

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF THE PROPERTY INTERESTS REQUIRED FOR THE WESTSIDE PURPLE LINE EXTENSION SECTION 3 (“PROJECT”)

BACKGROUND

The Property Interests are required for the construction and operation of the Project as portions of the Westwood/UCLA Station, and appurtenances, will be built in the space currently occupied by the Property Interests. The address, record owner, physical description, and nature of the property interest 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
4324-001-031	10900 Wilshire Blvd., Los Angeles, CA 90024	10900 Wilshire, L.L.C., a Delaware limited liability company	Construction and operation of the Westwood/UCLA Station	Three permanent easements and one temporary construction easement

Property Requirements:

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

Purpose of Acquisition: Construction and operation of a station portal and plaza for the Westwood/UCLA Station.

A first written offer was mailed to the Property Owner on September 09, 2022, for acquisition of the Property Interests that include:

- Project Parcel W-5004 - Permanent Easement
- Project Parcel W-5004-1 - Permanent Subsurface Easement
- Project Parcel W-5004-2 - 67-month Temporary Construction Easement
- Project Parcel W-5004-4 – Permanent Easement

The Property Interest are described in Exhibits “A-1” through “A-4” and depicted in Exhibits “B-1 through “B-4”.

A. The public interest and necessity require the Project.

The need for the Project is based on population and employment growth, the high number of major activity centers served by the Project, high existing transit usage, and severe traffic congestion. The Project area bisects 12 large population and employment centers,

all of which are served by extremely congested road networks that will deteriorate further with the projected increase in population and jobs. This anticipated growth will further affect transit travel speeds and reliability, even with a dedicated lane for express bus service on Wilshire Boulevard. The public interest and necessity require the Project for the following specific reasons:

1. The population and employment densities in the Project area are among the highest in the metropolitan region. Approximately five percent of the Los Angeles County population and 10 percent of the jobs are concentrated in the Project area.
2. Implementation of the Project will result in a reduction of vehicle miles per day and reduction of auto air pollutants.
3. The Project will relieve congestion on the already over capacity 1-405 San Diego and the 1-10 Santa Monica Freeways and surrounding major thoroughfares. In addition, it will reduce the parking demands in the Westside area by providing an alternative means of transportation, competitive in rush-hour travel times with the automobile.
4. The Project will be a major link in the existing county-wide rail transit system, and will thereby provide alternative means of transportation during fuel crises and increased future traffic congestion.
5. The Project will improve transportation equity by meeting the need for improved transit service of the significant transit-dependent population within the Project area.
6. The Project will help meet Regional Transit Objectives through the Southern California Association of Governments' (SCAG's) Performance Indicators of mobility, accessibility, reliability, and safety.

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.

An Alternatives Analysis (AA) Study was initiated in 2007 to identify all reasonable, fixed-guideway, alternative alignments and transit technologies within the proposed Project Area. The fixed-guideway alternative alignments studied and analyzed during the AA process were heavy rail transit (HRT), light rail transit (LRT), bus rapid transit (BRT), and monorail (MR). Due to its capacity to meet the anticipated ridership demand and limit the number of transfers, HRT was identified as the preferred technology for further study.

In January 2009, the LACMTA Board approved the AA Study and authorized preparation of a Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR). A total of seven alternatives, including five heavy rail subway (HRT) Build Alternatives, a No Build Alternative, and a relatively low-cost Transportation System Management (TSM) Alternative, were presented in the DEIS/DEIR. The DEIS/DEIR was circulated and reviewed by interested and concerned parties, including private citizens,

community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments.

In October 2010, the Board approved the DEIS/DEIR and the Wilshire Boulevard to Santa Monica HRT option was selected as the Locally Preferred Alternative (LPA) for further analysis in the FEIS/FEIR. The FEIS/FEIR was released in March 2012 for public review. On April 26, 2012, the Board certified the FEIS/FEIR, and in May 24, 2012, it approved the route and station locations for the Project. A Record of Decision was received from the Federal Transit Administration in August of 2012.

In June 2017, the Federal Register published a notice indicating the release of the Draft Supplemental Environmental Impact Statement (SEIS) for a 45-day comment period for the Westside Purple Line Extension Section 2. On November 22, 2017, the Federal Transit Administration (FTA) issued the Final Supplemental Environmental Impact Statement and Section 4(f) Evaluation, and the Supplemental Record of Decision (ROD) supplementing the previously issued ROD on August 9, 2012. The FTA determined that the requirements of the National Environmental Policy Act of 1969 (NEPA) and related federal environmental statutes, regulations, and executive orders have been satisfied for the Westside Subway Extension (now called the Westside Purple Line Extension) Project located in Los Angeles County.

The approved LPA will extend HRT (as subway) approximately nine (9) miles from the existing Metro Purple Line terminus at the Wilshire/ Western Station to a new western terminus at the West Los Angeles Veterans Affairs Hospital (Westwood/ VA Hospital Station). The LPA will include seven new stations spaced in approximately one-mile intervals, as follows:

- Wilshire/La Brea
- Wilshire/Fairfax
- Wilshire/La Cienega
- Wilshire/Rodeo
- Century City
- Westwood/UCLA
- Westwood/VA Hospital

The Project will cause private injury, however, there will be no displacements as a result of the acquisition. 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.

Due to its bulk, the FEIS/FEIR is not physically included in the Board's agenda packet for this public hearing. However, the FEIS/FEIR documents should be considered in connection with this matter, and by this reference they are incorporated herein. 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 Interests are necessary for the Project.

The Property Interests are required for construction and operation of the Westwood/UCLA Station portal and plaza that connects to the underground station box supporting the tunnel connecting Century City/Constellation and Westwood/VA Hospital Stations. The selected alignment requires the Property Interests to connect the Stations, and the area now occupied by the Property Interests will be incorporated into the structure of the Westwood/UCLA Station. The subsurface easement, surface easement, non-exclusive maintenance access easement and temporary construction easement adjacent to Owner's building are required for the Project. The areas and description of the required Property Interests are attached to the Resolution of Necessity. Owner has pledged to deliver these necessary easements to LACMTA by way of the Construction Rights Agreement dated June 29, 2023; however, Owner has not agreed with LACMTA on the amount of Just Compensation nor have the necessary easements actually been transferred to LACMTA. Improvements impacted include a rose sculpture, "Icon 2011", and pavers and improvements in the plaza, all adjacent to Owner's building. These improvements are addressed by a Construction Reimbursement Agreement between LACMTA and Owner dated October 15, 2020 and as amended by the First Amendment to Construction Reimbursement Agreement dated October 26, 2023. The areas of the Property Interests are based on the approved FEIS/FEIR for the Project.

Staff recommends that the Board find that the acquisition of the Property Interests are 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 Property Owner and 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 Property 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 Interests:

1. Made a written offer to the Property Owner for the full amount of compensation which was not less than the approved appraised value;
2. Provided the Property Owner with a written statement of, and summary of the basis

for, the amount established as 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 or property interests 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.

A draft EIR/EIS was circulated for public review and comment. The FEIS/FEIR was released in March 2012 for public review. On April 26, 2012, the Board certified the FEIS/FEIR, and in May 24, 2012, it approved the route and station locations for the Project. A Record of Decision was received from the Federal Transit Administration in August of 2012. The FEIS/FEIR documents therefore comply with the California Environmental Quality Act. Since that time, none of the circumstances identified in CEQA Guidelines Section 15162 have occurred which would require the preparation of a subsequent EIR. As set forth above, LACMTA has also fulfilled the statutory prerequisites under Code of Civil Procedure § 1240.030 and Government Code § 7267.2.

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

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

ATTACHMENTS

Exhibits "A-1" through "A-4"	Legal Descriptions
Exhibits "B-1" through "B-4"	Plat Maps

LEGAL DESCRIPTION

That portion of Lots 1, 2 and 3 of Tract No. 36539, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 969 of Maps, Pages 29 through 31, inclusive, in the Office of the County Recorder of said County, more particularly described as follows:

BEGINNING at the most westerly corner of said Lot 2, said point also being on the southeasterly line of Wilshire Boulevard (62.5 feet half-width) as shown on the map of said Tract No. 36539; thence along the northwesterly line of said Lot 2, North 72°32'49" East, 53.37 feet; thence leaving said northwesterly line, South 26°22'22" East, 7.60 feet; thence South 63°37'51" West, 29.22 feet; thence North 26°22'55" West, 0.75 feet; thence South 63°51'40" West, 23.50 feet to the southwesterly line of said Lot 2; thence along said southwesterly line, North 26°22'55" West, 15.03 feet to the **POINT OF BEGINNING**.

The upper elevation limit of the permanent easement herein described is a horizontal plane with an elevation of +332.00 feet and the lower elevation limit of the permanent easement herein described is a horizontal plane with an elevation of +301.00 feet, based on the NAVD-88 datum elevation of 285.39 feet for City of Los Angeles Benchmark No. 13-13450. The upper limit of this easement varies approximately 26 to 30 feet above finish grade (existing surface elevation in March of 2018), and the lower limit of this easement varies approximately 0 to 4 feet below finish grade (existing surface elevation in March of 2018). These elevations were determined from the Los Angeles County Metro Westside Purple Line Extension Project – Section 3 Project Definition Drawings.

This description prepared by me or under my direction:


James L. Elliott, P.L.S. 6334

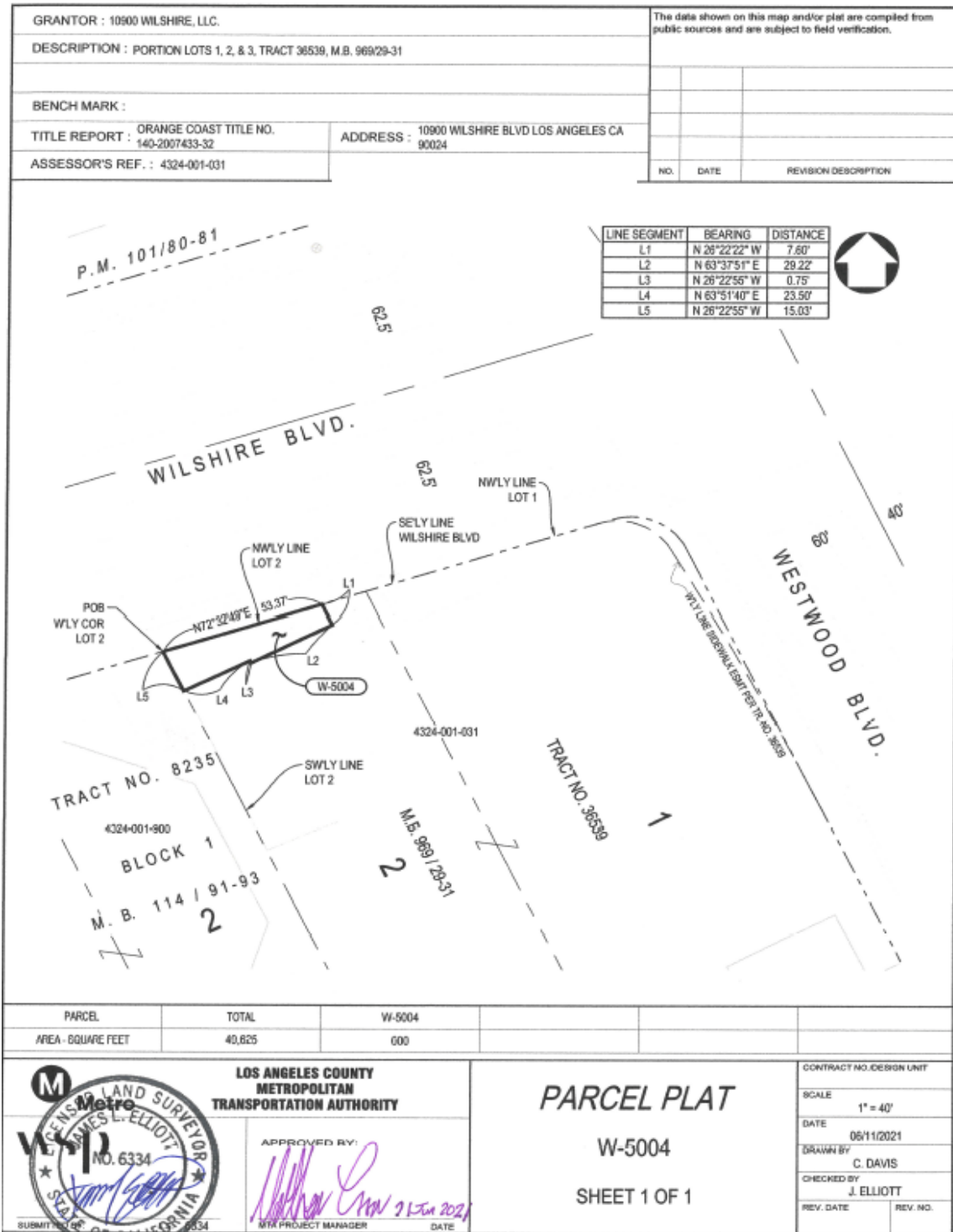
6-9-21
Date



AFFECTS APN: 4324-001-031

W-5004

PLAT MAP



LEGAL DESCRIPTION

That portion of Lots 1, 2 and 3 of Tract No. 36539, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 969 of Maps, Pages 29 through 31, inclusive, in the Office of the County Recorder of said County, more particularly described as follows:

BEGINNING at the most westerly corner of said Lot 2, said point also being on the southeasterly line of Wilshire Boulevard (62.5 feet half-width) as shown on the map of said Tract No. 36539; thence along the northwesterly line of said Lots 1 and 2, North 72°32'49" East, 105.15 feet; thence leaving said northwesterly line, South 26°13'32" East, 3.21 feet; thence South 63°37'05" West, 103.87 feet to the southwesterly line of said Lot 2; thence along said southwesterly line, North 26°22'55" West, 19.53 feet to the **POINT OF BEGINNING**.

The upper elevation limit of the permanent easement herein described is a horizontal plane with an elevation of +301.00 feet and the lower elevation limit of the permanent easement herein described is a horizontal plane with an elevation of +185.00 feet, based on the NAVD-88 datum elevation of 285.39 feet for City of Los Angeles Benchmark No. 13-13450. The upper limit of this easement varies approximately 0 to 4 feet below finish grade (existing surface elevation in March of 2018), and the lower limit of this easement varies approximately 76 to 80 feet below finish grade (existing surface elevation in March of 2018). These elevations were determined from the Los Angeles County Metro Westside Purple Line Extension Project – Section 3 Project Definition Drawings.

This description prepared by me or under my direction:


James L. Elliott, P.L.S. 6334

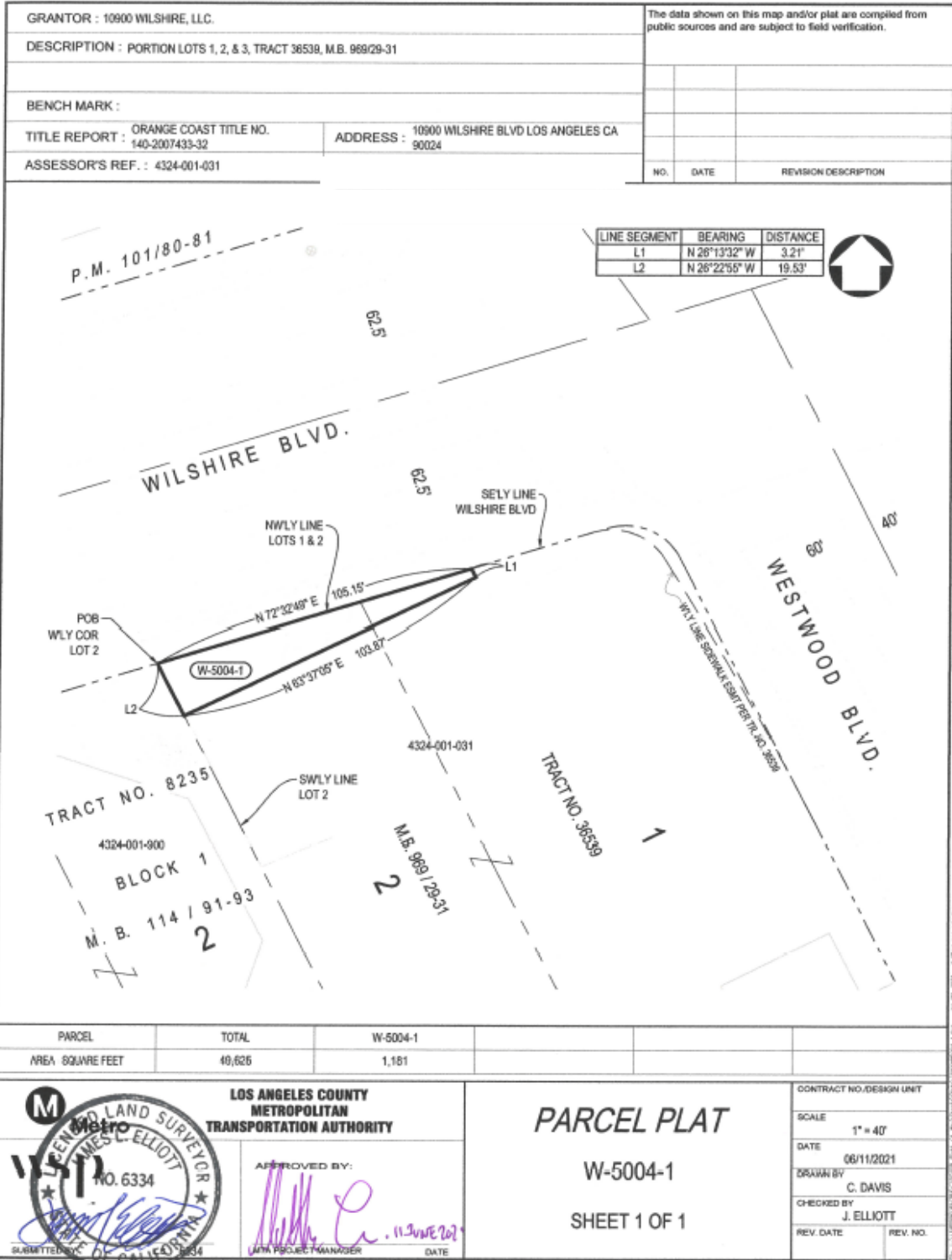
7-25-19
Date



AFFECTS APN: 4324-001-031

W-5004-1

PLAT MAP



LEGAL DESCRIPTION

That portion of Lots 1, 2 and 3 of Tract No. 36539, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 969 of Maps, Pages 29 through 31, inclusive, in the Office of the County Recorder of said County, more particularly described as follows:

COMMENCING at the most westerly corner of said Lot 2, said point also being on the southeasterly line of Wilshire Boulevard (62.5 feet half-width) as shown on the map of said Tract No. 36539; thence along the southwesterly line of said Lot 2, South 26°22'55" East, 15.03 feet; thence leaving said southwesterly line, North 63°51'40" East, 18.50 feet to the **POINT OF BEGINNING**; thence North 63°51'40" East, 5.00 feet; thence South 26°22'55" East, 0.75 feet; thence North 63°37'51" East, 29.22 feet; thence South 26°22'22" East, 5.00 feet; thence South 63°37'51" West, 29.22 feet; thence North 26°22'55" West, 0.75 feet; thence South 63°51'40" West, 5.00 feet; thence North 26°22'55" West, 5.00 feet to the **POINT OF BEGINNING**.

The upper elevation limit of the non-exclusive access easement herein described is a horizontal plane with an elevation of +332.00 feet and the lower elevation limit of the permanent easement herein described is a horizontal plane with an elevation of +304.00 feet, based on the NAVD-88 datum elevation of 285.39 feet for City of Los Angeles Benchmark No. 13-13450. The upper limit of this easement varies approximately 26 to 30 feet above finish grade (existing surface elevation in March of 2018), and the lower limit of this easement is at the owner's plaza finish grade (existing surface elevation in March of 2018). These elevations were determined from the Los Angeles County Metro Westside Purple Line Extension Project – Section 3 Project Definition Drawings.

This description prepared by me or under my direction:


James L. Elliott, P.L.S. 6334

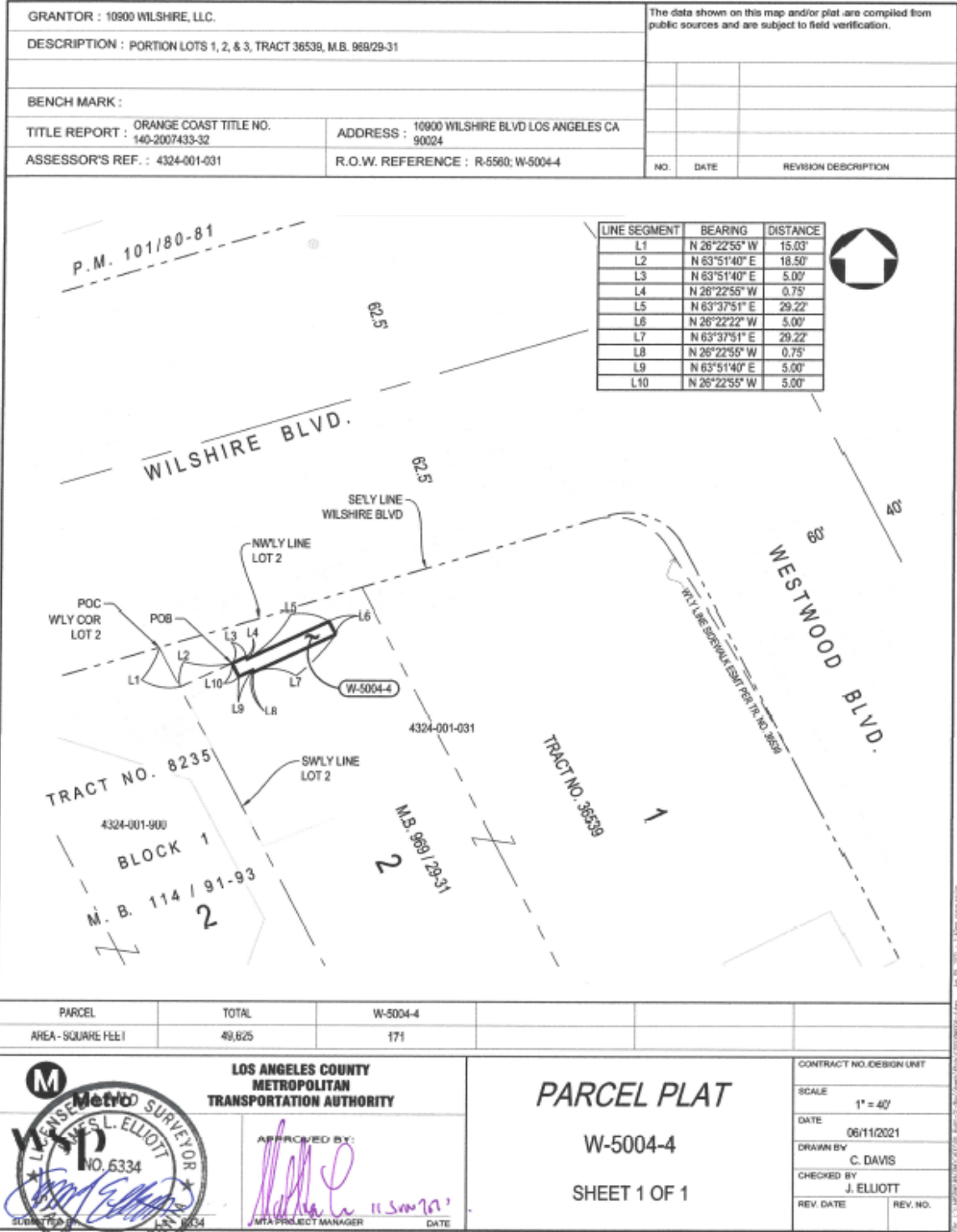
6-9-21
Date



AFFECTS APN: 4324-001-031

W-5004-4

PLAT MAP



LEGAL DESCRIPTION

That portion of Lots 1, 2 and 3 of Tract No. 36539, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 969 of Maps, Pages 29 through 31, inclusive, in the Office of the County Recorder of said County, more particularly described as follows:

COMMENCING at the most westerly corner of said Lot 2, said point also being on the southeasterly line of Wilshire Boulevard (62.5 feet half-width) as shown on the map of said Tract No. 36539; thence along the southwesterly line of said Lot 2, South 26°22'55" East, 15.03 feet to the POINT OF BEGINNING; thence leaving said southwesterly line, North 63°51'40" East, 23.50 feet; thence South 26°22'55" East, 0.75 feet; thence North 63°37'51" East, 29.22 feet; thence North 26°22'22" West, 7.60 feet to the northwesterly line of said Lot 2; thence along said northwesterly line, North 72°32'49" East, 97.33 feet to the beginning of a tangent curve, concave southeasterly and having a radius of 20.00 feet; thence continuing along said northwesterly line, northeasterly 2.85 feet along said curve, through a central angle of 08°09'30"; thence leaving said northwesterly line, South 63°37'05" West, 110.17 feet; thence South 26°36'17" East, 6.70 feet; thence South 63°35'55" West, 41.49 feet to said southwesterly line of Lot 2; thence along said southwesterly line, North 26°22'55" West, 15.71 feet to the POINT OF BEGINNING.

This description prepared by me or under my direction:

James L. Elliott
James L. Elliott, P.L.S. 6334

6-9-21
Date



AFFECTS APN: 4324-001-031

W-5004-2

PLAT MAP

