ATTACHMENT A

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF PROPERTY INTEREST REQUIRED FOR THE WESTSIDE PURPLE LINE EXTENSION SECTION 1 ("PROJECT")

BACKGROUND

The Property Interest is required by the Los Angeles County Metropolitan Transportation Authority ("LACMTA") for the construction of the Westside Purple Line Extension – Section 1 ("Project"). The address, record owner, physical description, and nature of the property interest sought to be acquired for the Project is summarized as follows:

Assessor's Parcel Number	Parcel Address	Property Owner	Property Interest Sought:	LACMTA Parcel Number
4334-022-063	111 North Gale Drive, Beverly Hills, CA 90211	EMCAP BHL, LLC, a California limited liability company, as to an undivided 25.00% interest; IA GALE, LLC, a California limited liability company, as to an undivided 25.00% interest; NES 111, LLC, a California limited liability company, as to an undivided 25.00% interest and GSH GALE, LLC, a California limited liability company, as to an undivided 25.00% interest, all as Tenants in Common	33-Month Temporary Construction Easement	W-2309

Property Requirements:

Purpose of acquisition is for the construction of the Project.

Property Interests Sought:

Acquisition of a 33-month Temporary Construction Easement ("Property Interest").

A written offer for the acquisition of the Property Interest was delivered to the Owner by letter dated June 30, 2023. Real Estate has attempted to negotiate with the Owner. The Owner has not accepted the offer, therefore, a negotiated agreement has not been reached. Consequently, LACMTA is seeking a Resolution of Necessity in order to ensure that it has the necessary property rights to construct the Project on schedule.

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 on 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, including the displacement or relocation of certain owners and users of private property. 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.

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. 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 Interest consists of an exclusive 33-month TCE that encumbers the entire Property. The TCE is identified as Project Parcel W-2309. LACMTA has been using the Property since March 31, 2015, when LACMTA acquired an 8-year exclusive TCE. The Property was improved with a two-story multi-family residential building containing a total area of 4,576 square feet (per Assessor) but has since been demolished and therefore, the Property contains approximately 6,508 square feet of now vacant land as described in the legal description Exhibit A attached hereto, and as depicted on the Plat Map attached hereto as Exhibit B. The Property is required for the continued construction of the Project. The Property was chosen based upon the FEIS/FEIR for the Project.

Staff recommends that the Board find that the acquisition of the Property Interest 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 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 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 Interest:

1. Obtained independent appraisals to determine the fair market value of the Property Interest, which included consideration of existing use of the Property, highest and best use of the Property, and impact to the remainder;
2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation;

3. Determined the Owner of the Property by examining the county assessor's record and a preliminary title report, and occupancy of the Property;

4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value;

5. Provided the Owner 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 the 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.

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 Interest by eminent domain.

CONCLUSION

Staff recommends that the Board adopt the Resolution of Necessity.

EXHIBITS

1 - Exhibit “A” Legal Description
2 – Exhibit “B” Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 438 OF TRACT NO. 4988, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 54, PAGES 98 AND 99 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 4334-022-063

NOTE:
THIS LEGAL DESCRIPTION WAS NOT PREPARED FOR ANY PURPOSE THAT WOULD BE IN VIOLATION OF THE STATE OF CALIFORNIA SUBDIVISION MAP ACT OR LOCAL ORDINANCES OF THE GOVERNING BODY HAVING JURISDICTION.

PREPARED BY:

JAMES L. ELLIOTT, P.L.S. 6334

9-6-12
DATE

W-2309

EXHIBIT B

GRANTOR : TWINWOOD INC.

DESCRIPTION : LOT 438 OF TRACT NO 4988. M.B. 54/98-99

BENCH MARK : N/A

TITLE REPORT : FIDELITY NATIONAL TITLE NO. 11-259928465-RH

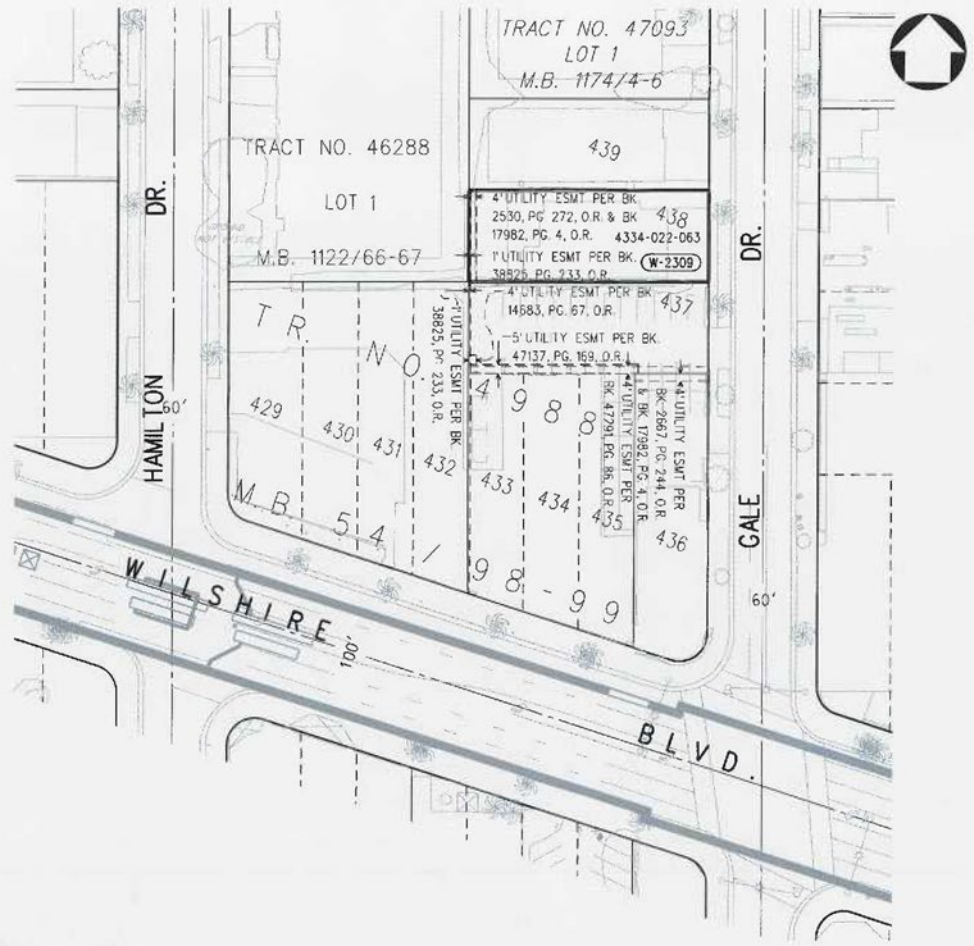
ADDRESS : 111 N. GALE DR. BEVERLY HILLS 90211

ASSESSOR'S REF. : 4334-022-063

R.O.W. REFERENCE : R-023: W-2309

The data shown on this map and/or plat are compiled from public sources and are subject to field verification.

NO.	DATE	REVISION DESCRIPTION



PARCEL	W-2309				
AREA - SQUARE FEET	6.508				

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

PB L.S. 4249

Paul D. Wise

SUBMITTED BY: L.S. 4249

APPROVED BY:

MTA PROJECT MANAGER DATE 9/10/12

PARCEL PLAT

W-2309

SHEET 1 OF 1

CONTRACT NO./DESIGN UNIT	
SCALE	1"=80'
DATE	10/10/2011
DRAWN BY	R. NACION
CHECKED BY	P. WISE
REV. DATE	REV. NO.