

**ALAMEDA COUNTY
BOARD OF SUPERVISORS'
TRANSPORTATION/ PLANNING COMMITTEE**

Thursday, December 10, 2015
12:30 p.m.

Supervisor Scott Haggerty, Chair
Supervisor Nate Miley

Location: *Board of Supervisors Chambers – Room 512 5th floor*
County Administration Building
1221 Oak Street, Oakland, CA 94612

Summary/Action Minutes

I. Update on Development of Draft Onsite Wastewater Treatment Systems Local Agency Management Plan (LAMP)

Ronald Browder, Director, Environmental Health Department, gave a brief update on the Local Agency Management Plan (LAMP).

The Environmental Health Department has had several meetings with the City of Livermore and residents regarding twenty-one parcels on Arroyo Road and Pleasant View Lane which have septic systems that need to be addressed.

In addition the Environmental Health Department has had public meetings with the City of Oakland regarding safe disposal of sewage in the Oakland hills.

The Septic Commission met on September 29, 2015 where the Septic Work Group was formed and their first meeting will be on Friday, December 11, 2016. The Septic Commission has increased the frequency of meetings, adopted bylaws and changed the name to the Onsite Wastewater Treatment System (OWTS) Commission.

The Environmental Health Department has hired a contract to implement GIS database development. The department has also communicated with the East Bay Municipal Utilities District (EBMUD) regarding data sharing.

The consultant hired in preparation for the LAMP is Questa Engineering. Questa is in the process of evaluating the OWTS inventory in Alameda County, existing policies and programs in preparation for the LAMP document. Norman Hantzsche, Principal Engineer, Questa Engineering, was available to answer questions regarding the LAMP process.

Purpose:

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

This item was informational only and required no Committee action.

II. Mid-County Homeless Winter Warming Centers and Outreach

[Attachment](#)

Linda Gardner, Director of Housing and Community Development Agency, presented memorandum on Mid-County Homeless Winter Warming Centers and Outreach.

At the request of Supervisor Miley, staff from Housing and Community Development (HCD) has coordinated the development of a proposed response to homeless encampments in the Castro Valley/Mid County area, which includes a specific winter component as well as an on-going component. HCD convened a series of meetings to gather information and design a two-fold response: outreach to homeless people living in the encampments to engage them in services and link them to available housing resource and increased winter relief in the form of an additional warming center.

Meeting participants included: Caltrans, the Sheriff's Office, the Public Works Agency, Behavioral Health Care Services, and several homeless-serving community-based agencies which provide services in the mid-County area, and the cities of San Leandro and Hayward, along with representatives from Board of Supervisor offices.

The ad hoc planning group created a plan to expand outreach and warming center availability in the mid-County region, dependent on available funding including.

The staff recommends: 1) Request appropriate County agencies to identify one-time funds they can make available towards funding the requested amounts for FY15/16; 2) Allow any one-time funds used to support this effort to be included in MOE budget requests for FY16/17; 3) Authorize the Community Development Agency Director or designee, with approval from County Counsel, to execute contracts with community based organizations for expansion of warming centers, outreach and housing navigation.

Purpose:

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

Recommendation from the Transportation and Planning Committee:

Move the staff recommendation to the full Board of Supervisors. In addition, the Committee direct staff to: 1) bring a report that funds warming centers and community outreach with the funding coming from Probation, Behavioral Health Care, Social Services and Community Development Agency work with the County Administrator's Office to have a funding plan in place for the Board of Supervisors meeting on January 5, 2016; 2) Reimburse Abode Services for funding Fremont warming centers.

III. Update on Public Works Agency's Winter Storm (El Niño) Preparations

[Attachment](#)

John Medlock Jr., Deputy Director, Maintenance & Operations, Public Works Agency, presented a PowerPoint presentation on the Agency's preparations for El Niño winter storms.

In anticipation of El Niño winter storms the Public Works Agency began various preparation efforts starting in June of 2015. Preparations include but are not limited to:

- Cleaning and clearing catch basins
- Removal of silt, vegetation and debris from channels and inlets
- Repairing and adjusting tide gates; and
- Inspect and test pumps at all agency pump stations
- Crack filling/crack sealing
- Leaf removal
- Pothole patching tree trimming removal
- Procuring sandbags and other supplies for flooding

On November 4, 2015, the Public Works Agency hosted a “Preparing for El Niño Workshop”. The workshop was attended by personnel from multiple jurisdictions representing local, regional and state governments including representatives from Alameda County Sheriff’s Office, fire departments, local city public works personnel, emergency response managers, and the Red Cross.

Community Outreach

Before storms

Raise awareness of the potential storm impacts to the people, property, and vehicles and provide tips on preparing for the El Niño storm season through ACPWA website (El Niño webpage), ReadyAC.gov website, social media, YouTube videos, press releases, County Courier articles and County Announcements
Form partnerships with community-based organizations to convey storm and safety information to homeless populations living in/near creeks and flood control channels

During Storms

Keep the community informed of storm impacts to the roadways, creeks, and flood control channels through website, social media posts and e-subscriber lists

After storms

Provide connections to storm-related resources through ACPWA website and AC Alert App will be used for a coordinated County response.

The Public Works Agency has been working with the California Department of Water Resources (DWR) on a Memorandum of Understanding (MOU) to stage flood fighting materials at ACPWA facilities. The Agency has identified the Corporation Yards at 951 Turner Court in Hayward and 4825 Gleason Drive, Dublin, CA, as possible locations to pre-position flood fighting materials. The Public Works Agency requests the Transportation and Planning Committee’s approval to submit the MOU between the Department of Water Resources and the Public Works Agency to the full Board of Supervisors for approval.

Purpose:

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

Recommendation from the Transportation and Planning Committee: Approve. Move to the full Board of Supervisors.

IV. Unincorporated County Mobile Home Park Space Rent Stabilization Ordinance

[Attachment](#)

Michelle Starratt, Assistant Director, Housing and Community Development, presented a PowerPoint presentation to update the Committee on the Mobile Home Park Space Rent Stabilization Ordinance.

The Ordinance was enacted in 1990 and has not been updated since that time. Due to residents’ complaints regarding the annual rent increase, review of the Mobile Home Rent Stabilization Ordinance was requested ordinance by Supervisor Miley.

Staff conducted research, received public comment and conducted a survey of residents and owners and held stakeholder meetings with owners and residents and have developed a draft of a new Rent Stabilization Ordinance.

- Key elements of the draft ordinance include:
- Vacancy de-control if eviction or abandonment occurs

- Major rent increase - maintains owner right to requests, limits increases associated with capital improvements;
- Establishment of an administrative fee to cover staff costs

The Housing and Community Development staff will take comment at this Committee meeting, return to the Planning Commission in January 2016, present the ordinance at another Board Committee meeting and move to the full Board of Supervisors.

Speakers

Stephanie Goosey, resident of Wishing Well Mobile Home Park stated that she represents several residents who are concerned regarding the new draft ordinance. The draft should be postponed and an independent real estate agent review sales and rentals on mobile home parks.

Hera Alikian, owner/manager of the Wishing Well Mobile Home Park in Castro Valley requested that the ordinance propose full vacancy de-control.

NaShon Alikian, owner/manager of Wishing Well Mobile Home Park Castro Valley, supports full vacancy decontrol.

Ruth Lee asked how the ordinance addresses empty spaces that do not have a mobile home. (Draft ordinance allows an empty space to be rented at market rate.)

Purpose:

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

Recommendation from the Transportation and Planning Committee: The Transportation and Planning Committee directed County staff to present the draft ordinance to the Planning Commission and then to the Unincorporated Services Committee. Staff will provide optional language to the Planning Commission with respect to modified vacancy decontrol, shared costs between owners and tenants and a review of the ordinance after three (3) years. The Community Development Agency will absorb the initial costs of the Administrative Fee contained in the ordinance.

V. Overview of Recent Developments in California Medical Marijuana Law

[Attachment](#)

Andrea Weddle, Assistant County Counsel, presented a PowerPoint presentation on recent developments in the California Medical Marijuana Law.

The Compassionate Use Act of 1996 (Proposition 215) allows for the possession and cultivation of marijuana for medical use. There have been recent changes in medical marijuana laws that will affect Alameda County:

AB 266 - Establishes dual licensing structure requiring state license *and* a local license or permit. Department of Consumer Affairs heads overall regulatory structure imposing health and safety and testing standards. It establishes a new Bureau of Medical Marijuana in the State of California.

AB 243 – Establishes a regulatory and licensing structure for cultivation sites under the Department of Food and Agriculture.

SB 643 - Establishes criteria for licensing of medical marijuana businesses, regulates physicians, and recognizes local authority to levy taxes and fees.

The legislation protects local control in the following ways:

- **Dual licensing:** A requirement that all marijuana businesses must have **both** a state license, and a local license or permit, to operate legally in California. Jurisdictions that regulate or ban medical marijuana will be able to retain their regulations or ban.
- **Effect of Local Revocation of a Permit or License:** Revocation of a local license or permit terminates the ability of a marijuana business to operate in that jurisdiction under its state license.
- **Enforcement:** Local governments may enforce state law in addition to local ordinances, if they request that authority and if it is granted by the relevant state agency.
- **State law penalties for unauthorized activity:** Provides for civil penalties for unlicensed activity, and applicable criminal penalties under existing law continue to apply.
- Expressly protects local licensing practices, zoning ordinances, and local actions taken under the police power.

The rough timeline that has been given for state licensing to begin is January 2018. The more immediate timeline for local governments to bear in mind is **March 1, 2016** regarding **cultivation** ordinances. Because adoption of an ordinance requires 2 readings and a 30 day publication period, a cultivation ordinance must be adopted in January 2016 to meet the deadline.

Speakers

Jackie McGowan, Board Member of Monterey County Normal, stated that the March 1st deadline regarding cultivation of medical marijuana will be extended to August, regarding cultivation. Ms. McGowan urged the County not place a ban or moratorium on cultivation based on the March 1st deadline.

Orville Meaux -stated that he would like to see the County put an ordinance in place now and it can be amended later.

Sharif El-Sissi, Garden of Eden Cooperative, would like to work with County staff as a stakeholder on the Marijuana Cultivation Ordinance. Mr. El-Sissi requested the Committee consider a memorandum of understanding to protect the Garden of Eden Cooperative in marijuana cultivation based on the new regulations.

Sean Donahoe, California Growers Association, stated that the March 1st deadline will be extended. Governor Brown encouraged implementation immediately. Mr. Donahoe supports a medical marijuana cultivation ordinance.

Denise Martellacci, Brownie Marie, supports a medical marijuana cultivation ordinance.

Alex Zavell, regulatory analyst who specializes in cannabis law, states that he has been tracking the state laws. The March 1st deadline will be extended. Mr. Zavell does not support a ban on medical marijuana cultivation.

Purpose:

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Recommendation from the Transportation and Planning Committee: The Transportation and Planning Committee supports providing protections to the two (2) local dispensaries in Alameda County reference to

medical marijuana cultivation and County Counsel will draft language such language in a memorandum of understanding. County Counsel will draft an ordinance for the temporary ban of cultivation of medical marijuana until such time as a full cultivation ordinance can be drafted. County Counsel will draft language to amend the current Medical Marijuana Ordinance to align with new state laws.

County Counsel will begin drafting language for the County to tax medical marijuana to be placed on the June ballot.

The Community Development Agency will begin to address Medical Marijuana Cultivation as it relates to land use.

VI. County Regulation of Massage Facilities
[Attachment](#)

Rodrigo Orduña, Senior Planner, Planning Department, presented a memorandum to update the Committee on the regulation of massage facilities in Alameda County.

The Planning Department recommends that the Transportation and Planning Committee direct staff to draft an urgency interim ordinance adopting a moratorium on massage facilities in Alameda County.

Purpose:

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

Recommendation from the Transportation and Planning Committee: Approve. Move to the full Board of Supervisors.

VII. PUBLIC COMMENT
None.

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