



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 9, 2021

Subject: HEARING to consider adding the Sand Creek Extension Project to East Contra Costa Regional Fee and Financing Authority's Project List, East County area

RECOMMENDATION(S):

1) OPEN the public hearing to consider adoption of Ordinance No. 2021-03, to amend Ordinance No. 2005-18 by adding the Sand Creek Extension Project ('Project') to the East Contra Costa Regional Fee and Financing Authority ("ECCRFFA") project list, with no changes to ECCRFFA fees or the area in which fees are collected, and to consider approving a related fourth amendment to the ECCRFFA Joint Exercise of Powers Agreement ("Fourth ECCRFFA JEP A Amendment"); RECEIVE public comments; CONSIDER all objections and protests against the ordinance received by the Clerk of the Board of Supervisors; and CLOSE the public hearing.

2) DETERMINE, in accordance with Ordinance Code section 913-6.016, that the County did not receive protests from owners of more than one half of the area of the property within the unincorporated area in ECCRFFA's jurisdiction, and therefore a majority protest does not exist.

3) APPROVE and AUTHORIZE the County Administrator, to execute, on behalf of the County, the Fourth ECCRFFA JEP A Amendment, to add the Project to the list of ECCRFFA projects, with no changes to ECCRFFA fees collected by member agencies.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/09/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, 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: February 9, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Nancy Wein,
925.313.2275

cc: Robert Campbell, Auditor-Controller

RECOMMENDATION(S): (CONT'D)

4) ADOPT Ordinance No. 2021-03 to amend Ordinance No. 2005-18 by adding the Project to ECCRFFA's project list, with no changes to ECCRFFA fees or the area in which fees are collected.

5) FIND that the "East Contra Costa Regional Fee Program Update," dated October 2020" ("Nexus Study") meets the requirements of a development program report included in Chapter 913-6 of the County Ordinance Code.

6) ADOPT Resolution No. 2021/52, to adopt the Nexus Study for the Project.

7) DETERMINE that the adoption of Ordinance No. 2021-03 and Resolution No. 2021/52, and the approval of the Fourth ECCRFFA JEPA Amendment, are exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Article 5, Section 15061(b)(3) of the CEQA Guidelines.

8) AUTHORIZE the Public Works Director, or designee, to arrange for payment of a \$25 fee to the Department of Conservation and Development for processing, and a \$50 fee to the County Clerk for filing the Notice of Exemption.

9) DIRECT the Clerk of the Board of Supervisors to record certified copies of Ordinance No. 2021-03 and Resolution No. 2021/52 in the Official Records of the Contra Costa County Clerk-Recorder.

FISCAL IMPACT:

The Notice of Exemption will be charged 100% to the ECCRFFA Fee Admin fund 828500

BACKGROUND:

On August 9, 1994, the Cities of Antioch, Brentwood, and Pittsburg, together with the County of Contra Costa, entered into a Joint Exercise of Powers Agreement ("Agreement") to form the East Contra Costa Regional Fee and Financing Authority (ECCRFFA). The Agreement established a Uniform Regional Development Fee Program to fund transportation improvement projects in the East County area. With the incorporation of the City of Oakley in 1999, the Agreement was amended to add Oakley as an additional member of the Authority. The four Cities listed above, and the County are the "Member Agencies" of ECCRFFA.

The ECCRFFA fees were calculated to reflect new development's proportional share of the cost of various regional transportation improvements within ECCRFFA's jurisdiction, such as the State Route 4 (SR4) Bypass and the widening of SR4 through Pittsburg and Antioch. ECCRFFA conducted an update of the fee program in 2001 to help fund an expanded list of regional transportation improvements. In the summer of 2005,

ECCRFFA completed a comprehensive update of its Regional Transportation Development Impact Mitigation (RTDIM) Fee Program or ECCRFFA Fee Program. In June 2005, the ECCRFFA Board approved the East Contra Costa Regional Fee Program Update Final Report (“2005 Program Update”) prepared by Fehr & Peers, and each of the five member jurisdictions, including the County, adopted an updated set of fees pursuant to that report.

Recently, there has been interest in expanding the ECCRFFA Fee Program to include a project that would involve the extension of Sand Creek Road westward, from its current terminus near SR4, to a new intersection with Deer Valley Road, in the Antioch and Brentwood area (the “SCR extension”). The purposes of the SCR extension include the following: 1) allowing access to the proposed new development areas adjacent to the new roadway 2) improving east-west connectivity through this part of the East County sub region; and 3) accommodating some of the travel demand that would otherwise use Lone Tree Way and Balfour Road. As such, the SCR extension is a regional transportation project that is appropriate for incorporation into the ECCRFFA Fee Program.

On October 8, 2020, the ECCRFFA Board of Directors approved an item to amend the ECCRFFA JEPAs and fee program to add the SCR extension to the list of ECCRFFA projects. The ECCRFFA Board of Directors directed member agencies to consider amending their fee ordinances and resolutions, and approving an amendment to the ECCRFFA JEPAs, to add the SCR extension as an ECCRFFA project that could be funded with future RTDIM fee revenues.

The approval of the Fourth Amendment to the ECCRFFA JEPAs, and the adoption of Ordinance No. 2021-03, will add the SCR extension project to the ECCRFFA project list, but these actions will not make any changes to ECCRFFA RTDIM fee amounts. The ECCRFFA RTDIM fees last approved in 2005 will remain unchanged by these actions. Further, these actions do not prioritize the SCR extension for funding or change the priority of any projects in the ECCRFFA fee program, which were last prioritized in the Third Amendment to the ECCRFFA JEPAs. The SCR extension’s priority for funding will be determined through ECCRFFA’s strategic plan development process, which involves all member agencies, and it will be subject to future approvals by the ECCRFFA Board. The proposed Fourth Amendment to the ECCRFFA JEPAs will be effective upon the approval of all Member Agencies.

For the reasons above, County staff recommends that the Board of Supervisors approve the Fourth Amendment to the ECCRFFA JEPAs and adopt Ordinance No. 2021-03, to add the SCR extension to the list of projects that can be funded with RTDIM revenues.

Lastly, it is recommended that the Board adopt the attached Resolution No. 2021/52 to adopt the “East Contra Costa Regional Fee Program Update,” dated October 2020” (“Nexus Study”) for the Project. Staff has determined that the Nexus Study includes all information required to be included in a development program report under Division 913 of the County Ordinance Code. The Nexus Study was prepared by Fehr and Peers and

was conducted to evaluate the addition of the SCR extension project to the Fee Program and determine new development's proportional share of the cost of that project should it be added to the ECCRFFA Fee Program. However, notwithstanding the fees justified in the Nexus Study, none of these actions make any changes to ECCRFFA RTDIM fees that were approved in 2005.

CONSEQUENCE OF NEGATIVE ACTION:

If the ECCRFFA JEPA Amendment is not approved, then the Sand Creek Extension Project cannot be added to the ECCRFFA Project List.

ATTACHMENTS

Resolution No. 2021/52

Ordinance 2021-03

Nexus Study

JEPA Amendment