



CITY COUNCIL AGENDA REPORT

MEETING DATE: Tuesday, April 15, 2025
TO: CITY COUNCIL
WRITTEN BY: ASSISTANT PUBLIC WORKS & UTILITIES DIRECTOR FONTES
RECOMMENDED BY: PUBLIC WORKS & UTILITIES DIRECTOR LINDBERG
APPROVED BY: TAMARA VIDES, CITY MANAGER
SUBJECT: APPROVAL OF AGREEMENT WITH SUNSHINE GARDEN SUBDIVISION OWNER TO OPERATE, MAINTAIN, REPAIR, AND REPLACE THE SUBDIVISION STORMWATER FACILITIES

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an Agreement with the Sunshine Garden Subdivision owner for the owner to operate, maintain, repair, and replace stormwater facilities of the subdivision and authorize the City Manager to execute the Agreement.

BACKGROUND:

Pacific Sunshine Development, LLC is developing the Sunshine Garden Subdivision, Tract No. 1587.

- On October 26, 2010, Council adopted Resolution No. 173-10 (CM) certifying an Environmental Impact Report for the Manabe Ow Specific Plan that was utilized to consider this project;
- On January 12, 2016, Council adopted Resolution No. 3-16, approving a Tentative Map;
- On September 26, 2017, Council adopted Resolution No. 150-17 (CM) approving a Final Map and Resolution No. 151-17 approving a Public and On-Site Improvement Agreement;
- On September 14, 2021, Council adopted Resolution No. 245-21 (CM), approving a First Amendment to the Public and On-site Improvement Agreement;
- On June 11, 2024, Council adopted Resolution No. 104-24 (CM), approving a Second Amendment to the Public and On-Site Improvement Agreement;

DISCUSSION:

Stormwater facilities within the subdivision will be privately owned and maintained. Initially, this will be done by Pacific Sunshine Development, LLC. As the subdivision is developed, the Homeowners Association will assume these responsibilities. To ensure that the stormwater facilities are operated, maintained, repaired, and replaced properly, Pacific Sunshine developed, and the city approved, Stormwater Control Measures and an Operations and Maintenance Plan. These documents are included in an agreement between Pacific Sunshine and the City, entitled “Covenant Running with the Land, Stormwater Control Measures (SCMs), Stormwater Treatment and Detention Facility Operations and Maintenance Agreement, and Right of Entry.” The agreement memorializes Sunshine Garden and its successors obligations to maintain, operate, repair and replace the stormwater facilities.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION:

This action implements the approvals analyzed and considered by the Manabe Ow Business Park Specific Plan Environmental Impact Report and its associated Addendums. Any potentially significant effects have been adequately analyzed and have been avoided or mitigated pursuant to that earlier EIR and Addendums, including revisions or mitigation measures that are imposed upon the proposed project. In addition, none of the conditions described in California Code of Regulations, Section 15162, exist. Therefore, no further action is required under the California Environmental Quality Act (CEQA).

STRATEGIC PLAN:

Infrastructure & Environment

Housing

FINANCIAL IMPACT:

There is no financial impact on the City’s budget.

ALTERNATIVE ACTION:

No reasonable alternatives are known at this time.

ATTACHMENTS AND/OR REFERENCES (IF ANY):

None