

RESOLUTION NO. CC-2101-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF IN CONNECTION WITH THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE AVIATION BLVD. AT ARTESIA BLVD. NORTHBOUND RIGHT TURN LANE PROJECT, JOB NO. 40780 (PART FEE TAKE AND TEMPORARY CONSTRUCTION EASEMENT OVER PORTIONS OF APN 4162-001-014)

WHEREAS, the City of Redondo Beach ("City") is a municipal corporation in the County of Los Angeles, State of California; and

WHEREAS, the City seeks to construct and maintain a right turn only pocket from north bound Aviation Boulevard onto east bound Artesia Boulevard known as the Aviation Blvd. at Artesia Blvd. Northbound Right Turn Lane Project, Job No. 40780 ("Project") to improve traffic operations at this intersection. Both Aviation Boulevard and Artesia Boulevard are designated in the General Plan as major arterials. The proposed Project requires the acquisition of additional right of way for the proposed street improvements. The Project involves the widening of the northbound travel lanes along Aviation Boulevard to add a 15-foot-wide right-turn lane onto Artesia Boulevard. In the existing condition, traffic backs up onto Aviation Boulevard. The proposed Project will assist in alleviating the back log of traffic. The Project is consistent with the Circulation Element of the General Plan in that it will improve traffic circulation and safety. The draft Street Improvement Plans for the Project are on file with the Public Works Department and are incorporated herein by this reference; and

WHEREAS, the Project is included in the City's Capital Improvement Program as an implementation measure of the City's General Plan Circulation Element to improve traffic conditions at the Aviation Boulevard and Artesia Boulevard intersection. The Project is also included in the South Bay Transportation Project List - Coastal Corridor Study completed by the South Bay Cities Council of Governments ("SBCCOG") and is included in the SBCCOG Goods Movement Study as a "priority one" project. The Project would increase mobility within a fully urbanized area and would reduce vehicle delay and idling time, along with associated pollutant emissions, by allowing northbound vehicles to make right turns onto Artesia without slowing down northbound through lanes; and

WHEREAS, the environmental effects of the Project were studied and analyzed pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code

Section 21000 et seq., and the CEQA Guidelines, 14 Cal. Code Regs. Section 15000 et seq. ("CEQA Guidelines"). Pursuant to CEQA and the CEQA Guidelines, the City determined that there was no substantial evidence that the Project would have a significant impact on the environment and a Negative Declaration was warranted. The City Council adopted a Negative Declaration. On January 15, 2020, the City duly filed the Negative Declaration with the State of California Clearing House in accordance with CEQA. A Notice of Determination was filed with the County of Los Angeles on or about May 28, 2020 in accordance with CEQA; and

WHEREAS, in connection with the Resolution of Necessity, on January 19, 2021, City Staff reviewed the environmental documentation prepared in connection with the Project. Pursuant to the criteria of Section 15162 of the CEQA Guidelines and Section 21166 of the Public Resources Code, City Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and that the City has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Redondo Beach City Council adopts Resolution No. CC-21-XXX , A Resolution of the City Council of the City of Redondo Beach, California, Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof in Connection with the Construction, Operation and Maintenance of the Aviation Blvd. at Artesia Blvd. Northbound Right Turn Lane Project, Job No. 40780 (A Part Fee Take and Temporary Construction Easement and Impacted Site Improvements on Portions of APN 4162-001-014).

SECTION 2. The City seeks to acquire by eminent domain the real property interests described below in Section 3 of this Resolution for public use, namely public roads, highways and related purposes, and all uses necessary or convenient thereto in connection with the Construction and Maintenance of the Aviation Blvd. at Artesia Blvd. Northbound Right Turn Lane Project, Job No. 40780, pursuant to the authority conferred on the City of Redondo Beach to acquire real property by eminent domain by Section 19 of Article 1 of the California Constitution, Government Code Sections 37350, 37350.5, 37351, 40401, and 40404, California Code of Civil Procedure Section 1230.010 *et seq.* (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.510, 1240.610, 1240.650, and by other provisions of law.

SECTION 3. The City seeks to acquire an approximate 1,813 square foot part fee take, a 1,436 temporary construction easement, and impacted site improvements, over

portions (“Subject Property Interests”) of the real property located at 1700 Artesia Boulevard, Redondo Beach, California, and identified as Los Angeles County Tax Assessor’s Parcel Number 4162-001-014 (“Madani Parcel”) in connection with the Project. The Subject Property Interests are described more particularly in Exhibits “A-1” and “A-2” and depicted on Exhibits “B-1” and “B-2”, which are attached hereto and incorporated herein by this reference.

SECTION 4. The environmental effects of the acquisition of the Subject Property Interests were studied as an integral part of the environmental review for the Project. In connection with the proposed Resolution of Necessity, on January 19, 2021, City staff reviewed the environmental documentation prepared in connection with the Project. Pursuant to the criteria of Section 15162 of the CEQA Guidelines and Section 21166 of the Public Resources Code, City staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and that the City has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests.

SECTION 5. The Project, as planned and designed, is in the public interest and necessity and is needed to improve traffic circulation and safety in this area of the City as more fully explained below:

A. The proposed Project requires the acquisition of additional right of way for the proposed street improvements. The Project involves the widening of the northbound travel lanes along Aviation Boulevard to add a 15-foot-wide right-turn lane onto Artesia Boulevard. Both Aviation Boulevard and Artesia Boulevard are designated in the General Plan as major arterials. All work is consistent with the City’s General Plan of Circulation.

B. The proposed Project will assist in alleviating delays to traffic. The Project is consistent with the Circulation Element of the General Plan in that it will improve traffic circulation and safety. The Project also satisfies two important goals of the City, namely to improve public facilities and infrastructure, and to enhance the livability and environmental sustainability of the community. The draft Street Improvement Plans for the Project are on file with the Public Works Department and are incorporated herein by this reference. Accordingly, the Project will benefit the residents and businesses of the City and the community as a whole.

C. The Project, as planned and designed, is consistent with the Circulation Element of the General Plan. The City seeks to acquire the Subject Property Interests for public use, namely public roads, highways and related purposes, and all uses necessary or convenient thereto in connection with the Project. The City

seeks to construct the Project to improve circulation by providing a dedicated right-turn lane from Artesia Boulevard onto Aviation Boulevard.

Among the goals of the City's General Plan Circulation Element is to reduce greenhouse gas emissions (Goal G.7, Take Action on Climate Change). Several strategies are set forth in the Circulation Element to accomplish this goal, including easing traffic congestion, discouraging single-occupant vehicles, and increasing the use of transit and non-motorized forms of transportation. The proposed northbound right-turn improvements at the intersection of Aviation Boulevard and Artesia Boulevard are consistent with this goal and its related strategies.

The Project is included in the City's Capital Improvement Program as an implementation measure of the City's General Plan Circulation Element to improve traffic conditions at the Aviation Boulevard and Artesia Boulevard intersection. The Project is also included in the South Bay Transportation Project List - Coastal Corridor Study completed by the South Bay Cities Council of Governments ("SBCCOG") and is included in the SBCCOG Goods Movement Study as a priority one project. The Project would increase mobility within a fully urbanized area and would reduce vehicle delay and idling time, along with associated pollutant emissions, by allowing northbound vehicles to make right turns onto Artesia without slowing down northbound through lanes.

D. The Project was planned and located to minimize the impact on the adjacent properties. The Project requires the acquisition of one part fee take and a temporary construction easement over portions of the larger parcel owned by a private property owner. The construction of the Project will not result in the displacement of anyone from their residence or business. The City will coordinate the construction with the owner of the Subject Property Interests to minimize the impact of construction on the parcel. The existing signage within the acquisition area will require relocation onto the remainder. A landscaped pocket adjacent to Aviation Boulevard, that lies within the acquisition area, will not be replaceable in the after condition due to space limitations. In addition, all improvements within the temporary construction easement area, although not proposed for acquisition, have been included in the total compensation as the City's contractor will not protect them in place. The large pylon display sign near the corner of the intersection, the monument sign along Aviation Boulevard, and the two parking restriction signs are proposed for relocation. The City will construct, per approved plans, the driveways within the proposed right-of-way. Additionally, the City will relocate all utilities in the public right-of-way. The City's contractor will also demolish the entire planters along Aviation Boulevard and at the corner of Aviation Boulevard and Artesia Boulevard. Based on the timing of the Project, it is necessary that the City consider the acquisition by eminent domain of the Subject Property Interests needed from the larger parcel.

SECTION 6.

A. Pursuant to Government Code Section 7260 *et seq.*, the City of Redondo Beach obtained a fair market value appraisal of the Madani Parcel, the approximate 1,813 square foot part fee take, a 1,436 square foot temporary construction easement, and impacted site improvements, the City seeks to acquire for public use, namely public roads, highways and related purposes, and all uses necessary or convenient thereto.

B. The City set just compensation in accordance with the appraised fair market value, and extended a written offer on October 22, 2020 to Mike Madani and Florence Madani, Trustees of the Madani Family Trust Under Declaration of Trust Dated May 6, 2002, the owner of record. The fair market value appraisal used a date of value of February 7, 2020.

C. The City's written offer included an informational pamphlet describing the eminent domain process and the record owner's rights under the Eminent Domain Law. In accordance with Government Code Section 7267.2, the City's written offer contained a written statement of, and summary of the basis for, the amount it established as just compensation. The offer set forth the date of value utilized by the appraiser and explained the appraiser's opinion of the highest and best use of the larger parcel. It explained the applicable zoning and General Plan designation of the larger parcel. The City's offer also summarized the principal transactions relied on by the appraiser to arrive at the appraiser's opinion of value. In addition, the written offer explained the appraiser's valuation analysis, including severance damages. It included the City's comparable market data relied on by the appraiser. Further, the City offered, pursuant to Code of Civil Procedure Section 1263.025, to pay the record owner the reasonable costs, up to \$5,000.00, for an independent appraisal of the approximate 1,813 square foot part fee take, a 1,436 square foot temporary construction easement, and impacted site improvements.

SECTION 7. The City provided written notice to the owner of record, pursuant to Code of Civil Procedure section 1245.235 of the City Council's intent to consider the adoption of a Resolution of Necessity for the acquisition of the Subject Property Interests by eminent domain.

SECTION 8. The public use for which the City seeks to acquire the Subject Property Interests, namely public roads, highways and related purposes, and all uses necessary or convenient thereto, will not unreasonably interfere with or impair the continuance of the public use to which any easement holders may have appropriated the area (Code of Civil Procedure Section 1240.510). Further, the Project may require the relocation of several utilities to the proposed new right-of-way area. The public use for which the City seeks to acquire the Subject Property Interests, namely public roads, highways and related purposes, and all uses necessary or convenient thereto, is a more

necessary public use within the meaning of Code of Civil Procedure Section 1240.650 than the uses to which public utility easement holders have appropriated any utility easements located in the area of the Subject Property Interests that are affected by the Project. Accordingly, the City is authorized to acquire the Subject Property Interests pursuant to Code of Civil Procedure Sections 1240.510, 1240.610, and 1240.650.

SECTION 9. Based on the evidence presented at the hearing regarding the Project, including the Agenda Report and documents referenced therein and any oral and written testimony at the hearing, the City Council hereby finds and determines that:

- A. The public interest and necessity require the Project;
- B. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- C. The Subject Property Interests described more particularly in Exhibits "A-1" and "A-2" and depicted on Exhibits "B-1" and "B-2" hereto, are necessary for the Project; and
- D. The City has made the offer required by Government Code Section 7267.2 to the record owner of the Subject Property Interests the City seeks to acquire.

SECTION 10. The findings and declarations contained in this Resolution are based upon the record before the City Council, including the Agenda Report and all documents referenced therein, all of which are incorporated herein by this reference, and any testimony and/or comments submitted to the City by the record owner and or the owner's representative(s). These documents include, but are not limited to the City of Redondo Beach's General Plan, the offer letter sent to the owner pursuant to Government Code Section 7267.2, the notice to the record owner pursuant to Code of Civil Procedure Section 1245.235 of the City's intent to consider the adoption of the Resolution of Necessity, draft Street Improvement Plans for the Project, and the Negative Declaration for the Project.

SECTION 11. The City Council of the City of Redondo Beach hereby authorizes and directs the City Attorney's Office to take all steps necessary to commence and prosecute legal proceedings in a court of competent jurisdiction to acquire an approximate 1,813 square foot part fee take, a 1,436 square foot temporary construction easement, and impacted site improvements for the Project. The Subject Property Interests are described more particularly on Exhibits "A-1" and "A-2" and are depicted on Exhibits "B-1" and "B-2" hereto.

SECTION 12. The City Council of the City of Redondo Beach hereby authorizes the City Manager to execute all necessary documents in connection with the eminent domain proceeding.

SECTION 13. The City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

PASSED, APPROVED AND ADOPTED this 19th day of January, 2021.

William C. Brand, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Resolution No. CC-2101-011 was passed and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 19th day of January, 2021, and there after signed and approved by the Mayor and attested by the City Clerk, and that said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk