

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

Tuesday, February 20, 2018  
10:00 a.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. An Ordinance of the County of Alameda Amending Chapter 15.08 to the General Code to add Section 500 Related to Mandatory Requirements for the Installation of Photovoltaic Solar Energy Systems**

[Attachment](#)

Daniel Woldesenbet, Director, Public Works Agency, presented a memorandum and proposed ordinance to amend Chapter 15.08 to the General Code to add Section 500, related to Mandatory Requirements for the Installation of Photovoltaic Solar Energy Systems.

The proposed Ordinance requires installation of solar PV in single-family and low-rise (three stories or fewer) multifamily new construction. Applicants have the option of using either a prescriptive or performance compliance pathway. For Buildings with less than 4,500 square feet of conditioned floor space, both the performance method and the prescriptive method can be used. For Buildings with 4,500 square feet or more of conditioned floor area, performance method must be used. When using performance method, solar photovoltaic system is sized to meet the minimum energy requirement using modeling software approved by California Energy Commission, while in prescriptive method, the system is sized by the pre-calculated values in their respective climate zone. These values are listed on the proposed ordinance.

Adoption of the proposed ordinance will advance the anticipated 2020 code revisions by a couple of years, and would help prepare staff and the development community for the transition to ZNE in 2020. The ordinance is adapted from a model developed by the California Energy Commission and the Bay Area Regional Collaborative. It preserves the energy efficiency required in the current statewide building code, but also requires that a reasonable amount of self-generation be included.

The Public Works Agency requests the Transportation & Planning Committees support to approve the ordinance amending the building code to require solar photovoltaic (PV) systems in newly constructed single-family and low-rise multifamily buildings.

**Speaker**

Allison Brooks, Executive Director, Bay Area Regional Collaborative, thanked the Transportation and Planning Committee for their support of the ordinance. This is an important tool to meet greenhouse gas reduction and other goals.

**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. Supervisor Haggerty recommended that the Public Works Agency research and develop a program to allow no charge for solar permits to encourage people to add solar.

## II. Summary of Issues and Options Discussed by the Measure D Stakeholders Group [Attachment](#)

Liz McElligott, Assistant Agency Director, Community Development Agency, presented a memorandum of Summary of Issues and Options Discussed by the Measure D Stakeholder Group.

On September 12, 2017, the Board of Supervisors directed staff to convene a group of stakeholders, consisting of members of the public representing a variety of interests, to discuss issues related to Measure D and potential approaches to address these issues. The Board directed staff to report to your Committee on the group's progress after the third stakeholder meeting. The group held meetings on October 26, 2017, November 29, 2017, and February 6, 2018.

At the September Board meeting, the Supervisors stated their preference for amending Measure D through a technical or non-substantive modification pursuant to Section 23 of the Initiative. Section 23 states that "The provisions of this ordinance may be changed only by vote of the people of Alameda County;" but adds that "The Board may also make technical or non-substantive modifications to the terms of this ordinance ... for purposes of reorganization, clarification or formal consistency within a Plan. Any modifications must be consistent with the purposes and substantive content of this ordinance." Measure D also added Policy 96 to the East County Area Plan (ECAP). This policy states, "In areas outside the County Urban Growth Boundary designated Large Parcel Agriculture, Resource Management or Water Management Lands, the number of parcels that may be created, the residential units permitted on each parcel, the size of the development envelope, the maximum floor areas and floor area ratios, and the uses permitted by the Plan on February 1, 2000, or by the Initiative, whichever is less, may not be increased."

### Speakers

Larry Gosselin stated that it makes a lot a sense to support option one to increase the FAR; this could go back to the Agricultural Committee for findings related to option 2.

Chuck Moore ranch owner, member of the Measure D stakeholder committee; option 1 is the favorite option for agricultural folks; problems created with FAR, industries changing; look at building definitions;

Rex Warren spoke in support of option 1.

Kelly Abreu spoke in opposition to any changes to Measure D.

Dick Schneider spoke in support of taking the options to the voters as Measure D was approved by the voters.

Diana Hanna spoke in support of taking the options of Measure D to the voters.

### Purpose:

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

**Recommendation from Transportation & Planning Committee:** The Community Development Agency will work with District 1 and District 4 to set up community meetings in the Castro Valley and Livermore areas to have more discussions on the options for Measure D.

### **III. Cannabis Dispensary and Cultivation Ordinances Implementation Update including Status of Applicant Selection and Permit Process, Proposed Ordinance Amendments, Delivery Permit Process and Fee Study** [Attachment](#)

Liz McElligott, Assistant Agency Director, Community Development Agency, presented a memorandum titled, Cannabis Dispensary and Cultivation Ordinances Implementation Update. The memorandum also included a status update of the applicant selection and permit process, proposed amendments, delivery permit process and fee study.

At the December 4, 2017, Transportation & Planning Committee meeting, staff provided an update on the status of the cannabis cultivation permits for existing dispensaries, and the release of Requests for Proposals (RFPs) to solicit applications for medical cannabis dispensary and cultivation permits to implement the recently adopted medical cannabis dispensary and cultivation ordinances. Since your December meeting, cultivation and dispensary applications have been reviewed and scored, and the top scoring applicants were selected to receive permits.

#### **Cultivation permit process for existing dispensaries**

The County Ordinance Code allows up to two permitted dispensaries in good standing to apply for ministerial cultivation permits, avoiding the selection process required for other cultivation permit applicants. No cultivation applications have been received from the existing dispensaries as of this writing.

#### **Request for Proposals for Cultivation Sites**

The County received ten applications in response to a Request for Proposals (RFP) to solicit applications for the remaining four available cultivation permits. The County Selection Committee (CSC), which consisted of the County Planning Director, the County Agricultural Commissioner, and a Commander from the County Sheriff's Office, reviewed and scored the applications based on the final evaluation criteria in the RFP. The CSC recommended to the Community Development Director that the four highest ranking applicants be granted permits, and the Director concurred with the Committee's recommendation.

#### **Proposed Ordinance Amendments**

The Board of Supervisors considered the appeals on January 9, 2018 and directed staff to increase the number of permits allowed through the RFP process to eight so that the applicants who ranked fifth through eighth would also receive permits in addition to the applicants ranked first through fourth. The Board also directed staff to change the cannabis cultivation program from a pilot program to a permanent use. In addition, the Board directed staff to revise the cultivation and dispensary ordinances to allow the cultivation, sale, and delivery of adult use cannabis, as well as medical cannabis. County staff has also recommended some minor, non-substantive revisions to address technical issues that have come up during the ordinance implementation process.

The Planning Commission will hold a hearing on the proposed ordinance amendments on February 20, 2018 to consider whether to recommend that the Board of Supervisors approve the amendments. With the Planning Commission's recommendation, the amendments will be presented to the full Board of Supervisors at the April 17, 2018 Board Planning meeting.

The Agricultural Advisory Committee discussed the proposed ordinance amendments at its January 23, 2018 meeting. A few of the committee members, as well as members of the public present, objected to the proposed increase in the number of cultivation permits, changing the cannabis cultivation program from a pilot program to a permanent use, and allowing the cultivation, sale, and delivery of adult use cannabis.

## **Request for Proposals for Dispensaries**

The County received five applications in response to a Request for Proposals (RFP) to solicit applications for the two East County dispensaries. The County Selection Committee (CSC), which consisted of the County Planning Director, the Director of the Environmental Health Department, and a Commander from the County Sheriff's Office, reviewed and scored the applications based on the final evaluation criteria in the RFP. The CSC recommended to the Community Development Director that the two highest ranking applicants be granted permits, and the Director concurred with the Committee's recommendation. The County received three appeals of the Director's decision; two from owners of property near each of the selected dispensary locations and one from an applicant who was not granted a permit.

## **Delivery Permit Application Process**

The County established an ordinance to implement a delivery permit process and requirements for the delivery of medical cannabis from a permitted dispensary to customers. Staff has developed an application form and process for the approval of delivery permits, which includes verification that the applicant operates a permitted "brick-and-mortar" dispensary. The draft form is undergoing internal review and will be ready for public distribution soon.

## **Fee Study**

SCI Consulting is in the process of preparing a fee study consistent with the provisions of Proposition 26 to determine the appropriate level of fees for application review and approval for medical cannabis dispensaries and cultivation sites, as well as medical cannabis delivery; and for costs associated with on-going maintenance and monitoring of these permits to fully recover the cost of County staff time to perform these functions. The study is expected to be ready for presentation at your next Committee meeting and, if your committee concurs, staff will present the fees to the full Board of Supervisors at the April 17, 2018 Board Planning meeting.

At the next Transportation/Planning Committee meeting, staff will report on the status of cultivation applications for the existing dispensaries, the status of the proposed ordinance amendments, the outcome of the dispensary permit appeals, and the status of the proposed tax measure. In addition, staff will present the draft cannabis fee study.

## **Speakers**

Elliott Jessup stated that he hopes to put in an application soon to cultivate cannabis and asked about the timeline to submit the application. (Mr. Jessup was informed by County staff that the time has passed to submit applications.)

Pam Galbraith, resident of Tesla Road, is concerned with the urgency in issuing permits without notifying residents in the area. Request that there is more meetings and more public input on cannabis cultivation. Concerned about the elimination of the Cultivation Pilot Program.

Luisa Duchaineau, stated that the neighborhood of Tesla Road, would prefer the temporary ordinance as it was originally designed. Ms. Duchaineau is concerned about preserving the character, health and safety of the surrounding area.

Jayde Johnson, Special Projects Manager, Elemental Wellness, read letter from CEO of Elemental Wellness Center, which encourages the County to expand their cannabis program.

Mark Jaegel spoke in support the proposed amendments of the ordinances.

## **Purpose:**

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

Other:

**Recommendation from Transportation & Planning Committee:**

Continue the discussion with the Fire Department and the Public Works Agency regarding an (F) occupancy instead of a (U) occupancy. Review what other counties are doing and report back at the next meeting.

Return to the Committee with information on Bay Area jurisdictions and how many cultivation permits they have received.

Henry Levy, Alameda County Tax Collector, will make a presentation at the next Transportation & Planning Committee meeting.

**IV. PUBLIC COMMENT**

Kelly Abreu, Measure D Stakeholders in Fremont meeting, County staff should have taken notes and recorded the meeting. Mr. Abreu suggested that the County keep constituents in Fremont informed about any proposed changes to Measure D.

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