



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Certifying Election Results and Adding Parcel 5 to Community Facilities District No. 2008-1 (Annexation No. 20)
Category:	Consent Calendar-Community Development
Meeting Date:	12/1/2020
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	Following receipt of election results from the City Clerk, adopt a resolution certifying election results and adding Parcel 5 to Community Facilities District No. 2008-1 (Annexation No. 20) for 355 Sango Ct.

Background:

On June 12, 2018, the City Council approved Site Development Permit No. SD17-0017, Density Bonus No. DB17-0001, and Environmental Assessment No. EA18-0001 for a 102-unit multifamily apartment building project located on a 1.26-acre site within the Transit Area Specific Plan area at 355 Sango Court. This project is known as 355 Sango Court (Project), and the developer is Sango Court, L.P. (Developer).

Analysis:

The Project (Parcel 5 of Parcel Map filed for record in the office of the recorder of the County of Santa Clara, California on April 22, 1974, in Book 338 of Maps, at Page 42) is subject to annexation into the Community Facilities District No. 2008-1 (CFD 2008-1). The City has on file a Certificate of Registrar of Voters from the County of Santa Clara certifying that there are no registered voters residing within the boundaries of the proposed CFD Annexation No. 20 for this development. The Developer is the sole property owner, and on November 25, 2020, the property owner was scheduled to vote on agreeing to the proposed Annexation No. 20.

The resolution attached hereto documents the results of the election for annexation into CFD 2008-1. Annexation into CFD 2008-1 is subject to the provisions of the Mello-Roos Community Facilities Act of 1982, commencing with Section 53311 of the Government Code. While the Act has a number of requirements for annexation and imposition of the special tax, the Developer (as the sole landowner within the annexation territory) has agreed to waive many of the formalities including the right to have the special election conducted within the time periods specified in Government Code Section 53326, requirement for the mailing of the election ballot, requirement for the ballot to be accompanied by arguments for or against the ballot measure and the impartial analysis as required by Government Code Section 53327, and the right to protest, complaint, or legal action of any nature pertaining to the procedures to be undertaken for the conduct of such election. The City Attorney has reviewed and agrees with the formalities to be waived, and a copy of the waiver executed by the Developer is on file with the City Clerk.

Policy Alternative:

Alternative: Do not adopt resolution and deny annexation of Project parcel into CFD 2008-1.

Pros: None

Cons: Denying the Annexation of Project into the CFD No. 2008-1 would prevent the City from levying special taxes on this parcel, in order to fund public services.

Reason not recommended: To adequately fund the perpetual maintenance of improvements and services within CFD No. 2008-1, staff recommends adoption of a resolution certifying election results and adding Project to CFD 2008-1.

Fiscal Impact:

Adding Project to the CFD No. 2008-1 would allow the City to levy special taxes on this parcel, in order to fund for public services.

California Environmental Quality Act:

This project is covered under the scope of activities approved under the Transit Area Specific Plan Environmental Impact Report, SCH2006032091, which was certified by City Council on June 3, 2008. On June 12, 2018, the City Council found that the project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183 (projects consistent with a Community Plan, General Plan or Zoning); CEQA Guidelines Section 15182 (residential projects consistent with a specific plan); and CEQA Guidelines Section 15168 (projects within the scope of a program EIR).

Recommendation:

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Attachment:

Resolution