



Board Report

File #: 2024-0432, File Type: Policy

Agenda Number: 44.

REGULAR BOARD MEETING  
JULY 25, 2024

SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT PROJECT RESOLUTIONS OF NECESSITY

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolutions of Necessity; and
- B. ADOPTING the Resolutions of Necessity authorizing the commencement of eminent domain actions to acquire fee simple interest, improvements pertaining to realty, and leasehold improvements (Property Interests) for the properties as identified in Attachment A and described as follows:
  - 1. 14546 Raymer St., Van Nuys, CA, APN: 2210-030-029; ESFV-E-004-1
  - 2. 14617 Keswick St., Van Nuys, CA, APN: 2210-030-024; ESFV-E-008-1
  - 3. 14626 Raymer St., Van Nuys, CA, APN: 2210-030-017; ESFV-E-010-1
  - 4. 14635 -14645 Keswick St., Van Nuys, CA, APN: 2210-025-005, 035; ESFV-E-011-1

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

ISSUE

Acquisition of the Property Interests is required for the construction and operation of the East San Fernando Valley Light Rail Transit Project ("Project"). After testimony and evidence has been received from all interested parties at the hearings, Los Angeles County Metropolitan Transportation Authority ("LACMTA"), by a vote of two-thirds of its Board of Directors ("Board"), must make a determination as to whether to adopt the proposed Resolutions of Necessity (Attachments B-1 through B-5) to acquire the Property Interests by eminent domain. Attached is evidence submitted by staff that supports the adoption of the resolutions and which sets forth the required findings (Attachment A).

## **BACKGROUND**

The Project extends north from the Van Nuys Metro G-Line station to the Sylmar/San Fernando Metrolink Station, a total of 9.2 miles of a dual track light rail transit (LRT) system with 14 at-grade stations. The LACMTA Board certified the Final Environmental Impact Report on December 3, 2020, and the Federal Transit Administration signed a Record of Decision on January 29, 2021, for the Project. Included in the Final Environmental Impact Statement/ Environmental Impact Report was the initial operating segment (IOS) defined as the southern 6.7 miles of the Project alignment. The IOS, identified as the southern segment, is street running in the middle of Van Nuys Boulevard and includes 11 at-grade center platform stations, 10 traction power substations, and a maintenance and storage facility for the LRT vehicles. This southern segment of the Project is the subject of this board action. The remaining northern 2.5 mile environmentally cleared segment is going through additional analysis, as directed by the Board in December 2020, and is not included in this Board action.

The Project will improve mobility in the area by:

- introducing an improved north-south transit connection between key transit hubs/routes;
- enhancing transit accessibility/connectivity for residents to local and regional destinations and activity centers;
- increasing transit service efficiency; and
- encouraging a modal shift from driving in order to achieve reductions in greenhouse gas emissions.

Acquisition of the Property Interests is required for the construction and operation of the Project. Project parcels ESFV-E-004-1, ESFV-E-008-1, ESFV-E-010-1, and ESFV-E-011-1 are required to construct and operate a Maintenance and Storage Facility (MSF) for the Project. The MSF will be constructed on the west side of Van Nuys Boulevard on approximately 21 acres, which is bounded by Keswick Street on the south, Raymer Street on the east and north, and the Pacoima Wash on the west. In order to connect the main line alignment to the MSF site, spur tracks will extend from the guideway and will curve west off of Van Nuys Boulevard north of Keswick Street and continue in a westward direction crossing Raymer Street and into the MSF site. The MSF will house the fleet of 34 light rail vehicles that will be procured to initiate service on the line. The design of the MSF will include provisions for increasing the fleet to meet future growth of light rail in the area; a total of 21 acres is planned for the facility. The MSF will accommodate operations and maintenance personnel. All types of maintenance, including car washing, the paint shop, wheel truing, material storage, cleaning platform and main shop will be housed in the MSF.

## **DISCUSSION**

A written offer of Just Compensation to purchase the Property Interests was presented to each of the Owners of Record for each parcel (collectively, "Owners") on: December 19, 2023 for ESFV-E-004-1; April 8, 2024 for ESFV-E-008-1; February 13, 2024 for ESFV-E-010-1; and April 15, 2024 for ESFV-E

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-011-1; as required by California Government Code Section 7267.2. Similarly, and in compliance with California Government Code Section 7267.2, a written offer of Just Compensation to purchase the IPR and/or leasehold improvements on each parcel was presented to the respective Owner(s) and, where applicable, tenant(s). The Owners and tenants for these parcels have not accepted the offers of Just Compensation made by the LACMTA, and the parties have not at this time reached a negotiated settlement for the acquisition of the Property Interests. Because Property Interests are necessary for the construction and operation of the Project, staff recommends the acquisition of the Property Interests through eminent domain to obtain possession in order to maintain the Project's schedule.

In accordance with provisions of the California Eminent Domain Law and Section 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code, (which authorizes the public acquisition of private property by eminent domain/n), LACMTA has prepared and mailed notice of this hearing to the Owners and, where applicable, tenants, informing them of their right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (3) whether the Property Interests are necessary for the Project; (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the owner(s) of the Property Interests, or the offer has not been made because the owner(s) cannot be located with reasonable diligence; (5) whether any environmental review of the Project, as may be necessary, pursuant to the California Environmental Quality Act (CEQA), has occurred and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain. In order to adopt the Resolutions, LACMTA must, based on the evidence before it, and by a vote of two-thirds of its Board, find and determine that the conditions stated in items 1 - 6 above exist.

Attached is the Staff Report prepared by staff and legal counsel setting forth the required findings for acquiring the Property Interests through the use of eminent domain (Attachment A).

Acquisition of these parcels will require relocation of some business tenants, including:

- ESFV-E-004-1 - bus and car rental
- ESFV-E-008-1 - mail order, construction business, office for underground utility, and office for fire control
- ESFV-E-010-1 - night club
- ESFV-E-011-1 - telecommunications

All businesses have a dedicated person working with them to explain their benefits, provide referrals for replacement properties and process payments for search, moving, and reestablishment costs. Prior to being required to relocate, businesses will be provided 90-day and 30-day notices. The anticipated Project need date for the properties is December 2024.

### **DETERMINATION OF SAFETY IMPACT**

The Board action will not have an impact on LACMTA's safety standards.

### **FINANCIAL IMPACT**

The funds required to support the acquisition, relocation activities, and the recommended right of way action for the properties referenced in this report are included in the adopted Project's Preconstruction budget under Cost Center 8510 Project number 865521, East San Fernando Valley Light Rail Transit Corridor, under various accounts, including professional and technical services.

#### **Impact to Budget**

Sources of funds for the recommended actions are Measure R 35%, Measure M 35%, and State Grants. These fund sources are not Operations eligible funding.

### **EQUITY PLATFORM**

The Project will serve 11 new stations along Van Nuys Blvd, and will improve connections and access to key destinations for several Equity Focus Communities (EFC's) along the Project. To date, LACMTA Community Relations (CR) staff, who include bilingual Spanish and English-speaking staff, have met with the local neighborhood councils and representatives from the local council district offices on upcoming construction, mitigation plans/efforts, and outreach efforts to the local community. CR staff have also been visiting the small businesses along the alignment and have been providing bilingual Spanish and English project information along with business resources.. Also, the Project has established a Community Leadership Council (CLC), an advisory body to the Project, and plans to implement a CBO partnership that aligns with LACMTA's CBO Partnering Strategy. The CBO solicitation was available for download from LACMTA's Vendor Portal and was advertised in five newspapers (Asia Week, La Opinion, Los Angeles Sentinel, Los Angeles Daily News, and the Los Angeles Times) and in the periodical Mass Transit. Notifications were sent to small businesses based on applicable North American Industry Classification System (NAICS) codes.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project is consistent with the following Metro Vision 2028 Strategic Plan Goals:

Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. Goal 2: Deliver outstanding trip experiences for all users of the transportation system. Goal 3: Enhance communities and lives through mobility and access to opportunity. Goal 4: Transform LA County through regional collaboration and national leadership.

### **ALTERNATIVES CONSIDERED**

The Board may choose not to approve the recommendations. This is not recommended as it would result in significant delays and cost increases for the Project. Furthermore, delay to the Project will have detrimental effects on the available Federal and State Grant funding dollars.

### **NEXT STEPS**

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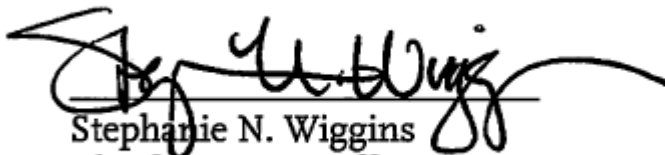
If this action is approved by the Board, LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property Interests by eminent domain and to conclude those proceedings either by settlement or jury trial. Counsel will also be directed to seek and obtain Orders of Prejudgment Possession in accordance with the provisions of the Eminent Domain Law. Staff will continue to negotiate with the property owners with the goal of reaching a voluntary settlement while concurrently continuing the eminent domain process to preserve the project schedule. Metro will continue to work with businesses to find suitable replacement locations.

**ATTACHMENTS**

- Attachment A - Staff Report
- Attachment B-1 - Resolution of Necessity
- Attachment B-2 - Resolution of Necessity
- Attachment B-3 - Resolution of Necessity
- Attachment B-4 - Resolution of Necessity

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