

ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Monday, January 6, 2025
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: How to remove the calculation of a pool from the Floor Area Ratio (FAR) Planning Department, Community Development Agency

Rodrigo Orduña, Assistant Agency Director, Planning Department, gave a brief explanation that the Alameda County's zoning code classifies swimming pools as "buildings" because the code's definition of a building encompasses any structure enclosing people, animals, or property.

The Board of Supervisors can change the definition through a zoning-ordinance amendment. Staff would take a draft revision to the Planning Commission and then to the Board for approval. After the proposed change, pools would no longer count toward floor area ratio or other building area limits.

Additionally, there was a discussion about using pool water for fire suppression. Staff noted that is not typically accepted, property owners can apply for 'alternative means of firefighting' through fire agencies, including Cal Fire. The fire department confirmed that two (2) alternative means of firefighting were approved in the last three years, and not specifically for pools.

Purpose:

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

Recommendation from the Transportation & Planning Committee: Staff will move forward with a draft version of the amendment to the zoning code that classifies swimming pools as buildings; Staff will take the amendment to the Municipal Advisory Councils and the Planning Commission for review and input and return to the Committee with the amendment for review within six (6) months.

The Committee directed staff to gather more historical data and hold a Town Hall session to inform residents on how to navigate the approval process for using pools in fire safety plans.

II. INFORMATIONAL ITEM: Technical Adjustment to County Planning Map changing Large Parcel Agriculture (LPA) to Resource Management (RM) Planning Department, Community Development Agency

Supervisor Haubert opened the discussion regarding the ability to make technical adjustments to land use designations under Section 23 and Measure D (ECAP). Sandi Rivera, Director, Community Development Agency confirmed that such adjustments are allowed and can shift land use from a less restrictive to a more restrictive category.

Melanie O'Brien, County Counsel, clarified that Measure D permits the Board to impose further restrictions on land use, but that is not the same as changing designations outright. Any adjustment would go through Municipal Advisory Committees, the Planning Commission, the Agricultural Advisory Committee, and then the Board.

LPA (Large Parcel Agriculture): Less restrictive. Allows more intensive uses, including agricultural processing facilities, support services, and limited visitor-serving commercial activities.

RM (Resource Management): More restrictive. Applies to biologically sensitive areas or watersheds. Permits agriculture, recreation, habitat protection, watershed management, public/quasi-public uses, and in some cases quarries or reclaimed lands.

Speaker

Kelly Abreau commented on the Technical Adjustment to County Planning Map changing Large Parcel Agriculture (LPA) to Resource Management (RM).

Purpose:

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

Recommendation from the Transportation & Planning Committee:

- 1) Staff to bring this item back to the Transportation & Planning Committee to examine both directions of change from LPA to RM and RM to LPA.
- 2) Review whether the maps still align with their intended purpose.
- 3) Review the possibility of reassessing maps through technical adjustments, a new initiative, or legal clarification.

III. INFORMATIONAL ITEM: Discussion of Sliding Scale Fee Structure for Soil Importation

[Attachment](#)

Ed Labayog, Assistant Agency Director, Code Enforcement Manager, Community Development Agency, presented a PowerPoint presentation on the Sliding Scale Fee Structure for Soil Importation.

The Soil Import Ordinance regulates soil importation into unincorporated Alameda County. Property owners can import soil for agricultural uses, provided they obtain permits and approvals.

Current Fee Structure

Administrative fee: \$1.29 per cubic yard of soil imported. Fee is based on the projected total volume of soil. Payment is required before soil import begins, including each project phase. Additional deposit of \$2,500 charged separately to cover planning staff work, including: application review and referrals, coordination with agencies, site visits, public meetings, approvals, and final accounting.

Proposed Changes

The County is considering a reduced sliding scale fee model to ease costs for property owners, especially on large projects. The proposal is to keep the \$1.29/cubic yard rate up to a certain (to-be-determined) volume, then reduce the rate for additional soil beyond that threshold.

The department is still evaluating the proposal; final recommendations will be brought to the Board of Supervisors for approval, requiring an ordinance amendment

Speakers

Kelly Abreu and William Yragui commented on the Sliding Scale Fee Structure for Soil Importation.

Purpose:

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

Recommendation from the Transportation & Planning Committee: Staff to return to the Committee and report back:

- 1) How much is being spent on illegal dumping cleanup?
- 2) Is County staff confirming whether illegally dumped soil is clean or contaminated?
- 3) Is the process too burdensome, pushing people toward illegal dumping?
- 4) Is the County overcharging large-scale projects beyond true costs?
- 5) Should stronger penalties, including criminal prosecution, be added?
- 6) Future updates to include Public Works, Environmental Health, and Planning Department.

IV. **INFORMATIONAL ITEM: Overview and Update on Alameda County Process for Vacating a County Street/Road**

Daniel Woldesenbet, Director, Public Works Agency reported that the County follows the California Streets and Highways Code (§8300–8363) for vacating public roads or easements. Roads belong to all citizens of the state; the right to travel is a legal right, not a privilege. Vacating a road requires clear public interest justification, not just private benefit. Valid reasons include safety improvements, hazard elimination, systemic street redesign, or cost reductions.

Types of road vacations include:

- 1) Summary Vacation – The County can initiate without a public hearing under limited conditions:
Road has been impassable or unused for 5+ years,
Road has been relocated or superseded,
Road ends in a dead end serving only one ownership with no broader public value.
Maintaining the road creates public costs with little benefit.
- 2) Notice of Vacation - Requires public hearing and Board resolution; must notify utilities and affected districts, publish notices, and comply with timelines. Findings would require that the road is unnecessary for present/future public use, consistent with the general plan, and not needed for motorized or non-motorized transport.

Alameda County does not currently have a fee schedule for vacating a road but is considering adopting a cost-recovery schedule for processing requests.

Speaker

William Yragui commented on the Alameda County Process for Vacating a County Street/Road.

Purpose:

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

Recommendation from the Transportation & Planning Committee: Staff will bring this item back for discussion, to determine who requested the road vacated and why.

V. **PUBLIC COMMENT**

None.