



Contra  
Costa  
County

To: Board of Supervisors  
From: Keith Freitas, Airports Director  
Date: July 21, 2015

Subject: AUTHORIZE termination of a license agreement for real property located at Buchanan Field Airport;  
AUTHORIZE legal action to regain possession

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Director of Airports to terminate a month-to-month license agreement dated January 1, 2015, between the County and the Pilot Training Club (dba, The Hangar Fitness Compound and The Hangar/CrossFit OverWatch) (Tenant) for real property located at 101 John Glenn Drive, Concord. AUTHORIZE County Counsel to pursue legal action to regain possession of the real property if Tenant fails to vacate the premises within the time allowed.

**FISCAL IMPACT:**

There is no negative impact on the General Fund. The Airport Enterprise Fund will cover the cost of any legal action.

**BACKGROUND:**

In September 2012, the Airport entered into a license agreement for hangar and office space at Buchanan Field Airport with a non-profit, non-commercial, organization known as The Pilot Training Club (the Club), which was organized by then-licensee Sterling Aviation. The license agreement permitted the Club, which was limited to twenty members, to provide enhanced pilot training and education, to operate a ground school, to store aviation

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **07/21/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 21, 2015

Contact: Beth Lee,  
(925) 681-4200

David Twa, County Administrator and Clerk of the Board of  
Supervisors

By: , Deputy

cc:

equipment and to provide fitness

### BACKGROUND: (CONT'D)

and nutrition training and education under a program designed to be consistent with the FAA's "Fly Healthy" fitness program.

In October 2014, the underlying master lease terminated by its terms and control of the hangar reverted to the County. To minimize the impact on tenants of the transfer of control of the hangar, the Airport entered into month-to-month license agreements with the existing occupants of the hangar. When the Club asked for permission to expand its business, the Airport contacted the FAA to ensure that the Club's expanded commercial use of the hangar and office space at the airport would be consistent with the FAA's view of the aeronautical purposes for which the airport is intended. In November 2014, the FAA responded by saying that it did not consider the Club's use of the subject property to be an aeronautical activity. The FAA advised that the proposed non-aeronautical use would be permissible only as a short-term occupancy, and only as long as no aeronautical user expressed interest in occupying the space. As a result, Airports staff sent a letter to the Club in November 2014 that allowed the Club to remain at the subject site through February 2015.

Under the license agreement, the County may terminate the license "at any time, for any reason, or for no reason, with or without cause, on thirty (30) days written notice." To ensure compliance with FAA requirements and meet the needs of the aviation community, Airport staff is requesting authority to terminate the Club's occupancy of the subject property and to pursue legal action to regain possession of the real property if the tenant fails to vacate the premises within the time allowed.

### CONSEQUENCE OF NEGATIVE ACTION:

Failure to terminate current tenant's occupancy could result in noncompliance with FAA requirements and diminish the hangar space available to the County's aviation community.

### CHILDREN'S IMPACT STATEMENT:

Not Applicable

### CLERK'S ADDENDUM

*A settlement has been reached: this item is REMOVED from consideration.*