



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	Approve and Authorize the City Manager to Execute the Improvement Agreement for a Surface Parking Lot Development at 1207 N. McCarthy Blvd.
<b>Category:</b>	Consent Calendar-Community Development
<b>Meeting Date:</b>	4/20/2021
<b>Staff Contact:</b>	Steve Erickson, 408-586-3301
<b>Recommendation:</b>	1. Approve and authorize the City Manager to execute the Improvement Agreement between the City of Milpitas and Creekside Milpitas 3, LLC.

### **Background:**

On February 14, 2020, Developer submitted to City an application for approval of a Site Development Permit (the "McCarthy Parking Lot") for real property located within City, a legal description of which is attached hereto as Exhibit "A" ("Property").

On October 14, 2020, the Milpitas Planning Commission conditionally approved Developer's application for a Site Development Permit (SD20-0002) and approving an addendum to the 2009 McCarthy Ranch Environmental Impact Report (EIR) adopted in June 16, 2009 to allow development of a Quasi-Public Surface Parking Lot with 247 Private Parking Spaces and up to 11 Public Parking Spaces and associated site improvements on a 5.22 Acre site located at 1207 North McCarthy Blvd, Milpitas, CA 95035.

### **Analysis:**

The Developer has agreed to enter into an Improvement Agreement (IA) with the City for the construction of off-site public improvements for the project which will be completed with the on-site work, and the public improvements will be accepted by the City after completion. Offsite public improvements to be constructed and accepted by the City include asphalt concrete pavement, median improvements, signing and striping, curb and gutter, sidewalk, driveway approach, utility services, landscaping and other miscellaneous items of work identified on the improvement plans. The improvements will be completed within 2-years from the date of the IA, and the work is guaranteed by bonds or similar securities to be posted by the Developer in the amount of \$627,494.00.

The City Engineer has reviewed the public improvement plans (2-1344) and is recommending the City Council approve the Improvement Agreement to allow for the construction of public improvements.

### **Policy Alternatives:**

**Alternative 1:** Deny approval of Improvement Agreement.

Pros: None

Cons: The site is currently vacant and a denial of approval of the Improvement Agreement will cause the lot to remain vacant and undeveloped.

Reason not recommended: To allow the Project to move forward, staff recommends approval of the Improvement Agreement.

**Fiscal Impact:**

Required public improvements will be constructed by the Developer and there will be no fiscal impact to the City.

**California Environmental Quality Act:**

Approval of the Improvement Agreement implements this project for which CEQA review has already been completed through the City Council's adoption of Resolution No. 7840.

**Recommendation:**

1. Approve and authorize the City Manager to execute the Improvement Agreement between the City of Milpitas and Creekside Milpitas 3, LLC.

**Attachments:**

Attachment 1: Improvement Agreement