

ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Monday, May 9, 2022
12:00 p.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. Soil Importation Report/Update - Informational Item

[Attachment](#)

Albert Lopez, Planning Director, Alameda County Planning Department, presented a memorandum and a PowerPoint presentation on the Soil Importing Ordinance update.

The Alameda County Board of Supervisors adopted the Soil Importing Ordinance on October 15, 2019, and the effective date was on November 16, 2019.

This ordinance was proposed because of several complaints regarding soil being imported into private properties in the unincorporated areas of Alameda County. Most of the importing activity were of large scale and for commercial purposes. Most cases occurred in the agricultural zoned properties.

Extensive efforts were made by staff to propose ordinance regulations that captures most of the important issues to regulate and to cite existing ordinances. However, the enforcement and permitting process has been challenging.

The Community Development Agency (CDA) Code Enforcement and Planning staff has been diligent in responding to complaints and processing permits. So far, the ordinance has been effective because large commercial activities have stopped in the AG zoned areas.

Some of the challenges include:

- Heavily rely on complaints.
- Difficult to obtain substantial evidence.
- Difficult to know how much fill/soil was imported
- In most cases, the property owner is unaware of the ordinance
- Too difficult, complicated and costly to obtain an Administrative Conditional Use Permit (ACUP) and even more so to obtain a Conditional Use Permit (CUP).
- Property owner has to shoulder the cost to remove it as a last resort

Next steps include: 1) Provide outreach materials to inform property owners in targeted areas; 2) Evaluate the existing ordinance for opportunities to make changes; 3) Maintain ongoing partnership with the community and other county agencies; 4) Coordinate with other permitting agencies to ensure resources such as creeks, steep slopes and wildlife habitat are protected.

Speakers

Karen Carey, Rena Rickles, Vonya Taylor, Kelly Abreu, Dale Silva, Chuck Meadows, Bruce King, Brenda Clark, Matt Turner and Frances Krug gave public testimony regarding the soil importing ordinance, including lack of enforcement, lack of compliance and in some cases property owners have no knowledge of said ordinance.

Purpose:

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

Recommendation from the Transportation & Planning Committee: The Committee directed the Community Development Agency, Public Works Agency and the Office of the County Counsel to convene to respond to comments heard in today's meeting on the Soil Importing Ordinance, including properties on Uvas Court, Star Ridge Property, and return to this Committee with responses. In addition, the Board of Supervisors may take up some of the issues in a Closed Session meeting, if litigation is to be discussed.

II. Review Rental Registration and Proactive Rental Inspection Ordinance - Action Item

[Attachment](#)

Michelle Starratt, Housing Director, Housing and Community Development Department
Community Development Agency

In 2020, the Community Development Agency's Housing and Community Development Department began work to explore possible tenant protection ordinances in the Unincorporated County when it received the Partnership for the Bay's Future Challenge Grant. The Proactive Rental Inspection and Rent Registry Ordinance is the first in a series of tenant protection ordinances that will be brought for consideration and recommendation to the full Board of Supervisors.

On March 23, 2022, the draft Ordinance was brought to the Unincorporated Services Committee of the Board of Supervisors. At that hearing, the community provided input and the Committee recommended that the draft Ordinance move forward to the Transportation and Planning Committee.

In April, staff received additional written comments from stakeholders. All comments are summarized in Appendix B to this staff report. Staff have incorporated some community recommendations in the redlined version of the Ordinance.

Speakers

Les Morones, Mike Baratta, Gina M., Alina Farooq, Igor Tregub, Elena, Eva Poon, Zuleni Paiz, Breann Gala, Zane Huang, Sabyl Landrum, Paulina Jacobo, Teresita DeJesus and Rhoy Lyn Antonio spoke in favor of passing the ordinance.

Daniel Fries, David Stark, Jay, Robert Robledo, Ron, Kelly Abreu, Francisco Acosta, Zoom User, Chris Moore, Joshua Polston, Benjamin Scott, Marc Crawford, Dr. Halimi, Tuan N., Victor, and Chris Hu spoke in opposition to passing the ordinance.

Purpose:

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

Recommendation from the Transportation & Planning Committee: The Housing & Community Development Agency will consider the public testimony from today's Committee meeting and incorporate some of the information into the proposed ordinance and bring back to the Transportation & Planning Committee before going to the full Board of Supervisors.

PUBLIC COMMENT

Victor, proposed that tenants pay half of all repair costs.

Tuan N. stated that tax data can be obtained by exporting information from other sources.

Chris Hu stated that it is not fair that the eviction moratorium still exists.

Zoom User asked how long the eviction moratorium will last.