

**DIABLO MUNICIPAL ADVISORY COUNCIL
BOARD OF DIRECTORS
MINUTES
TELECONFERENCE VIA THE APPLICATION ZOOM
JANUARY 11, 2022, 7:30 p.m.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 8:00 p.m.

ROLL CALL: Secretary Jeff Eorio called the roll as follows:

Directors present: Urbelis, Becker, Eorio, Isom,

Directors absent: Cox

Director Urbelis welcomed Directors and the general public and explained the rules for public comment.

PUBLIC COMMENTS: None

ADMINISTRATIVE COMMUNICATION AND ACTIONS:

Prior to the DMAC meeting a DMAC-DCSD joint meeting was held to review and adopt *Resolution 2022-01*, proclaiming a state of emergency exists due to COVID-19 and authorizing remote teleconference (Zoom) meetings of the DCSD Board and DMAC Board for the period January 11, 2022, through February 9, 2022, pursuant to California Assembly Bill 361. On motion by Director Eorio, second by Director Isom, the Directors in attendance unanimously adopted *Resolution 2022-01*.

LAND USE COMMUNICATION AND ACTIONS:

Director Eorio presented his review and comments on the proposed site plans for the development of Parcel A located at the corner of Avenida Nueva and La Cadena. A staff report detailing the review and recommendations was included with the agenda.

On motion by Director Becker, second by Director Eorio, the Directors in attendance unanimously approved the proposed Parcel A site plan subject to the conditions identified in the attached staff report. President Urbelis asked the General Manger to prepare a response to the County.

CONSENT CALENDAR:

On motion of Director Eorio, second by Director Isom, the Directors in attendance unanimously approved the minutes of the September 14, 2021, Regular Meeting.

CALL OF NEXT MEETING/ADJOURNMENT:

The President called the next meeting for February 8, 2022. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 8:03 p.m.

Diablo Community Services District by,

Kathy Torru, General Manager

RESOLUTION NO. 2022-01

RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS PURSUANT TO THE BROWN ACT AND AB 361

WHEREAS, on March 4, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency due to COVID-19. Such Proclamation remains and is in effect as of the date of this Resolution, as are the facts, circumstances, and emergency under which it was issued; and

WHEREAS, the Diablo Community Services District ("District") ordinarily holds its regular meetings on the second Tuesday of each month (excluding July and December) 7:30 p.m. at the Diablo Country Club, 1700 Club House Road, Diablo, CA 94528; and

WHEREAS, the District has held its meetings via teleconference, specifically the Zoom platform, pursuant to the Governor's Executive Order N-29-20; and

WHEREAS, the Contra Costa County Health Officer ("Health Officer") has issued various health orders and updates designed to slow the spread of COVID-19 (including variants thereof) such as vaccinations, quarantines, face covering requirements, and social distancing recommendations designed to protect public health; and

WHEREAS, on September 20, 2021, the Health Officer issued recommendations for safely holding public meetings, including strongly recommending teleconferencing meetings as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19, and further recommended social distancing and face masking of all attendees; and

WHEREAS, as of September 24, 2021, 14.5% of Contra Costa County residents remain unvaccinated or partially vaccinated. The Health Officer recommend social distancing and further recommend avoiding crowded places, close contact settings, and confined places with poor airflow; and

WHEREAS, COVID-19 continues to spread, and the Delta variant and Omicron variant (highly infectious COVID-19 strains) are prevalent in the Bay Area. COVID-19 poses imminent health and safety concerns. The risk of exposure to COVID-19 depends on the likelihood of coming into close physical contact with people who may be infected and through contact with contaminated surfaces and objects. The severity of the illness varies. Per the US Centers for Disease Control and Prevention about 14% of the cases are severe (meaning, they required hospitalization), with an infection that affects both lungs and has the potential to lead to severe medical complications (such as respiratory failure, shock, or multiorgan dysfunction) that can cause death in some people. The number of cases of infections and deaths occurring locally can be determined by viewing the dashboard of the Health Officer; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which placed an end date of September 30, 2021, on the authority to hold teleconferenced meetings under Executive Order N-29-20; and

WHEREAS, due the rise in COVID-19 cases, including due to the Delta and Omicron variants, the District continues to be deeply concerned about protecting the health and safety of

attendees, particularly given that even fully vaccinated people have contracted the Delta variant, people may contract and transmit the virus before knowing they are infected and/or if they are asymptomatic; meetings of the District can last several hours, and the District's meeting facilities are shared spaces, limited in space with seats that are close together, and have restricted air flow; and

WHEREAS, the California State legislature adopted AB 361 as an urgency measure that was signed by the Governor on September 16, 2021. AB 361 amends the Brown Act to allow local governments to use teleconferencing and virtual meeting technology as long as there is a gubernatorial "proclaimed state of emergency" upon the local legislative body finding that State or local officials have imposed or recommended measures to promote social distancing or that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the Board desires to continue holding public meetings of the District using teleconferencing and virtual meeting technology in order to avoid the imminent risk to the health and safety of attendees; and

WHEREAS, the District found that conducting its meetings using virtual meeting technology allowed equivalent access to the meetings for Directors, staff, and the public based on the ease of use and flexibility of technology. This experience has been confirmed by the Little Hoover Commission, which evaluated the effectiveness of remote meetings statewide; and

WHEREAS, the Board, after giving all public notices required by State Law, held a duly noticed public meeting on January 11, 2022; and

WHEREAS, at such public meeting, the Board considered all pertinent oral and written information, exhibits, testimony, and comments received during the public review process, including, without limitation, information received at the public hearing, the oral report from District staff, the written report from staff, this Resolution, and all other information on which each of the Directors has based their decision (collectively, "Remote Meeting Information").

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Recitals. The foregoing recitals are true and correct; the recitals are hereby incorporated by reference into each of the findings as though fully set forth therein. The recitals and the information below constitute findings in this matter, and together with the Remote Meeting Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth herein.

Section 2. AB 361 Findings. The Board hereby further finds the following: A state of emergency remains active due to the coronavirus pandemic, which continues to directly impact the ability of attendees to meet safely in person. State and/or local officials have imposed and/or recommended measures to promote social distancing. They have strongly recommended public agencies hold their meetings online because doing so presents the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19. COVID-19 poses an imminent risk to the health and safety of attendees because it can be contracted and transmitted by people without symptoms and regardless of vaccination status and has the potential to lead to severe disease and death.

Section 3. Remote Meetings. Meetings of the District will continue to be conducted remotely using teleconferencing for the next 30 days in compliance with AB 361.

Section 4. CEQA. This action does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), and/or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, this action is categorically exempt pursuant to Section 15061(b)(3), “Review for Exemptions” of the CEQA Guidelines because there is no possibility that it may have a significant effect on the environment, and no further environmental review is required. No unusual circumstances exist and none of the exceptions under CEQA Guidelines Section 15300.2 apply. This determination reflects the Board’s independent judgment and analysis.

Section 5. Effective Date. This Resolution shall take effect on and after its adoption.

* * * * *

The foregoing Resolution was adopted by the Board of Directors of the Diablo Community Services District on January 11, 2022.

Adopted by the following votes:

AYES: Urbelis, Becker, Eorio, Isom

NOES:

ABSENT: Cox

ABSTAIN:

Kathy Urbelis, President of the Board

Attest:

Katharine Torru

Kathy Torru, General Manager

STAFF REPORT

DATE: January 11, 2022
TO: DMAC Board Members
FROM: Kathy Torru, General Manager
RE: Parcel A site plan located at La Cadena and Avenida Nueva

I. Background

The Diablo Municipal Advisory Council was asked by the Contra Costa County Department of Conservation and Development to comment on permit request files #CV19-0107 & TP19-0058 in July of 2020. The permits sought to construct a water detention basin on a 3-lot subdivision located at the corners of Calle Los Callados, Avenida Nueva and La Cadena, and remove nine oak trees on the property. DMAC Director Jeff Eorio met with the developers, Jeff Stone and Todd Vitzthum, and members of the Diablo community to address neighbor concerns. On July 13, 2020, DMAC held a Special Meeting to review the project and by a unanimous vote instructed the General Manager to provide the Contra Costa Department of Conservation and Development with four comments. At the July 20, 2020, Contra Costa County Zoning Administrator public hearing the Zoning Administrator approved the water detention basin and tree removal permits subject to several modifications, including the four comments submitted by DMAC. The fourth comment in the attached letter requests that DMAC review and comment on the final site plan showing the impact of the homes and hardscape on the existing oak trees prior to County approval.

II. Parcel A Site Plan

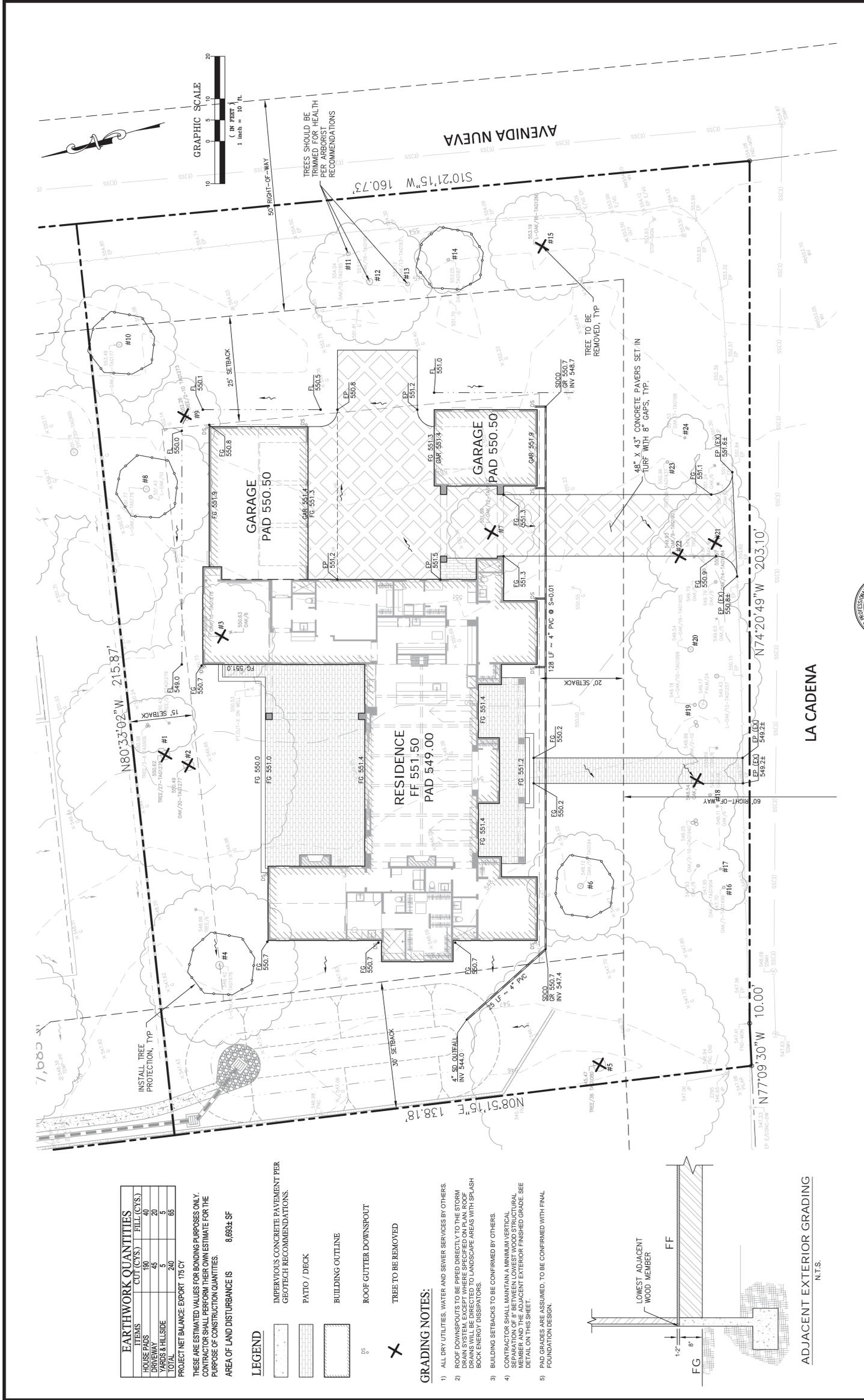
Parcel A of the 3-lot subdivision, which is located at the corner of La Cadena and Avenida Nueva, has been submitted by Dave and Cathy Gonzales for review and comment. A copy of the site plan is included as Attachment A. On December 6, 2021, Director Jeff Eorio (appointed by President Urbelis to take the lead) and General Manager Kathy Torru met with the property owner and his general contractor to review the impact of the home and hardscape on the oak trees and discuss the existing drainage issues.

III. Recommended Action

Director Eorio and General Manager Torru recommend that DMAC approve the attached Parcel A – La Cadena - Avenida Nueva development plan subject to the conditions identified below and instruct the General Manager to communicate DMAC's comments to the Contra Costa County Department of Conservation and Development.

- Save and protect the trees located on the property that have not been identified for removal on page 3 of the plans (Grading and Drainage Plan dated 11/16/2021). See Exhibit A. 9 trees, most of which are dead or dying, have been identified for removal.
- Provide a good faith effort for drainage along and at the corner of Avenida Nueva and La Cadena.

Exhibit A

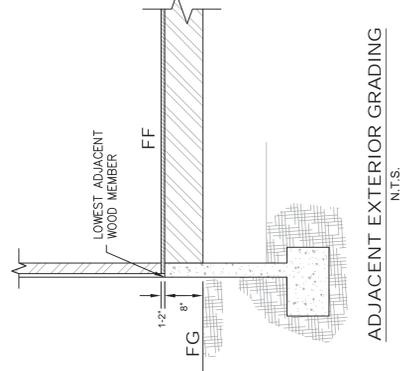


EARTHWORK QUANTITIES		
ITEMS	CUT (CY'S)	FILL (CY'S)
HOUSE PADS	190	40
DRIVEWAY	45	20
YARDS & HILLSIDE	5	5
TOTAL	240	65

PROJECT NET BALANCE EXPORT 175 CY
 THESE ARE ESTIMATED VALUES FOR BONDING PURPOSES ONLY.
 CONTRACTOR SHALL PERFORM THEIR OWN ESTIMATE FOR THE
 PURPOSE OF CONSTRUCTION QUANTITIES.
 AREA OF LAND DISTURBANCE IS 8,683± SF

- LEGEND**
- IMPERVIOUS CONCRETE PAVEMENT PER GEOTECH RECOMMENDATIONS.
 - PATIO / DECK
 - BUILDING OUTLINE
 - ROOF CUTTER DOWNSPOUT
 - TREE TO BE REMOVED

- GRADING NOTES:**
- 1) ALL DRY UTILITIES, WATER AND SEWER SERVICES BY OTHERS.
 - 2) ROOF DOWNSPOUTS TO BE PIPED DIRECTLY TO THE STORM DRAIN SYSTEM EXCEPT WHERE SPECIFIED ON PLAN. ROOF DRAINS WILL BE DIRECTED TO LANDSCAPE AREAS WITH SPLASH BLOCK ENERGY DISSIPATORS.
 - 3) BUILDING SETBACKS TO BE CONFIRMED BY OTHERS.
 - 4) CONTRACTOR SHALL MAINTAIN A MINIMUM VERTICAL SEPARATION OF 6" BETWEEN LOWEST WOOD STRUCTURAL MEMBER AND THE ADJACENT EXTERIOR FINISHED GRADE. SEE DETAIL ON THIS SHEET.
 - 5) PAD GRADES ARE ASSUMED. TO BE CONFIRMED WITH FINAL FOUNDATION DESIGN.



GRADING AND DRAINAGE PLAN

DIABLO (UNINC.)

GONZALES RESIDENCE
LA CADENA
CONTRA COSTA COUNTY

LA CADENA

7,683 ±

N80°33'02" W 215.87'

N77°09'30" W 10.00'

N74°20'49" W 203.10'

N102°11'15" W 160.73'

50' RIGHT-OF-WAY

25' SETBACK

30' SETBACK

20' SETBACK

128 LF ~ 4" PVC @ S=0.01

73 LF ~ 4" PVC

60' RIGHT-OF-WAY

AVENIDA NUEVA

REVISIONS

#	DATE

DATE: 10/21/21
 Scale: 1" = 10'
 By: [Signature]
 Job No.: 20303

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