

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF THE PROPERTY INTERESTS REQUIRED FOR THE METRO G LINE (Orange) BUS RAPID TRANSIT IMPROVEMENT PROJECT (“PROJECT”)

BACKGROUND

The Property Interests are required by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) for the construction and operation of the Project. The parcel address, record property owner, purpose of the acquisition, and nature of the property interests sought to be acquired for the Project are summarized as follows:

Assessor's Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought
2242-025-026 2242-025-027	6104-6108 Sepulveda Blvd, Van Nuys, CA 91411	6104 Sepulveda Property, LLC, Charles Gumbiner Enterprises, LLC, USR Real Estate Holdings LLC	Construction and operation of the Metro G Line (Orange) Bus Rapid Transit Improvements Project	Permanent Underground Utility Easement (PUUE) and a 13-Month Temporary Construction Easement (TCE)

Property Requirements:

The following property requirements apply to the affected property listed in the above table:

Purpose of Acquisition: Construction and operation of the Metro G Line (Orange) Bus Rapid Transit Improvement Project.

Property Interests Sought: The PUUE is necessary to connect Los Angeles Department of Water and Power (LADWP) and LACMTA equipment located on adjacent parcel to the planned elevated station at Sepulveda Boulevard. The area of the PUUE is located within a portion of the parking lot along the Sepulveda Boulevard frontage. The TCE is required to facilitate installation of LACMTA underground conduit. The TCE surrounds the perimeter of the PUUE and grants temporary access to the subject area within the Property. The TCE will remain in place during the Project construction period and shall have a duration of thirteen (13) months. The PUUE and TCE are collectively referred to as the Property Interests.

A written offer was delivered to the Property Owners by letter dated May 6, 2021, for acquisition of the Property Interests. The Property Owners have not accepted the offer of just compensation.

A. The public interest and necessity require the Project.

The need for the Project is generated by the findings and recommendations resulting from the Technical Study and a concept for improving the G Line (Orange) Bus Rapid Transit (BRT) in accordance with Measure M.

The public interest and necessity require the Project because the Project will:

1. Improve operational safety, operation speeds, ridership and capacity;
2. Benefit the surrounding community by decreasing travel time, improving air quality, enhancing access to the corridor and promoting transit-oriented communities;
3. Support value for money throughout design and construction and cost certainty throughout construction;
4. Ready the corridor for conversion to light rail transit in the future;
5. Ensure connectivity and accommodate two other intended intersecting transit projects (the East San Fernando Valley and Sepulveda Pass Transit Corridors);
6. Support fulfillment of LACMTA's L.A. County Traffic Improvement Plan, as authorized under Measure M.

It is recommended that based on the above evidence, the Board find and determine that the public interest and necessity require the Project.

B The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

A Technical Study was authorized by the Board in January 2016. The core goals of the project are to improve operating speeds/reduce bus travel times to move customers more efficiently and safely through the corridor. Improvements studied included grade separations, minor street closures, better transit signal priority technology, electronic bus connectivity to facilitate bus platooning and a four-quadrant gating system. Six alternatives were packaged together out of numerous individual potential improvements. In April 2017, the Board approved the recommended alternative that included a single-grade separation structure spanning from Van Nuys to Sepulveda Boulevards and three intersecting streets in between with the relocation of existing stations to elevated stations and installation of four quadrant gates at all other intersections. After further conceptual design, updating preliminary cost estimates and coordination with City of Los Angeles Department of Transportation, in July of 2018 the Board approved an updated project description that modified the grade separated structure from one single grade separation

spanning from Van Nuys to Sepulveda Boulevards to two standalone aerial grade separated busway and station structures at Van Nuys and Sepulveda Boulevards.

The Project will cause private injury, however, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

It is recommended that, based upon the foregoing, the Board find and determine that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

C. The Property is necessary for the Project.

The Property Interests are required for construction and operation of the Project. A new LADWP service and LACMTA equipment will be required to provide sufficient power to the new elevated Metro G Line Sepulveda Station. The underground conduit is necessary to connect Los Angeles Department of Water and Power (LADWP) and LACMTA equipment located on an adjacent parcel to the planned elevated station at Sepulveda Boulevard. The area of the PUUE is located within a portion of the parking lot along the Sepulveda Boulevard frontage. The 13-month TCE is required to facilitate the installation of the underground conduit and will provide temporary access to the subject areas within the Property. There are no suitable locations within the Metro ROW to locate the underground conduit, therefore, the infrastructure is required to be located on the Property.

Staff recommends that the Board find that the acquisition of the Property Interests is necessary for the Project.

D. Offers were made in compliance with Government Code Section 7267.2.

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the California Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the Owner in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of the fair market value of the property. In addition, the agency is required to provide the Owner with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition of the Property:

1. Obtained an independent appraisal to determine the fair market value of the

Property Interests, which included consideration existing use of the Property, highest and best use of the Property, and impact to the remainder;

2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation;
3. Determined the Owner(s) of the Property by examining the county assessor's record and a preliminary title report;
4. Made a written offer to the Owner(s) for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner(s) with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

It is recommended that based on the above Evidence, the Board find and determine that the offer required by Section 7267.2 of the California Government Code has been made to the Owner.

E. LACMTA has fulfilled the necessary statutory prerequisites.

LACMTA is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5; Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

F. LACMTA has complied with the California Environmental Quality Act.

In July 2018, the Board approved a determination that the Project is Statutorily Exempt, pursuant to CEQA Guidelines Section 15275(a) (Public Resources Code Section 21080(b)(11)) and is consistent with the intent of the legislature to facilitate “passenger and commuter services” improvements to HOV lanes already in use. In July 2018, the Board authorized the filing of a CEQA Notice of Exemption (NOE) for the Project with the Los Angeles County Clerk.

Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.