



DATE: April 17, 2023

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Jeff Stutsman, PE, City Engineer
Dylan Brady, Assistant City Attorney

SUBJECT: Resolution Authorizing the City Manager to Enter into a Landscaping Maintenance Agreement with the California Department of Transportation for Maintenance of the Landscaping Planting and Irrigation Systems between Highway 101 and Sapphire Street as Part of the Sterling Hills at Quarry Heights Subdivision

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution authorizing the City Manager to enter into a landscaping maintenance agreement with the California Department of Transportation for maintenance of the landscaping planting and irrigation systems between Highway 101 and Sapphire Street.

BACKGROUND

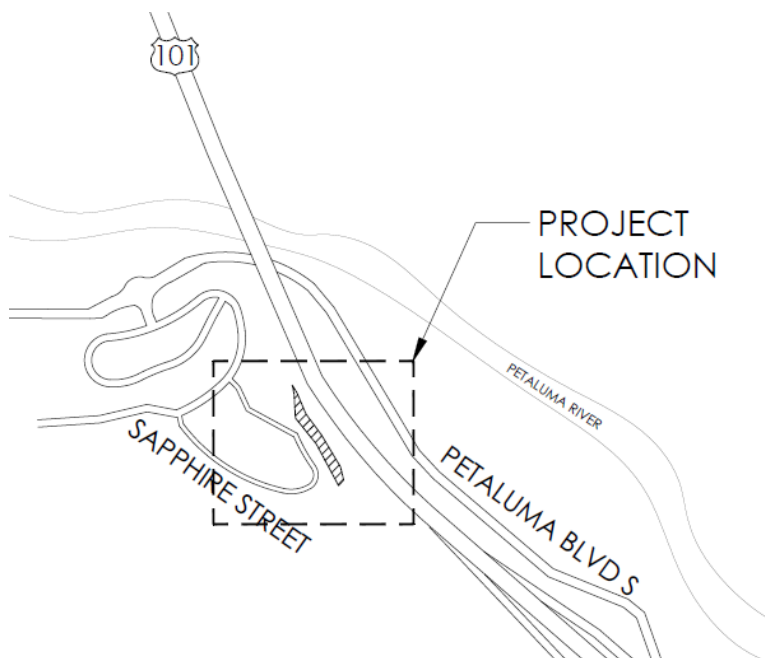
On September 11, 2008, the Site Plan and Architectural Review Committee (SPARC), now named the Planning Commission, approved the Sterling Hills at Quarry Heights Subdivision (Quarry Heights Subdivision) landscape and maintenance plan as part of the project's Site Plan and Architectural Review (SPAR) permit. Part of the approved landscaping plan was on the Caltrans right of way between Sapphire Street and Highway 101. Because part of the landscaping plan was on Caltrans property, the SPAR permit conditioned the project to submit the landscaping plan for Caltrans approval, and once approved, for the developers to install the landscaping and for the Quarry Heights Subdivision Homeowners Association (HOA) to maintain the landscaping and irrigation in perpetuity.

Caltrans has approved the Quarry Heights Subdivision's landscaping and maintenance plan and Quarry Heights LLC (developer) is ready to start installation. The developer has submitted an encroachment permit to the State to allow them to install the landscaping improvements. However, the State will not contract with the developer and prefers to enter into agreements with public entities. To resolve this issue, the City and State have agreed to enter into the landscaping and maintenance agreement, (Attachment 2) and the City has entered into an agreement with the developers of the Quarry Heights Subdivision (attachment 3) that assigns its responsibilities and obligations under the proposed agreement with the State to the developers of the Quarry Heights

Subdivision. The State, developer, and City have all met and agreed to the terms of the attached agreements.

DISCUSSION

This resolution will allow the City to enter into an agreement with the State for the installation and maintenance of landscaping for the area between Sapphire Street and Highway 101, shown below.



The City has already entered into an agreement with the developer of the Quarry Heights Subdivision that assigns the City's responsibilities and obligations under the landscape and maintenance agreement with the State to the developer. As part of the September 11, 2008, SPAR approval, the developer is conditioned to require the subdivision's HOA to maintain the landscaping improvements in perpetuity. However, the State requires a resolution that authorizes the city manager to enter into the attached Landscape and Maintenance Agreement. The proposed resolution will accomplish this. Additionally, the proposed resolution will allow the developer to start installation and maintenance of the approved landscape plans to satisfy the September 11, 2008, SPAR permit conditions.

PUBLIC OUTREACH

This agenda item appeared on the City's tentative agenda document on April 3, 2023, which was a publicly-noticed meeting.

COUNCIL GOAL ALIGNMENT

The proposed resolution will result in landscaping improvements to a currently unutilized piece of land, which will beautify the area and assist in meeting climate action goals and priorities.

CLIMATE ACTION/SUSTAINABILITY EFFORTS

The installation of trees and plants to this unimproved area will facilitate sequestration of greenhouse gases.

ENVIRONMENTAL REVIEW

The execution of the landscaping maintenance agreements to allow installation of approved landscaping was already analyzed in the Mitigated Negative Declaration that City Council adopted on February 15, 2005.

FINANCIAL IMPACTS

There are no financial impacts as the City has entered into an agreement with the developer of the Sterling Hills at Quarry Heights Subdivision which assigns its rights under the City's landscape and maintenance agreement with the State to the developer.

ALTERNATIVES

If the resolution is not adopted, the State will not execute the landscape and maintenance agreement (Exhibit A). As a result, part of the September 11, 2008, SPAR conditions requiring landscaping and installation on the Caltrans right of way will not be satisfied.

ATTACHMENTS

1. Resolution with Exhibit
 - a. Landscape and Maintenance Agreement with the State
2. Executed Landscape and Maintenance Agreement with Quarry Heights, LLC