

ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Monday, June 4, 2018
12:00 p.m.

Supervisor Scott Haggerty, Chair
Supervisor Nate Miley

Location: County Administration Building
Board of Supervisors Chamber
1221 Oak Street, Room 512
Oakland, CA 94612

Summary/Action Minutes

I. Status of the Dublin Transit Parking Garage [Attachment](#)

Willie A. Hopkins, Jr., Director, General Services Agency, presented a PowerPoint presentation on the status of the Dublin Transit Parking Garage.

As part of the Livermore-Amador Valley Transit Authority (LAVTA) Dublin/Pleasanton Capacity Improvement & Congestion Reduction Program, the Dublin Transit Parking Garage will be constructed by LAVTA and Alameda County General Services Agency. The location of the project is County of Alameda 2.46 Acre Parcel Site D-1, next to the Dublin/Pleasanton BART Station, Dublin, California.

Grants from the California State Transportation Agency (CalSTA) Transit and Intercity Rail Program (TIRCP) from the Greenhouse Gas Reduction Fund allows for regional transformative capital improvements with the objective to reduce emissions of greenhouse gasses from traffic congestion/vehicle miles. The proposed total cost of the project is \$34 million; with \$20 million already awarded in grant funding. The General Services Agency is pursuing additional funding sources for the remaining \$14 million.

Proposed scope of the project

Using the Design/Build delivery method, GSA will construct, operate and maintain a 500-600 space parking structure facility as proposed in 2018 TIRCP grant and award, on the County's D-1 Site. It is anticipated that the proposed building footprint will preserve approximately 50% of the site for future use.

Based on available data for operating expenses of similar parking garages and utilizing an assumed market based parking rate structure, the Agency estimates a net operating income of \$1.182 million after 5 years.

Tentative Project Timeline:

- 2018 TRICP Grant Notifications April 26, 2018
- GSA requests approval of the design phase Jul 2018
- GSA recommends agreements with partner agencies Sept 2018
- GSA recommends award of construction contract Mar 2019
- Construction Start May 2019
- Construction Complete Dec 2019
- Occupancy Complete Apr 2020

The General Services Agency will bring this item to the full Board for approval to accept the grant funding.

Purpose:

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

Recommendation from Transportation & Planning Committee: 1) Support. Move to the full Board of Supervisors. 2) The General Services Agency to seek additional \$14 million in funding for the project from the Metropolitan Transportation Commission (MTC) and the Alameda County Transportation Commission (ACTC); 3) The Transportation & Planning Committee directed the Community Development Agency to sell County owned properties that are around the proposed Dublin Transit Parking Garage, due to a bill currently in the legislature that will allow Bay Area Rapid Transit (BART) to convert their land into housing without going through cities for review. BART will also be allowed to take contiguous properties.

II. Consideration of Issues Regarding County Ordinances for Cannabis Manufacturers, Distributors, Testing Laboratories and Microbusinesses
[Attachment](#)

Liz McElligott, Assistant Agency Director, Community Development Agency, presented a memorandum titled, Consideration of Issues Regarding County Ordinances for Cannabis Manufacturers, Distributors, Testing Laboratories and Microbusinesses.

At the May 2, 2018 Transportation & Planning Committee meeting, the Committee provided direction to staff regarding whether cannabis manufacturers, distributors, testing laboratories, and microbusinesses should be allowed in the unincorporated area and, if so, where they should be allowed. This Committee directed staff to draft ordinances allowing cannabis manufacturers, testing laboratories, and microbusinesses in specified zoning districts in certain portions of the urban unincorporated West County, excluding San Lorenzo. The committee also agreed to allow permittees to become self-distributors to enable them to transport cannabis products from their permitted facility to another permitted facility.

Since these additional facility types raise many of the same concerns as cannabis retailers and cultivators, it would be appropriate for these new ordinances to include many of the same requirements that are in the County's ordinances for retailers and/or cultivators.

These requirements include:

- Compliance with all state and county laws and regulations, including County Environmental
- Health Department regulations and the County Fire Code;
- Appropriate security measures;
- Mitigation of potential nuisances such as odors;
- Buffers from sensitive uses such as schools, parks, and daycare centers to reduce potential conflicts with existing land uses;
- Minimum distance between facilities to reduce the potential for a concentration of facilities in a particular area.

In order to further minimize potential impacts on existing communities, the Board may also consider limiting the number of each type of facility allowed as the retail sales and cultivation ordinance do. Based on additional direction from this Committee, staff will prepare draft ordinances for cannabis manufacturing operations, distributors, testing labs, and microbusinesses for your consideration at a future meeting.

Purpose:

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

Recommendation from Transportation & Planning Committee: Community Development Agency staff will conduct public meetings at the Castro Valley Municipal Advisory Council, Unincorporated Services Committee and other committees to receive feedback on proposed County ordinances for cannabis manufacturers, distributors, testing laboratories and microbusinesses. Staff will draft ordinances and present them at a future Transportation & Planning Committee meeting.

III. Consideration of Felony Prohibition Provisions in County Ordinances for Cannabis Retail Sales and Cultivation Ordinances

[Attachment](#)

Sophie McGuinness, Planner, Planning Department presented a memorandum titled, Consideration of Felony Prohibition Provisions in County Ordinances for Cannabis Retail Sales and Cultivation Ordinances.

At the Board of Supervisors' Planning Meeting on April 17, 2018, staff presented an outline of the felony prohibition provisions contained in the existing retail sales and cultivation ordinances and the Board directed staff to explore a possible change to these provisions to reflect the case-by-case review process available in state law. Possible language options to remove or modify the current 3-year felony prohibition provisions are now presented to this Committee for consideration.

OPTION: CASE BY CASE

The application will be disqualified if a person who is listed on the application...has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business for which the application is made, except that if the County determines that the person is otherwise suitable to participate in the proposed operation, and granting the permit would not compromise public safety, the County shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the person, and shall evaluate the suitability of the person to participate in the operation based on the evidence found through the review.

OPTION: PROP 47/64

The application will be disqualified if a person who is listed on the application... has been convicted of a felony within the past three years. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

Staff requests direction from the Committee on if it chooses to move forward with the Prop 47/64 option and staff will make any changes recommended by the Committee to the draft ordinance amendments.

If the Committee recommends the case-by-case option, staff will consider and seek direction regarding whether a referral or panel based approach is preferable and whether (and to what extent); proposal to recover the County's costs associated via a fee charged to the applicant.

Creating the structure and review criteria for a case-by-case process is likely to take several months, and staff recommends that the existing prohibition on felony convictions within the past three years remain in place while the case-by-case process is being established, if this is the option that your Committee recommends.

Purpose:

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

Recommendation from Transportation & Planning Committee: The Transportation & Planning Committee supports the case-by-case option with a panel approach (panel consists of District Attorney's

Office, Sheriff's Office and the Community Development Agency representatives) and fee charged to the applicant.

IV. Consideration of Provisions in County Ordinances for Cannabis Delivery Permits - WITHDRAWN
[Attachment](#)

V. Policy, Guidelines and Procedures for Waiver of Cumulative Traffic Impact Mitigation Fees for New Developments that Serve Special Public Needs
[Attachment](#)

Chris Bazar, Director, Community Development Agency and Susan McCue, Economic & Civic Development Manager, presented a memorandum titled, Policy, Guidelines and Procedures for Waiver of Cumulative Traffic Impact Mitigation Fees for New Developments that Serve Special Public Needs.

The County has an ordinance that requires new development projects to pay traffic mitigation fees, however it does not account for public-private partnerships. In order to address this gap, the Community Development Agency (CDA) is proposing a new policy, guidelines and a procedure to provide a mechanism to waive fees for public-private partnerships which inherently serve special public needs.

The proposed waiver excludes new construction on vacant land and only applies to new development projects where all of the following apply:

1. The affected parcel or parcels were acquired by the former Alameda County Redevelopment Agency for the purpose of commercial redevelopment OR are subject to the Board of Supervisors' approved June 14, 2016 Agreement Establishing Reciprocal Easements for Shared Parking and Access.
 2. Parcels with an executed Development and Disposition Agreement (DDA) or Owner Participation Agreement (OPA) with the County that provides for specific public benefits OR requires the installation of roadway improvements.
 3. Parcels where the County or former Redevelopment Agency funded public improvements on-site or adjacent to the parcel that resulted in traffic mitigation.
- Determination on any waiver pursuant to these guidelines will be made by the Board of Supervisors.

Two properties acquired by the former Redevelopment Agency could be subject to the proposed waiver. They are: 3295 Castro Valley Boulevard, which is subject to a Board-approved DDA for the Castro Valley Marketplace (CV Marketplace) development; and the Lorenzo Theatre, which is planned for public or commercial use. The proposed waiver could also apply to the three properties that are signatories to the Board-approved June 14, 2016 Agreement Establishing Reciprocal Easements for Shared Parking and Access. The first project requesting a fee waiver is the CV Marketplace.

With the concurrence of the Transportation & Planning Committee, CDA will seek the Board of Supervisors' approval of a Resolution and proposed policy, guidelines, and procedure which would allow for the waiver of CTIM fees for the CV Marketplace project. Waivers for the other properties, if requested in the future, would require Board of Supervisors approval. Waiving the CTIM fee will allow the CV Marketplace to proceed on schedule with the goal of welcoming new customers by March of 2019.

Daniel Woldesenbet, Director, Public Works Agency, stated that he does not support the waiver of Cumulative Traffic Mitigation Fees
\$495,000 discount given to the developer that has already been approved by the Board of Supervisors
40,000 square feet of property being sold for \$400,000
Does not see the value
The developer should have known about the Traffic Mitigation Impact Fee
Potential waiver of \$200,000 to \$1 million in fees

However, if the Board feels that there is a real public value to waiving the fees it should support the waiver. Can't afford to give money away to developers.

Purpose:

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

Recommendation from Transportation & Planning Committee: Move to the full Board of Supervisors with no recommendation from the Transportation & Planning Committee.

VI. First Reading and Adoption of an Urgency Interim Ordinance Adopting a Moratorium on Dirt Importing Within the Agricultural District and Combining Agricultural Use District of the Unincorporated Areas of Alameda County

[Attachment](#)

Rodrigo Orduña, Assistant Deputy Director, Community Development Agency, presented a memorandum and draft ordinance titled, First Reading and Adoption of an Urgency Interim Ordinance Adopting a Moratorium on Dirt Importing within the Agricultural District and Combining Agricultural Use District of the Unincorporated Areas of Alameda County.

There has been a recent increase in and awareness of soil importing activity in unincorporated County areas including, rural agricultural land in Fairview, the Castro Valley canyon lands, and East County areas such as Sunol and unincorporated areas near Livermore and Pleasanton. Some properties have imported dirt, soil, construction debris, plant material, or road material, or a combination of these, with many land owners claiming the material will be used for minor grading or agricultural purposes and therefore exempted from any County ordinance. Although these claims are difficult to substantiate, the importing of material has reached such amounts (e.g., up to a million cubic yards proposed on one 600-acre property) that dirt importing has become a separate activity on its own and Staff believes some regulation of this activity is needed.

The effects of this activity on rural lands include potential impacts to groundwater, natural habitat, topographic features and drainage, dust and air pollution, and traffic; if left unregulated, these could result in long term detrimental impacts to county resources. Also, since there is no jurisdictional verification of the quality of the imported dirt and other materials, there are concerns related to soil quality and stability impacts. Dirt importing needs to be immediately curtailed to allow for additional County analysis and review to minimize potential impacts to traffic and the environment.

In light of the concerns listed, including but not limited to the potential harms to the safety, health, and welfare of the County residents should dirt import facilities be permitted to operate unregulated, it is in the interest of immediately preserving the public safety, health and welfare to adopt this urgency ordinance establishing a moratorium. The moratorium will allow the County to, among other related tasks, immediately proceed with a study and public hearings to consider a revised ordinance that most effectively regulates dirt importing and minimizes the negative effects of such uses, including traffic, safety, noise, and environmental concerns.

Staff recommends that the Transportation and Planning Committee of the Board of Supervisors move this proposal for an Urgency Interim Moratorium on dirt importing operations to the full Board of Supervisors on their hearing of Tuesday, June 5, 2018.

Speaker

Bill Rose, does not support the Urgency Interim Ordinance and Moratorium on Dirt Importing within the Agricultural District and Combining Use District of unincorporated Alameda County.

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

VII. PUBLIC COMMENT

None.

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