



# Contra Costa County Airport Land Use Commission

## AGENDA

When: Thursday, October 21, 2021 - 7:00 P.M.

Where: Zoom Webinar

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

<https://cccouny-us.zoom.us/j/84453364861>

**Or Telephone:**

(888) 278-0254 US Toll-free

Conference code: 198675 # #

Meeting ID: 844 5336 4861

- 
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.

### 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.")

3. Past and Pending Projects Report. **\*Page 2**

### Public Hearing

4. Public Hearing, Action and Discussion Item(s):
  - a. **ADOPT** Resolution No. 2021-01 ("Exhibit A") 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) (Discussion/Action) **\*Page 5**
5. Staff Updates
  - a. Byron Airport General Plan Update/Airport Land Use Compatibility Plan Update
6. Commissioner Updates
7. Adjournment

\* - Attachment

# Item 3

**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>
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
	<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

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

*Updated 9/9/21*

**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>
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
May 2019	<b>CV19-0048</b> APN: 125-010-023 (Contra Costa County/ Unincorporated Concord)	Aviation related use on airport property; proposal consistent with Buchanan Field Airport Master Plan.	Staff: 5/24/19
April 2019	<b>LP19-2011</b> APN: 125-240-029 (Contra Costa County/ Unincorporated Pacheco)	Proposed 50’ monument sign. Proposal does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Plan.	Staff: 4/17/19

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*Updated 9/9/21*

# Item 4.a.



# Department of Conservation and Development

## Airport Land Use Commission

Thursday, October 21, 2021 – 7:00 P.M.

### STAFF REPORT

Agenda Item # \_\_\_\_\_

<b>Project Title:</b>	Assembly Bill ("AB") 361 – Teleconference Meetings
<b>ALUC File #:</b>	n/a
<b>Lead Agency:</b>	Contra Costa Airport Land Use Commission ("ALUC")
<b>Applicant/Owner:</b>	n/a
<b>Site Address/Location:</b>	n/a
<b>Staff Recommendation(s):</b>	<b>ADOPT</b> Resolution No. 2021-01 ("Exhibit A") 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).
<b>List of Exhibits:</b>	Exhibit A: Resolution No. 2021-01 Exhibit B: Rules for Conducting Virtual Meetings
<b>Staff Contact:</b>	Jamar Stamps, AICP, ALUC staff, (925) 655-2917

### **I. BACKGROUND**

When the COVID-19 pandemic began, Governor Newsom issued an executive order that allowed local agencies to meet remotely without complying with the strict teleconferencing requirements of the Brown Act. Executive Order N-29-20 suspended the Brown Act's nonemergency teleconferencing rules, including the requirements that each teleconference location must be physically accessible to the public and that the public must be given an opportunity to comment at each teleconference location. Since March 2020, the ALUC has been meeting virtually, as authorized by Executive Order N-29-20 and subsequent orders. This authority expired September 30, 2021.

Assembly Bill 361 amended the teleconferencing provisions of the Brown Act, Government Code section 54953. Effective October 1, 2021, subsection (e) of Government Code section 54953 authorizes a local agency to use special

teleconferencing rules when the legislative body of the local agency holds a meeting during a state of emergency declared by the state, and either (a) state or local officials have imposed or recommended measures to promote social distancing, or (b) the legislative body is meeting to determine, or has determined, that meeting in person would present imminent risks to the health or safety of meeting attendees.

The following rules apply to teleconferencing meetings held under Government Code section 54953(e):

- The agency must provide notice of the meeting and post an agenda as required by the Brown Act, but the agenda does not need to list each teleconference location or be physically posted at each teleconference location.
- The agenda must state how members of the public can access the meeting and provide public comment.
- The agenda must include an option for all persons to attend via a call-in or internet-based service option.
- The legislative body must conduct the meeting in a manner that protects the constitutional and statutory rights of the public.
- If there is a disruption in the public broadcast of the call-in or internet-based meeting service, the legislative body must stop and take no further action on agenda items until public access is restored.
- The agency may not require public comments to be submitted in advance of the meeting and must allow virtual comments to be submitted in real time.
- The legislative body must allow a reasonable amount of time per agenda item to permit members of the public to comment, including time to register or otherwise be recognized for the purposes of comment.
- If the legislative body provides a timed period for all public comment on an item, it may not close that period before the time has elapsed.
- The legislative body must reconsider the circumstances of the state of emergency and the findings in support of emergency teleconference

meetings every 30 days or every time it meets.

- AB 361 sunsets on January 1, 2024.

A resolution authorizing teleconferencing under Government Code section 54953(e) is provided as Exhibit A. It would determine that the state has declared a state of emergency related to COVID-19 and find that social distancing recommendations are in place and that there is an imminent risk of harm to the public, staff, and officials if live meetings are conducted. If adopted, the resolution would authorize the ALUC to hold teleconference meetings consistent with the above rules.

If the ALUC wishes to continue teleconferencing under Government Code section 54953(e), every 30 days after adopting the resolution or every time it meets, the ALUC must reconsider the circumstances of the state of emergency and that one of the following circumstances exists: the emergency continues to directly impact the ability of members to safely meet in person, or state or local officials continue to impose or recommend measures to promote social distancing. If the state-declared emergency no longer exists, or if the ALUC does not make these findings by majority vote, then the ALUC will no longer be exempt from the Brown Act's non-emergency teleconferencing rules.



# Exhibit A

CONTRA COSTA AIRPORT LAND USE COMMISSION  
RESOLUTION NO. 2021-01

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 October 21, 2021, 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

# Exhibit B

## CONDUCTING VIRTUAL MEETINGS DURING STATE DECLARED EMERGENCY

(AB 361 (Gov. Code, 54953 (e)))

(These rules sunset January 1, 2024)

The Brown Act now provides special rules for holding virtual meetings during emergencies. Such virtual meetings are permitted when the State has declared a state of emergency *and* either 1) the Public Health Officer has recommended or ordered social distancing measures, or 2) findings have been made indicating that as a result of the emergency, live meetings will cause an imminent risk to the safety or health of meeting attendees. (Gov. Code, sec. 54953 (e).)

To conduct a virtual meeting as permitted by Government Code section 54953 (e), follow these rules:

1. Quorum required. Staff to the body or its chair must ensure that during the teleconferenced meeting a quorum of the body is participating from their remote locations at all times. These remote locations do not need to be within the body's territorial jurisdiction.
2. Agenda requirements-content. The agenda does not need to contain a physical meeting location or state the teleconference locations. The agenda must state how members of the public will be able to observe the meeting through an internet or call-in method, and it must state how members of the public can provide public comments in the virtual meeting format. (Gov. Code, sec. 54953 (e)(2)(B).) For example, the first page of the agenda could state:

"To slow the spread of COVID-19, the (name of body) meeting will be accessible via Zoom (provide link) as permitted by Government Code section 54953 (e). To indicate you wish to speak on an agenda item, please raise your hand in the Zoom app when your item is called."

All the other rules regarding agenda content, such as providing brief descriptions of business to be conducted, continue to apply.

3. Agenda requirements-posting. Continue to post the virtual meeting agenda at all the body's usual agenda posting locations, including websites, 96 hours in advance of the meeting. Agendas must be visible to the public for the entire 96 hour period.
4. Public Participation. Agendas must provide an opportunity for public comment on each agenda item and on items in the body's jurisdiction that are not on the agenda. Written and virtual public comment must be accepted until the public comment period is formally closed at the meeting. The body should apply its usual time limits per speaker. The time it takes the chair or staff to bring the speaker up for remote comment should not be counted toward the speaker's time. (Gov. Code, sec. 54953 (e) (2) B) (E) (G).)
5. Protect the rights of the public. Bodies must comply with all constitutional and statutory requirements for the conduct of meetings. For example, provide reasonable accommodations for the disabled in the virtual format. Ensure that all public commenters are treated fairly and

receive equal time, regardless of their views. Continue to double the public comment time for persons using translators. (Gov. Code, sec. 54953 (e) (2) (C).)

6. Disruption impacting public- stop the meeting! If the virtual meeting broadcast fails, e.g. if the body's internet connection is disrupted, or if the public can no longer provide comment through the virtual meeting method for reasons *in the body's control*, the body must stop the meeting completely. The meeting cannot resume until both the public's ability to observe the meeting access and the public's ability to comment are restored. Have contingency plans in place for these circumstances. (Gov. Code, sec. 54953 (e) (2) (D).)
7. Roll call vote required. All votes taken during a virtual meeting must be by roll call. (Gov. Code. sec. 54953 (b) (2).)
8. Ongoing monthly review of need for virtual meetings. The Board of Supervisors will continue to review the circumstances of the state declared emergency and determine if advisory bodies should continue to meet virtually. (Gov. Code, sec. 54953 (e) (3).)

I:\CLERK\ES\MAM\AB 361\Government Code section 54953 (e) - special emergency teleconference rules FINAL 10.12.21.docx