



STAFF REPORT

Approving the SummerHill Cambridge LLC Subdivision Improvement Agreement, Maintenance Agreement, and Final Subdivision Map, Entitled "Cambridge," City of Belmont, California and Accepting Offers of Dedication

September 9, 2003

Honorable Mayor and City Council:

Summary

SummerHill Homes has prepared a Final Subdivision Map for the proposed Cambridge Subdivision for City Council approval. This subdivision is for construction of 52 condominiums at 2440 Carlmont Drive, the former 5.01 acre site of the Jewish Community Center. SummerHill Homes Cambridge LLC, the subdivision owner, is concurrently completing plans and specifications for building, grading, and improvements for this project as required by the Planning Commission conditions of approval dated April 16, 2002. The City Council is being asked to approve the Subdivision Improvement Agreement, Maintenance Agreement, and the Cambridge Final Subdivision Map, and accept public easements for utilities, emergency vehicle access, public access, and dedication of land along the Belmont Creek.

Background and Discussion

The City Council approved a Tentative Vesting Map for the Cambridge Subdivision at 2440 Carlmont Drive on June 25, 2002. This project consists of demolishing the existing Jewish Community Center and constructing 52 condominiums in eleven, two- and three-story, multifamily residential buildings. The project includes private streets, utilities, and recreational facilities within the subdivision boundaries to be maintained by the property owners. SummerHill offers for dedication a public access trail running from Carlmont Drive along Belmont Creek to the unpaved Lake Road on the property northern boundary and Lot A consisting of 0.37 acres of land in the riparian corridor alongside Belmont Creek.

SummerHill Homes closed escrow on the Jewish Community Center property on August 28, 2003 and has applied for permits to complete site demolition, construction of retaining walls, and grading before the November 15, 2003 grading moratorium. The City Council also accepted a new storm drainage easement on July 22, 2003 to allow SummerHill to begin enlarging and realigning the pipe carrying Belmont Creek beneath the site. SummerHill intends to complete this drainage work by this September 2003.

Subdivision Improvement Agreement

Belmont's Subdivision Ordinance requires a Subdivision Improvement Agreement to ensure the developer completes in a timely manner all public improvements required by the City to the satisfaction of the City. This agreement requires to developer to post bonds, pay fees, and provide insurance certifications for this purpose. The Public Works, Planning, Finance and Parks and Recreation staff have reviewed the agreement prepared by the City Attorney's office. Meetings have also been held with representatives of SummerHill regarding the terms of the agreement. Staff now recommends approval of the Subdivision Improvement Agreement for the SummerHill Cambridge project as required by ordinance.

The estimated cost of the public improvements is \$113,490 for off-site curb, gutter and sidewalk along the Carlmont Drive frontage, utility connections, and street signs and markings and the on-site public walking trail and utilities. In accordance with the Subdivision Improvement Agreement, the developer has posted a performance bond equal to 100% of the estimated cost of public improvements as security for their completion. In addition, the developer has posted a 50% labor and materials bond and a 1-year warrant bond to ensure the improvements are completed in accordance with City standards and in a timely manner. If they are not, the City has the right to draw on the bonds to complete the work.

The Subdivision Improvement Agreement also requires the developer to pay the City the following fees prior to recordation of the final map:

1. Park dedication in lieu fee, estimated at \$771,840
2. Planned drainage fees, \$25,050
3. Recreational resource fee, \$1,000,000
4. Sewer connection fees, \$91,000

In addition, the agreement requires the developer to pay the City's actual costs for engineering inspection, administration, legal, testing and other services incurred for this project. The developer agrees to deposit \$20,000 with the City for the City to draw against for these services and to replenish this account upon demand.

The Subdivision Improvement Agreement requires the developer to provide certification for worker compensation, general liability and property damage, and contractual liability insurance.

Final Subdivision Map

The City Planning Commission approved the Cambridge Vesting Tentative Map on June 25, 2002. SummerHill Homes has now prepared the Final Subdivision Map for city review and approval. The City Engineer and Land Surveyor consultant have examined this map and find it substantially in conformance with the approved Tentative Map, the State Subdivision Map Act, and the City of Belmont Subdivision Ordinance and are satisfied that it is technically correct. The complete map contains seven sheets including the condominium air spaces intended for sale as required by the Belmont Subdivision Ordinance.

The final map designates two lots: Lot 1 is for condominium purposes and Lot A is 0.37 acres of riparian area alongside Belmont Creek. The Final subdivision Map designates easements offered for dedication for public utilities, emergency vehicle access, public access, and Parcel A in fee for surface drainage purposes.

Maintenance Agreement

The developer will enter an agreement to maintain all private improvements within the development and by the "Declaration of Restrictions (CC&Rs) for the Cambridge of Belmont Homeowners Association" will later transfer the maintenance obligations to the homeowners association. Section 4.2 of the Cambridge CC&Rs declares the association maintenance, repair and landscaping obligations, stating that the association shall maintain in good condition and repair at all times the common areas and association property. Features to be maintained include but are not limited to the private streets, walkways, the public walking trail, retaining walls and fences, recreational facilities, landscaping, utilities outside public easements, and stormwater quality post-construction controls for catch basin filters and a grassy swale. The CC&Rs further require the association to hold annual educational meetings with the owners to promote clean run-off of stormwater and best management practices for pollution source control.

Fiscal Impact

There is no fiscal impact to this year's budget from approval of the Subdivision Agreement, Maintenance Agreement, or Final Subdivision Map. The City will be responsible for maintenance of the public improvements (excepting the walking trail) after expiration of the one-year warranty bond. Since the public improvements are replacement of existing public utilities and curb and gutter, the additional maintenance costs will be negligible.

Recommendation

Staff recommends that the City Council take the following actions:

1. Authorize execution of the SummerHill Cambridge LLC Subdivision Improvement Agreement,
2. Authorize execution of the SummerHill Cambridge LLC Maintenance Agreement, and
3. Approve the Final Subdivision Map, Entitled "Cambridge," City of Belmont, California and accept offers of dedication.

As specified in the Subdivision Improvement Agreement, the Final Subdivision Map will be forwarded to the County Recorder with a request for recordation after the following conditions are met:

1. The Subdivision Improvement Agreement and Maintenance Agreement between the City of Belmont and SummerHill Homes Cambridge LLC, a California limited liability company, are executed.
2. SummerHill Homes posts all bonds, pays all fees, provides all certificates of insurance and satisfies all other requirements included in the Subdivision Improvement Agreement defined as conditions for recordation of the final map.

Alternatives

1. Approve map modifications.
2. Continue the matter to the next Council meeting.

Attachments

1. Resolution

Respectfully submitted,

Kathleen E. Phalen, P.E.
City Engineer

Raymond E. Davis, III P.E., PTOE
Director of Public Works

Jere Kersnar
City Manager

RESOLUTION NO. _____

**CITY OF BELMONT
San Mateo County California**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
APPROVING THE SUMMERHILL CAMBRIDGE LLC SUBDIVISION
IMPROVEMENT AGREEMENT, MAINTENANCE AGREEMENT, AND FINAL
SUBDIVISION MAP ENTITLED "CAMBRIDGE," CITY OF BELMONT,
CALIFORNIA AND ACCEPTING OFFERS OF DEDICATION**

WHEREAS, the City Council of the City of Belmont approved a vesting tentative map entitled "Tentative Parcel Map, Cambridge, APN 045-031-010," prepared by BKF Engineers, dated by Resolution No. 9273 on June 25, 2002; and,

WHEREAS, the above entitled Final Subdivision Map prepared by BKF has been submitted to the City Engineer who has determined that the subdivision as shown thereon is substantially the same as it appeared on the aforesaid tentative map and the provisions of law and of the Subdivision Code of the City of Belmont; and,

WHEREAS, the City Council is satisfied that the plan of subdivision set forth thereon, and that said map is in conformity with the aforesaid tentative map; and,

WHEREAS, SummerHill Cambridge LLC has agreed to enter into a Subdivision Improvement Agreement with the City of Belmont to complete all project public improvements in a timely manner to the satisfaction of the City and has agreed to pay all fees, post all bonds, and provide certification of all insurance required by this agreement prior to recordation of the final subdivision map for the project; and,

WHEREAS, SummerHill Cambridge LLC has agreed to enter a Maintenance Agreement with the City of Belmont for all private improvements within the development and by the "Declaration of Restrictions (CC&Rs) for the Cambridge of Belmont Homeowners Association" has obligated the Cambridge condominium homeowners association to maintain in good condition all association property.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the City Council of the City of Belmont that:

1. The SummerHill Cambridge LLC Subdivision Improvement Agreement is approved for execution.
2. The SummerHill Cambridge LLC Maintenance Agreement is approved for execution.
3. The Cambridge Final Subdivision Map is approved, and the offers of dedication of public use easements for public utilities, storm drainage, and sanitary sewers, as shown on the map, are hereby accepted. Recordation of the Final Subdivision Map is subject to the condition that all requirements of law and the Subdivision Code of the City of Belmont

be fully complied with in connection with said Final Subdivision Map and the following conditions:

- a. The Subdivision Improvement Agreement and Maintenance Agreement between the City of Belmont and SummerHill Cambridge, LLC, a California limited liability company are executed.
- b. SummerHill Cambridge LLC posts all bonds, pays all fees, provides all certificates of insurance and satisfies all other requirements included in the Subdivision Improvement Agreement defined as conditions for recordation of the final map. Said bonds to be approved as to form by the City Attorney and as to content by the City Engineer.

4. The City Clerk of the City of Belmont is hereby authorized and directed to endorse thereon her signature an order of this Council approving said Map and accepting said offers of dedication thereon, and to affix thereto the corporate seal of the City of Belmont.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on September 9, 2003.

AYES, COUNCILMEMBER(S): _____

NOES, COUNCILMEMBER(S): _____

ABSTAIN, COUNCILMEMBER(S): _____

ABSENT, COUNCILMEMBER(S): _____

Clerk of the City of Belmont

APPROVED:

Mayor of the City of Belmont