



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Adopt a Resolution Certifying Election Results and Adding Tract No. 10522 to Community Facilities District 2008-1 (Annexation No. 18); Approve Final Tract Map No. 10522; and Approve and Authorize the Interim City Manager to Execute the Subdivision Improvement Agreement for a Residential Development at 1316 South Main Street</b>
<b>Category:</b>	Consent Calendar-Community Development
<b>Meeting Date:</b>	1/21/2020
<b>Staff Contact:</b>	Steve Erickson, 408-586-3301
<b>Recommendations:</b>	<ol style="list-style-type: none"> <li>1. Following receipt of election results, adopt a resolution certifying election results and adding Tract No. 10522 to Community Facilities District 2008-1 (Annexation No. 18); and</li> <li>2. Approve Final Tract Map No. 10522, 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 Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and SJ Main St, LLC.</li> </ol>

### **Background:**

On December 6, 2016, the City Council approved a Site Development Permit (SD14-0021), Conditional Use Permit (UP14-0022), Tentative Tract Map (MT14-0005), and Environmental Assessment (EA16-0007) to allow construction of 18 residential condominium units located on 0.4 acre site within the Transit Area Specific Plan area at 1316 South Main Street. This project is known as Zhang Condos (Project), and the developer is SJ Main St, LLC (Developer).

### **Analysis:**

The final map for the Project is now complete and ready for approval by the City Council. The City Engineer has examined the final map for Tract No. 10522 and determined that the map is substantially the same as the previously approved Tentative Tract Map, and finds that it conforms to all requirements of the State of California Subdivision Map Act, and Milpitas Municipal Code (MMC) and the terms and conditions of the Tentative Tract Map. Staff recommends the City Council approve the final map and to accept all dedications, subject to completion and acceptance of public improvements to be installed by the Developer.

The Developer has agreed to enter into a 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 final map approval. 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, landscaping and other miscellaneous items of work identified on the improvement plans. The improvements will be completed within 1-year from the date of the SIA, and the work is guaranteed by bonds or similar securities to be posted by the Developer in the amount of \$563,000.

The City Engineer has reviewed the public improvement plans (E-EN18-0075) and is recommending the City Council approve the Subdivision Improvement Agreement to allow for the construction of public improvements after final map approval.

The final map for Tract No. 10522 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. 18 for this development. The Developer is the sole property owner, and on January 17, 2020, the property owner was scheduled to vote on agreeing to the proposed Annexation No. 18. The resolution attached hereto documents the results of the election on 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. 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 denial of approval of the Final Map or the Subdivision Improvement Agreement will prevent the site from being redeveloped. The City would not benefit from the addition of 18 new residential housing condominium units.

Reason not recommended: To allow the development to move forward, staff recommends approval of Final Map and Subdivision Improvement Agreement for Tract No. 10522.

#### **Alternative 2:**

Deny Annexation of Tract No. 10522 to CFD 2008-1.

Pros: None

Cons: Denying the Annexation of Tract No. 10522 into the CFD No. 2008-1 would prevent the City from levying special taxes within Tract No. 10522, 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 Tract No. 10522 to CFD 2008-1.

### **Fiscal Impact:**

Adding Tract No. 10522 to the CFD No. 2008-1 would allow the City to levy special taxes to properties within Tract No. 10522, in order to fund public services.

### **California Environmental Quality Act:**

Approval of final subdivision map is a ministerial action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15268(b)(3). Approval of the Subdivision Improvement Agreement implements the Project, for which the City already conducted CEQA review. Resolution No. 8509 approved an addendum to the previously certified Transit Area Specific Plan Environmental Impact Report. Under Public Resources Code section 21166, no further subsequent or supplemental environmental impact report shall be required unless one or more of the following events occurs: (1) there are substantial changes in the Project that require major revisions of the EIR (2) there are substantial changes in the Project that will require major revisions of the EIR; or (3) there is new information that was not known or could not have known when the EIR was certified. None of those circumstances exist here.

### **Recommendations:**

1. Following receipt of election results, adopt a resolution certifying election results and adding Tract No. 10522 to Community Facilities District 2008-1 (Annexation No. 18); and

2. Approve Final Tract Map No. 10522, 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 Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and SJ Main St, LLC.

**Attachments:**

- 1: Resolution certifying election results and adding Tract No. 10522 to CFD No. 2008-1 (Annexation No. 18)
- 2: Final Tract Map No. 10522
- 3: Subdivision Improvement Agreement