

**DIABLO MUNICIPAL ADVISORY COUNCIL
REGULAR MEETING AGENDA¹
TELECONFERENCE VIA THE APPLICATION ZOOM
TUESDAY, APRIL 13, 2021 7:30 P.M.**

MEETING PROCEDURE

Under the Governor's Executive Order N-29-20 issued March 19, 2020, the Diablo Municipal Advisory Council is using teleconferencing for meetings. All members of the public seeking to observe and/or address the Board may participate in the meeting in the manner described below. This meeting can be viewed using the Zoom platform:

ZOOM WEBSITE: **<https://zoom.us/j/4680449859>**

MEETING ID: **468 044 9859**

FOR AUDIO PARTICIPATION ONLY: *Call (346) 248-7799 or (669) 900-9128 and enter Meeting ID# 468 044 9859 followed by the pound (#) key.*

To submit public comments before the meeting, email generalmanager@diablocsd.org before 12 pm on the day of the meeting.

CALL TO ORDER: **President: Kathy Urbelis**

ROLL CALL: **Secretary: Jeff Eorio**

Directors: Urbelis, Becker, Eorio, Isom, Cox

1. **PUBLIC COMMENTS:** *Public comments will be taken on any subject including items on this agenda and are limited to 3 minutes per person when speaking in English, and 6 minutes per person when using a translator. Comments by the audience are not intended to result in a dialogue between members of the audience or between the audience and the Board. Please note that under Brown Act regulations, no member of the Board may engage in any discussion, other than a brief comment or request for clarification, of any item raised by any member of the audience unless that item is included as an agenda item*

2. **ADMINISTRATIVE COMMUNICATION AND ACTIONS:**

3. **LAND USE COMMUNICATION AND ACTIONS:**
 - a) Review and adopt DMAC Policy for addressing CCC Agency Comment Packets. See staff report.

4. **CONSENT CALENDAR**
 - a) Approve the minutes of the March 9, 2021 Regular Meeting.

¹ Agenda attachments are available on the DCSD's website (www.diablocsd.org) home page under Agenda.

5. **CALL OF NEXT MEETING/ADJOURNMENT:**

The next DMAC Regular Board meeting is scheduled for May 11, 2021 at 7:30 p.m. via Zoom.

Diablo Municipal Advisory Council by,

Kathy Torru, General Manager
generalmanager@diablocsd.org

DMAC Board Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting; or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet, or other writings that may be distributed at the meeting should contact the General Manager at least one working day before the meeting at generalmanager@diablocsd.org. Notification in advance of the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Public records that relate to any item on the open session agenda are available for public inspection by contacting the General Manager and on the District's website <http://diablocsd.org>.

STAFF REPORT

DATE: April 13, 2021
TO: DMAC Board Members
FROM: Kathy Torru, General Manager
RE: DMAC Policy for addressing CCC Agency Comment Requests

I. Background

The Diablo Municipal Advisory Council (DMAC) was established by the Contra Costa County Board of Supervisors on June 25, 1996 by Resolution 96/314 pursuant to the authority granted by Section 31010 of the California Government Code. DMAC represents the Diablo community to the Contra Costa County Department of Conservation & Development in matters pertaining to planning and zoning. DMAC's authority is advisory and has no binding authority. Specifically, the County Board of Supervisors granted DMAC the following authority under CCC Resolution No. 2006/791, which was then extended at the December 16, 2008 CCC Board of Supervisors' Board Meeting:

11. MAC External Communication and Representation (from 2008 mtg):

MACs advise the Board of Supervisors on land use and planning matters affecting their communities of interest and may represent their communities before the Board of Supervisors, the Planning Commission and the Zoning Administrator on such issues as land use, planning, and zoning. MACs may also represent the community before the Local Agency Formation Commission on proposed boundary changes affecting the community.

MACs may advise the Board of Supervisors on services which are or may be provided to the community by Contra Costa County or other local government agencies. Such services include, but are not limited to, public health, safety, welfare, public works, and planning. MACs may also provide input and reports to the Board, County staff or any County hearing body on issues of concern to the community.

However, it is understood that the Board of Supervisors is the final decision-making authority with respect to issues concerning the community and that the Council shall serve solely in an advisory capacity.

In 2006, at the request of the County Board of Supervisors, DMAC's advisory work became the responsibility of the Diablo Community Services District Board. Separate meetings would be held, and all County communication concerning zoning and planning within Diablo would be through DMAC.

II. Proposed DMAC Policy for addressing CCC Agency Comment Requests

DMAC receives requests for comment on Diablo land use, zoning and planning issues from the Contra Costa County Department of Conservation & Development on a periodic basis in the form of a "Agency Comment Request Packet". The Agency Comment Request Packet is received by the DCSD General Manager via email and requests a response, from DMAC within 21-28 days.

To ensure that DMAC reviews and comments on County Agency Comment Request Packets in a timely manner the following CCC Agency Comment Request Policy is being proposed:

- Agency Comment Request Packet are received and reviewed by the General Manager.
- The General Manager prepares a draft summary of the Comment Request Packet with a recommendation and emails the report to the DMAC President and Vice President for review.
- Agency Comment Request Packets that involve minor setback variances will not go before the entire Board for review unless there is an objection by an adjacent neighbor or the DMAC President or Vice President feel that the variance request requires a full Board review. Uncontested variance requests will result in a communication from DMAC to the County that states “DMAC has no objection to the variance request as long as the adjacent neighbors do not object.”
- Land use, zoning and planning requests that have a material impact on the adjacent neighbors and/or Diablo community will be placed on DMAC’s meeting agenda for a full Board discussion and vote.

III. Recommended Action

Recommended action is as follows: the DMAC Board adopt the DMAC Policy for addressing CCC Agency Comment Requests cited above to ensure that DMAC provides a timely response to the Contra Costa County Department of Conservation & Development Agency Comment Request Packets.

**DIABLO MUNICIPAL ADVISORY COUNCIL
BOARD OF DIRECTORS
MINUTES
TELECONFERENCE VIA THE APPLICATION ZOOM
MARCH 9, 2021 7:30 p.m.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 8:22 p.m.
ROLL CALL: Secretary Jeff Eorio called the roll as follows:

Directors present: Urbelis, Becker, Eorio, Cox
Directors absent: Isom

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

PUBLIC COMMENTS: None

ADMINISTRATIVE COMMUNICATION AND ACTIONS:

Director Urbelis presented the proposed communication protocol between the Contra Costa County Department of Conservation and Development and DMAC and concerning land use, planning and public works communication within Diablo. The proposed communication protocol has already been reviewed and approved by the County Department of Conservation and Development Department. A copy of the proposed communication protocol is attached as Exhibit A.

On motion of Director Eorio, second by Director Becker, the proposed communication protocol between the County Department of Conservation and Development and DMAC is adopted, with the recommended addition of "tree removal permits" to the list of land use items identified under Section II item 1.

Ayes: Urbelis, Becker, Eorio, Cox
Noes: None
Abstentions: None
Absent: Isom

LAND USE COMMUNICATION AND ACTIONS: None

CONSENT CALENDAR:

On motion of Director Eorio, second by Director Becker, the minutes of the February 9, 2021, Regular Meeting were approved:

Ayes: Urbelis, Becker, Eorio, Cox
Noes: None
Abstentions: None
Absent: Isom

CALL OF NEXT MEETING/ADJOURNMENT:

The President called the next meeting for April 13, 2021. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 8:45 p.m.

Diablo Community Services District by,
Kathy Torru, General Manager

DIABLO MUNICIPAL ADVISORY COUNCIL
COMMUNICATION PROTOCOLS WITH CONTRA COSTA COUNTY
March 09, 2021

TO: DMAC Board Members
FROM: Kathy Torru, General Manager
RE: CCC Communication Protocols Concerning Diablo Land Use, Planning and Zoning

I. Background

The Diablo Municipal Advisory Council (DMAC), established by the Contra Costa County Board of Supervisors in the late 1990s, represents the Diablo community to the Contra Costa County Department of Conservation & Development in matters pertaining to planning and zoning. DMAC's authority is advisory and has no binding authority. Specifically, the County Board of Supervisors granted DMAC the following authority under CCC Resolution No. 2006/791, which was then extended at the December 16, 2008 CCC Board of Supervisors' Board Meeting:

II. MAC External Communication and Representation (from 2008 mtg):

MACs advise the Board of Supervisors on land use and planning matters affecting their communities of interest and may represent their communities before the Board of Supervisors, the Planning Commission and the Zoning Administrator on such issues as land use, planning, and zoning. MACs may also represent the community before the Local Agency Formation Commission on proposed boundary changes affecting the community.

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However, it is understood that the Board of Supervisors is the final decision-making authority with respect to issues concerning the community and that the Council shall serve solely in an advisory capacity.

In 2006, at the request of the County Board of Supervisors, DMAC's advisory work became the responsibility of the Diablo Community Services District (DCSD) Board. Separate meetings would be held, and all County communication concerning zoning and planning within Diablo would be through DMAC.

In 2002 the Diablo Historical Preservation Committee, (DHPC), a self-appointed volunteer subcommittee of the Diablo Property Owners' Association (DPOA), a self-appointed volunteer organization, filed a petition with the County to have certain homes in Diablo flagged as Historical. Furthermore, the DHPC asked that any land use permits requested by these properties be forwarded by the County to DHPC for review and comment. The following homes have been identified as historical (homes identified as torn down or substantially torn down are no-longer deemed historical):

Alameda Diablo:	1699, 1700, 1734 (torn down), 1749, 1750 (garage torn down), 1765, 1815 (significant alterations), 1833, 1842, 1850, 1872, 1884, 1896, 1925, 2060, 2067, 2072, 2084, 2100, 2116 (torn down), 2121, 2133, 2139, 2145, 2146 (pool house torn down), 2154, 2166 (substantially torn down), 2185
Calle Arroyo:	1607 (torn down), 1789, 1817, 1843, 1897
Calle Los Callados	2043, 2079 (torn down), 2093
Campo Pelota:	28 (torn down), 36
Club House:	1700, 1740 (torn down), 1752 (torn down), 1778, 1812
El Centro:	111, 120, 140, 125, 131
El Nido:	1675, 1726 (torn down), 1733 (disrepair, demolition pending)
La Cadena:	1904 (substantially torn down), 1942, 1956 (garage torn down)
Others:	21 Calle Del Casarillo, 1965 Diablo Road, 2070 Casa Nuestra, 2323 Caballo Ranchero

The addition of the Historical Homes and the land use review request by DHPC has created confusion for the County planners and frustration for residents trying to understand the permit process.

II. Proposed Communication Protocols Between the County and DMAC

DMAC, following discussions with the County, is proposing the following communication protocols be established between the Contra Costa County Department of Conservation & Development and DMAC to eliminate the confusion and frustration:

1. All land use, planning matters and services, such as zoning, boundaries, public health, safety and public works impacting the community of Diablo will be communicated to DMAC via email to generalmanager@diablocsd.org. If USPS mailing is required, communication will be sent to DMAC, PO Box 321, Diablo, CA 94528.
2. DMAC has the authority to design/define notification review processes within Diablo, including use of other committees or persons with expertise on particular land use or planning matters. However, DMAC is the only organization authorized to respond to/advise the County on such matters.

III. Recommended Action and Motion

Recommended action is as follows: the DMAC Board adopts the communication protocols listed above and formalizes the procedures in a letter to be sent to the Contra Costa County Department of Conservation & Development with a copy to Alicia Nichols, liaison to Supervisor Diane Burgis.

DMAC's internal review procedures using assistance from the community should be reviewed and clarified separately from communication with the County.