



# Administrative Report

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N.3., File # 20-0926

Meeting Date: 5/19/2020

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

## **TITLE**

DISCUSSION AND POSSIBLE ACTION REGARDING PROJECT APPROVAL AND ADOPTION OF A RESOLUTION REGARDING THE INITIAL STUDY / NEGATIVE DECLARATION OF THE NORTHBOUND AVIATION BLVD AT ARTESIA BLVD RIGHT TURN LANE IMPROVEMENTS PROJECT, JOB NO. 40780 IN THE CITY OF REDONDO BEACH.

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2005-034, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADOPTING NEGATIVE DECLARATION NO. 2020-XX-IES-ND-00X FOR THE ADDITION OF A NORTHBOUND RIGHT TURN LANE FROM AVIATION BOULEVARD TO ARTESIA BOULEVARD IN THE CITY OF REDONDO BEACH

## **EXECUTIVE SUMMARY**

The Northbound Aviation Blvd at Artesia Blvd Right Turn Lane Improvements Project, Job No. 40780 (Project) is a Measure R project funded by the Los Angeles County Metropolitan Transportation Authority (METRO) that was initiated in response to an implementation measure of the City's General Plan Circulation Element to improve traffic conditions at the Aviation Boulevard and Artesia Boulevard intersection that operates at a level of service (LOS) "F" during peak hours. The Project is included the South Bay Cities Council of Government (COG) Goods Movement Study as a priority one project and will improve regional connectivity by facilitating traffic movement through the intersection.

Development of the project will require a right of way acquisition along the western boundary of the gas station property located on the south east corner of that intersection. During a gas station redevelopment project in the early 1990's soil samples taken indicated the presence of hydrocarbons in the soil exceeding allowable limits. Remediation efforts were undertaken and completely resolved by action of the Los Angeles Regional Water Quality Control Board in 1996. Although resolved, the property's history excludes a Categorical Exemption CEQA finding by City staff that is more typical for this type of project. CEQA regulations require a more rigorous Initial Study be performed and its findings adopted by the City Council before the project can continue. The Initial Study is now complete (and included in the Attachments) and concludes with findings of a negative declaration. Upon the City Council's adoption of the Negative Declaration and approval of the project, the project can move on to the next phase.

In approving the project, the City Council must consider the proposed negative declaration together

with any comments received during the public review process. Comments received during the public comment period, and the response given by the project team, are included in the Attachments. The City Council shall adopt the proposed negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration reflects the City's independent judgment and analysis.

## **BACKGROUND**

The City of Redondo Beach received regional Measure R funding from METRO through the South Bay Highway Program in the amount of \$847,000 for the acquisition, design and construction of a right turn lane on northbound Aviation Blvd at Artesia Blvd.

In 2012, the Engineering Services Division reviewed proposals received from various consultants and on December 18, 2012, the City Council awarded contracts for right of way acquisition services to Overland, Pacific and Cutler, Inc. (OPC) and for design services to RBF Consulting, Inc (RBF). Due to workload and vacancies in the Engineering Services Division, the project languished. In 2015, as the Engineering Services Division staffing situation improved, City Council awarded a new contract to RBF on May 19, 2015 to reinvigorate the design effort for the project. Shortly after that, RBF was acquired by Michael Baker International, Inc. (Baker) and on September 15, 2015, the City Council approved consent to assignment of agreement for design consulting services between the City, RBF and Michael Baker International, Inc (Baker). Baker is now the designer of record and has completed plans to a 95% level of design.

In the design process, staff learned of the historic underground fuel tank leak and subsequent cleanup effort. In discussion with the designer's environmental consultant it became apparent that the Initial Study would be required. Staff authorized the work to complete the Initial Study, which was completed in draft form in December 2019. Per CEQA requirements, public comment was solicited for a 30-day period ending February 13, 2020. All comments received were incorporated into the draft Initial Study and a final form of the Initial Study was completed in March 2020.

The Initial Study investigated the environmental effects of the proposed northbound right turn lane from Aviation Boulevard to Artesia Boulevard, including construction on a portion of the private property that experienced the underground fuel tank leak. Its purpose is to provide information regarding the physical environmental changes that would result from the actions being considered by the City. The Initial Study considered long term, direct, indirect and cumulative impacts to aesthetics, air quality and greenhouse gas emissions, biological and cultural resources, energy, geology and soils, hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation, tribal cultural resources, utilities and other resources. The Initial Study finds "that the proposed project COULD NOT have a significant effect on the environment, and a NEAGATIVE DECLARATION will be prepared." (emphasis in the original)

Figure 2 from the Initial Study (also included separately in the Attachments for convenience) provides an aerial depiction of the project location and the proposed property acquisition, temporary construction easement and improvements to be relocated. The Initial Study acknowledged code requirements and permitting restrictions for the project to help avoid any potential environmental

impacts, such as limitations to days and hours of grading activity to avoid temporary construction impacts (emissions, noise, dust, traffic, etc.), on-site monitoring and care of any potential cultural resources and paleontological resources, soil management, protocols for the unanticipated discovery of human remains during soil disturbance and stormwater best management practices. In addition, the current gas station was developed with City's acquisition of the ten-foot strip in mind. In fact, a dedication of the ten-foot strip was included in the development conditions by staff but was eventually withdrawn by the Planning Commission in their development approval action.

In 2017 OPC completed preparation of an appraisal needed to acquire the ten-foot strip of land on the western boundary of the current gas station parcel. In addition to the ten-foot strip the appraisal includes the cost to occupy a small temporary construction easement area on the gas station property for the duration of the construction period and the cost to relocate certain gas station improvements (sign, plantings, etc.) elsewhere on the property. City Council authorized staff to extend an offer to purchase from the owner of the gas station property based on the appraisal and an offer was made. In response to the offer, staff received a letter from an attorney representing the property owner and citing his engineering expert to question the justification for the project. At that time the City responded to each of the assertions made, but there was no further reply regarding the offer.

A similar letter from an attorney representing the owner of the gas station property was received during the public comment period earlier this year, citing some alleged deficiencies in the report (which were minor and subsequently addressed) but primarily opposing the need for the project along similar arguments of the 2017 letter. Staff has sent a reply to the attorney who authored the recent letter, which includes as an attachment the reply to the 2017 letter. These documents are included in the Attachments.

The purpose of the Initial Study is not to review project justification. It is done to provide information regarding the physical environmental changes that would result from the actions being considered by the City. Staff believes the need for the project has been justified for many years, as stated in the earlier referenced General Plan Circulation Element and the COG Goods Movement Study as a priority one project. As a result of this work documented Initial Study, staff agrees that the finding of a negative declaration is appropriate and recommends adoption of the attached resolution adopting the CEQA finding and approving the project.

### **COORDINATION**

Preparation of the Initial Study was coordinated with the Public Works Department, Community Development Department and the City Attorney's office. The resolution adopting the findings was approved as to form by the City Attorney's office.

### **FISCAL IMPACT**

There is no fiscal impact to adopt the resolution, support the negative declaration and approve the project.

### **APPROVED BY:**

*Joe Hoefgen, City Manager*

**ATTACHMENTS**

1. Initial Study / Negative Declaration
2. Public comments received
3. Figure 2 of the Initial Study showing project location
4. Response to Attorney representing adjacent property owner
5. Resolution