



Legislation Text

File #: RES 18-0048, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Stephanie Katsouleas, Public Works Director

Prem Kumar, City Engineer

SUBJECT:

Resolution No. 18-0048 to Authorize Acquisition of a Temporary Construction Easement and a Permanent Highway Maintenance Easement at 3500 N. Sepulveda Boulevard (Public Works Director Katsouleas).

CONSIDERING ADOPTING A RESOLUTION OF NECESSITY AUTHORIZING ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT HIGHWAY MAINTENANCE EASEMENT

RECOMMENDATIONS AND EXECUTIVE SUMMARY:

Staff recommends that City Council:

1. 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.
2. Consider Resolution No. 18-0048, a Resolution of Necessity of the City of Manhattan Beach ("City") Declaring Certain Property Interests Necessary for Public Purposes and Authorizing Acquisition thereof for road widening and other associated improvement purposes in connection with the City's Sepulveda Bridge Widening Project ("Proposed Project").
3. If the City Council finds, based upon the evidence contained and referred to in this Report and in the draft Resolution, the testimony and comments received at the hearing, and all written testimony submitted to the City Council, that the evidence supports 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 proposed Resolution No. 18-0048, which requires a 4/5 vote of the City Council to approve, and authorize the City's legal counsel to commence eminent domain proceedings to acquire the real property interests described as follows:
 - A permanent Highway Maintenance Easement consisting of 978 square feet, and a

Temporary Construction Easement consisting of 1,744 square feet for a term of eighteen months over portions of the real property located at 3500 N. Sepulveda Boulevard in the City of Manhattan Beach, and further identified as Los Angeles County Tax Assessor Parcel Number 4138-020-014.

4. The real property interests are referred to below as the “Subject Property Interests” and are described more particularly in the Exhibits attached to the Resolution of Necessity as Exhibits “A” and “C.” The Resolution also contains drawings depicting the location of the Subject Property Interests. The drawings are attached to the Resolution as Exhibits “B” and “D.” The Resolution and its exhibits are incorporated into this report by this reference.
5. If the Resolution of Necessity is approved, authorize the City Manager, or his designee, to execute all necessary documents.

FISCAL IMPLICATIONS:

A combination of federal, state and local funds in the amount of approximately \$18.86 million is available for the Proposed Project, including costs associated with property acquisition; no additional funding appropriation is necessary.

BACKGROUND:

Sepulveda Bridge is located on State Highway 1 (Sepulveda Boulevard) between Rosecrans Avenue and 33rd Street in Manhattan Beach. The bridge is 100 feet wide by 165 long and accommodates three travel lanes in each northbound and southbound direction, as well as one northbound left turn lane onto Valley Drive. Immediately north and south of the bridge there are four northbound lanes. The Proposed Project will widen the east side of the bridge to provide a fourth, northbound through lane, thereby eliminating the “pinch point” and relieving the bottleneck created at that point. The Proposed Project will also improve the alignment of the roadway and traffic safety conditions around the bridge, which includes eliminating the northbound turn lane at Valley Drive.

Other major benefits of the Proposed Project include:

1. Improved traffic flow on northbound Sepulveda Boulevard;
2. Structural integrity seismic enhancements to the bridge as a vital traffic arterial;
3. Improved aesthetics of the bridge underside and upper sidewalk barriers;
4. Minimizing opportunity for homeless encampments below the bridge structure;
5. Minimizing commuter traffic diversion impacting adjacent residential streets;
6. Leveraging city funds for the project, which is substantially funded by grants.

The design is at the 100% completion stage in conformance with Caltrans 2015 design standards. The City has been engaged in negotiations with the property owners and others holding an interest in the real property which is the subject of this hearing. The City has reached an agreement with the property owner and others directly impacted by the Proposed Project. However, in order to ensure that clear title is delivered for this Proposed Project, the City is pursuing a proposed Resolution of Necessity to resolve any and all other claims that may be raised.

DISCUSSION:

The City Council has before it a proposed Resolution of Necessity for the acquisition of easements over portions of the real property located at 3500 N. Sepulveda Boulevard, in the City of Manhattan

Beach in connection with the Sepulveda Bridge Widening Project ("Proposed Project"). The City is authorized to acquire the Subject Property Interests for a public use, namely for streets, highways and related purposes, and all purposes necessary and convenient thereto pursuant to California Constitution, Article I, Section 19, California Government Code sections 37350, 37350.5, 37351, 40401, 40401 and 65080 and the California Code of Civil Procedure sections 1230.010, et seq. ("Eminent Domain Law"), including, but not limited to sections 1240.010, 1240.020, 1240.110, 1240.120, and 1245.250, and other provisions of law.

The Proposed Project is identified as the Sepulveda Bridge Widening Project. As discussed in more detail below, the Proposed Project, which is part of a larger project which covers the length of Sepulveda Boulevard from Grand Avenue to Marine Avenue in the cities of El Segundo and Manhattan Beach, was approved by the City Council on February 24, 1988 when it certified the Environmental Assessment/Finding of No Significant Impact ("EA/FONSI") prepared for the Proposed Project, and then again when environmental re-validations were completed on June 1, 2004 and May 5, 2014 in compliance with the National Environmental Policy Act ("NEPA") and the California Environmental Quality Act ("CEQA").

The Proposed Project will improve the operation and traffic flow along the Sepulveda Bridge by providing an additional traffic lane in the northbound direction. It will also enhance roadway safety and the construction of structural integrity seismic improvements, as well as make aesthetic improvements to the Sepulveda Bridge.

As shown more fully below, the Subject Property Interests that are the subject of the Resolution of Necessity to be considered by the City Council are necessary for the Proposed Project. In order to adopt the Resolution of Necessity with respect to the Subject Property Interests, the City Council must find and determine, that:

1. The public interest and necessity require the Proposed Project;
2. The Proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The Subject Property Interests described in the Resolution of Necessity are necessary for the Proposed Project; and
4. The City has made the offer required by Government Code Section 7267.2 to the record owners of the real property the City seeks to acquire.

This hearing relates only to issues A, B, C and D below. The amount of just compensation is not an issue before the City Council at this hearing.

Description of Proposed Project

The State of California Department of Transportation ("Caltrans") and the City of Manhattan Beach ("City") propose to widen the Sepulveda Bridge from 33rd Street to Rosecrans Avenue in the City of Manhattan Beach. The bridge is currently 100 feet wide and 165 feet long with 5-foot sidewalks and no shoulders. The Proposed Project includes widening the east side of the bridge by approximately 29 feet to provide one additional northbound lane on Sepulveda Boulevard within the Project area. The widened structure would include a total of seven through lanes and would provide a shoulder varying from two to eight feet on the east side of the bridge and 6-foot sidewalks on both sides of the bridge.

The Proposed Project is a segment of Sepulveda Boulevard between 33rd Street and Rosecrans Avenue in the City of Manhattan Beach. The Proposed Project includes widening the Sepulveda Bridge by approximately 29 feet on the eastern side to add a fourth 12-foot northbound lane. The additional lane would begin just north of 33rd Street where a merging lane currently exists between the outside through lane and the sidewalk. The new lane would continue north from 33rd Street to approximately 295 feet south of Rosecrans Avenue where the lane would merge into an existing fourth lane. South of 33rd Street, the existing northbound right-turn-only lane that begins approximately 318 feet south of the intersection would be restriped as a through lane.

The widened bridge would provide a shoulder varying from two to eight feet on the east side of the bridge, and the existing non-standard sidewalks would be widened to a standard width of six feet. In one location within the project area, the existing 5-foot sidewalk would be narrowed to approximately four feet because of the roadway's proximity to the adjacent building southeast of the bridge. In addition, an existing 11-foot northbound through lane would be widened to the standard width of 12 feet. Therefore, the widened bridge would provide two 12-foot and two 10-foot northbound through lanes. In the southbound direction, the existing lanes would remain the same as existing conditions, with one 11-foot and two 10-foot through lanes.

Seismic retrofits of the existing bridge would also be completed. Landscaping would be provided in the project area, mostly for the purpose of slope stabilization. The non-standard bridge railings in both northbound and southbound directions would be upgraded to a standard concrete barrier.

The Proposed Project is needed to improve the operation and traffic flow within the Proposed Project area and to implement the planned roadway improvements. Sepulveda Boulevard is a north-south arterial highway. The existing bridge carries three northbound and southbound through lanes, while the roadway segments immediately north and south of the bridge carry four northbound and three southbound through lanes. This creates an operational bottleneck in the northbound direction that would be corrected by the addition of a fourth northbound lane on the bridge.

In 2012, the average daily traffic within the Proposed Project area was approximately 71,000 vehicles. The volume-to-capacity ratio ("V/C") was 1.263 in 2012. A V/C ratio over 1 is considered an indication of severe congestion. In 2012, the segment of Sepulveda Boulevard within the Proposed Project area was operating at a level of service ("LOS") of F, which means that the roadway demand is higher than the capacity and there is frequent congestion. The addition of a northbound lane would increase capacity and relieve congestion within the Proposed Project area.

The Proposed Project will help achieve the General Plan's goal of having this important north-south arterial highway built out to its ultimate width and thereby relieving the existing bottleneck at this location. The Proposed Project is necessary to meet the goals and policies of the Mobility/Circulation Element of the City's General Plan. Further, the Proposed Project will ensure that vehicles are able to circulate in a safe and efficient manner, including emergency vehicles vital to the public health and safety.

City's Actions Pursuant to Government Code Section 7267 *et seq.*

Pursuant to California Government Code Section 7267 *et seq.*, the City obtained an appraisal of the fair market value of the Subject Property Interests, set just compensation in accordance with the appraised fair market values and extended written offers on October 15, 2015 and November 9, 2015

to the owners of record. The City has been engaged in negotiations with the property owners and tenants who claim that the Proposed Project will impact their leasehold interests. The City has reached a settlement with the property owners and has tendered just compensation for the Subject Property Interests. Similarly, the City has resolved the claims of some, but not all, tenants. The City does not believe that any additional party has a compensable claim for damages resulting from the City's acquisition of the Subject Property Interests.

Following is a brief summary of the City's actions with respect to the Subject Property Interests pursuant to Government Code Section 7267 *et seq.*

- **3500 N. Sepulveda Boulevard - APN 4138-020-014**

Pursuant to Government Code Section 7267.2 *et seq.*, the City obtained an appraisal of the fair market value of the Subject Property Interests based on an August 1, 2015 date of value. The City set just compensation in accordance with the appraised fair market value and on October 15, 2015 and November 9, 2015 extended a written offer to purchase a maintenance easement and a temporary construction easement to the owners of record. The real property is improved with commercial uses. The City has reached a settlement with the property owners and has tendered just compensation for the Subject Property Interests. Similarly, the City has resolved the claims of some, but not all, tenants. The City does not believe that any additional party has a compensable claim for damages resulting from the City's acquisition of the Subject Property Interests. True and correct copies of the offer letter are on file in the Public Works office.

Required Findings for the Adoption of the Resolution of Necessity

A. The Public Interest and Necessity Require the Proposed Project

The City seeks to acquire the Subject Property Interests for a public use, to widen the Sepulveda Bridge, and other associated improvements. The Proposed Project will help achieve the General Plan's goal of having this important north-south arterial highway built out to its ultimate width and thereby relieving the existing bottleneck at this location. The Proposed Project is necessary to meet the goals and policies of the Mobility/Circulation Element of the City's General Plan. Further, the Proposed Project will ensure that vehicles are able to circulate in a safe and efficient manner, including emergency vehicles vital to the public health and safety.

The Proposed Project is needed to improve the operation and traffic flow within the Proposed Project area and to implement the planned roadway improvements. Sepulveda Boulevard is a north-south arterial highway. The existing bridge carries three northbound and southbound through lanes, while the roadway segments immediately north and south of the bridge carry four northbound and three southbound through lanes. This creates an operational bottleneck in the northbound direction that would be corrected by the addition of a fourth northbound lane on the bridge.

In 2012, the average daily traffic within the Project area was approximately 71,000 vehicles. The volume-to-capacity ratio ("V/C") was 1.263 in 2012. A V/C ratio over 1 is considered an indication of severe congestion. In 2012, the segment of Sepulveda Boulevard within the Proposed Project area was operating at a level of service ("LOS") of F, which means that the roadway demand is higher than

the capacity and there is frequent congestion. The addition of a northbound lane would increase capacity and relieve congestion within the Proposed Project area.

Therefore, the widened bridge would provide two 12-foot and two 10-foot northbound through lanes. In the southbound direction, the existing lanes would remain the same as existing conditions, with one 11-foot and two 10-foot through lanes. Seismic retrofits of the existing bridge would also be completed. Landscaping would be provided in the project area, mostly for the purpose of slope stabilization. The non-standard bridge railings in both northbound and southbound directions would be upgraded to a standard concrete barrier. The acquisition of the easements required for the Proposed Project is the last remaining step to completing the bridge widening.

B. The Proposed Project is Planned or Located in a Manner that Will be Most Compatible with the Greatest Public Good and Least Private Injury

The Proposed Project is a segment of Sepulveda Boulevard between 33rd Street and Rosecrans Avenue in the City of Manhattan Beach. The Proposed Project includes widening the Sepulveda Bridge by approximately 29 feet on the eastern side to add a fourth 12-foot northbound lane. The additional lane would begin just north of 33rd Street where a merging lane currently exists between the outside through lane and the sidewalk. The new lane would continue north from 33rd Street to approximately 295 feet south of Rosecrans Avenue where the lane would merge into an existing fourth lane. South of 33rd Street, the existing northbound right-turn-only lane that begins approximately 318 feet south of the intersection would be restriped as a through lane.

The Proposed Project will require the acquisition of a permanent Highway Maintenance Easement and a Temporary Construction Easement over one private property for bridge widening purposes. The City was able to successfully negotiate the purchase of the required permanent Highway Maintenance Easement and the Temporary Construction Easement with the owners of 3500 N. Sepulveda Boulevard. The City was also able to successfully negotiate a settlement with others holding an interest in the real property which is the subject of this hearing. While the City does not believe the Proposed Project will impact any other interest, there may be others holding an interest in the real property who will claim otherwise. Therefore, the acquisition of the Subject Property Interests will allow the City to construct the Proposed Project.

As planned and located, the Proposed Project will ensure that the Sepulveda Bridge is widened so as to alleviate the existing bottleneck. The bridge currently carries three northbound and southbound through lanes, while the roadway segments immediately north and south of the bridge carry four northbound and three southbound through lanes. This creates an operational bottleneck in the northbound direction that would be corrected by the addition of a fourth northbound lane on the bridge. Thus, the Proposed Project will promote traffic circulation and alleviate unacceptable levels of traffic congestion along this segment of Sepulveda Boulevard within the City and the region. The Proposed Project will ensure that vehicles are able to circulate in a safe manner, including emergency vehicles vital to the public health and safety.

The Proposed Project is planned and located in a manner that will be most compatible with the greatest public good and least private injury because the remainder of Sepulveda Boulevard already has four northbound through lanes for vehicular passage. It is only this segment of Sepulveda Boulevard that narrows from four northbound through lanes to three northbound through lanes. The Proposed Project will complete the widening of the Sepulveda Bridge and allow safe traffic flow. The

City is only acquiring what is needed in order to complete the bridge widening. The City seeks to acquire a permanent Highway Maintenance Easement and a Temporary Construction Easement over a single parcel. The property is an improved commercial parcel and the City has agreed to implement several mitigation measures to ensure the continued viability of the businesses operated on site. The structures on the property will not be affected by the Proposed Project.

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

The Proposed Project requires the acquisition of a permanent Highway Maintenance easement and a Temporary Construction easement with a term of eighteen months. Staff has negotiated a Purchase and Sale Agreement with the property owner, as well as with one of the tenants on the property. As discussed above, while the City does not believe the Proposed Project will impact any other interest, there may be others holding an interest in the real property who will claim otherwise.

The Subject Property Interests are necessary for the Proposed Project because the Proposed Project will add a fourth northbound through lane which will alleviate the existing traffic congestion. Therefore, the widened bridge would provide two 12-foot and two 10-foot northbound through lanes. In the southbound direction, the existing lanes would remain the same as existing conditions, with one 11-foot and two 10-foot through lanes. Seismic retrofits of the existing bridge would also be completed. Landscaping would be provided in the project area, mostly for the purpose of slope stabilization. The non-standard bridge railings in both northbound and southbound directions would be upgraded to a standard concrete barrier. The acquisition of the easements required for the Proposed Project is the last remaining step to completing the bridge widening. The right-of-way improvements for the Proposed Project cannot be constructed without the acquisition of the Subject Property Interests because if the Subject Property Interests are not acquired, the City will not be able to widen the Sepulveda Boulevard Bridge at this location.

D. The City Has Made the Offer Required by Government Code Section 7267.2 to the Record Owners of the Subject Property Interests

As explained more fully above, the City, pursuant to Government Code Section 7267.2 *et seq.*, obtained an appraisal of the fair market value of the Subject Property Interests, set just compensation in accordance with the appraised fair market value, and extended a written offer to the record owners of the Subject Property Interests. The written offer with supporting attachments and information were mailed to the record owners on October 15, 2015 and November 9, 2015. True and correct copies of the offer letter are on file in the City's Public Works Department, and are incorporated into this Report by reference. The acquisition of the Subject Property Interests will not impact the existing commercial structures. The City has reached a settlement with the property owners and has tendered just compensation for the Subject Property Interests. Similarly, the City has resolved the claims of some, but not all, tenants. The City does not believe that any additional party has a compensable claim for damages resulting from the City's acquisition of the Subject Property Interests. The schedule of the Proposed Project now requires that the City Council consider the proposed Resolution of Necessity at this time.

The adoption of the Resolution of Necessity requires a vote of 4/5 of the members of the City Council.

ENVIRONMENTAL REVIEW

As a proposed discretionary action by a local agency, the Proposed Project is subject to review of its environmental effects. Accordingly, the environmental effects of the Proposed Project were studied and analyzed pursuant to the National Environmental Policy Act ("NEPA"), the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*), and the CEQA Guidelines (14 Cal. Code Regs. § 15000 *et seq.*).

The Proposed Project, which is part of a larger project covering the length of Sepulveda Boulevard from Grand Avenue to Marine Avenue in the cities of El Segundo and Manhattan Beach, was approved by the City Council on February 24, 1988 when it certified the Environmental Assessment/Finding of No Significant Impact ("EA/FONSI") prepared for the Proposed Project, and then again when environmental re-validations were completed on June 1, 2004 and May 5, 2014 in compliance with both NEPA and CEQA. The notices of certification were published and disseminated to the public and appropriate agencies.

The reassessment dated May 2014 evaluated potential environmental impacts in the following topical areas:

- Air Quality and Climate Change
- Biological Resources
- Cultural Resources
- Environmental Justice
- Noise and Vibration
- Parks and Recreational Facilities
- Right of Way Acquisition
- Traffic and Transportation
- Utilities/Emergency Services
- Visual/Aesthetics

The reassessment concluded that with the implementation of avoidance and minimization measures included in the Environmental Reevaluation, potential impacts resulting from the project would be avoided or substantially minimized, and the project would not result in significant or adverse direct, indirect, or cumulative environmental impacts. Thus, it was concluded that no mitigation measures were required.

LEGAL REVIEW

This agreement has been reviewed and approved by City Attorney's office.

Attachment:

1. Resolution No. 18-0048