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**SUBJECT:** Approve the Final Engineer’s Report, confirm and order the formation of Landscape & Lighting Assessment District No. 24-2 (Trumark Trailside), and amend Vesting Tentative Subdivision Map VTSM 9610 to clarify stormwater treatment maintenance responsibilities

**DEPARTMENT:** Parks and Recreation

**STAFF:** Bruce Mulder, Director of Parks and Recreation  
Aaron Wanden, Park Maintenance Manager

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### **TITLE/RECOMMENDATION**

Hold the Public Hearing relating to the:

1. Formation of Landscape & Lighting Assessment District No. 24-2 (Trumark Trailside). Confirm the formation with a simple majority property owner approval, weighted by assessment amount. Adopt a Resolution ordering the formation of Landscape & Lighting Assessment District No. 24-2 (Trumark Trailside); ordering improvements and confirming the diagram and assessments as shown in the Landscape & Lighting Assessment District No. 24-2 (Trumark Trailside) Fiscal year 2024-25 Final Engineer’s Report in accordance with provisions of the Streets and Highways Code “Landscaping and Lighting Act of 1972” and California Proposition 218; and
2. An amendment to Vesting Tentative Subdivision Map VTSM 9610 to clarify stormwater treatment maintenance responsibilities. Adopt a Resolution amending VTSM 9610 for this limited purpose.

On July 22, 2014, the City Council certified an Environmental Impact Report (EIR) that was prepared and certified as part of the Brentwood General Plan (State Clearinghouse # 2014022058) in accordance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Section 15183, the project is consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report has been certified. Therefore, no further environmental analysis is required as these actions are consistent with the General Plan.



## **FISCAL IMPACT**

Upon build-out, the City will have authorization to collect the maximum annual assessment revenue of approximately \$87,304 (in Fiscal Year 2024-25 dollars) from the residential parcels within the Trumark Trailside project. This maximum annual assessment revenue will be increased each fiscal year based upon the prior year's change in the San Francisco Bay Area Urban Wage Earners Consumer Price Index or 2%, whichever is greater, and will fund the special benefit portion of the maintenance, operation, servicing, replacement, and administration expenses associated with City improvements that benefit the project. The annual general benefit portion of these costs of approximately \$3,588 will be funded by the General Fund.

To ensure the Landscape & Lighting Assessment Districts are self-supporting, each district has an administrative cost factored into the maximum assessment rate during formation to cover creation of annual Engineer's Reports and levying of assessments. Funds to cover the costs associated with the formation of the Landscape & Lighting District have been deposited with the City by the developer.

## **BACKGROUND**

### **Lighting and Landscaping District**

Trumark Trailside, located north of Sand Creek Road and west of Fairview Avenue, will consist of 57 single-family homes and six duets at build-out. The project is conditioned to provide a funding mechanism to offset the annual operation, maintenance, and future capital replacement costs attributed to City streetlights, landscaping, open space areas, trails, and park improvements that benefit the properties located within the project.

The Landscaping and Lighting Act of 1972 and Proposition 218 require that an Engineer's Report be generated for the formation of any new assessment district or any annexations into existing assessment districts. The Engineer's Report identifies public improvements to be maintained, as well as the maximum annual assessment rates to be levied on properties benefiting from these improvements. The assessment rates may or may not change each fiscal year, dependent on the maintenance budget, but cannot exceed the maximum annual assessment amount set when the assessment district was originally formed, plus an annual cost of living adjustment. This report will set the maximum annual assessment rate for the new assessment district being proposed.



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On July 23, 2024, City Council adopted Resolution No. 2024-78, initiating and declaring the intention to order the formation of Landscape & Lighting Assessment District No. 24-2 (Trumark Trailside) to fund the maintenance of City streetlights, landscaping, open space areas, trails, and park improvements benefitting properties within the Trumark Trailside project. The Engineer's Report for Landscape & Lighting Assessment District No. 24-2 (Trumark Trailside) preliminarily approved at the July 23<sup>rd</sup> City Council meeting did not include maintenance of Parcel B within the Trumark Trailside project. Following the July 23<sup>rd</sup> City Council meeting, it was confirmed that Parcel B will be dedicated to the City and its landscape maintenance will be a City responsibility. Therefore, the Engineer's Report, maximum assessment rate, and general benefit portion for Landscape & Lighting Assessment District No. 24-2 (Trumark Trailside) have been revised to include the future maintenance of Parcel B for final approval this evening.

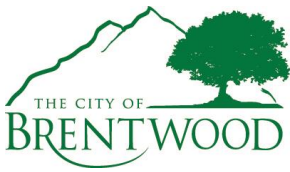
The Landscaping and Lighting Act of 1972 and Proposition 218 require that all formations of assessment districts receive approval, from the affected property owner(s), and a Public Hearing be held, prior to final approval from City Council. In accordance with these requirements, a notice and ballot regarding the formation of this assessment district was mailed to the property owner, TH Apricot Way Brentwood LLC, in accordance with Proposition 218. The notice and ballot contained detailed information about the Landscape & Lighting Assessment District including but not limited to, improvements to be maintained, and the maximum annual assessment amount.

At the close of the public input portion of the Public Hearing, the Interim City Clerk (or her designee) will tabulate all ballots received. This information will be presented to the City Council during the meeting.

Following the tabulation of the ballots and determining the results, if there is no majority protest, the Council will be presented with the attached Resolution approving the Landscape & Lighting Assessment District No. 24-2 (Trumark Trailside) Fiscal Year 2024-25 Final Engineer's Report and ordering the formation of Landscape & Lighting Assessment District No. 24-2 (Trumark Trailside).

**Subdivision map amendment**

The City Council is also asked to consider a revision to Resolution No. 2023-99, which approved the Vesting Tentative Subdivision Map for the Trumark Trailside project. The resolution inadvertently included two conditions of approval that addressed the maintenance responsibilities for the project's stormwater treatment. The first (number 21(b)) correctly identified that the project would be required to form or annex into a landscape and lighting assessment district to maintain City



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improvements on the project site. The second (number 21(d)) erroneously stated that the project would need to form a homeowners association to maintain one of these improvements (the stormwater treatment area).

Staff recommends correcting this oversight by revising the conditions of approval to strike the condition number 21(d):

Permittee shall provide for an adequate private funding mechanism for the perpetual maintenance of all stormwater NPDES treatment areas and other similar clean water facilities to the satisfaction of the City Engineer. Permittee shall dedicate parcels with said facilities to a Homeowners Association or similar private entity in fee.

A resolution bearing this correction is included with this agenda item.

**CITY COUNCIL STRATEGIC INITIATIVE**

Not Applicable.

**PREVIOUS ACTION**

Previous Action by the City Council is included on Attachment 1.

**DATE OF NOTICE**

August 30, 2024

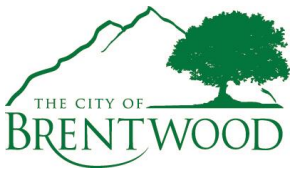
**ENVIRONMENTAL DETERMINATION**

Not Applicable.

**ALTERNATIVE OPTION(S)**

Alternative Options to the Staff Recommendation:

1. Do not approve staff's recommendation as to formation of Landscape & Lighting Assessment District No. 24-2. Not approving this action will result in the inability of the City to levy assessments in Fiscal Year 2024/25 to fund the operation, maintenance, and replacement of public improvements associated with the Landscape and Lighting Assessment District No. 24-2 (Trumark Trailside), and result in a significant obligation of the General Fund.



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2. Do not approve the revision to VTSM 9610. This would result in leaving two conflicting conditions of approval on the subdivision map.
3. Modify staff's recommendation based on legally defensible findings.
4. Continue item with direction for staff to return with additional information.

**ATTACHMENT(S)**

1. Previous Action
2. Resolution – LLAD
3. Resolution – VTSM 9610-A1
4. Final Engineer's Report – LLAD No. 24-2 (Trumark Trailside)