



# Administrative Report

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L.1., File # 21-1958

Meeting Date: 1/19/2021

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**To:** MAYOR AND CITY COUNCIL  
**From:** TED SEMAAN, PUBLIC WORKS DIRECTOR

## **TITLE**

PUBLIC HEARING TO CONSIDER THE ADOPTION OF A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY INTERESTS FROM 1700 ARTESIA BLVD.

ADOPT BY TITLE ONLY 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)

## **PROCEDURES:**

- A. Open Public Hearing, take testimony; and
- B. Close Public Hearing; and
- C. Adopt by Title only Resolution No. CC-2101-011

## **EXECUTIVE SUMMARY**

This resolution is needed to secure needed right of way for the Aviation Blvd. at Artesia Blvd. NB Right Turn Lane Project, Job No. 40780, ("Project") from the adjacent property owner at 1700 Artesia Blvd. The Project was initially funded by Measure R in FY 2011-12. Preliminary engineering and adoption of a CEQA finding have been completed and final design is nearing completion. The property at 1700 Artesia Blvd. was redeveloped in the mid 1990's with a project like this in mind. At that time, staff recommended the conditions of development include dedication of a 10-foot strip of land along Aviation Blvd. to accommodate a future dedicated right turn lane. The Planning Commission, however, deleted this condition in their final approval, making it necessary to secure about 1,813 square feet of real estate from the property at 1700 Artesia Blvd. for the Project to be able to move forward.

Staff has made two offers to the property owner, the Madani Family Trust, to purchase the needed real estate. The first offer was made in the Spring of 2017 and the most recent offer was made in October 2020. Each time, the offered price, considered the fair market value, was based on a full appraisal of the property. The property owner has shown no interest in selling the property and has responded each time by questioning the need for the project.

In order to secure the needed real estate and allow the Project to move forward, staff is now ready to pursue eminent domain proceedings, upon the Council's direction to do so. Therefore, staff now recommends that the City Council:

1. Consider Resolution No. CC-2101-011 a Resolution of the City Council of the City of Redondo Beach 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, ("Resolution of Necessity").
2. Open and conduct a hearing on the adoption of the proposed Resolution of Necessity, receive from City Staff the evidence stated and referred to in this Agenda Report ("Report"), take testimony from any person wishing to be heard on issues A, B, C, and D below, and consider all evidence to determine whether to adopt the proposed Resolution of Necessity.
3. If the City Council finds, based on the evidence contained and referred to in this Report, the testimony and comments submitted to the City Council, that the evidence warrants the necessary findings with respect to the proposed Resolution of Necessity, then City Staff recommends that the City Council, in the exercise of its discretion, adopt the proposed Resolution of Necessity, which requires a 4/5ths vote of the entire City Council, and authorize the City Attorney's office to file eminent domain proceedings to acquire the real property interests described below, which include a part fee take, impacted site improvements, and a temporary construction easement with a term of twelve months (referred to below collectively as the "Subject Property Interests") from the parcel described below:

**1700 Artesia Boulevard, APN 4162-001-014) (Madani Parcel)**

- An approximate 1,813 square foot part fee take, impacted site improvements, and a 1,436 square foot temporary construction easement, with a term of twelve months, over portions of the real property for roads, highways and related purposes, and all uses necessary or convenient thereto from the real property located at 1700 Artesia Boulevard, Redondo Beach, and identified as Los Angeles County Tax Assessor's Parcel Number 4162-001-014, which is owned by the Madani Family Trust Under Declaration of Trust Dated May 6, 2002 (referred to as "Madani Parcel").

The Subject Property Interests, comprised of the above-described part fee take and temporary construction easement areas, are described more particularly in the Resolution of Necessity. The Resolution of Necessity with its Exhibits are attached hereto and incorporated herein by this reference.

4. If the City Council adopts the proposed Resolution of Necessity, authorize the City Attorney's Office to file and prosecute eminent domain proceedings for the acquisition of the Subject Property Interests by eminent domain.

5. Authorize the City Manager to execute all necessary documents.

### **BACKGROUND**

The City Council has before it a proposed Resolution of Necessity for the acquisition by eminent domain of certain real property interests in connection with the City's proposed Project. The proposed Project requires the acquisition of additional right of way for the proposed street improvements. The City has attempted to negotiate in good faith with the owner of the larger parcel to acquire the earlier-described Subject Property Interests, but the parties have not reached a negotiated acquisition for the Subject Property Interests. Based on the timing of the Project, it is necessary that the City consider the proposed Resolution of Necessity at this time.

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. In the existing condition, north bound motorists experience significant delays at Aviation Boulevard. The proposed Project will assist in alleviating these delays by introduction of a dedicated right turn lane in the north bound direction. The Project requires the acquisition of an 1,813 square foot part fee take, the relocation of some site improvements, and the use of a 1,436 square foot temporary construction easement for a term of twelve months, over portions of the larger parcel to build and operate the Project. The City seeks to acquire the Subject Property Interests for public use, namely 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 capacity and circulation. The Project is consistent with the Circulation Element of the General Plan in that it will improve traffic circulation and safety. The final Street Improvement Plans for the Project are nearing completion and a draft set of these documents is on file with the Public Works Department and are incorporated herein by this reference.

The Project is 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 private property owners. The construction of the Project will not result in the displacement of anyone from their residence or business. Nor will it require a change of operation to the business since the business was developed with a dedicated right turn project in mind. The Subject Property was designed and constructed based on the site plan proposed to the Planning Commission, which included setbacks to accommodate the dedicated northbound right turn lane. The City will coordinate the construction with the owners 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.

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 is identified as such because it will 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.

The City seeks to acquire the Subject Property Interests for public use, namely roads, highways and related purposes, and all uses necessary or convenient thereto in connection with the Project 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.

For the reasons set forth above, the construction of the Project is in the public interest and necessity and is needed to improve capacity and circulation, by creating a more efficient and safe means of traffic circulation at this intersection of the City.

**Required Findings for Adoption of Resolutions of Necessity Authorizing the Acquisition of the Subject Property Interests by Eminent Domain**

In order to adopt the proposed Resolution of Necessity for the acquisition by eminent domain of the Subject Property Interests, the City Council must find and determine, 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 in the Resolution of Necessity are necessary for the Project; and
- D. The City has made an offer as required by Government Code Section 7267.2 to the owner of record of the real property interests it seeks to acquire.

The amount of just compensation is not an issue before the City Council at this hearing. The hearing relates to issues A, B, C, and D above. The amount of just compensation would be determined in the eminent domain proceedings that would be filed if the City Council, in its sole discretion, adopts the proposed Resolution of Necessity.

**Environmental Analysis**

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.

In connection with the proposed Resolution of Necessity to be considered 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.

#### **City's Actions Pursuant to Government Code Section 7260 et seq.**

Pursuant to Government Code Section 7260 et seq., the City of Redondo Beach obtained a fair market value appraisal of the Subject Property Interests and the larger parcel of which the Subject Interests are a part, set just compensation in accordance with the appraised fair market value, and extended a written offer to the owner of record. The City negotiated in good faith with the record owner. As of the date of this Staff Report, however, the parties have not reached a negotiated agreement. Based on the timing of the Project, it is necessary that the City consider the adoption of the Resolution of Necessity at this time.

Following is a summary of the actions taken by the City pursuant to Government Code Section 7260 et seq.

#### **1700 Artesia Boulevard, APN 4162-001-014) (Madani Parcel)**

Pursuant to Government Code Section 7260 et seq., the City of Redondo Beach obtained a fair market value appraisal of the Madani Parcel, and the approximate 1,813 square foot area that the City seeks to acquire in fee, as well as the 1,436 square foot area required for a temporary construction easement, and impacted site improvements, for public use, namely roads, highways and related purposes. 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.

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 take, the 1,436 square foot temporary construction easement area, and impacted site improvements.

The City made several attempts to follow up with the owner regarding the City's offer. Based on the timing of the Project, it is necessary for the City Council to consider the adoption of the proposed Resolution of Necessity authorizing the acquisition by eminent domain of the Subject Property Interests needed from the Madani Parcel.

#### **City's Actions Pursuant to Code of Civil Procedure Section 1245.235**

Pursuant to Code of Civil Procedure Section 1245.235, the City sent a letter and a notice by first-class mail dated December 22, 2020 to the record owner of the Subject Property Interests the City seeks to acquire from the Madani Parcel, informing them of the City's intent to consider at its January 19, 2021 meeting, the adoption of a resolution of necessity for the acquisition by eminent domain of the Subject Property Interests from said Madani Parcel. The notice advised the record owner of their right to appear and be heard regarding the City's proposed adoption of the Resolution of Necessity by filing, within fifteen days of the date the notice was mailed, a written request with the City to appear at the hearing. The notices specifically informed the record owners of the Subject Property Interests that they have an opportunity to appear before the City Council and raise questions about whether the public interest and necessity require the Project; whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and whether the Subject Property Interests the City seeks to acquire from the owner of record are necessary for the Project.

As discussed above, based on the proposed timing of the Project, it is necessary for the City Council to consider the adoption of the proposed Resolution of Necessity at this time.

This hearing relates to issues A, B, C, and D below.

#### **REQUIRED FINDINGS FOR ADOPTION OF RESOLUTIONS OF NECESSITY**

##### **A. The Public Interest and Necessity Require the Project**

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. 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. The intersection of Aviation Boulevard and Artesia Boulevard is signal-controlled. Both roadways provide left-turn pockets in all directions.

Aviation Boulevard and Artesia Boulevard are regionally significant roadways that support the movement of commuters and goods in the South Bay region of Los Angeles County. Aviation Boulevard is a north-south corridor connecting residential areas in the southern part of the South Bay to the employment centers to the north. Artesia Boulevard is an east-west corridor connecting Redondo Beach and Manhattan Beach to the regional freeway system. Motorists, including both commuters and goods transporters, traverse Aviation Boulevard and Artesia Boulevard, traveling to and from many regionally significant destinations. Additionally, Aviation Boulevard and Artesia Boulevard provide critical links to several freeways in the South Bay including I-405, I-105, and SR-91.

Because there is inadequate room for northbound motorists turning right onto Artesia Boulevard to move out of the way of through traffic to make their turn, it is necessary for the City to acquire the Subject Property Interests to provide for a right-turn lane.

In the existing condition, traffic backs up along northbound Aviation Boulevard. The proposed Project will assist in alleviating the delays in northbound 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. Accordingly, the Project will benefit the residents and businesses of the City and the community as a whole.

The traffic analysis prepared for the Project in 2009 used a method known as the Intersection Utilization Capacity (ICU) method essentially measures a ratio of the intersection's use, or volume, to its capacity. The ICU analysis prepared for this project indicates that it would result in an 8 percent improvement in the AM for volume to capacity ("v/c") ratio. Peak hour v/c ratio at the intersection is as follows:

- Future 2030 without the Project
  - o AM peak hour v/c would be 1.212
  - o PM peak hour v/c would be 1.325
- Future 2030 with the Project
  - o AM peak hour v/c would be 1.128
  - o PM peak hour v/c would be 1.372

The Intersection Utilization Capacity (ICU) method, however, does not always capture all the potential benefits gained from improvements to an intersection. The merits of constructing the proposed right turn lane should be made considering all traffic metrics that demonstrate the benefits of such an improvement.

Therefore, in addition to the Intersection Utilization Capacity (ICU) analysis completed previously, further analysis utilizing the Highway Capacity Manual (HCM) and Highway Capacity Manual 2010 (HCM 2010) methodologies was performed by City staff. These methods provide general guidance for consideration of a right turn lane in addition to modeling delays expected to be experienced by motorists. The following scenarios were analyzed:

- Existing AM/PM Conditions
- Future Buildout 2030 AM/PM Conditions

- Future Buildout 2030 AM/PM Conditions with Exclusive Northbound Right Turn

Prior to this later analysis, the City became aware of another project at this multi-jurisdictional intersection recently determined to be justified by the City of Manhattan Beach, which controls the northern and eastern quadrant of the intersection. That project, which proposes to add a dedicated right turn only (RTO) lane in the southbound direction, was included in the City's analysis. The two future conditions (with and without the RTO lanes) were evaluated to determine the future effects of these projects on the intersection. The analysis concludes that for the future buildout year 2030 conditions, delays would be reduced significantly with the construction of the RTO lanes. The average delay reductions are:

- AM Peak Hour - 26.6 seconds per vehicle (from 108.7 s to 82.1 s), a 24.5% improvement;
- PM Peak Hour - 17.7 seconds per vehicle (from 131.5 s to 113.8 s), a 13.5% improvement.

It should be noted that although the level of service (LOS) remains as an F with the construction of the northbound right turn lane improvement, LOS nears the threshold for LOS E (80 seconds) in the AM. In addition, there are other genuine traffic improvements that cannot be measured using HCM methods such as a shorter queue in the northbound right turn lane, and making turning movements out of adjacent properties safer and more efficient.

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.

The public use for which the City seeks to acquire the Subject Property Interests, namely 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 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 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.

**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**

The Project is planned and located in the manner that is most compatible with the greatest public good and the least private injury. 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. In the existing condition, traffic backs up onto Aviation Boulevard. The proposed Project will assist in alleviating traffic delays and traffic congestion and by extension reduce greenhouse gas emissions. The Project is consistent with the Circulation Element of the General Plan in that it will improve traffic circulation and safety. Accordingly, the Project will benefit the residents and businesses of the City and the community as a whole.

Aviation Boulevard and Artesia Boulevard are regionally significant roadways that support the movement of commuters and goods in the South Bay region of Los Angeles County. Aviation Boulevard is a north-south corridor connecting residential areas in the southern part of the South Bay to the employment centers to the north. Artesia Boulevard is an east-west corridor connecting Redondo Beach and Manhattan Beach to the regional freeway system. Motorists, including both commuters and goods transporters, traverse Aviation Boulevard and Artesia Boulevard, traveling to and from many regionally significant destinations. Additionally, Aviation Boulevard and Artesia Boulevard provide critical links to several freeways in the South Bay including I-405, I-105, and SR-91.

The intersection of Aviation Boulevard and Artesia Boulevard is signal-controlled. Both roadways provide left-turn pockets in all directions.

The intersection of Aviation Boulevard and Artesia Boulevard currently operates at a level of service ("LOS") F in both the AM and PM peak hours. The northbound right-turn lane improvement proposed by the City would relieve intersection backup and congestion due to vehicles traveling northbound through the intersection and vehicles turning onto Artesia Boulevard having to share the same lane. The traffic analysis prepared for the Project indicates that it would result in an 8 percent improvement in the AM. Peak hour volume-to-capacity (v/c) ratio at the intersection is as follows:

- Future 2030 without the Project
  - o AM peak hour v/c would be 1.212
  - o PM peak hour v/c would be 1.325
- Future 2030 with the Project

- o AM peak hour v/c would be 1.128
- o PM peak hour v/c would be 1.372

Another metric for improvement is the reduction in delay times experienced by motorists at the intersection approach. The City of Manhattan Beach has determined (this intersection is multi-jurisdictional, with the northwest quadrant falling under the jurisdiction of the City of Manhattan Beach) that the addition of an RTO lane for the southbound direction of Aviation is also justified: The two future conditions (with and without the RTO lanes) were evaluated to determine the future effects of these projects on the intersection. The analysis concludes that for the future buildout year 2030 conditions, delays would be reduced significantly with the construction of the RTO lanes. The average delay reductions are:

- AM Peak Hour - 26.6 seconds per vehicle (from 108.7 s to 82.1 s), 24.5% improvement;
- PM Peak Hour - 17.7 seconds per vehicle (from 131.5 s to 113.8 s), 13.5% improvement.

It should be noted that although the level of service (LOS) remains as an F with the construction of the northbound right turn lane improvement, LOS nears the threshold for LOS E (80 seconds) in the AM. In addition, there are other genuine traffic improvements that cannot be measured using HCM methods such as a shorter queue in the northbound right turn lane, making turning movements out of your client's property and the properties immediately to the south safer and more efficient.

Because there is inadequate room for northbound motorists turning right onto Artesia Boulevard to move out of the way of through traffic to make their turn, it is necessary for the City to acquire the Subject Property Interests to provide for a right-turn lane.

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 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.

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.

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. Nor will it require a change of operation to the business since the business was developed with a dedicated right turn project in mind. The Subject Property was designed and constructed based on the site plan proposed to the Planning Commission, which included set backs to accommodate the dedicated northbound right turn lane. 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. Driveway access from both Aviation Boulevard and Artesia Boulevard to the existing gas station and car wash will be maintained at all times during construction of the Project. Pedestrian access to the intersection along the east side of Aviation Boulevard may be re-routed only during construction. Further, the City has analyzed the ability of vehicle and gasoline delivery trucks to safely maneuver within the existing gas station during project construction including the use of existing pump islands by vehicles and access for fuel delivery trucks within the gas station. The City's engineering design consultant has determined that the Project will not interrupt pump operation or fuel deliveries.

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.

The public use for which the City seeks to acquire the Subject Property Interests, namely 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 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 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.

**C. The Subject Property Interests Described in the Resolution of Necessity are Necessary for the Project**

The City seeks to construct the Project, as planned and designed, improve traffic circulation and safety in this area of the City. The proposed Project requires the acquisition of additional right of way for the proposed street improvements. Because there is inadequate room for northbound motorists turning right onto Artesia Boulevard to move out of the way of through traffic to make their turn, it is necessary for the City to acquire the Subject Property Interests to provide for a right-turn lane. 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. Development of the new right turn lane will require use of existing right of way and additional right of way identified as the Subject Property Interests.

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. Driveway access from both Aviation Boulevard and Artesia Boulevard to the existing gas station and car wash will be maintained at all times during construction of the Project. Pedestrian access to the intersection along the west side of Aviation Boulevard may be suspended or re-routed only during construction along both Aviation Boulevard and Artesia Boulevard. Further, the City has analyzed the ability of vehicle and gasoline delivery trucks to safely maneuver within the existing gas station during project construction including the use of existing pump islands by vehicles and access for fuel delivery trucks within the gas station. The City's engineering design consultant has determined that the Project will not interrupt pump operation or fuel deliveries.

The Project is consistent with the Circulation Element of the General Plan in that it will improve traffic circulation and safety. Accordingly, the Project will benefit the residents and businesses of the City

and the community as a whole.

The City cannot construct the Project without the acquisition of the following Subject Property Interests, which are described more particularly in the Resolution of Necessity:

**1700 Artesia Boulevard , APN 4162-001-014) (Madani Parcel)**

- An approximate 1,813 square foot part fee take, a 1,436 square foot temporary construction easement, and impacted site improvements, over a portion of the real property for public roads, highways and related purposes, and all uses necessary or convenient thereto from the real property located at 1700 Artesia Boulevard, Redondo Beach, and identified as Los Angeles County Tax Assessor's Parcel Number 4162-001-014, which is owned by the Madani Family Trust Under Declaration of Trust Dated May 6, 2002.

As stated above, 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 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.

**D. The City has made an offer as required by Government Code Section 7267.2 to the owners of record of the Subject Property Interests it seeks to acquire from each of the two subject parcels**

The City, pursuant to Government Code Section 7260 et seq., obtained fair market value appraisals of the Subject Property Interests, set just compensation in accordance with the fair market value and extended a written offer to the owner of record of the Subject Property Interests. As detailed above, the City extended to the owner of record of the Subject Property Interests a written offer pursuant to Government Code Section 7267.2 to acquire the Subject Property Interests for public use, namely public roads, highways and related purposes, and all uses necessary or convenient thereto. Specifically, the City extended a written offer to the following record owner of the Subject Property Interests:

- The City extended a written offer to Mike Madani and Florence Madani, Trustees of the Madani Family Trust Under Declaration of Trust Dated May 6, 2002 to purchase an approximate 1,813 square foot part fee take, a 1,436 square foot temporary construction easement and impacted site improvements over portions of the real property for public roads, highways and related purposes, and all uses necessary or convenient thereto from the real property located at 1700 Artesia Boulevard, Redondo Beach, and identified as Los Angeles

County Tax Assessor's Parcel Number 4162-001-014.

### **Incorporation of Above-Referenced Documents**

The following documents on file with the City Clerk's Office and/or the Public Works Department, which are referenced in this report, are incorporated herein by this reference:

- Resolution of Necessity (attached hereto)
- City of Redondo Beach General Plan
- Offer letter to the record owner of the Subject Property Interests
- Notice pursuant to Code of Civil Procedure Section 1245.235 to record owner of the Subject Property Interests
- Draft Street Improvement Plans for Project
- Environmental Documents relating to Project

### **Objections Made by the Property Owner**

The attorney representing the Madani Family Trust has written to communicate their objection to this Resolution of Necessity and to request the opportunity for the Madani Family Trust trustees (Mr. and Mrs. Madani), their counsel and traffic engineer to be heard at the hearing. The letter and accompanying documents are included as an attachment to this report.

A principal argument of their objection is that the project does not demonstrate "any meaningful improvement to the intersection" based on an assertion that the LOS for the proposed project does not change. However, the City's analysis shows that, when considered with the City of Manhattan Beach's pending project to provide a similar RTO lane in the southbound direction at this intersection, per vehicle delays are reduced by 26.6 seconds in the AM peak hour (24.5%) and by 17.7 seconds (13.5%) in the PM peak hour.

Another claim in this letter is that the project's take of property will result in "substantial property and business damages." However, the City notes that the business owners developed the property with a project like this anticipated by the Planning Commission. The development's setbacks and traffic flow operations were designed when it was expected that a condition of development would include the loss of a similar strip of land to accommodate a future right turn lane on Aviation Blvd. Other losses, like the use of a temporary construction easement to facilitate construction and the relocation of business signage are accounted for in the offer made to the property owners.

Finally, the property owners contend that an alternate project, the introduction of dual left turn lanes in the westbound approach along Artesia, provides a superior LOS letter grade improvement to the project and should be considered in lieu of the proposed project. The City gratefully acknowledges this analysis and may consider these additional improvements to the intersection. However, such a project does not alleviate the delay's experienced by Aviation's north bound motorists, the primary objective of this project.

### **COORDINATION**

Funding for the Project has been coordinated with the City's Engineering Services Division, the South Bay COG staff and Transportation Committee and staff of the Los Angeles County Metropolitan

Transportation Authority (METRO). The resolution was approved as to form by the City Attorney's Office.

**FISCAL IMPACT**

This project is entirely funded by METRO's Measure R as a Regional Project. Acquisition of the Subject Property Interests will be paid for from Regional Project R funding. The City anticipates having to amend the funding agreement with METRO to increase the budget for the project, due to delays in the project over which the price of real estate, professional services, and construction costs have and will likely increase.

**APPROVED BY:**

*Joe Hoefgen, City Manager*

**ATTACHMENTS**

1. Proposed Resolution of Necessity, Resolution No. CC-2101-011
2. Letter of Objection, and attachments, from property owner's attorney dated January 5, 2021