

# ALAMEDA COUNTY BOARD OF SUPERVISORS' UNINCORPORATED SERVICES COMMITTEE

Wednesday March 27, 2013

Supervisor Nate Miley, Chair  
Supervisor Richard Valle

Location: San Lorenzo Village Homes Association  
377 Paseo Grande  
San Lorenzo, CA 94580

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## Summary Action Minutes

### PUBLIC COMMENT

Keith Barros: At the last EALI governance meeting a San Lorenzo resident had a suggestion and was reluctant to come forward with it. He appreciated the efforts of Eileen Ng and others that said all ideas will be put forward. He is concerned with the EALI process and has a strong feeling from Castro Valley residents and their desire to have their own BZA and Planning Commission. The Castro Valley Forum printed that the EALI meeting was specifically devoted to giving Castro Valley a greater voice in its destiny. He hopes that Castro Valley understands that it's not all about Castro Valley.

Doris Marciel – Received a notice concerning a plan for the nine bay area counties regarding the environment and transportation issues. The comment period for the environmental impact report (EIR) is May 16<sup>th</sup> and the comment period for transportation impacts is May 3, 2013.

### Supervisors Comments

Supervisor Miley:

- \* will try to schedule ABAG to speak at a future meeting
- \* EALI process is for the entire unincorporated area
- \*will follow up on group homes in the unincorporated area
- \*Tomorrow night Cherryland Community Center working group meeting at the Eden Community Church
- \* EALI Phase 2 meetings schedule available for April

### I. Update on Sheriff's proposed regulation of Cash for Gold Centers as second hand dealers

Sergeant Bret Scheuller, Sheriff's Office, reported that the Sheriff's Office continues to monitor these businesses. Recently recovered stolen property from Cash 4 Gold centers in Castro Valley and San Lorenzo. Also thieves have been targeting jewelry stores that buy back gold, specifically at Southland Mall in Hayward and in San Leandro and Oakland.

The Sheriff's Office is currently working with County Counsel to amend the Second Hand Dealer Ordinance, to apply the State statutes to the ordinance. Some of the requirements include:

- Report to the Sheriff's Office on a daily basis regarding any items taken in
- Detailed description of property purchased, serial number and photograph
- Photo ID and finger print required from the seller
- Businesses need to be licensed through the Sheriff's Office and through the Department of Justice
- Businesses are required to retain the property for 30 days

## **II. Update on Status of the “Sweepstakes Centers” in Unincorporated Alameda County**

Tona Henninger, Code Enforcement, gave a brief overview of the sweepstakes center issue in the unincorporated area.

In June of 2012 the Sheriff’s Office began receiving calls from the community with concerns about the sweepstakes centers that had a lot of activity people, cars and late night hours. These businesses had opened up as internet cafes or business resource centers. Upon reviewing the businesses the County learned that these businesses were running sweepstakes software and people were there to play the sweepstakes games.

A Several months ago a moratorium was established by the Board of Supervisors to not allow any more sweepstakes centers to open and for County staff to determine how these uses would be identified through the zoning ordinance. After staff research, it was determined that the sweepstakes centers were not allowed under the zoning ordinance and therefore the businesses were operating illegally. The Board of Supervisors repealed the moratorium and from there we set up abatement hearings to bring these business before the Board of Zoning Adjustments (BZA) in violation of the zoning ordinance. At the last BZA meeting, the Board upheld staff’s recommendation that these centers were an illegal use and violation of the zoning ordinance and a public nuisance. The Board required these businesses to cease and desist immediately and asked staff to move forward with the abatement. One business has closed, and four (4) businesses have appealed the decision.

The Board has upheld the staff recommendation and notices were posted at each of the four (4) businesses that the sweepstakes centers use was not allowed. Code Enforcement will continue to make site visits to ensure that sweepstakes gaming is not played in these businesses. The businesses are allowed to remain open, but they cannot allow sweepstakes gaming.

### **Speaker**

Keith Barros: Asked what the State’s position on sweepstakes centers. Stressed the importance of the BZA.

Supervisor Miley stated that the State has made an advisory decision that sweepstakes centers is gambling, but there has not been a determination by the state on how to deal with these businesses. Locally, the County was able to intervene due to the illegal use of the zoning ordinance.

## **III. Update on the County’s efforts to prepare contracts for County’s Billboard Consolidation and Relocation Program**

Supervisor Miley reported that the County has finally developed a process for removing billboards.

Bill Lambert, Community Development Agency, reported that the Board of Supervisors passed a billboard ordinance and it was brought before various bodies of the unincorporated area. In 2009 a consultant was hired to analyze all of the billboards in in the urban unincorporated area. The report was finalized in 2011, and in December 2011, the Board of Supervisors gave CDA direction to move forward with the recommendations from the consultant, however, the Redevelopment Agency was also dissolving at that time.

Last fall, the Community Development Agency sent out an RFP, and hired a group from Boston, TR advisors to review the prior consultants’ report to make any improvement on content and strategy. Then there will be a series of negotiations with the county, consultants and billboard and landowners to remove some of the billboards. Eventually, the consultants will try to obtain entitlement to certain sites and possibly create more attractive billboards or remove the billboards. The fee structure for the consultants is that they will retain 25% of the revenue that comes to the County. The billboards could bring in \$300,000 to \$500,000 dollars annually over 20 years. The billboard program will go before the Board of Supervisors in May 2013.

## **Speakers**

Doris Marciel: What if the owner does not want the billboard removed. Why are billboards allowed along the freeway?

Bill Lambert: Most billboard leases have an escape clause, and if a lease would be broken, the owner would have to be compensated. Billboards allowed along freeways: CalTrans has concluded that it is not a distraction or danger to traffic.

Keith Barros: Will the relocations be exclusively on freeways? Will other locations be considered? Are electronic billboards being considered?

Bill Lambert: The areas along the freeways are the most benefit to the billboard companies and would bring in more revenue, but other areas could be considered. Electronic billboards could also be considered. Areas where billboards are to be considered will go through a public process.

Diane Martin: Do you see the adjustments of the billboards either positively or negatively affecting the economic development that you have been working on in the area?

Bill Lambert: It would be an improvement if a lot of the billboards were removed. A number of them are old and considered blight.

Supervisor Miley stated that he hopes any money coming from the billboards would be put back into the community.

## **IV. Update on the County's efforts to establish an "Open Trench Policy" under which the County would leave an empty conduit along commercial corridors when the County "breaks asphalt"**

Supervisor Miley reported that this item is before the Committee, because he did not realize that the county did not have such a policy that would automatically place conduit along commercial corridors when the County has to perform asphalt construction.

Daniel Woldesenbet, Director, Public Works Agency, reported that an "Open Trench Policy" is a way to construct an empty conduit so providers of broadband and other services can place fiber optic wires in the conduit, instead of them having to break asphalt to place a conduit in a trench in the public right-of-way.

San Leandro has made a policy statement similar to an open trench policy, but it is not a policy or any kind of implementation document.

The Agency will request that the Board adopt a policy and identify major thoroughfares to place empty conduits.

## **Speakers**

Kathie Ready: At the last Homeowners Association meeting, Ms. Ready asked about the open trench policy because it is something that the Planning Commission heard about 10-11 months ago. County staff at the last meeting said that there were no plans to put open trenches along Grant Avenue.

Daniel Woldesenbet stated that Grant Avenue should be included in the open trench policy.

Keith Barros: Believes that a conduit should be placed on Meekland Avenue.

Supervisor Miley asked the staff to consider a conduit on Meekland Avenue.

**V. Update on the status of the implementation of the County's Design Guideline process to establish design review guidelines for new construction and redevelopment projects in the County**

Supervisor Miley reported that this item was brought up at a previous Unincorporated Services Committee meeting, and some people were frustrated about the guidelines being brought to the public, so staff was asked to go back and review the suggestions and recommendations.

Rodrigo Orduna, Planning Department, reported that the design guidelines process began as a community process. Members of the various areas of the urban unincorporated area, Planning Staff and consultants combined to create a Task Force to make design guideline recommendations. A draft of the design guidelines is available on line. The draft went to various meeting bodies and workshops. There have been adjustments to the guidelines as community members make suggestions or recommendations. The design guidelines are expected to go before the Board of Supervisors in July 2013.

**VI. General Plan Amendment of Eden Area General Plan for non-profit community serving uses in General Commercial designations**

Albert Lopez, Director, Planning Department, reported that this item concerns a text change to the Eden Area General Plan that was adopted a few years ago, to allow for community serving uses, or community based organizations, non-profit organization designations in the General Plan. This item will go before various community bodies, including the Planning Commission and subsequently to the Board of Supervisors in June 2013.

Kathie Ready: Please explain what "quasi-public use"? And will Castro Valley have this amendment in their plan? What is being planned, there is a reason that this is being amended?

Albert Lopez: There is a food bank that brought this item to the County's attention, that may be considered. Something like this would also go to the BZA for approval.

Keith Barros: Is this part of Castro Valley's plan? And why is this initiated? Why isn't it being amended in both the Eden and Castro Valley plan? If it is being considered for Eden plan it should be considered in Castro Valley plan also.

Albert Lopez: The food bank inquired about this and it is not currently part of Castro Valley plans. At this time it is not being considered in the Castro Valley plan.

Doris Marciel asked what the definition of a food bank was, because she is aware of several churches that have food banks already. Ms. Marciel inquired what other services would be offered at the food bank and if it would be a warehouse.

Albert Lopez stated that the food bank would distribute food and that would be their primary function. A church's primary function is to offer religious services, and their food bank services are a secondary use.

Hugh O'Donnell agrees that there should be equity in the process. Mr. O'Donnell is aware of a food bank operating out of a truck at Cherryland School, is that going to be addressed? Asked if this is going to be the dumping ground for food banks.

Jeff Thatcher stated that his church, Bethel Presbyterian, recently opened a food pantry and there were some strict guidelines to follow by the County food bank. You have to meet certain requirements, and review parking issues, the food is purchased from the County food bank. People were sent and trained to operate the food pantry. There is a need for it.

Cheryl Hoffman is concerned about the equity of the process. One area has power and another does not.

Kathie Ready: There has to be equity, and if you do it to the Eden plan you have to do it to the Castro Valley Plan.

Albert Lopez stated that this item can be brought to the MAC.

Keith Barros stated that this item should be brought to the MAC and the Eden and Castro Valley Plans should be vetted together regarding this amendment.

**ADJOURN**

The meeting was adjourned to May 22, 2013.

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