



SUSTAINABILITY COMMITTEE

RECORD OF ACTION FOR
May 23, 2022

Supervisor Federal D. Glover, Chair
Supervisor John Gioia, Vice Chair

Present: Federal D. Glover, Chair
John Gioia, Vice Chair

Staff Present: John Kopchik, Director, Dept of Conservation and Development; Jody London, Sustainability Coordinator, Dept of Conservation and Development; Savannah McCarthy, Climate Corps Fellow, Dept of Conservation and Development; Will Nelson, Principal Planner, Dept of Conservation and Development; Maureen Toms, Deputy Director, Dept of Conservation and Development; Warren Lai, Deputy Director, Dept of Public Works; Brendan Havenar-Daughton, Energy Manager, Dept of Public Works; Daniel Barrios, Senior Planner, Dept of Conservation and Development; Susan Psara, Green Business Program Manager, Dept of Health Services; Steve Kowalewski, Chief Deputy Director, Dept of Public Works; Adam Scarbrough, Planner, Dept of Conservation and Development; Dan Peddycord, Chief Climate and Health Officer, Dept of Health Services; Michael Kent, Hazardous Materials Ombudsman, Dept of Health Services; Monica Nino, County Administrator; Nicole Shimizu, Planner, Dept of Conservation and Development; Amalia Cunningham, Assistant Deputy Director, Dept of Conservation and Development; Sonia Bustamante, Chief of Staff, Supervisor Gioia; Luz Gomez, Building Healthy Communities Manager, Dept of Health Services; Lisa Chow, Field Representative, Supervisor Karen Mitchoff

Attendees: Brandon Matson, AF, Kara Overaa Gragg, Janet Pygeorge, Sally Goodman, Ogie Strogatz, Call-in User 1, Betty Lobos, Shoshana Wechsler, Paul Seger, Devra Lewis, Lynda Deschambault, D Hoffman, Carol Weed, 350 Contra Costa, Marti Roach, David, Nick Despota, Tanya Sundberg, Eli Krispi, Mike Moore

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

There was no public comment.

3. APPROVE Record of Action from March 28, 2022, Meeting of the Sustainability

Minutes were approved.

4. RECEIVE update and PROVIDE GUIDANCE on environmental justice and sustainability aspects of the draft General Plan.

Will Nelson, Principal Planner, Department of Conservation and Development, was joined by Tayna Sundberg and Eli Krispi from Placeworks to overview the General Plan update as it pertains to sustainability. The agenda included a redline of the draft goals, policies, and actions.

Sundberg, lead consultant for the County's General Plan, reviewed the process of updating the General Plan, which includes the Zoning Code and Climate Action Plan. An Environmental Impact Report (EIR) will accompany these updates. General Plan themes, including Community Health, Environmental Justice, Economic Development, and Sustainability, are woven throughout. Elements of the Plan that contain these themes will have corresponding icons. Currently, the Goals, Policies, and Actions (GOPAS) are in draft form. What is published as of today is available on Envision Contra Costa 2040 website. These GOPAs have been reviewed by the County Planning Commission.

The General Plan elements are as follows: Land Use, Stronger Communities, Health and Safety, Conservation, Open Space and Working Lands, and Housing Elements. The General Plan team met with the Sustainability Commission last month, where the focus was on policies and actions with the aforementioned sustainability icon. The Commission members participated in a Jamboard activity where members could review and provide feedback on topics of sustainability covered in multiple elements of the General Plan.

The Environmental Justice (EJ) GOPAs consider the previous Sustainability Committee and Sustainability Commission input and community feedback and have been revised based on this input as well as County staff. The purpose of this meeting is to review the new set of edits to the draft EJ GOPA's. Note: there is red underline and strikethrough to indicate changes made from last June when this was brought to the Sustainability Committee. The numbering has also been changed. In terms of the draft Impacted Communities Map, clarification that this is just for unincorporated communities. There are three policy topics on which guidance from the Committee is needed:

Siting of Sensitive Receptors Relative to Pollution Sources – Policy HS-P1.10/Actions HS-A1.4 and HS-A1.5 - Does this revised policy guidance adequately address concerns about siting sensitive receptors in proximity to significant pollution sources?

Fire Hazards – Policy HS-P7.4/Action A7.4 - Should the County adhere to the State's fire regulations, or adopt more rigorous local requirements?

Oil and Gas Extraction – Policies COS-P14.1 and COS-P14.2/Action COS-A14.1 - Should the draft GOPAs regulate or prohibit oil and gas extraction given the pending California Supreme Court case and uncertainty regarding the County's authority?

Public comment included a question about considering wildfire smoke exposure as it pertains to policies related to overlay zone for air pollution such as new buildings offering protection from wildfire smoke. Staff responds that there are areas that require HVAC on homes. While the County could require this, it would be a substantial added cost that would particularly impact affordable housing. In terms of regulating air filtration, a higher MERV number improves air quality, windows and doors are better sealed - these issues are important to Impacted Communities.

Next, a comment was made pertaining to the Sustainability Elements incorporated in the draft Land Use Element 833: Low Carbon Concrete. Many neighboring communities have already adapted such building codes, and thus County should encourage support of these

requirements. The commenter believes Contra Costa County is lagging behind many other communities in adopting this code.

In terms of the oil and gas ban, public comment included the lack of clarity surrounding whether the County can support this without knowing the State Supreme Court ruling, that the General Plan approach should be stricter and disincentivize these actions, and at what level of sea-level rise would oil and gas drilling activities be prohibited? Staff clarified that this would be prohibited in areas shown to be submerged in the year 2100.

Staff noted that the Committee received a letter from 350 Contra Costa regarding this item (attached).

The Committee members then discussed these issues. With reference to Attachment A, the air pollution overlay zone around freeways for new construction in areas to install enhanced ventilation and employ other strategies to reduce respiratory impacts of breathing polluted air - this has been designed where new sensitive receptors are located. The Committee urged there be requirements on siting of new industrial sources. The Committee would like to ensure new sources of pollution have a setback and buffer. The approach of new housing where people already live could cause displacement. The Committee recommended staff work on these concerns and bring back to the Committee.

In terms of P 1.4, these offset credits should occur onsite, or as near to the project as possible. Committee recommended adding the phrase: "In order to give the greatest benefit to local residents." Staff agreed.

Also in attachment A, the Committee noted the removal of an item that dealt with cultural competency. Staff clarified this was removed because this will be addressed by the County's newly forming Office of Racial Equity and Social Justice. Although redundant, the Committee recommended adding this section back to ensure cultural and linguistic appropriateness is centralized.

The Committee also weighed in on square footage guidelines for requiring fleet vehicles to be electric. The Committee had the following comments: grocery stores should not be exempt, pollution is pollution no matter the square footage, adjust to reflect 25,000 square feet, eliminate categories such as big box stores and medical centers and just go with square footage requirements, the inability to regulate delivery trucks traveling to the stores, and the need for business models to adapt to the times and account for an all-electric fleet. Lastly, there was a concern about the definition of "neighborhood serving retail." Staff agreed to revisit this exemption and provided clarification that it was originally changed from 10,000 square feet to 75,000. Staff agreed to provide clarification, change square footage requirement to 25,000, designate application to domiciled vehicles only, and ensure an exemption for fewer than 5 vehicles to account for mom-and-pop operations.

Other comments by Committee members included renewable fuel is an intermediate fuel and thus should reflect net zero and the need to consider the unintended consequences of grocery stores not coming into the area because of these fleet requirements.

In terms of the County's authority to regulate oil and gas wells, staff noted that the existing General Plan encourages drilling. The Committee directed that the updated General Plan include a ban on drilling, with the understanding this would need to be revisited depending on the outcome of the State Supreme Court ruling.

Public comment included concern for the overlay zone, and how pollution is measured. Staff encouraged the public commenter to follow up directly for more clarification on this.

5. RECOMMEND APPROVAL by the Board of Supervisors of Participation Agreement in MCE Strategic Energy Management Program, as recommended by the Public Works Director.

Agenda items 5, 6, and 7, were presented concurrently. Brendan Havenar-Daughton, the County's new Energy Manager in Public Works, provided a brief overview of the Distributed Energy Resource Plan (DER) and how his new role advances DER goals and program participation agreements. The current objective is to provide financial incentives and technical assistance to support governments clean energy goals. Havenar-Daughton reviewed the programs available for County participation and recommended that the Board of Supervisors support the participation agreements with MCE's Strategic Energy Management Program (SEM), MCE's PeakFLEX, and PG&E's DRAM program.

6. RECOMMEND APPROVAL by the Board of Supervisors of Participation Agreement in PG&E Demand Response Program.

AYE: Chair Federal D. Glover
Vice Chair John Gioia

7. RECOMMEND APPROVAL by the Board of Supervisors of County Participation in MCE's PeakFLEX Program, as recommended by the Public Works Director.

AYE: Chair Federal D. Glover
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8. RECEIVE REPORT from Sustainability Commission Chair, Designee.

Mike Moore, Sustainability Commission Chair, reported on the last Commission meeting where the group reviewed sustainability elements of the General Plan, providing feedback via Jamboard. Commission has not received a finalized report back from PlaceWorks. The Commission sent two recommendations to the Board of Supervisors: (1) the Board should move forward with UC Berkely Goldman School's report on governance and financing options regarding the "Adapting to Rising Tides" reports from the Bay Conservation and Development Commission, and (2) investigate the use of low carbon concrete for County projects and for projects approved by the County. Moore also reported that the Commission received a presentation from the Marathon facility, which led to several Commission members touring the refinery, where topics of hydrogen fuel sourcing were discussed.

9. RECEIVE report from Sustainability Coordinator.

Report received.

10. The next meeting is currently scheduled for July 11, 2022.

11. Adjourn

For Additional Information Contact:

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