4

3.1 Districts 3 and 5 by Piedmont

The southwest boundary of the city of Piedmont is part of the boundary between Districts 3 and 5 (Figure 11). Amusingly, the map used to incorporate Piedmont

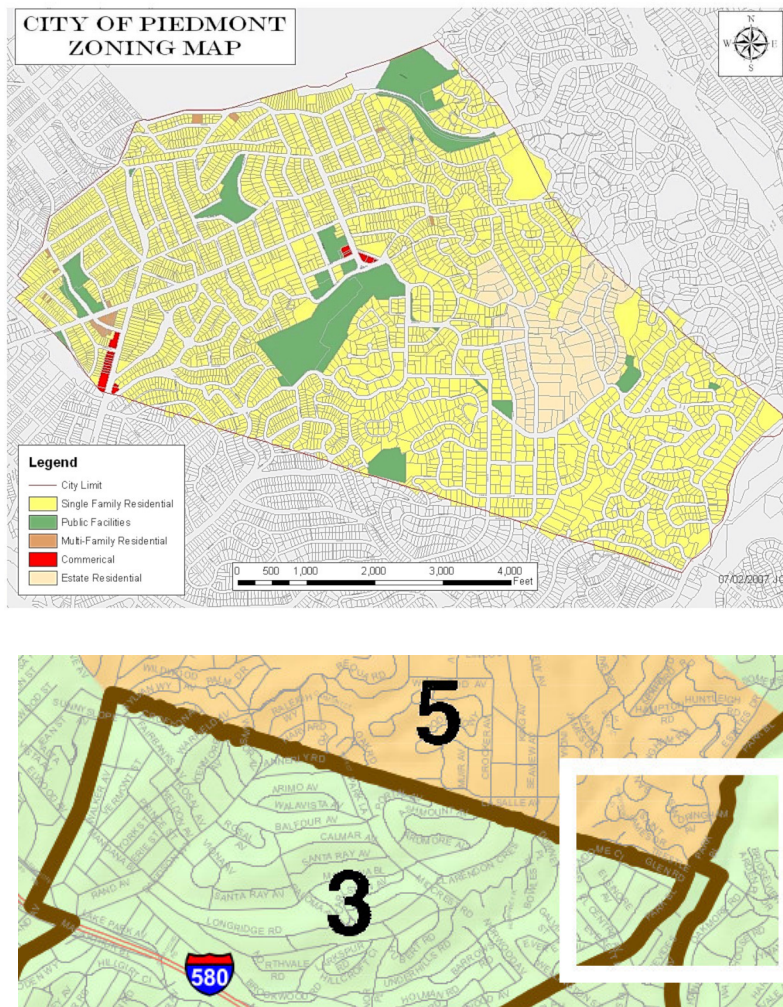


Figure 11: (top) The southwest boundary of Piedmont does not follow streets or identifiable barriers. (bottom) This municipal border is used as a boundary between Districts 3 and 5. White square at bottom right is the area of Figure 1.

in 1907 was of the Piedmont Sanitary Sewer District rather than of city streets. As a result, many homes are now half in Piedmont and half in Oakland (see reference 7). This boundary is not readily identifiable, and therefore it cannot be used as a district boundary.

violation 11

3.2 Districts 2 and 4 by Dublin Grade

The northern boundary of Hayward over the Dublin Grade follows rural property lines (Figures 12). This municipal boundary is also the boundary between Dis-

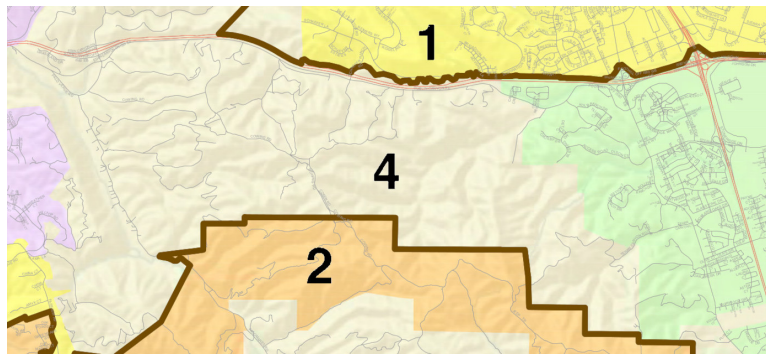


Figure 12: Districts 2 and 4 cross the Dublin Grade separated only by the city boundary of Hayward, which is the orange area at bottom. In contrast, Interstate 580 separates Districts 1 and 4. This map is a portion of reference 3.

tricts 2 and 4 where both cross the Dublin Grade. The boundary is not readily identifiable, and therefore it cannot be a district boundary.

violation 12

Elections Code §21500.c.3 does protect the geographic integrity of cities (after communities of interest). However, that protection does not mean *boundaries* of cities are appropriate boundaries for supervisor districts.

3.3 Districts 1 and 4 by Sunol

The boundary between Districts 1 and 4 is a straight line across open space in the vicinity of the unincorporated city of Sunol (Figure 13). The line is not readily identifiable on the ground, and therefore it cannot be a district boundary. The map was drawn without concern for the geographic integrity of Sunol, which is divided between three districts. A better boundary between Districts 1 and 4 would follow highway 84 down to the intersection with Interstate 680.

violation 13

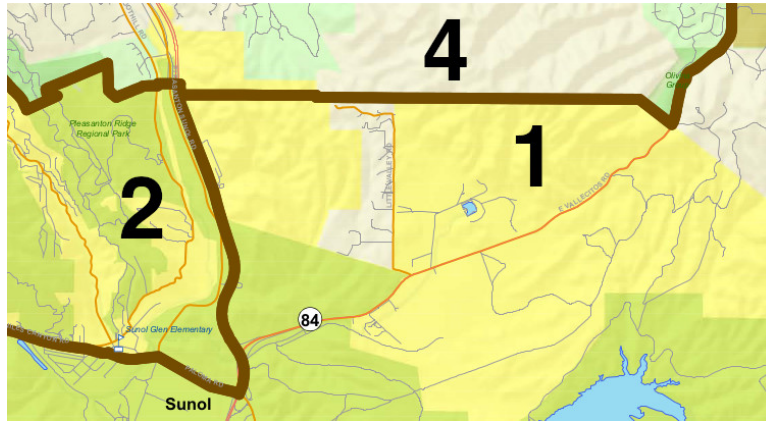


Figure 13: The boundary between Districts 1 and 4 runs through open space south of Pleasanton and bordering on Sunol. This map is a portion of reference 1.

4 §21500.c.5 — Districts that are not compact

“Supervisory districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.”
— Elections Code §21500.c.5

The supervisor districts of Alameda County are anything but compact. They are textbook examples of how to stretch districts to capture distant areas (Figure 14). These gerrymanders often are facilitated by drawing arbitrary boundaries through open space, which are themselves violations, see sections 3.2 and 3.3.

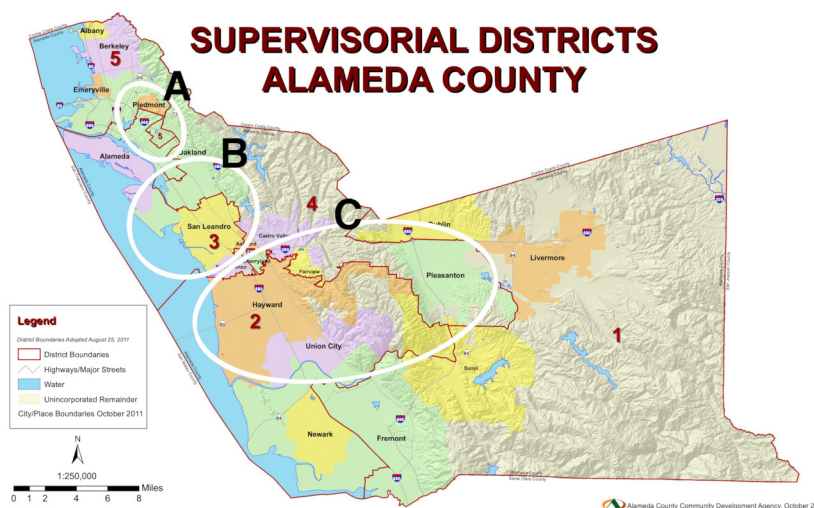


Figure 14: Three “textbook” examples of gerrymandered districts.

4.1 District 5 Piedmont appendage

Textbook lesson number 1 is “threading the needle” at “A” in Figure 14. This general location was previously cited in sections 1.1 and 2.1.C. A different violation is cited here. District 5 reaches “through the needle” at the southern corner of Piedmont gaining an appendage of neighborhoods that are isolated from the bulk of District 5 while bypassing many closer neighborhoods.

violation 14

A simpler map adds to District 5 any Lower Hills neighborhoods that it does not already have. Lower Hills is the residential district in Oakland immediately adjacent to the long, southern border of Piedmont. The remaining neighborhoods in the gerrymandered appendage should be reunited, in District 3, with the other neighborhoods in their historical residential districts.

4.2 District 3 between Alameda and San Leandro

Textbook lesson number 2 is “out in left field” at “B” in Figure 14. In this case the field is the Oakland airfield on the southern two-thirds of what was called Asparagus Island.¹ Here the violation is to use uninhabited land—the airfield—to connect two geographically separated population areas (the city of Alameda on the north and the city of San Leandro on the south) while going around a population area (the Elmhurst residential district in Oakland) which separates them.

violation 15

Better that District 3 swap San Leandro and Elmhurst with District 4. A simpler map places into District 3 any neighborhoods of the Fruitvale and Central East Oakland residential districts that it does not already have, plus the Elmhurst residential district. This simpler map unites the northern Hispanic community (located above San Leandro) which now is divided between Districts 3 and 4, as explained in section 2.3.

4.3 District 4 between Castro Valley and Pleasanton

Textbook lesson number 3 is “over the river and through the woods” at “C” in Figure 14. District 4 passes through land that is both uninhabited and a genuine physical barrier. Specifically, the district traverses over a mountain pass between San Francisco Bay and inland valleys and runs through wooded hills south of the Interstate 580 corridor on the pass. This uninhabited land connects two widely

¹Landfill now connects the mainland to the former Asparagus Island for airport access. The inhabited northern third of the former island is known by the name of the largest real estate development there, Bay Farm Island.

separated communities: Castro Valley on the west and Pleasanton on the east. The violation is to ignore nearby population areas for those more distant.

violation 16

A simpler map swaps Pleasanton out of District 4 and swaps Hayward in. This map would help unite in District 4 the central Hispanic community (located south of San Leandro) that now is divided between Districts 2, 3 and 4, as explained in section 2.3. An optimal map is much too broad a subject for discussion here. It probably would constitute the Fremont CCD as District 2, thereby recognizing the majority-minority Asian community there, which is discussed in section 2.4.

References

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10. Vorderbrueggen, Lisa, “Alameda County faces district ‘tweaks’,” *East Bay Times*, March 28, 2011.