



Legislation Details (With Text)

File #: 19-1277
Type: Consent Calendar **Status:** Passed
File created: 12/17/2019 **In control:** City Council/Public Financing Authority
On agenda: 1/21/2020 **Final action:** 1/21/2020
Title: Approve and authorize execution of two Landscape Maintenance Agreements with the State of California Department of Transportation (Caltrans) for Pacific City Retail and Pasea Hotel for Maintenance of Landscape Improvements within the State Highway Right of Way on Pacific Coast Highway (PCH)
Attachments: 1. Att 1 - LMA City Caltrans PC Retail, 2. Att 2 - LMA City Caltrans Pasea, 3. Att 3 - Amended and Restated LMA (recorded 12-23-13)

Date	Ver.	Action By	Action	Result
1/21/2020	1	City Council/Public Financing Authority	approved	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Oliver Chi, City Manager

PREPARED BY: Tom Herbel, PE, Acting Director of Public Works

Subject:

Approve and authorize execution of two Landscape Maintenance Agreements with the State of California Department of Transportation (Caltrans) for Pacific City Retail and Pasea Hotel for Maintenance of Landscape Improvements within the State Highway Right of Way on Pacific Coast Highway (PCH)

Statement of Issue:

Two Landscape Maintenance Agreements between the City and the State of California (Caltrans) are presented for City Council approval and execution for the public landscape areas within the State highway right of way in front of the Pacific City Retail and Pasea Hotel projects on Pacific Coast Highway.

Financial Impact:

Not Applicable.

Recommended Action:

A) Approve and authorize the Mayor and City Clerk to execute and record the “Landscape Maintenance Agreement Within State Highway Right of Way on Route 1 Within the City of Huntington Beach” for the Pacific City Retail project (Attachment 1); and,

B) Approve and authorize the Mayor and City Clerk to execute and record the “Landscape

Maintenance Agreement Within State Highway Right of Way on Route 1 Within the City of Huntington Beach” for the Pasea Hotel project (Attachment 2).

Alternative Action(s):

Do not authorize execution of the two agreements, and direct staff accordingly. This alternative action will prevent the typical transfer of maintenance obligations (from State-to-City and City-to-Developer) for landscaping improvements within the State right of way on Pacific Coast Highway.

Analysis:

The Pacific City Retail Redevelopment and Pasea Hotel projects are located at 21002 and 21080 Pacific Coast Highway, respectively. The projects’ development requirements included the construction and future maintenance responsibilities of landscaping and hardscape improvements within the public right of way along their street frontages. To document these responsibilities, the developer/owner(s) are required to execute the appropriate landscape maintenance agreement(s) for all landscaping, irrigation, street furniture and enhanced hardscape that encroaches into the State (Caltrans) right of way along Pacific Coast Highway and into the City’s rights of way along First Street and Huntington Street. In addition to landscaping and irrigation, the agreements also address sidewalk cleaning, trash cans, disposal of trash, signs, tree replacement and all other aspects of maintenance for areas in State and City right of way.

With respect to the State’s right of way along Pacific Coast Highway, it is Caltrans’ policy to only enter into such agreements with other governmental agencies, not with private developers/owners. Consequently, there are three agreements necessary to adequately address these landscape maintenance responsibilities: two agreements (one for each project) between the State of California and the City of Huntington Beach (Attachments 1 and 2), and a third, “companion” agreement between the City and the private developer/owner (s) (Attachment 3), which effectively transfers the maintenance responsibilities from the City to the developer/owner(s). This “companion” agreement was executed between the City, 20112 HB and PC Group Retail is included as Attachment 3 for reference.

The State has now provided two “Landscape Maintenance Agreement(s) within State Highway Right of Way on Route 1 within the City of Huntington Beach” (Attachments 1 and 2), which are currently presented to City Council for approval. These agreements have been reviewed and approved by Caltrans, Public Works staff and the City Attorney’s Office, which are now ready for approval by City Council for execution. The Director of Caltrans will only sign and execute the subject agreements following the City’s approval and signatures.

Public Works Commission Action: Not required.

Environmental Status:

These agreements are categorically exempt from the California Environmental Quality Act, pursuant to City Council Resolution No. 4501.

Strategic Plan Goal:

Enhance and maintain infrastructure

Attachment(s):

1. “Landscape Maintenance Agreement Within State Highway Right of Way on Route 1 Within the City of Huntington Beach” for the Pacific City Retail project.

2. "Landscape Maintenance Agreement Within State Highway Right of Way on Route 1 Within the City of Huntington Beach" for the Pasea Hotel project.

3. Executed "Amended and Restated License and Maintenance Agreement" (between the City, 20112 HB and PC Group Retail)