

ADVICE FILE SUMMARY

TYPE: T DATE: 1/30/85
YEAR: 85 STAFF: M. KVASAGER
NUMBER: 062 ADVISEE: ASSEMBLYMAN AREIAS

AGENCY: _____

CODE SEC/REG NO.: 84302

SUMMARY: HOW TO REPORT DURING 1985 THE
TRUE SOURCE OF A CONTRIBUTION RECEIVED
IN 1982. ✓

SUBJECT: Conflicts of Interest __; Campaign ; Lobbying __;
Statements of Economic Interests __; Revolving Door __;
Levine Bill __; Miscellaneous __.

BULLETIN SUMMARY: N/A

BARBARA: Advice Package Yes ___ No ___

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance •• Administration •• Executive/Legal •• Enforcement •• Statements of Economic Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

March 8, 1985

Carter J. Stroud
City Attorney
City Hall
Santa Clara at Oak Street
Alameda, CA 94501

Re: A-85-061²

Dear Mr. Stroud:

Your letter requesting advice under the Political Reform Act has been referred to me. If you have any questions about your advice request, please contact me directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,


Barbara A. Milman
General Counsel

BAM:nwm



CITY OF ALAMEDA • CALIFORNIA
CITY HALL • SANTA CLARA AT OAK STREET 94501 • (415) 522-4100

MAR 7 2 22 PM '85

OFFICE OF THE CITY ATTORNEY

March 6, 1985

Fair Political Practices Commission
1100 K Street
Sacramento, California 95814

Attention: Robert E. Leidgh, Esq.

Dear Mr. Leidgh:

Mr. Joe Camicia, a member of Alameda's Planning Board, has requested a FPPC opinion through myself. We discussed the matter on the telephone previously.

Mr. Camicia's employer is United Cable Television Corporation. He is manager for marketing for all of its Bay Area systems. United is listed on the New York Stock Exchange. Nationally it serves 780,000 subscribers out of a possible (homes passed) 1,420,000. Its penetration in the Bay Area is consistent (55,000 out of 125,000). You can assume that the employer may achieve a 50% penetration in any residential area of Alameda. In the higher income area, involved here, the figure is conservative on the high side.

The average revenue per home is considered confidential by his employer.

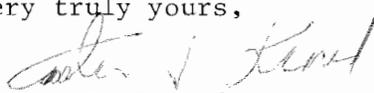
To summarize the data given to me by Mr. Camica, his employer's stock is listed on the New York Stock Exchange and expects to enjoy 50% patronage in any given area of the City.

The application before the Board on which he sits which raises the conflict question concerns a rezoning request to change 105 acres of land presently zoned residential and increase the density permitted on 91 acres of residentially zoned property. This is desired because the business park on Bay Farm Island has been developing better than expected. The owner wants to expand the park without losing the previously permitted number of dwelling units. The dwelling units will be moved to the higher density zone, if approved. The number to be moved is 839, which will be combined with 464 existing approvals increasing the density to 1303 units. This information comes from the Environmental Impact Report for the project.

No conflict is presently contemplated because the industrial park owner uses its own cable system within the park and the number of residential units will not change. However, the matter is controversial and increased residential densities, in my opinion, are very hard to obtain in Alameda. My concern is the possibility that either the developer or the Planning Board may start talking about trading off residential units for the industrial zoning. Our previous discussion indicated that the developer would have to lose enough units to cost United Cable \$200,000 a year. Insofar as United can only expect to reach 419 subscribers (one-half of 839) it would appear that no conflict may arise unless subscription rates exceed \$40 per house per month. ($\$200,000 \div 419 \div 12$). While persons subscribing to all the options and more than one hook-up will exceed this amount, it is clear from the published rates that the average has been less than \$40 a month. (Basic rates, \$2.95, \$5.95 and \$7.95, and Premium Services, \$7.95 each, up to eight). Very few people take more than two or three premium services. Many take none.

Please address an opinion to Joseph Camicia, President of the Alameda Planning Board, care of myself.

Very truly yours,



Carter J. Stroud
City Attorney

CJS/cs