

# ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Monday, May 6, 2019  
12:00 p.m.

Supervisor Scott Haggerty, Chair  
Supervisor Nate Miley

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

## Summary/Action Minutes

### I. Amend Chapter 13.08 to the General Ordinance Code to Address the Requirements of Provision C.12.f of the Bay Area Municipal Regional Storm Water Permit to Manage PCBs-Containing Building Materials During Demolition – Public Works Agency

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

Bill Lepere, Deputy Director, Public Works Agency presented amendments to the Bay Area Municipal Regional Storm Water Permit.

On November 19, 2015, the San Francisco Bay Regional Water Quality Control Board issued the Bay Area Municipal Regional Stormwater Permit, Municipal Regional Stormwater Permit, Order R2-2015-0049, NPDES No. CAS612008. It requires that by July 1, 2019, permittees are to implement or cause to be implemented the PCBs management protocol for ensuring PCBs are not discharged during demolition of applicable structures via vehicle track-out, airborne releases, soil erosion, or stormwater runoff.

The proposed ordinance amendment is a minor amendment to clarify that the Director of Public Works has authority to prepare and enforce policies and requirements relating to pollution prevention strategies in connection with demolition permits issued by the building official.

The Public Works Agency requests support from the Transportation and Planning Committee to:

1. Approve an Amendment to Chapter 13.08 to the General Ordinance Code to address the requirements of Provision C.12.f of the Bay Area Municipal Regional Stormwater Permit to manage PCBs-containing building materials during demolition
2. Direct the Director of Public Works to develop and implement a protocol for managing PCBs pursuant to Provision C.12.f of the Bay Area Municipal Regional Stormwater Permit.

#### **Purpose:**

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

**Recommendation from Transportation & Planning Committee:** 1) Approve an Amendment to Chapter 13.08 to the General Ordinance Code to address the requirements of Provision C.12.f of the Bay Area Municipal Regional Stormwater Permit to manage PCBs-containing building materials during demolition 2) Direct the Director of Public Works to develop and implement a protocol for managing PCBs pursuant to Provision C.12.f of the Bay Area Municipal Regional Stormwater Permit. Support. Move to the full Board of Supervisors.

**II. Consideration of draft amendments to Chapter 6.106, Chapter 6.108 and Title 17 of the County Ordinance Code, and the addition of Chapter 6.109, to allow permitted cannabis operations in specified areas to include additional cannabis-related activities, to allow permitted cannabis cultivators to distribute their own cannabis products, to allow cannabis testing labs in specified areas, to allow outdoor cannabis cultivation, to cap conditional use permit fees for cannabis operations, and to add provisions regarding the tracking of child support obligations for cannabis permit holders and employees of permitted operations – Community Development Agency**  
[Attachment](#)

Liz McElligott, Assistant Director, Community Development Agency presented a memorandum and draft amendments to the cannabis ordinances to be considered by the Committee.

The proposed draft ordinance amendments intend to implement the changes previously discussed and agreed upon by the Transportation & Planning Committee. Staff will incorporate any additional changes, as needed, in response to Committee direction. The Planning Commission will consider the ordinance amendments at their meeting at 6:00 p.m. on May 6th. Depending on whether the Planning Commission takes action on the ordinance amendments, the Board is tentatively scheduled to conduct the first reading of the ordinances on May 21, 2019 and the second reading on June 4, 2019.

**Speakers**

Jack Norton presented public comment regarding hoop house definitions and odors related to outdoor cultivation.

Dr. Larry Gosselin, Chair, Agricultural Advisory Committee, supports amendments to the ordinances.

Pamela Epstein supports the two year permit renewal.

Sharif El-Sissi stated there is a discrepancy between the ordinance, the building department and the Committee regarding definitions of hoop houses.

**Purpose:**

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

**Recommendation from Transportation & Planning Committee:** Direct staff to change definition of hoop house to field hoop house and send the amendments to the Planning Commission and report back to the Transportation & Planning Committee the recommendations from the Planning Commission.

**III. Bed and Breakfast Inns, South Livermore Valley Area Plan – Community Development Agency**  
[Attachment](#)

Bruce Jensen, Senior Planner, Planning Department presented a memorandum and draft amendments to an ordinance allowing Bed and Breakfast Inns in the South Livermore Valley Area Plan.

In March 2018, Planning Staff brought a proposal to the Transportation & Planning Committee to modify specific text in the East County Area Plan and the Alameda County Zoning Ordinance to ease existing limitations on the size and the nature of Bed and Breakfast establishments as conditionally permitted in the Cultivated Agriculture Combining District, South Livermore Valley Area, to enhance tourism and overnight access to the viticulture region. Both the Agricultural Advisory Committee and the Planning Commission approve of the proposal.

With the direction of the Transportation & Planning Committee the Planning Department will develop a final draft recommendation to bring to the Board of Supervisors for consideration.

## **Speakers**

Dr. Larry Gosselin stated that Measure D permits limited agricultural enhancing use and Bed and Breakfasts are permitted. Dr. Gosselin asked that the amendments be considered to be extended to North Livermore.

Jean King stated that Friends of Livermore support amendments that allow Bed and Breakfasts in the South Livermore Area Plan, which limits the establishments to between ten and eleven.

Dick Schneider stated that the original Environmental Impact Review was approved for up to 150 rooms total and if the plan is to go beyond that then an additional Environmental Impact Review report should be developed.

**Recommendation:** The Committee directed staff to develop a final draft recommendation of the Bed and Breakfast establishments.

The Transportation and Planning Committee asked the Community Development Agency to consider working on an ordinance for Air B & B's, and investigate unsupervised camp areas (hip camps) that are advertised on Air B & B sites for parties, campfires etc.

## **IV. Soil Fill Importing Ordinance – development of regulations for the importing of fill onto properties in the unincorporated areas of Alameda County – Planning Department** [Attachment](#)

Chris Bazar, Director, Community Development Agency, presented a memorandum and draft Soil Fill Importing Ordinance for discussion and direction from the Transportation and Planning Committee.

At the October 2018, Transportation & Planning Committee the Community Development Agency was directed to prepare a Soil Importing ordinance to regulate soil importers in unincorporated Alameda County. The ordinance, as written, would allow for continued operation of legitimate agricultural activities that depend on the periodic replenishment of soil for such uses as top-soil, or one-time importing of soil for such purposes as flattening out terrain for farm animal arenas or row crops.

Staff has conducted outreach to the Fairview MAC, Sunol CAC, Castro Valley MAC, Agricultural Advisory Council and its subcommittee, District 4 Ag Advisory Council and the Alameda County Resource Conservation District. This item will be presented On Monday, May 6, 2019 at the Planning Commission at 6:00 p.m.

County staff recommends the Transportation & Planning Committee take public testimony for the proposed ordinance and provide any direction to staff.

## **Speakers**

Bill Rose opposes staff acting as if the ordinance is already in place by not allowing large amounts of soil importing.

Josh Peixoto believes the ordinance is not ready, there are a lot of problems, including the ordinance should be for commercial and residential.

Kelly Abreu stated that this ordinance came about because there were 150 truckloads a day dumping dirt, in Sunol and Palomares Canyon and other areas. There is inadequate staffing to do the job, and the County needs to have the Environmental Health Department involved. The Fill Importing Ordinance needs an Environmental Impact Review.

Norman Wilcoxson requested that the Board consider that they are placing a burden on property owners, continuously spending money trying to comply with the rules.

## Speakers

Bupinder Singh stated that he has purchased three properties in Alameda County to develop orchards and equine facilities on the land, not to dump dirt. He asked to be treated fairly and not be treated as if he dumps garbage on his property.

Dr. Larry Gosselin, Chair, Ag Advisory Committee, complimented staff on the Fill Import Ordinance, which is based on use and experience of landowners. Testing and standardization of the process are critical to the ordinance.

Dick Schneider requested that the Board of Supervisors establish a tipping fee, modify levels and amounts of fill, and protect species natural habitats.

**Recommendation from Transportation & Planning Committee:** If the Fill Import Ordinance is approved by the Planning Commission at its meeting on Monday, May 6, 2019, the ordinance will move to the full Board of Supervisors on May 21, 2019 for consideration.

## V. Discussion of Permit Application Process, including discussion of typical timeframes and ways to expedite and streamline processing

[Attachment](#)

Chris Bazar, Director, Community Development Agency and Albert Lopez, Director, Planning Department presented a memorandum and supporting documents for a discussion of the Agency's Permit Application Process, including typical timeframes and ways to expedite and streamline processing.

The Community Development Agency and the Planning Department believes that there are areas of improvement possible to reduce the amount of time reviewing a permit application. The Agency will work with colleagues in other County agencies to provide greater customer service to residents while ensuring proper development throughout unincorporated Alameda County.

## Speakers

Dr. Larry Gosselin believes that the autonomy of the departments is not served well, perhaps an agricultural enhancement officer or some higher level oversight, in addition to a retreat for understanding of processes.

Kelly Abreu stated that the grand jury reported that the Board of Supervisors appoints all of its senior staff and have influence over staff decisions. The problems are illegal construction and environmental problems that are ignored by the Board.

### Purpose:

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

**Recommendation from Transportation & Planning Committee:** The Community Development Agency will add a Consent Calendar item to each future Transportation and Planning Committee agenda to report on the Pre-Application Meeting Attendance.

## VI. Discussion of Permit Application Process, including discussion of typical timeframes and ways to expedite and streamline processing

David Rocha, Fire Chief, Alameda County Fire, and Fire Marshal Bonnie Terra, discussed the Fire Departments Permit Application process, including discussion of typical timeframes and ways to expedite and streamline processing.

Fire Marshal Bonnie Terra informed the Committee that she had not been in attendance at the Pre-Application meetings, however she will be in attendance in the future.

**Speaker**

Kelly Abreu stated several occasions where the Fire Department either abated illegal structures or required additional safety requirements as they are the only department that can get things done.

**Purpose:**

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

**Recommendation from the Transportation and Planning Committee:** The Fire Department will collaborate with other departments to streamline processes and hire staff to improve processes.

**VII. PUBLIC COMMENT**

None.