

# ALAMEDA COUNTY BOARD OF SUPERVISORS' UNINCORPORATED SERVICES COMMITTEE

Wednesday, March 25, 2015  
6:30 p.m.

Supervisor Nate Miley, Chair  
Supervisor Wilma Chan, excused

Location: Castro Valley Library  
3600 Norbridge Avenue  
Castro Valley, CA 94646

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## Summary Minutes

Supervisor Miley called the meeting to order.

### **PUBLIC COMMENT**

Steve Kirk, San Lorenzo resident, made comments regarding the County's Tree Ordinance. Mr. Kirk received information that a tree was being cut without a permit; he and other residents tried to call the Sheriff and the Public Works Agency to enforce the ordinance. Mr. Kirk would like to have some discussion on how to enforce the Tree Ordinance.

Susan Kleebauer, Administrator, San Lorenzo Village Homes Association received an e-mail from Inta Brainerd, Public Works Agency, regarding the tree issue and Ms. Brainerd stated that a Stop Work Order had been sent out to the owners of the tree.

### **Announcements**

Supervisor Miley made the following announcements:

On Wednesday, April 1, 2015 at 6:30 p.m. Supervisor Miley will host a meeting at the Castro Valley Library regarding new cell tower regulations. A flyer was available for information about the meeting.

The Annual Cinco de Mayo Celebration will be held at the Ashland Community Center on Saturday, May 2, 2015.

Applications and information was made available to anyone who would like to apply for the County's Community Choice Aggregation (CCA) Steering Committee.

### **I. Presentation on General Plan Annual Report**

Liz McElligott, Assistant Agency Director, Community Development Agency, presented the General Plan Annual Report for 2014.

State law requires that each city and county in California prepare an annual report on the status of its general plan and submit it to the State. Prior to submitting the annual report to the State, the local legislative body must consider the report at a public meeting and provide the community an opportunity to review the report and submit comments on the report.

### **Next steps**

1) Receive public input at various meetings and move to the full Board of Supervisors for approval.

## **Speakers**

Steve Kirk commented that on page 5 of the report, under the Priority Development Areas, includes the Bayfair BART station which includes parts of the unincorporated area and asked why it was not included in the report. In addition, all the communities should receive a fair share of affordable housing.

Diane Wydler asked how to submit comment on the General Plan report. Comments may be submitted in an e-mail to Liz McElligott [elizabeth.mcelligott@acgov.org](mailto:elizabeth.mcelligott@acgov.org)

Howard Beckman stated that there is a lack of comment of the General Plan report because the community members have not had enough time to read the report.

Randy Waage encouraged the County to do new research and development in the Grant Avenue area in San Lorenzo as stated in the report.

Suzanne Barba commended Supervisor Miley and staff for their work on removing billboards from the community. In addition she asked about the Castro Valley Specific Plan, is there funding; when will the process begin and how will people be selected to work on the plan? The Housing Element states that the unincorporated area requires 1200 additional homes for low, moderate and above moderate income levels.

Liz McElligott stated that the Community Development Agency has not received a grant to begin work on the Castro Valley Specific Plan, but will soon begin working on the plan. The process will be similar to that of the Ashland Cherryland Business District Specific Plan, where there is a citizens' advisory group and members of involve the Eden Chamber of Commerce and other interested groups participate. Regarding the Housing Element, the 1200 additional homes means that the area just has to have the space for 1200 additional homes, and not construct the additional properties.

Cheryl Miraglia submitted question regarding the report on page 11, a table of completed or in progress projects in the Eden Area General Plan, will this be available for projects in Castro Valley in future reports? How far is the County in the process of implementing web-based zoning?

County staff stated that the table for completed projects for Castro Valley will be in future General Plan Annual Reports. Web-based zoning is available internally, however it is still being tested for accuracy before it is available to the public.

## **II. Housing Element Update**

Angela Robinson-Piñon, Senior Planner, Community Development Agency, presented a memorandum on the Alameda County Housing Element for the period of 2015 through 2023.

State law requires each city and county to adopt a general Plan containing at least seven elements, including a Housing Element. The Housing Element must be updated every eight (8) years.

The purpose of the Housing Element is to: 1) determine the existing and projected housing needs of residents of the unincorporated areas; 2) identify adequate land via the site; inventory process to facilitate the development of housing for various income levels; 3) establish goals and policies that guide decision-making to address housing needs 4) implement actions that encourage the private sector to build housing, while ensuring that government policies do not serve as a constraint to housing production.

The Alameda County Planning Commission discussed the Housing Element on March 16, 2015 and passed a resolution to submit the document to the Board of Supervisors.

## **Next steps**

The Community Development Agency will present this item at various meetings to receive public input and will submit to the full Board of Supervisors for approval in May of 2015.

## **Speakers**

Steve Kirk asked about the Transit Village being proposed at the Bayfair BART Station, and the County's involvement.

Angela Robinson-Piñon stated that the County and the City of San Leandro have a Memorandum of Understanding (MOU) regarding the transit village project and are involved in the planning process.

## **III. Polystyrene update on the Cherryland Community Center Project**

The Castro Valley Sanitary District wanted the County to adopt this ordinance in accordance with other jurisdictions.

Andrew Massey, County Counsel, presented a proposed ordinance to prohibit the use of polystyrene food service ware.

The proposed ordinance would ban the use of polystyrene packaging as it relates to packaging of prepared food and beverages, as it is not biodegradable and is a common environmental pollutant. Polystyrene is typically known by a trademarked brand Styrofoam.

The ordinance allows for a six (6) month phase in process to allow food packagers to use their remaining stock of polystyrene containers. Fines associated with the ordinance are as follows: 1) not exceeding \$100 for first offense; 2) fine not exceeding \$200 for the second offense; 3) fine not exceeding \$500 for the third offense and any future violations.

## **IV. Update on the E-Cigarette Use Ordinance**

Farand Khan, County Counsel, presented an update on the County's proposed e-cigarette ordinance.

Changes made to the ordinance since it was last presented to this Committee include: defines e-cigarettes as a tobacco product, no self-service displays and vending machines and identification checks are required for purchase.

Supervisor Miley read a motion passed by the Castro Valley Municipal Advisory Council, which rejected support for the proposed E-Cigarette Ordinance as it is currently written.

## **Speakers**

Susan Kleebauer asked if there were fines associated with the ordinance. There are no fees associated with the e-cigarette ordinance.

Steve Kirk stated that he has never seen the proposed e-cigarette ordinance and requested to hear the item at the San Lorenzo Homes Association meeting.

Dr. Kathy McDonald, Director, Alameda County Alcohol, Tobacco and Other Drug Provider Network, supports the ordinance.

Serena Chen, American Lung Association, supports the ordinance.

Maxine Daniel does not support the ordinance as is it is written.

Kathy Gil stated they should be called nicotine products.

## **Speakers**

David Algo produces e-cigarette liquids and does not associate his products with tobacco at all. He does not support the ordinance. The e-cigarettes and liquid should not be accessible to minors.

Mel Speed is a business owner in the unincorporated area and he stated that nine (9) of his employees have quit smoking due to e-cigarettes.

Steve Alenese does not support the ordinance.

Randy Rogers, Ready Set Vape, Castro Valley does not support the ordinance.

Ingrid Moller requested that this proposed ordinance be presented at the Cherryland Association meeting.

Supervisor Miley stated that he will oppose the e-cigarette ordinance as written because nothing supports that e-cigarettes are a tobacco product. In addition, Senator Leno has written SB 140, which is legislation that addresses e-cigarettes, making them similar to tobacco products. The County's Personnel Administration Legislation (PAL) Committee supported the legislation and it will come before the Board of Supervisors. Supervisor Miley stated that he has written a letter in opposition to the legislation and will oppose it when it is brought to the Board.

## **ADJOURN**

The meeting was adjourned to April 22, 2015.

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