



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Adopt a Resolution Certifying Election Results and Adding Tract No. 10533 to Community Facilities District 2005-1 (Annexation No. 21); Approve Final Tract Map No. 10533; and Approve and Authorize the City Manager to Execute the Subdivision Improvement Agreement for a Residential Development at 1005 N Park Victoria Dr.</b>
<b>Category:</b>	Consent Calendar-Community Development
<b>Meeting Date:</b>	12/1/2020
<b>Staff Contact:</b>	Steve Erickson, 408-586-3301
<b>Recommendation:</b>	<ol style="list-style-type: none"> <li>1. Following receipt of election results from the City Clerk, adopt a resolution certifying election results and adding Tract No. 10533 to Community Facilities District 2005-1 (Annexation No. 21); and</li> <li>2. Approve Final Tract Map No. 10533, including approval of street names and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and</li> <li>3. Approve and authorize the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Robson Homes, LLC.</li> </ol>

### **Background:**

On January 21, 2020, the City Council approved a General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003, and Environmental Assessment No. EA19-0003 to allow construction of 34 single-family homes, 4 paired homes, and 10 accessory dwelling units located on a 4.88 acre site at 1005 North Park Victoria Drive. This project is known as 1005 North Park Victoria Drive, and the developer is Robson Homes, LLC (Developer).

### **Analysis:**

The final map for the development is now complete and ready for approval by the City Council. The City Engineer has examined the final map for Tract No. 10533 and determined that the map is substantially the same as the previously approved Vesting Tentative Map, and finds that it conforms to all requirements of the State of California Subdivision Map Act, the Milpitas Municipal Code (MMC) and the terms and conditions of the Vesting Tentative Map. The Developer has offered required dedications to the City for public use, including easements for public street, public service and utility and emergency vehicle access purposes, as shown on the final map. Staff recommends the City Council approve the final map and to accept the dedications, subject to completion and acceptance of public improvements to be installed by the Developer, as discussed below. Staff has reviewed and recommends the City Council approve new private streets names for the project as shown on the final map in accordance with the City of Milpitas Municipal Code, Section MMC Section XI-1-7.01-8. The private street names are Dogwood Street, Lilac Lane and Peony Drive respectively, without duplication.

As a general rule, public improvements serving the subdivision are to be installed prior to final map approval. However, in order to encourage development, the Subdivision Map Act allows for the City and developer to enter into a Subdivision Improvement Agreement (SIA) which defers the construction of public improvements until after final map approval. This is often done so that the developer can synchronize public improvement construction with other on-site project development. The developer agrees to construct the public

improvements by a certain deadline after final map approval and the work is guaranteed by bonds or similar securities obtained by and at the developer's cost.

The Developer has agreed to enter into the attached Subdivision Improvement Agreement (SIA) 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 satisfactory completion of construction. Offsite public improvements to be constructed and accepted by the City include asphalt concrete pavement, signing and striping, curb and gutter, sidewalk, driveway approach, utility mains and services, new streetlights, landscaping and other miscellaneous items of work identified on the approved improvement plans. The Agreement requires the improvements to be completed within 1-year from the date of the SIA, and requires the Developer to guarantee the work by bonds or similar securities to be posted by the Developer in the amount of \$1,221,000.

The City Engineer has reviewed the public improvement plans (E-EN20-0143) and is recommending the City Council approve the attached Subdivision Improvement Agreement to allow for the construction of public improvements after final map approval.

The final map for Tract No. 10533 is subject to annexation into the Community Facilities District No. 2005-1 (CFD 2005-1). 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. 21 for this development. The Developer is the sole property owner, and by November 25, 2020, the property owner was scheduled to vote on agreeing to the proposed Annexation No. 21. The Resolution (in the agenda packet) documents the results of the election on annexation into CFD 2005-1.

Annexation into CFD 2005-1 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 reviewed and agreed with the formalities to be waived, and a copy of the waiver executed by the Developer is on file with the City Clerk.

**Policy Alternatives:**

**Alternative 1:** Deny approval of Final Map and Subdivision Improvement Agreement.

Pros: None

Cons: The site is currently vacant and a denial of approval of the Final Map or the Subdivision Improvement Agreement will cause the lot to remain vacant and undeveloped. The City would not benefit from the addition of 34 new single-family homes, 4 paired homes, and 10 accessory dwelling units.

Reason not recommended: To allow the development to move forward, staff recommends approval of Final Map and Subdivision Improvement Agreement for Tract No. 10533.

**Alternative 2:** Deny Annexation of Tract No. 10533 to CFD 2005-1.

Pros: None

Cons: Denying the Annexation of Tract No. 10533 into the CFD No. 2005-1 would prevent the City from levying special taxes within Tract No. 10533, in order to fund public services.

Reason not recommended: To adequately fund the perpetual maintenance of improvements and services within CFD No. 2005-1, staff recommends adoption of a resolution certifying election results and adding Tract No. 10533 to CFD 2005-1.

**Fiscal Impact:**

Adding Tract No. 10533 to the CFD No. 2005-1 would allow the City to levy special taxes to properties within Tract No. 10533, in order to fund for public services.

**California Environmental Quality Act:**

On January 21, 2020, the City Council approved the Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines. Approval of Final Map and Subdivision Improvement Agreement are consistent with the original project description, scope of work, and identified mitigation of the adopted Mitigated Negative Declaration. No further environmental review is required.

**Recommendations:**

1. Following receipt of election results from the City Clerk, adopt a resolution certifying election results and adding Tract No. 10533 to Community Facilities District 2005-1 (Annexation No. 21);
2. Approve Final Tract Map No. 10533, including approval of street names and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and
3. Approve and authorize the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Robson Homes, LLC.

**Attachments:**

- 1: Resolution + Exhibits A and B
- 2: Final Tract Map No. 10533
- 3: Subdivision Improvement Agreement