



# Contra Costa County Airport Land Use Commission AGENDA

When: Thursday, April 21, 2022 - 7:00 P.M.

Where: Zoom Webinar

**Please click the link below to join the webinar:**

<https://ccccounty-us.zoom.us/j/81458257776>

**Or Telephone:**

(888) 278-0254 US Toll-free

Conference code: 198675 # #

Meeting ID: 814 5825 7776

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1. Call to Order
  2. Public Comment - Provides an opportunity for any member of the public to speak on any item under the purview of the ALUC that is **not** on the agenda.
  3. Consent  
(Items are subject to removal from Consent Calendar by request of any Commissioner or on request for discussion by a member of the public. Items removed from the Consent Calendar will be considered with the discussion items under "Public Hearing.")
    - a. **ADOPT** Resolution No. 2022-04 authorizing the Contra Costa Airport Land Use Commission to conduct teleconference meetings under Government Code section 54953(e) and make related findings (Assembly Bill 361-Open meetings: state and local agencies: teleconferences). (Jamar Stamps, ALUC staff) **\*Page 2**
  4. Past and Pending Projects Report. **\*Page 6**

## Public Hearing

5. Public Hearing, Action, and Discussion Item(s):
  - a. **CONSIDER** recommendation of ALUC Member At-Large selection subcommittee to APPOINT Richard Cunningham (Lafayette) to the Contra Costa Airport Land Use Commission Member At-Large seat to serve the remainder of a four-year term expiring on May 1, 2023. (Action) (Member At-Large Selection Subcommittee, Jamar Stamps, ALUC staff) **\*Page 9**
6. Staff Updates
  - a. (link) ["Fuels, Oils and Fuel-ishness" Paul Millner \(9/12/2020\)](#)
7. Commissioner Updates

8. Adjournment

\* - Attachment

ALUC staff Contact: Jamar Stamps, AICP, Principal Planner :: (925) 674-7832 :: [jamar.stamps@dcd.cccounty.us](mailto:jamar.stamps@dcd.cccounty.us)

# Item 3.a.

CONTRA COSTA AIRPORT LAND USE COMMISSION  
RESOLUTION NO. 2022-04

A RESOLUTION OF THE CONTRA COSTA AIRPORT LAND USE COMMISSION  
AUTHORIZING TELECONFERENCE MEETINGS UNDER ASSEMBLY BILL 361

Recitals

- A. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.
- B. On March 10, 2020, the Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout the County.
- C. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the Brown Act), provided certain requirements were met and followed.
- D. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Brown Act and further provided that those provisions would remain suspended through September 30, 2021.
- E. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing.
- F. On September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing.
- G. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of

separation between attendees – and face masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.

- H. The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations.
- I. The emergence of the Delta variant has led to a severe rise of COVID-19 infections, hospitalizations, and deaths in Contra Costa County in the past two months. The Delta variant became the predominant strain among samples sequenced in Contra Costa County and California in early July 2021, and currently represents over 95% of samples sequenced both at the Contra Costa County Public Health lab and per reports of statewide sequencing.
- J. As of October 1, 2021, the seven-day rolling average of new cases in the County was 127 cases per day, a case rate that is in the “substantial” community transmission tier, the most serious of the CDC’s community transmission tiers.
- K. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the ALUC intends to invoke the provisions of Assembly Bill 361 related to teleconferencing.

NOW, THEREFORE, the CONTRA COSTA AIRPORT LAND USE COMMISSION resolves as follows:

1. The ALUC finds that the Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
2. The ALUC finds that meeting in person for meetings of the ALUC would present imminent risks to the health or safety of attendees because the case rate of COVID-19 infections in the County is in the “substantial” community transmission tier, the most serious of the CDC’s community transmission tiers.
3. As authorized by Assembly Bill 361, the ALUC will use teleconferencing for its meetings in accordance with the provisions of Government Code section 54953(e).
4. Staff is authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.

5. Staff is directed to return no later than 30 days after this resolution is adopted with an item for the ALUC to consider whether to continue meeting under the provisions of Assembly Bill 361.

**PASSED AND ADOPTED** on April 21, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Geoff Logan, Chair  
Contra Costa ALUC

**ATTEST:**

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Jamar Stamps, ALUC Administrative Staff

# Item 4

**Contra Costa ALUC  
Past/Pending Project Review Log**

<b>Project Initiation</b>	<b>File#/Name Location (Lead Agency)</b>	<b>Project Description</b>	<b>ALUC Approval (Staff or Commission)</b>
December 2021	<b>PR21-2011</b> APN: 002-210-020 (Contra Costa County/ Unincorporated Byron)	Preapplication review for the proposed expansion of an existing wood, green waste, concrete, and asphalt recycling facility ("Organics Recycling Facility") to include a food, green waste, and mulching operation on approximately 20-acre site	Staff: 1/4/22 <i>(Note: Preapplication comments only)</i>
October 2021	<b>LP21-2042</b> APN: 001-041-057, -058 (Contra Costa County/ Unincorporated Byron)	Proposed commercial (not open to the public) green material composting facility on approximately 30 acres of a 50-acre site.	<i>In process (ALUC hearing 12/16/21, letter sent to County staff)</i>
August 2021	<b>AC21-0004</b> APN: 126-325-004 (City of Concord)	Future Chrysler Dodge Jeep Ram of Concord. Future Chrysler Dodge Jeep Ram of Concord is planning to move their current new auto dealerships and related service operations from 4901 Marsh Road to 2121 Diamond Blvd. (former auto dealership). To accommodate their new location, they will be remodeling the existing building currently occupied by ServiceMaster.	Staff: 8/23/21
June 2021	<b>AC21-0003</b> APN: 159-140-042 (Contra Costa County/ Unincorporated Martinez)	Contra Costa Central Sanitary District ("Central San") proposes construction and operation of a 1.75-megawatt solar facility on approx. 8.2 acres of a 48-acre parcel (APN 150-140-042), which is owned by Central San.	Commission: 8/19/21
May 2021	<b>LP21-2016</b> APN: 125-046-009 (Contra Costa County/ Unincorporated Pacheco)	Proposed 65' digital display sign (billboard), replacing existing 45' static billboard.	<i>In process</i>
April 2021	<b>LP21-2011</b> APN: 002-190-002 (Contra Costa County/ Unincorporated Byron)	1,500 ton per day construction and demolition debris recycling operation with products sold on and off-site (no proposed storage of hazardous materials).	Staff: 5/11/21
March 2021	<b>AC21-0002</b> APN: 126-010-033 (City of Concord)	Proposed 4,460 square foot building addition to an existing automobile dealership (Concord Nissan) on a 3.06-acre site.	Commission: 4/15/21

ALUC = Airport Land Use Commission  
ALUCP or Plan = Contra Costa Airport Land Use Compatibility Plan

**Updated 1/4/22**

**Contra Costa ALUC  
Past/Pending Project Review Log**

<b>Project Initiation</b>	<b>File#/Name Location (Lead Agency)</b>	<b>Project Description</b>	<b>ALUC Approval (Staff or Commission)</b>
	<b>AC21-0001</b> APN: 126-030-037 (City of Concord)	Proposed 12,670 square foot building expansion rooftop solar and commercial solar carport installations (totaling approximately 29,586 square feet) at the existing BMW Concord Dealership on a 5.25-acre site.	Commission: 4/15/21
November 2020	<b>LP20-2028, LP20-2029</b> APN: 002-210-019, 002-210-025 (Contra Costa County/ Unincorporated Byron)	Proposed commercial photovoltaic (“PV”) solar facilities on two sites (6.5-acre PV facility on a 10-acre parcel and 35-acre PV facility on a 126.48-acre parcel).	Commission: 12/17/20
August 2020	<b>AC20-0003</b> APN: 153-030-004 (City of Pleasant Hill)	Proposed General Plan Amendment (from Semi-Public and Institutional to Multi-Family Residential), rezoning (from R-7 Single Family Residential – High Density to Specific Plan/Planned Unit Development), a Minor Subdivision, Development Plan and Use Permit for the construction of a proposed 4-story, 82-unit senior housing facility with associated day-health care and administrative facilities, and a 90-children preschool on an approximately 4-acre site.	Staff: 9/1/20
May 2020	<b>AC20-0002</b> APN: 126-323-007 (City of Concord)	Proposed General Plan Amendment from Regional Commercial to Commercial Mixed Use, Rezoning from Regional Commercial to Commercial Mixed-Use zoning district, and a Use Permit for the construction of an 86-room, 4-story, 48,100 sq. ft. hotel on an approximately 1.24-acre site.	Staff: 5/19/20
April 2020	<b>LP20-2022</b> APN: 001-41-041/007 (Contra Costa County, Byron)	Proposed 3 megawatt commercial photovoltaic (“PV”) solar facility. The proposed solar facility would cover approximately 33 acres of an approximately 108-acre site.	Commission: 4/15/21
February 2020	<b>AC20-0001</b> APN: 126-323-007 (City of Concord)	Design Review application from the City of Concord (“City”) for a proposed remodel and tenant improvements for an existing 18,797 square foot building for a Mazda auto dealership (currently occupied by the Infiniti dealership) with associated office space on a 2.51-acre site.	Staff: 3/16/20
December 2019	<b>AC19-0002</b> APN: 125-210-012 (City of Concord)	Proposed 120,917 square foot self-storage (up to two stories or 32 feet in height) with associated office space and U-Haul rental facility on a 4.53-acre site.	Commission: 1/16/20

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*Updated 1/4/22*



# Item 5.a.



# Department of Conservation and Development

## Airport Land Use Commission

Thursday, April 21, 2022 – 7:00 P.M.

### STAFF REPORT

Agenda Item # 5.a

<b>Project Title:</b>	Airport Land Use Commission Member At-Large
<b>ALUC File #:</b>	n/a
<b>Lead Agency:</b>	Contra Costa Airport Land Use Commission
<b>Applicant/Owner:</b>	n/a
<b>Site Address/Location:</b>	n/a
<b>Staff Recommendation(s):</b>	(See Section II)
<b>List of Exhibits:</b>	n/a
<b>Staff Contact:</b>	Jamar Stamps, AICP, (925) 655-2917

### **I. PROJECT SUMMARY**

The Contra Costa Airport Land Use Commission ("ALUC") is looking to fill the Member At-Large seat, recently vacated by former Commissioner Tom Weber, for the remainder of a four-year term expiring on May 1, 2023.

### **II. RECOMMENDATION**

CONSIDER recommendation of ALUC Member At-Large selection subcommittee to APPOINT Richard Cunningham (Lafayette) to the Contra Costa Airport Land Use Commission Member At-Large seat to serve the remainder of a four-year term expiring on May 1, 2023.

### **III. BACKGROUND**

February 2022, former Commissioner Tom Weber resigned from the ALUC. ALUC staff and the Contra Costa County Administrator's Office issued a news release on March 2, 2022, soliciting applications for the ALUC Member At-Large seat. Applications were due Friday, March 25, 2022.

California Public Utilities Code Section 21001 (State Aeronautics Act or “SAA”) gives every county in which an airport is served by a scheduled airline or operated for the benefit of the general public the authority to establish an airport land use commission. Each commission shall consist of seven members to be selected as follows:

SAA Section 21670(b):

- (1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom.*
- (2) Two representing the county, appointed by the board of supervisors.*
- (3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all of the public airports within that county.*
- (4) One representing the general public, appointed by the other six members of the commission.*

The term of office of each member shall be four years and until the appointment and qualification of his or her successor.

The new appointment would serve for the remainder of the unexpired term (May 1, 2023). Per SAA Section 21671.5(a): *Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant.* At the end of this term, the ALUC would need to reappoint the incumbent or make a new appointment to the Member At-Large seat.

#### **IV. DISCUSSION**

At the March 17, 2022, ALUC meeting the Commission appointed Maurice Gunderson, Ken Carlson, and Timothy Barrow to the Member At-Large selection subcommittee. The subcommittee met on March 29<sup>th</sup> to discuss the four applications received by the March 25<sup>th</sup> deadline.

Thursday, April 7, 2022, the subcommittee scheduled four interviews, however one candidate (Emily Barnett) formally withdrew their application prior to interviewing.

After completing all interviews, final deliberation and evaluation the subcommittee recommended candidate Richard Cunningham (Lafayette) for appointment as the ALUC Member At-Large. A brief candidate summary is provided in Table 1 below.

<b>2022 ALUC Member At-Large Candidate List</b>
Michael Conklin (San Ramon) <ul style="list-style-type: none"><li>• Occupation: Sentinels of Freedom, Chairman &amp; CEO</li><li>• Experience: 25 years in building and land development business in Contra Costa County</li></ul>
Michal McCarthy (Martinez) <ul style="list-style-type: none"><li>• Occupation: Light River Technologies, Project Engineer</li><li>• Experience: local pilot and tenant of KCCR (Buchanan Field); safety and security manager at one of the largest flight schools in the U.S., "FAASTeam" representative</li></ul>
Emily Barnett (Pleasant Hill) – withdrew candidacy 4/7/22 <ul style="list-style-type: none"><li>• Occupation: Central Contra Costa Sanitary District, Communications and Government Relations Manager</li><li>• Experience: Chair of the Contra Costa Airport Advisory Committee; former ALUC proxy commissioner</li></ul>
Richard Cunningham (Lafayette) <ul style="list-style-type: none"><li>• Occupation: Retired – part time public works consultant</li><li>• Experience: 44 years of local public works management experience as division manager, project manager, and senior manager; 18 years of private aircraft flying experience; Officer (and current president) of Mount Diablo Pilot's Association; Member of Aircraft Owners and Pilots Assoc. (AOPA); Member and Board of Directors advisor for Experimental Aircraft Association (EAA) Chapter 393 at KCCR.</li></ul>