

**Los Cerritos Wetlands Authority**

**Date:** August 12, 2015  
**To:** Governing Board Members  
**From:** Mark Stanley, Executive Officer  
**Subject:** Agenda Item 9: Consideration of Resolution amending Atkinson Lease Agreement for partial use of the OTD parcel

**RECOMMENDATION:** Adoption of a resolution authorizing the Executive Officer to enter into a lease agreement with D & S Washout Systems Inc. for partial use of the OTD parcel (LA County APN #7237-019-006).

**BACKGROUND:** The Offer to Dedicate (OTD) parcel is located on the northeast corner of Studebaker Road and 2nd Street in the City of Long Beach and commonly referred to as the 'Edison Parcel' or 'Offer To Dedicate (OTD) Parcel.' The OTD parcels is approximately five acres and within the LCWA jurisdiction on the northeast corner of the Los Cerritos Wetlands Complex, surrounding land uses to the north and east are industrial, please see Exhibit A, aerial map. The parcel lies on formerly marsh and low-lying area that has been graded to provide the present configuration. Dredge spoils and fill material were used to bring the site to its current grade. Historical uses of the site include equipment storage, and a maintenance facility consisting of office trailers and steel storage containers. Currently the OTD Parcel is leased by Atkinson Contractors, LP (Atkinson) for a total useable area of 2 acres of which their lease agreement is being amended as part of Item 10 for the purpose of allowing partitioning of the OTD parcel for useable lease area to D&S Washout Systems.

Atkinson leased the property from July 3, 2012 through July 31, 2014 but on December 1, 2014, Atkinson re-initiated the lease as a month-to-month lease with a 30-day notice to terminate at a monthly lease fee of \$2,500 (Amendment 1). Atkinson Construction currently occupies the site to store high beams from their construction for the 405/605/22 freeway improvements. Atkinson Construction stores non-hazardous materials, high beams, k-rails, and other related construction materials and only utilizes a portion of the property. Recently D&S Washouts Systems a subcontractor to Atkinson Construction requested to lease a portion of the OTD Parcel, thus Atkinson Construction agreed to reduce its lease in order for D&S Washout Systems to lease a portion of the OTD Parcel. Exhibit A illustrates the reduced lease area encompassing 71,120 square feet (1.63 acres) with a shared driveway to access both lease areas.

The current Atkinson Lease Agreement will get amended to reflect the reduced leasing area and thus reduced monthly lease fee to \$2,050. The reduced monthly lease fee was negotiated with Atkinson at a fair market value and staff is developing the amended lease agreement which will be reviewed by all parties before execution to ensure due diligence and complete transparency.

The lease fees generated provides revenue for the Los Cerritos Wetlands Stewardship Program and funding for management of the property. The OTD parcel offers a secure and out-of-sight location for storage of non-hazardous waste, construction materials and equipment. Further, these lease fees would generate funding in the interim for miscellaneous administrative fees.

In addition the administrative activities necessary to operate the lease agreements as well as insurance and security concerns would be minimal given the LCWA has on-call consultant services and a land manger on site.

The Los Cerritos Wetlands Stewardship Program will continue to utilize a portion of the OTD parcel if needed.

**FISCAL INFORMATION:** The LCWA will excute a one-year lease with Atkinson for a monthly lease fee of \$2,050 per month through September 1, 2016. The monthly lease fee would serve to fund property/land management costs, Los Cerritos Wetlands Stewardship Program, and other miscellaneous administrative costs.

Staff time to oversee and manage the lease agreement is minimal given the property has a developed drive-way, the site is secured, and it is graded and ready for use. Staff will maintain close relations with the lessee in order to minimize substantial issues that may arise; further the LCWA has on-call consultant services if the lessee requires immediate attention.

Resolution 2012-01 approved on May 9, 2012 approved the Atkinson Lease Agreement



August 12, 2015 Agenda Item 9

RESOLUTION 2015 -08

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY  
ADOPT A RESOLUTION AUTHORIZING THE EXECUTIVE OFFICER  
TO AMEND ATKINSON LEASE AGREEMENT FOR  
PARTIAL USE OF THE OTD PARCEL (LA County APN 7237-019-006)

WHEREAS, the Los Cerritos Wetlands Authority (Authority) has been established between the Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the City of Seal Beach and the City of Long Beach to facilitate the acquisition, protection, conservation, restoration, maintenance and operation an environmental enhancement of the Los Cerritos Wetlands; and

WHEREAS, the LCWA adopts a resolution authorizing the Executive Officer to amend the Atkinson Lease Agreement for partial use of the OTD parcel (LA County APN 7237-019-006); and

WHEREAS, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); NOW

*Therefore be it resolved*, that the LCWA hereby:

1. FINDS that this action is consistent with the purposes and objectives of the LCWA.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
3. AUTHORIZES the Executive Officer to amend the Atkinson Lease Agreement for partial use of the OTD parcel (LA County APN 7237-019-006) and make necessary amendments to the FY 15/16 budget and the lease agreement.
4. ADOPTS staff report dated August 12, 2015.

*~ End of Resolution ~*

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY on August 12, 2015.

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Joan Cardellino, Chair

ATTEST:

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Terry Fujimoto  
Deputy Attorney General