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City of San Diego Independent Redistricting Commission

c/o: Ms. Laura J. Fleming, Executive Director Redistricting2020@saniego.gov/LJFleming@saniego.gov/JBerry@saniego.gov

202 C Street, MS 2A

San Diego, California 92101

RE: SINGLE COASTAL DISTRICT v. TRADITIONAL COASTAL DISTRICTS – Politically Neutral Natural Boundaries

Dear Honorable Chairman Hebrank, Honorable Vicechair Malbrough, and Honorable Commissioners,

Thank you for the notice of the **Council District 6 Community Input Meeting, scheduled for: 5:30PM, September 8, 2021,**. Live broadcast publicly available on Zoom [**SEE: Information in Footer Below**]

BACKGROUND & CONTEXT:

At your last Special Input Meeting, on current Council District 2, there was considerable slightly off topic testimony objecting to any future consideration of any different boundaries for current Council District 1; objections to the creation of new **SINGLE COASTAL DISTRICT**; the reunion of **CLAIRMONT**; and the use of the legal justifications presented by Deputy City Attorney Jennifer Bell, ESQ. and Kathy Steinman, ESQ. in their slide presentation: ***Redistricting Principles: Review of Population Standards and Introduction to Communities of Interest***, (Deputy City Attorneys Jennifer Berry and Kathy Steinman, May 20, 2021, [Redistricting Principles: Population Equality and the Voting Rights Act \(saniego.gov\)](#)) and these Deputy City Attorneys' presentation: ***Redistricting Principles: Population Equality and the Voting Rights Act*** (Deputy City Attorneys Jennifer Berry and Kathy Steinman April 15, 2021, [Redistricting Principles: Population Equality and the Voting Rights Act \(saniego.gov\)](#).) The referenced slide presentations are on the Redistricting Commission's Web Site.

Much of the testimony focused on the lack of any need for redistricting for current District One by citing the less than 10% deviation rule in Attorneys Bell and Steinman's above slide presentation:

"General rule for deviation

- Strive for equality and least deviation possible
- 10 Percent Rule:
 - Established in **Gaffney v. Cummings**, 412 U.S. 735 (1973) Brennan's dissent claimed the majority had essentially established a 10% rule which later court majorities adopted as the rule.)
 - Total population deviation of up to 10% historically was considered acceptable by the courts without justification.
 - (Note: 10% was the historical standard. Now, must measure deviation along with other redistricting criteria. A plan can be challenged and fail even if the deviation is less than 10%" (IBID, page 10)

A small number of presenters, including myself, supported the appropriateness of the current District 2 boundaries. The call-in testimony, on current District 2, in broad summary, felt that if current District 2 needed to add population it could be added along the north/south banks of the San Diego River. My written testimony entitled: **"SAN DIEGO RIVER OUTFALL DISTRICT"** is on file, with your staff and Attorneys.

SIMPLE IDEAL NINE DISTRICT GRID:

In a simple idea world the task of laying out nine (9) equal Council Districts would be to lay out a Tic Tac Toe grid over a square flat City with a homogeneous population that was equally distributed.

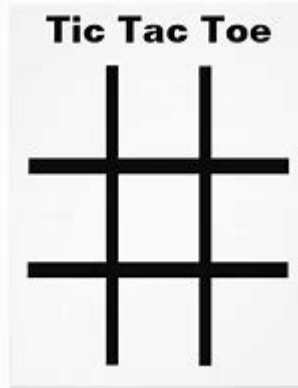


FIGURE 1 – A SIMPLE TIC TAC TOE GRID

The Tic Tac Toe grid would give the Commission nine (9) equal ideal Council Districts. Unfortunately, the current boundaries of the City of San Diego are neither ideal, compact, homogeneous or in any way regular.

The current boundaries of the City of San Diego, because of the many and numerous annexation additions, is a strange irregular shape. Some additions were small like Kensington and some massive like the *Tijuana River/ SD Bay* or the *San Pasqual Watershed*.

Taking all of the annexations together, the current shape and boundaries of the City of San Diego resembles: *Curling Stone held above the Ice sheet, before a delivery throw*. Others may visualize other shapes. For Example, the indigenous Kumeyaay people might see an *Acorn of above their lands*.

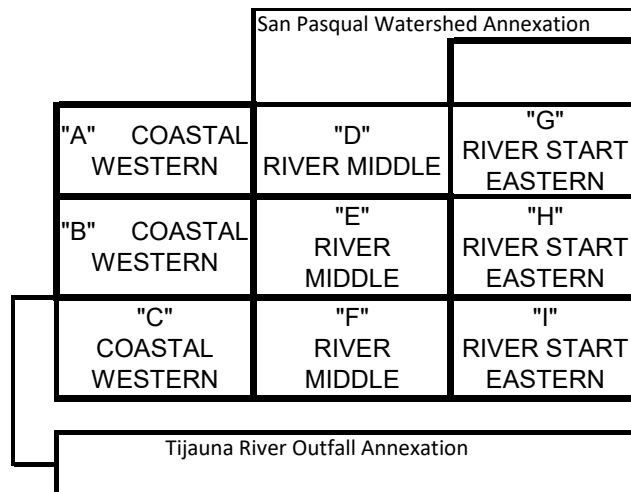


FIGURE 2 – A MODIFIED TIC TAC TOE GRID SHOWING CITY ANNEXATION ADDITIONS – The ACORN

BIOGRAPHICAL / HISTORICAL NOTES

"Following Mexico's surrender of Alta California to the United States in 1848 as part of the Treaty of Guadalupe, Congress created a Board of Land Commissioners for California to determine the validity of all land claims founded on Mexican land grants. The creation of this Board was directly related to article one of the treaty with Mexico requiring the U.S. to recognize all valid grants within the ceded territory that had been made prior to the beginning of the war. As required, the city petitioned their land claim in 1852 in case number 589: "President and Trustees of the City of San Diego vs. U.S. government for Pueblo Lands." Locally known as the "Pueblo Lands case," this claim was confirmed by the board in 1854 but the government appealed the ruling. However, the appeal was never followed up on, so it was dismissed and the board's decision was confirmed and deemed final in 1857. The Fitch map was used to determine the boundaries of the city in this case." (San Diego Pueblo Lands Collection, MS 267, San Diego History Center Document Collection, San Diego, CA. The "Fitch Map" is presented below:

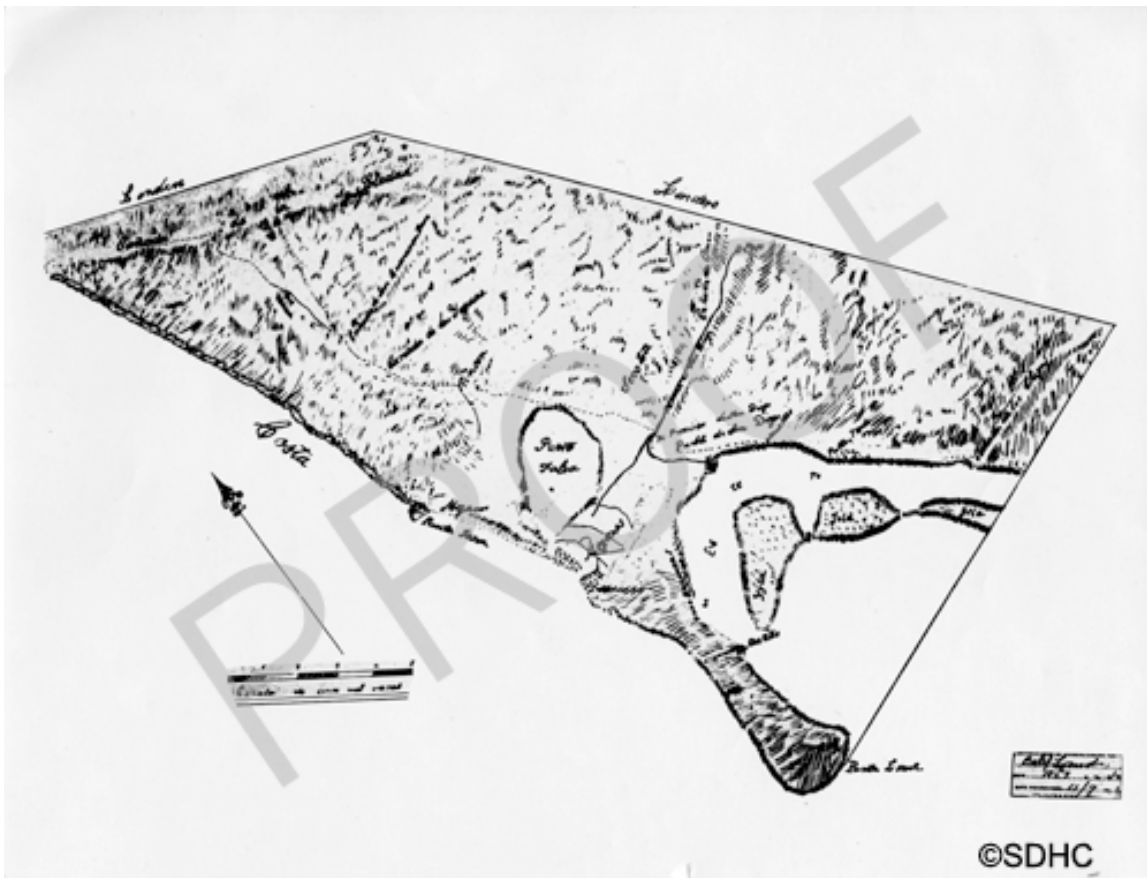


FIGURE 3 – FITCH MAP OF SAN DIEGO – SAN DIEGO HISTORY CENTER

The FITCH MAP was a very general representation of near Coastal San Diego, the Bay, Old Town and north to about La Jolla. Later, surveyor maps made a much better presentation and included the significant boundary features showing the absolute Eastern Boundary – now Boundary Street; the Northern Boundary at La Jolla; and the Southern Boundary at Chollas Creek. The surveyor maps identified and showed the significant watersheds that define the natural features of San Diego including the Los Pinquitos, Rose Creek, Florida Canyon, Swetzer Creek, and Chollas Creek. Most of the City of San Diego is yet to be annexed and added to the Kumeyaay Acorn or my Curling Iron above the Ice sheet.

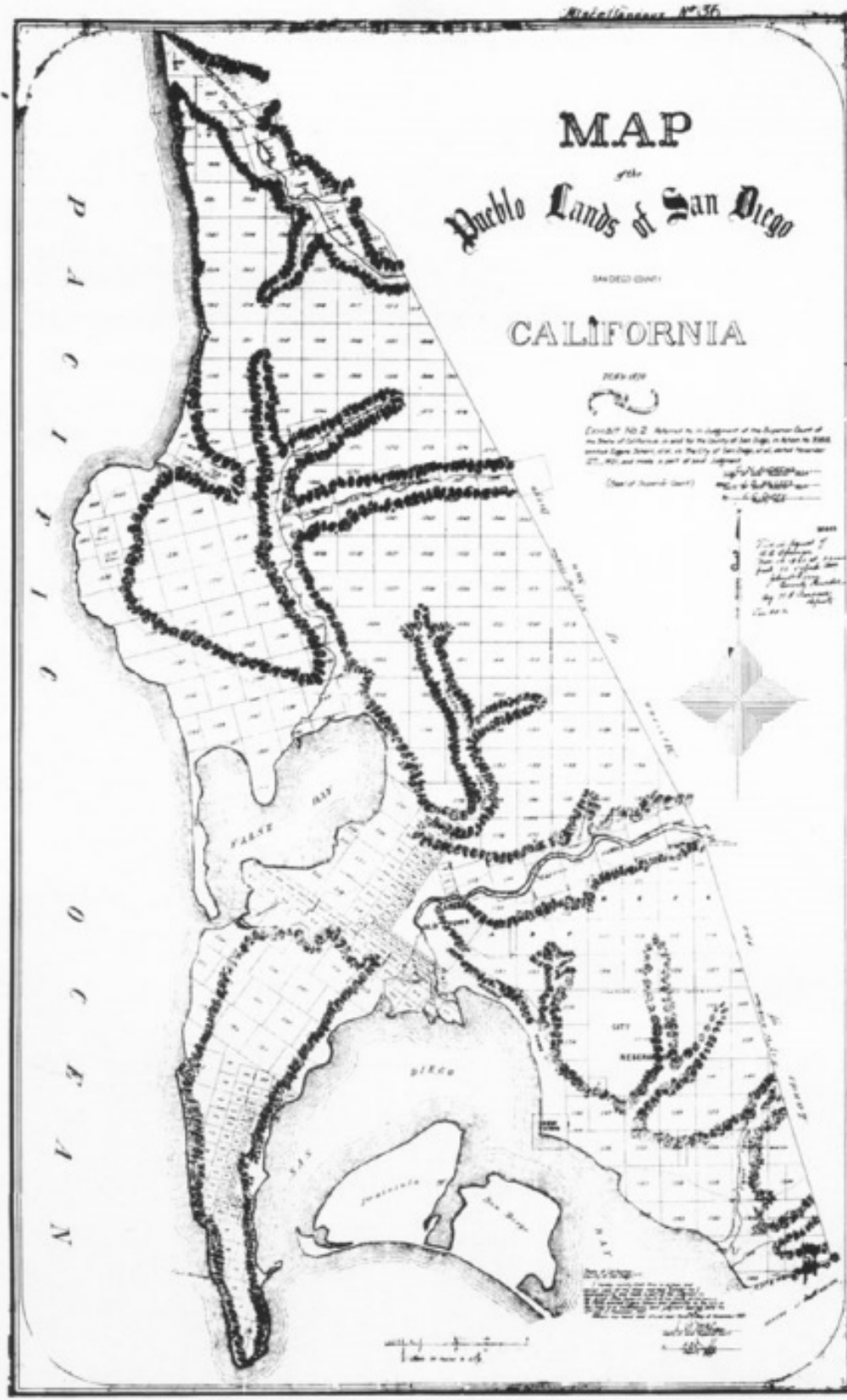


FIGURE 4 – MAP PUEBLO LANDS OF SAN DIEGO

CURRENT SAN DIEGO COASTAL ZONE:

The California Constitution and its Coastal Commission defines the San Diego Coastal Zone as portrayed in its map, as adopted into the City of San Diego’s General Plan:

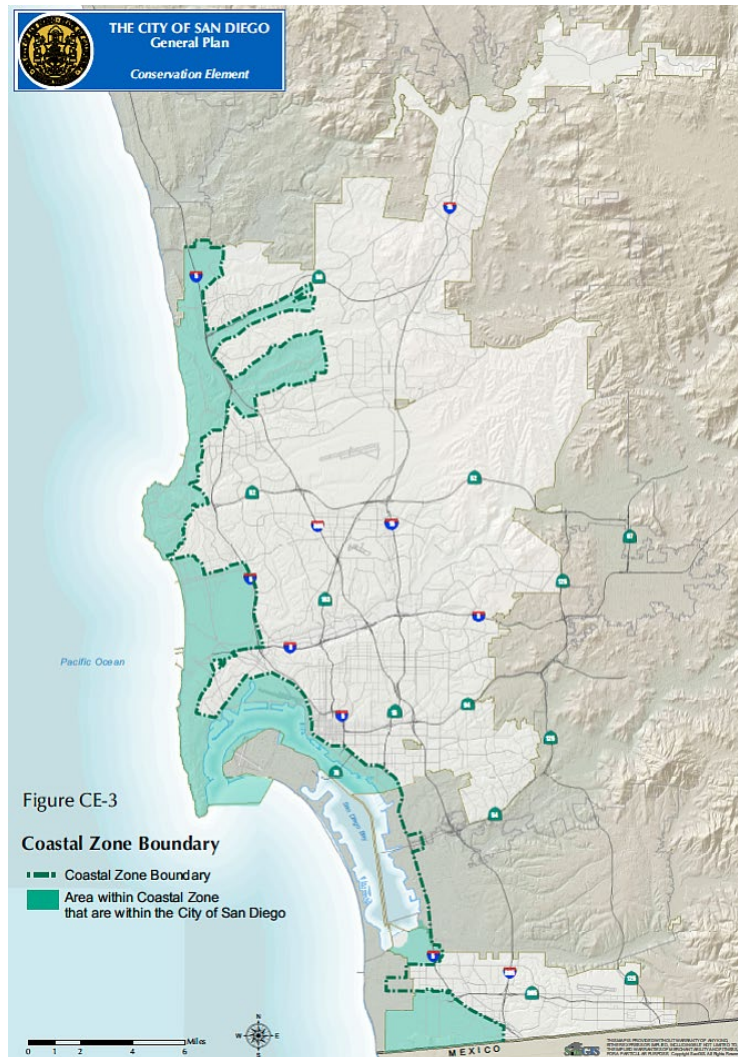


FIGURE 5 – City of San Diego General Plan Map - Figure CE-3 “Coastal Zone Boundary”

The above “**Coastal Zone Boundary**” map may define a natural boundary and an actual community as “... a body of people living in the same place, **under the same laws and regulations,**...” (Emphasis Added, Sacred Heart Academy of Galveston v. Karasch, 173 Tenn. 618, 122 S.W. 2d 416, 417.).

A single unified “**Coastal Zone Boundary**” **Council District** would focus that new Districts political leadership on the environmental conditions effecting the Pacific Ocean’s water quality, ocean and near shore flora and fauna, Climate Change / Sea level rise, and many of the daily concerns of that Zone. A single “**Coastal Zone Boundary**” **Council District** might be objected to as not compact and exclusionary.

The Commission's staff would need to map and calculate the actual population in this single City of San Diego Coastal Zone Council District. Given the large acreages of parks, natural reserves, and undeveloped lands in the "**Coastal Zone Boundary**" the population numbers might be about right.

If the actual population was within the reasonable one ninth (1/9th) range; then other "community of interest" factors and compactness should be considered. Deputy City Attorney Jennifer Bell, ESQ. and Kathy Steinman, ESQ. have made presentations to the Commission and the public on all of the factors that must be considered and balanced in doing a fair and equitable redistricting process.

The preliminary analysis map and data table, prepared for the Commission and residents review: [2020 Census PRELIMINARY Population Table](#) and [2020 Census PRELIMINARY Population Map](#) indicates that current four Coastal Districts have population deviations as follow:

CURRENT DISTRICT	POPULATION	DEVIATION	%DEVIATION
CURRENT DISTRICT 8	148,991	(4,887)	-3.2%
CURRENT DISTRICT 3	161,843	7,965	5.2%
CURRENT DISTRICT 2	146,905	(6,973)	-4.5%
CURRENT DISTRICT 1	166,534	12,656	8.2%

RECOMMENDATIONS: I recommend and request further Commission study of the following:

1. That the actual population numbers be applied to a hypothetical new single "**Coastal Zone Boundary**" Council District;
2. That Current Council Districts 8 and 2 remain essentially unchanged; but be balanced by adding populations from adjacent areas of common communities of interest;
3. That Current Council District 3 regain its traditional Bay access and watershed by shifting its boundary to the West to include a portion of San Diego Bay, between Districts 8 & 2;
4. That Current Council District 1 lose population to "Strive for equality and least deviation possible". Current Council District 1 should include all of the northern actual Coastal Zone.

CONCLUSION:

We need natural boundaries water shed based districting to assist in making the tough political decisions that must begun now as we face a future San Diego that will have significant Climate Change impacts, in the near and long-term. In 2031, your successors will think favorably of you for your foresight.

Thank you for considering this testimony calling for an initial politically neutral starting off re districting method based on natural features, historic residential and economic patterns. This testimony is consistent with my earlier letters are herein incorporated by reference. I look forward to presenting oral testimony on the matters presented in this letter, at the Commission's Special meeting of September 8, 2021 and its future meetings. Please place all of my letters into the Commission's record .

All the best,

/s/

John Stump, resident, property owner, and taxpayer in current Districts Four and Nine