



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: April 12, 2016

Subject: Biennial Compliance Checklist and Capital Improvement Program for Measure J-2004 Growth Management Program

RECOMMENDATION(S):

1. FIND that the proposed 2016-2022 Capital Improvement Program (CIP) for Parks and Sheriff Facilities is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) of the CEQA Guidelines (see Exhibit A);
2. ADOPT the 2016-2022 CIP for Parks and Sheriff Facilities (see Exhibit B), pursuant to the requirements of the Measure J Growth Management Program;
3. APPROVE the completed Biennial Compliance Checklist (Checklist) (see Exhibit C), and FIND that the County's policies and programs conform to the requirements for compliance with the Contra Costa Transportation and Improvement and Growth Management Program as established by Measure C in 1988 and reauthorized by Measure J in 2004; and
4. AUTHORIZE the Chair of the Board of Supervisors to sign the completed Checklist.

FISCAL IMPACT:

Adoption of the CIP for Parks and Sheriff Facilities and the approval of the Checklist will

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **04/12/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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: April 12, 2016

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

By: Stephanie Mello, Deputy

Contact: Robert Sarmiento
(925)674-7822

cc:

qualify the County to receive its Fiscal Year 2015/2016 and 2016/2017 allocations of Measure J "return to source" revenue, estimated to be approximately \$2 million annually.

FISCAL IMPACT: (CONT'D)

The Contra Costa Transportation Authority (CCTA), the Congestion Management Agency in the County also uses the Checklist to demonstrate compliance with the State Congestion Management Act (Government Code §65088 et. seq.). The State will withhold a portion of the state gas tax (Street and Highways Code §2105) to cities and counties that fail to comply with the Congestion Management Act. The County receives approximately \$4.5 million annually from this revenue source, which is dedicated to transportation purposes.

BACKGROUND:

The County biennially submits a compliance checklist to CCTA to receive the County's portion (18 percent) of the sale tax funds available for local street maintenance and improvements. Two related actions must precede completion and submission of the Checklist:

1. CEQA review of the proposed 2016-2022 Capital Improvement Program (CIP) for Parks and Sheriff Facilities; and
2. Adoption of the CIP for Parks and Sheriff Facilities, pursuant to the requirements of the Measure J Growth Management Program.

CEQA Analysis

To comply with CEQA, staff has found, pursuant to adopted County CEQA Guidelines, that the CIP for Parks and Sheriff Facilities is not subject to CEQA (see Exhibit A). This follows from the general rule that CEQA applies only to projects that have the potential to cause significant adverse effects to the environment. All capital facilities programmed are either fully committed, constructed, awaiting occupancy, or undergoing separate environmental review.

Under the provision of §15061(b)3, of the State and County CEQA guidelines, it can be seen with certainty that there is no possibility that adoption of the CIP for Parks and Sheriff Facilities could have a significant effect on the environment.

Development Mitigation Program

The CIP (see Exhibit B) is adopted pursuant to the requirements of the Measure J Growth Management Program and authorized by Implementation Measure 4-n of the County General Plan. Any capital project sponsored by the County and necessary to maintain adopted levels of performance must be identified in a CIP with a minimum programming period of five years. Funding sources for the complete cost of the improvements, and phasing, if any, must also be identified in the CIP. The CIP demonstrates that development anticipated between 2016-2022 will maintain compliance with the performance standards for parks and sheriff facilities.

A seven-year programming period is used to be consistent with the County's other capital improvement programs. The CIP is a summary of Parks and Sheriff Facilities and was prepared as part of the County's Development Mitigation Program.

Table 5 of the CIP shows that no expansion of Sheriff Facilities is proposed for the seven-year period for patrol and investigation use. The existing "surplus" capacity is projected to be sufficient to accommodate population growth during this period.

Checklist

The Checklist (see Exhibit C) covers the compliance reporting period from January 1, 2014 to December 31, 2015. The County has satisfied all Checklist requirements during 2014 and 2015. Performance standards for urban services in the unincorporated area were maintained. The County implemented all the required plans, programs and ordinances for mitigating local and regional transportation impacts of development projects, implemented the adopted Housing Element, and constructed the necessary capital improvements for urban services.

County voters approved an Urban Limit Line measure in 2006 and the County complied with the provisions of the measure during 2014 and 2015. The Board of Supervisors has participated in or taken actions during the reporting period, consistent with the multi-jurisdictional transportation planning process established by Measure J.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to adopt the CIP for Park and Sheriff Facilities or approve the Checklist will prevent the County from qualifying for its Fiscal Year allocation for 2015/2016 of "return to source" funds and state gas tax funds. Funds will be available for allocation beginning June 30, 2016.

CHILDREN'S IMPACT STATEMENT:

No impact.

ATTACHMENTS

Exhibit A - CEQA Determination

Exhibit B- Development Mitigation Program -Capital Improvement Program (Parks and Sheriff Facilities)

Exhibit C - Checklist