



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the Interim City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 1 Owner, LLC for the District 1 Lot 1 Mixed Use Project at 1315 McCandless Drive
Category:	Consent Calendar-Community Development
Meeting Date:	8/20/2019
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	Approve and Authorize the Interim City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 1 Owner, LLC for the District 1 Lot 1 Mixed Use Project at 1315 McCandless Drive

Background:

On March 20th, 2012, the City Council approved Site Development Permit No. SD11-0001, Major Tentative Map Amendment No. TM11-0002 and Conditional Use Permit No. UP11-0037 (“District 1 Lot 1 Mixed Use Project”) for the development of a 371-unit mixed use subdivision on approximately 5.02 acres located at 1315 McCandless Drive.

In accordance with State Law and the City’s Municipal Regional Stormwater NPDES Permit (“MRP”) issued by the Regional Water Quality Control Board (“RWQCB”), new development and redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface are required to incorporate Low Impact Development (“LID”) post construction stormwater control measures into the project. LID control measures include bioretention areas, flow-through planters, permeable pavement, infiltration trenches and tree well filters.

Analysis:

MRP section C3.h.ii.(1)(a) and Milpitas Municipal Code Title XI Chapter 16 requires development project property owners meeting the 10,000 sqft threshold to execute and record a Stormwater Management Facilities Operation and Maintenance Agreement (“Agreement”) with the City for the perpetual operation, maintenance and annual inspection of LID stormwater treatment facilities.

The property owner has complied with the LID requirements and has executed the required Agreement, which has been reviewed by the City Attorney as to form and by the City Engineer as to content.

Policy Alternatives:

Alternative 1:

Not approve the Agreement with the City for operation, maintenance and annual inspection of stormwater treatment facilities.

Pros: None

Cons: Not approving the Agreement would cause the project to be not in compliance with the MRP and would be prohibitive by federal and state law.

Reason not recommended: To be in compliance with federal and state law and to allow for the on-going maintenance and annual City Inspection of the installed stormwater treatment devices, staff recommends approval of the Agreement.

Fiscal Impact:

None. The developer will pay for the required annual maintenance and inspection of the stormwater facilities.

California Environmental Quality Act:

In accordance with the California Environmental Quality Act (CEQA), staff has determined that the agreement is exempt from further environmental review as a Class 7 or 8 Categorical Exemption under CEQA Guidelines § 15307 or § 15308, Actions by Regulatory Agencies for Protection of Natural Resources.

Recommendation:

Approve and Authorize the Interim City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 1 Owner, LLC for the District 1 Lot 1 Mixed Use Project at 1315 McCandless Drive.

Attachments:

Stormwater Management Facilities Operation and Maintenance Agreement