

# ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Monday, April 5, 2021  
9:30 a.m.

Supervisor Nate Miley, Chair  
Supervisor David Haubert

Location: Board of Supervisors Chamber – 5th Floor  
County Administration Building  
1221 Oak Street, Oakland, CA 94612

## Summary/Action Minutes

### I. Update on Residential Eviction Moratorium

[Attachment](#)

Michelle Starratt, Director, Housing & Community Development Department, Community Development Agency, presented a memorandum to update the Committee on the Residential Eviction Moratorium.

On June 30, 2020, the Board of Supervisors enacted a temporary moratorium on evictions countywide in response to the Coronavirus ("COVID-19 ") pandemic. The temporary moratorium imposes a ban on evictions for nonpayment of rent for renters, homeowners and those living in mobile home parks throughout Alameda County, beginning March 24, 2020, until 60 days after the expiration of the local health emergency.

The ordinance allows tenants 12 months to repay rent that became overdue between March 24 and 60 days after the end of the local public health emergency. Landlords cannot charge late fees or take punitive action. In Alameda County, the cities of Fremont and Oakland each received a direct allocation of \$25 billion of state funding for rental assistance. The County will receive a direct allocation of approximately \$29.8 million which can be used in all the cities except for Fremont and Oakland.

#### **Purpose:**

- Report progress
- Advocacy or Education
- Request Transportation and Planning Committee recommendation
- Other:

This item was informational only and required no Committee action.

### II. Cannabis Operator Permit Application Status Update

Presenter: Planning Department

[Attachment](#)

Sonia Urzua, Senior Planner, Planning Department, presented a memorandum to update the Committee on the Cannabis Operator Permit Application status.

The memorandum includes information on cannabis permits in the unincorporated County, for purposes of understanding where each applicant stands with their application. Included are the cannabis permit applications received so far are for retailers, cultivators, and delivery services.

There are nine permits for cultivators, four permits for retailers, and only one permit for delivery. Two of the retail operator permits and the one delivery operator permit are located in West County, and the remainder of the permits, cultivators and retailers, are located in East County.

**Purpose:**

- Report progress**
- Advocacy or Education
- Request Transportation and Planning Committee recommendation
- Other:

This item was informational only and required no Committee action.

**III. Update on District 1 Independent Review of County Permitting Process – Informational only**

Ivy Allen, consultant, presented a PowerPoint presentation on an Independent Review of the County Permitting Process.

Supervisor Haubert, District 1, requested an independent review of the County’s permitting process. The purpose of the review was to identify how Alameda County can streamline the permit process and improve customer service to support business reopening and housing.

The presentation included information on the scope and method of the review, findings and recommendations. The recommendations were for general, procedural and customer service-related findings.

**Purpose:**

- Report progress**
- Advocacy or Education
- Request Transportation and Planning Committee recommendation
- Other:

Speakers: Kelly Abreu, Ryan Jergenson, James Lowder and Sue Springer commented on the consultants’ findings and recommendations in the review of the County’s permitting process.

**Recommendation from the Transportation & Planning Committee:** The Committee directed the various agencies related to the permitting process to return to this Committee at a future meeting and respond to each of the findings.

**IV. Proposed amendment to Chapter 2.122 of the Alameda County Administrative Code to add a new position representing Urban Agriculture to the Agricultural Advisory Committee**

[Attachment](#)

Liz McElligott, Assistant Planning Director, Planning Department, Community Development Agency, presented a memorandum and a proposed amendment to Chapter 2.122 of the Alameda County Administrative Code to add a new position representing Urban Agriculture to the Agricultural Advisory Committee. Adding the position will require amending the County Administrative Code, Chapter 2.122 - Agricultural Advisory Committee.

**Purpose:**

- Report progress
- Advocacy or Education
- Request Transportation and Planning Committee recommendation**
- Other:

**Recommendation from the Transportation and Planning Committee:** Support. Move to the full Board of Supervisors Planning Meeting.

**V. Update on the timeline for the Proposed Ballot Measure to Amend Provisions of Measure D and the Agricultural Advisory Committee’s progress on developing ballot measure language**

[Attachment](#)

Liz McElligott, Assistant Planning Director, Planning Department, Community Development Agency, presented a staff report on the updated timeline for the Proposed Ballot Measure to Amend Provisions of Measure D and the Agricultural Advisory Committee’s progress on developing ballot measure language.

For the past several years, there has been extensive discussion of a potential ballot measure to increase the FAR allowed for agricultural buildings on properties with the general plan designations of Large Parcel Agriculture (LPA) and Resource Management (RM). After the Board of Supervisors voted in October of 2019 to direct staff to prepare a ballot measure, staff proposed that the ballot measure amend Measure D restrictions to allow a FAR of .025 for all agricultural buildings on parcels designated LPA and RM.

After the AAC has completed their recommendations for the ballot measure language, staff will schedule meetings with the Castro Valley Municipal Advisory Council, Fairview Municipal Advisory Committee, Sunol Citizens’ Advisory Committee, District 4 Agriculture Committee, and Planning Commission to obtain public input on the proposed amendments. In addition, a full CEQA analysis must be completed before the Board can take action to place the measure on the ballot. The Board would have to conduct a second reading of the Ordinance and adopt a resolution placing the measure on the ballot by February of 2022 to make the June 7, 2022, ballot.

**Purpose:**

- Report progress
- Advocacy or Education
- Request Transportation and Planning Committee recommendation
- Other:

This item was informational only and required no Committee action.

**VI. Proposed Ordinance amendment to Chapters 6.108 and 6.109 of the County Ordinance Code to allow the remaining unallocated West County cannabis retail permit to be made available in West County or East County and, if in East County, to require it to be a boutique operation**

[Attachment](#)

Sophie McGuinness, Senior Planner, Planning Department, Community Development Agency, presented a staff report and Proposed Ordinance amendments to Chapters 6.108 and 6.109 of the County Ordinance Code to allow the remaining unallocated West County cannabis retail permit to be made available in West County or East County and, if in East County, to require it to be a boutique operation.

The proposed amendments would allow the remaining permit for a cannabis retail store to be allowed in West County or East County and to require the operation to be “boutique” if it is in East County, Chapters 6.108 and 6.109 of the County Ordinance Code would need to be amended. Chapter 6.108 regulates cannabis retail permits and Chapter 6.109 regulates the ability for a permitted retail store to apply to become a Combined Cannabis Operation (CCO). A CCO allows a cannabis retail permit holder to include at least two of the following activities - cultivation, manufacturing and/or distribution - in addition to retail, with cultivation limited to no more than 10,000 square feet.

**Speaker**

Rick Ryan reminded the Committee that the cities of Dublin, Pleasanton and Livermore do not allow cannabis related businesses in their city limits.

**Purpose:**

- Report progress
- Advocacy or Education
- Request Transportation and Planning Committee recommendation**
- Other:

**Recommendation from the Transportation & Planning Committee:** Support. Move to the full Board of Supervisors.

**VII. Proposed Ordinance amendment to Chapter 6.106 of the County Ordinance Code to allow water-hauling from off-site for the purposes of cannabis cultivation**

[Attachment](#)  
[Attachment](#)

Sophie McGuinness, Senior Planner, Planning Department, Community Development Agency, presented a staff report and a Proposed Ordinance amendment to Chapter 6.106 of the County Ordinance Code to allow water-hauling from off-site for the purposes of cannabis cultivation.

On December 7th, 2020, the Transportation & Planning Committee directed staff to proceed with amendments to the County's cultivation ordinance to remove standard condition 21, and replace it with a condition requiring that any water hauled from off-site for the purpose of cannabis cultivation must be drawn from a municipal water source and must not be drawn from an aquifer in the South Livermore Valley Plan Area.

The proposed ordinance amendments are as follows:

To allow water to be trucked in for cultivation purposes, subject to some limitations relating to water quality and water source, the draft ordinance amendments would delete Paragraph A of Section 6.106.125 of the Alameda County General Ordinance Code and replace it with the following text:

Water. Any trucked water for general cultivation purposes must be drawn from a municipal water source. Any trucked water drawn from an aquifer in the South Livermore Valley Plan Area shall not be allowed for general cultivation purposes.

**Speakers**

Commander Kelly Miles, Alameda County Sheriff's Office, Brenda Morris, Sue Springer, Rick Ryan, all made public comments opposing the proposed ordinance amendments to allow water-hauling from off-site for the purpose of cannabis cultivation.

**Purpose:**

- Report progress
- Advocacy or Education
- Request Transportation and Planning Committee recommendation**
- Other:

**Recommendation from Transportation & Planning Committee:** Support. Move to the full Board of Supervisors.

**PUBLIC COMMENT**

None.

