



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 7, 2023

Subject: Creek Maintenance Agreement with 3483 Golden Gate Way, LLC. Project No. EF2100651

RECOMMENDATION(S):

Acting as the governing body of the Contra Costa County Flood Control and Water Conservation District (FC District), APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute a maintenance agreement with 3483 Golden Gate Way, LLC (Developer), related to accepting maintenance responsibilities for a portion of Lafayette Creek, in Zone 3B, in the Lafayette area.

FISCAL IMPACT:

No direct fiscal impacts on the FC District funds. The proposed maintenance agreement does not add any additional maintenance responsibility to the FC District. The Developer is responsible for maintaining the proposed improvements covered under the proposed maintenance agreement.

BACKGROUND:

In 1955, the FC District accepted an easement and maintenance responsibilities for a section of the concrete channel known as Lafayette Creek, located on the Developer's property, for flood control purposes. In 2021, the Developer applied for an FC District Encroachment Permit (FCP) 651-21 to construct a multifamily apartment complex with fences,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/07/2023** ☒ 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

Ken Carlson, 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 7, 2023

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

Contact: Michelle Cordis,
925-313-2381

By: Stacey M. Boyd, Deputy

landscaping, a

BACKGROUND: (CONT'D)

storm drain outfall, and other appurtenant improvements within the FC District's easement. As a condition of the FCP, the Developer and FC District agreed to clarify each entity's maintenance responsibilities in the form of a maintenance agreement.

Staff recommends approving the maintenance agreement to formalize the maintenance responsibilities of the FC District and the Developer within the easement area.

This action is not subject to the California Environmental Quality Act (CEQA), pursuant to Article 5, Section 15061(b)(3) of the CEQA Guidelines, and a Notice of Exemption was posted on February 15, 2022.

CONSEQUENCE OF NEGATIVE ACTION:

If the Creek Maintenance Agreement with the Developer is not approved, the Developer will be unable to construct and adequately drain their proposed multifamily apartment complex and associated improvements.

ATTACHMENTS

Maintenance Agreement with 3483 Golden Gate Way LLC Notarized

Exhibit A Civil Plans

Exhibit B FCP 651-21

Exhibit C Easements

CEQA