

DRAFT
ALAMEDA COUNTY
BOARD OF SUPERVISORS'
TRANSPORTATION/ PLANNING COMMITTEE

Monday, June 3, 2024
9:30 a.m.

Supervisor David Haubert, Chair
Supervisor Nate Miley

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

Summary/Action Minutes

I. INFORMATIONAL ITEM: Environmental Justice Element of the County General Plan and Notice of Exemption from CEQA - *continued from May 6, 2024*

Ali Abbors, Senior Planner, Planning Department, Community Development Agency

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Ali Abbors, Senior Planner, Planning Department, presented a PowerPoint presentation to review an informational of the draft Environmental Justice (EJ) Element and its related environmental assessment under CEQA. The presentation included an overview of the project and its process, highlighting Senate Bill 1000 (SB 1000), which mandates environmental justice requirements for general plans in California cities and counties with disadvantaged communities. These jurisdictions must incorporate environmental justice policies addressing six required topic areas.

In response to SB 1000, the Alameda County Community Development Agency and the Health Department developed a draft EJ Element, emphasizing equity, accountability, collaboration, and diverse resident participation. The draft EJ Element identifies priority communities, consistent with SB 1000's definition of disadvantaged areas, including Ashland, Cherryland, Hayward Acres, parts of Castro Valley, and San Lorenzo. The EJ Element is intended for residents of priority communities to have improved health and wellness through equitable access to social, economic, environmental, and community benefits.

Following community and partner engagement, a draft was released for public comment in May 2023, revised in November 2023, and further revised in January 2024 based on extensive community feedback.

Key changes to the draft include increasing inclusion in county decision-making, improving communication, increasing county staff training, addressing infrastructure concerns, and adding noise pollution considerations. The Planning Commission recommended the revised draft for approval, incorporating feedback from various advisory bodies and community members. The final EJ Element is anticipated to be presented to the full Board of Supervisors for adoption in June 2024.

Purpose:

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

This item was informational only and required no Committee action.

II. **INFORMATIONAL ITEM: Update on Equine Tech Committee**

Larry Gosselin, Agricultural Advisory Committee

Larry Gosselin, Vice-Chair, Alameda County Agricultural Advisory Committee, provided an update on the Equine Tech Committee.

The Equine Technical Advisory Committee, has met regularly for about a year, focusing on creating crucial definitions for further progress for the equine community. The Committee has proposed several alternatives to address permitting challenges and improve staff understanding of the horse industry, including advisory roles and a new paradigm for evaluating equestrian facilities based on property capacity.

The Agricultural Advisory Committee collaborated with various agencies to create a blueprint, resulting in the "Equine Conditional Use Permit (CUP) Streamlining Project Report." Some recommendations were implemented, including streamlining the CUP process, and other definitions were not finalized, leading to ongoing issues. The Equine Technical Advisory Committee is focused on creating definitions crucial for further progress. They have proposed several alternatives to address permitting challenges and improve staff understanding of the horse industry, including advisory roles and a new paradigm for evaluating equestrian facilities based on property capacity. Gosselin sought guidance from the Transportation and Planning Committee on expediting processes and proposed regular updates to the committee to facilitate collaboration.

Speaker

Andrew Turnbull commented on the Update on the Equine Tech Committee.

Purpose:

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

This item was informational only and required no Committee action.

III. **ACTION ITEM: Amend East County Area Plan Resource Management Land Use Designation to include "event centers"**

Albert Lopez, Director, Planning Department discussed land use designations within East County and the Castro Valley Canyon areas, focusing on the distinction between "large parcel agriculture" (Ag) and "resource management" (RM).

Resource Management: This designation was applied through the East County Area Plan and Measure D (2000), limiting the county's ability to change land uses or densities without a ballot measure.

Large Parcel Agriculture: This designation allows certain commercial activities like tasting rooms, bed and breakfasts, and event centers.

Changing the designation from resource management to allow more uses, such as event centers, would require an amendment to the general plan.

The Committee discussed balancing the need for protecting sensitive lands while potentially broadening the use of land under the resource management designation. In addition, clarification was sought on whether adjusting land use designations, particularly regarding adjacent parcels with different designations (large parcel agriculture vs. resource management), would require a general plan amendment or a vote.

County Counsel confirmed that changing land use designations would typically require a general plan amendment. If the change is significant, a public vote may be needed, particularly because Measure D, which governs such changes, was voter approved. A Technical Amendment could apply ("technical" or "non-substantive" changes), which might not require voter approval. However, more facts are needed to assess whether such an amendment could.

Speakers

Dick Schnieder, Tamra Reus, Griffing Beemiller, Larry Gosselin, Jean King, Gerry Beemiller and William Yragui commented on the proposal to Amend East County Area Plan Resource Management Land Use Designation to include “event centers”.

Purpose:

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

This item was informational only and required no Committee action. Staff will continue to research this item.

IV. INFORMATIONAL ITEM: Presentation Regarding Department Fees and Fines

- i. Community Development Agency
- ii. Public Works Agency
- iii. Alameda County Fire Department
- iv. Environmental Health Department

[Attachment](#)

[Attachment](#)

Rodrigo Orduña, Assistant Agency Director, Alameda County Planning Department presented on the fines and fees related to development review applications managed by the Community Development Agency. The fees, established in 2008, use a deposit model where applicants pay for staff time rather than a fixed fee. This model is compared with neighboring jurisdictions like Hayward, San Leandro, and Contra Costa County, showing Alameda County's deposits are generally lower. The presentation also compared the current fees with those from 2003 and 2008, illustrating a shift from fixed fees to deposit-based fees. The latest fee schedule was published in May 2024.

Ed Labayog, Director, Code Enforcement discussed Code Enforcement fines and fees, which are tools to obtain compliance from property owners regarding zoning and neighborhood preservation ordinances. Property owners are notified of violations and given time to comply, but fines and fees may be applied for a failed reinspection. Property owners can appeal within 10 days, and unpaid invoices after 30 days can lead to special assessment lien approval.

The inspection fee increased from \$161 to \$193 in mid-2022. Initial inspections to verify violations are free, and there is no charge if violations are corrected by the first reinspection.

There are also stepped fines for unpermitted uses, starting at \$250 for the first failed reinspection and increasing to \$1,500 for subsequent violations, with an additional \$5,000 penalty every six months until the violations are corrected. Dangerous conditions, such as illegal cannabis grow operations, incur a \$500 fine.

Neighborhood preservation violations follow a similar fee structure, with fines for subsequent violations and specific fines for minor violations.

For tenant complaints regarding unhealthy living conditions, the fine schedule under the neighborhood preservation ordinance applies, and compliance is generally achieved through county intervention.

Daniel Woldesenbet, Director, Public Works Agency, presented the Agency's fee schedule related to permits and fines. Each year, the county updates the schedule, covering fees like building permits, flood control reviews, and road encroachment permits. Some fees have not been updated since 2006-2007. Fees are based on cost recovery and incremental updates are planned for outdated fees. Fines are governed by state or county ordinances.

Ronald Browder, Director, Department of Environmental Health presented a PowerPoint presentation on the provided an overview of the department's fees and penalties. The fees are outlined in Chapter 6.92 of the Alamut County Municipal Code, covering various services such as food and recreation safety, hazardous materials, and solid waste management. Each division handles specific responsibilities, such as processing grants, issuing invoices, and conducting audits. The fees apply to businesses, with exemptions for some nonprofits. Penalties for late payments range up to 50%, and facilities can face closure for unpaid permits. The department also conducted a fee study in 2014-2015, which led to fee adjustments based on cost recovery. The fee schedule includes categories for different types of facilities and services, such as restaurants, medical waste, and cannabis kitchens. The department works with businesses to waive penalties in certain cases but expects timely payments to avoid closures or further penalties.

Speakers

Larry Gosselin, Michelle and Phillip Marshall commented on the Departments Fees and Fines.

Purpose:

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

This item was informational only and required no Committee action.

V. PUBLIC COMMENT

Kelly Abreu commented on the lack of coordination between county agencies, especially related to environmental protection and enforcement. Barns being approved as event centers; airstrip expansions negatively impact creeks, the Community Development Agency, Public Works, and Code Enforcement are not aligned, citing instances where each agency inspected a site separately, leading to ineffective oversight.

The Watercourse Protection Ordinance erases creeks from the ordinance, making it harder to protect them, fees are outdated fees; An environmental issue referred by Fremont (dumping in Morrison Canyon Creek) has gone unaddressed for six weeks, need better coordination between cities, public works, and flood control agencies.