

## MEMORANDUM

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 24-25, 2020

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4a.(2), Action Item

Prepared By: Mark Phelan, Chief (Acting)  
Division of Right of Way and Land Surveys

Subject: **RESOLUTION OF NECESSITY - APPEARANCE**

### **ISSUE:**

Should the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) C-21918, for the parcel whose owners are contesting the declared findings of the California Department of Transportation (Department) under Section 1245.230 of the Code of Civil Procedure?

Prior to initiating Eminent Domain proceedings to acquire needed right of way for a programmed project, the Commission must first adopt a Resolution, stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure, which are:

1. The public interest and necessity require the proposed project.
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property is necessary for the proposed project.
4. An offer to acquire the property in accordance with Government Code Section 7267.2 has been made to the owner of record.

In this case, the property owners are contesting the Resolution and have requested an appearance before the Commission. The primary concerns and objections expressed by the property owners through their attorney is that the proposed project is not planned or located in the manner that will be most compatible with the greatest public good with the least private injury, nor is the property necessary for the proposed project. The property owners' objections and the Department's responses are contained in Attachment B.

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

**RECOMMENDATION:**

The Department recommends the Commission adopt Resolution C-21918 summarized on the following pages. This Resolution is for a transportation project on Interstate 405 in District 7, in Los Angeles County.

**BACKGROUND:**

Discussions have taken place with the owners, who have been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which they may subsequently be entitled. Adoption of this Resolution will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the owners have been advised that the Department is requesting the Resolution at the Commission's June 2020 meeting. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

Discussions have been ongoing between the property owner and the Department to address and resolve the issues. Progress has been made, but in order to keep the project schedule, the Department is requesting that this appearance proceed to the June 2020 Commission meeting. Legal possession will allow the construction activities on the parcel to commence, thereby avoiding and/or mitigating considerable right of way delay costs that will accrue if efforts to initiate the condemnation process are not taken immediately to secure legal possession of the subject property.

C-21918 - Michael Alan Freedman, Trustee, etc., et al.

07-LA-405-PM 14.4/15.6 - Parcel 80774-1, 2 - EA 293609.

Right of Way Certification Date: 06/22/20; Ready To List Date: 06/26/20. Freeway - add auxiliary lanes and construct new on-ramp. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Torrance at 18201 Crenshaw Boulevard. Assessor's Parcel Number 4091-026-009.

Attachments:

Attachment A - Project Information

Exhibit A - Project Maps

Attachment B - Parcel Panel Report

Exhibit B - Parcel Maps

Exhibit C - Resolution of Necessity C-21918

Attachment C - Property owner's letter to the Commission dated July 25, 2019

# Attachment A

## PROJECT INFORMATION

### PROJECT DATA

07-LA-405-PM 14.4/15.6  
Project ID: 0713000238 (EA 293609)

Location: In Los Angeles County, in the city of Torrance on Interstate 405 (I-405), between Western Avenue and West 182<sup>nd</sup> Street/Crenshaw Boulevard

Limits: Post Miles 14.4/15.6

Cost: Programmed construction cost: \$62,000,000 (Capital)  
Current right of way cost estimate: \$10,300,000 (Capital)

Funding Source: State Transportation Improvement Program (STIP) and Local Measure R, Los Angeles County Metropolitan Transportation Authority

Number of Lanes: Existing: four mixed-flow lanes plus one high occupancy vehicle lane in each direction  
  
Proposed: four mixed-flow lanes plus one high occupancy vehicle lane and one auxiliary lane in each direction

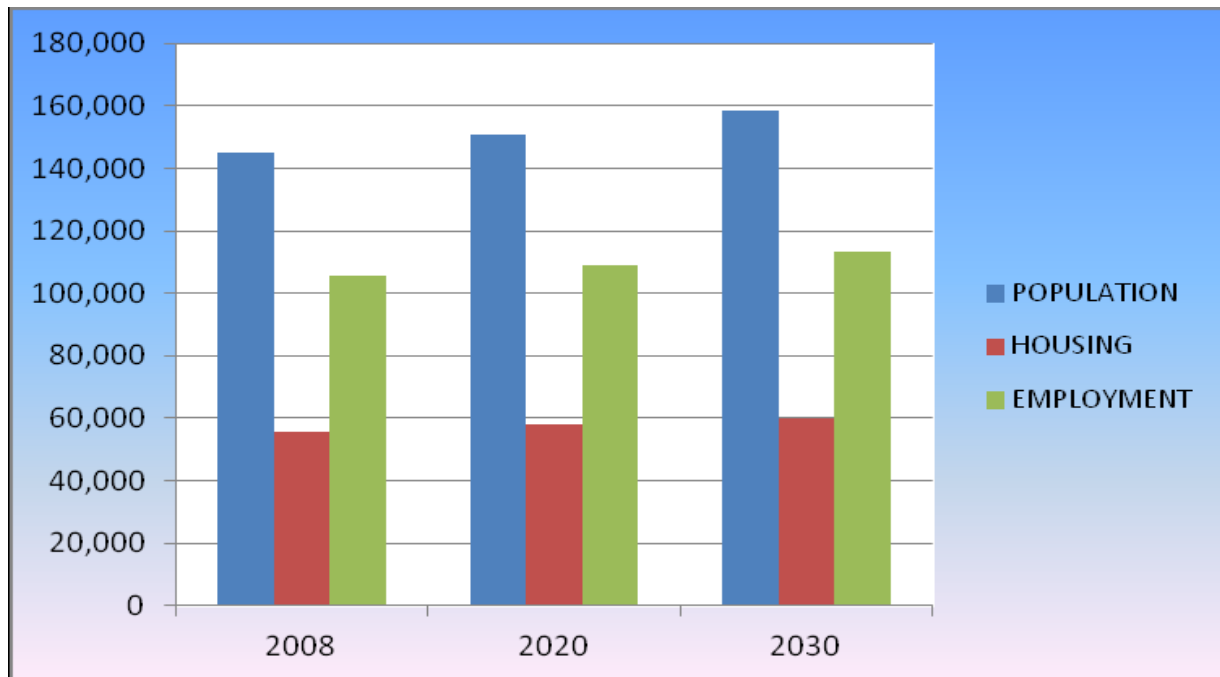
Proposed Major Features: On-ramps from northbound Crenshaw Boulevard, city street widening

Traffic: Existing (year 2011): 303,000 Annual Daily Traffic (ADT)  
Proposed (year 2035): 390,000 ADT

## NEED FOR THE PROJECT

- 1) There is queue spillback from the existing SB I-405 on-ramp into Crenshaw Boulevard (Crenshaw Blvd.) due to traffic volumes exceeding ramp capacity. The queuing adversely affects local street operation by causing congestion, excess idling, increased fuel consumption and greenhouse gas emissions.
- 2) There is traffic congestion on 182<sup>nd</sup> Street (182<sup>nd</sup> St.) and Crenshaw Blvd. due to insufficient storage space for vehicles on 182<sup>nd</sup> St., Crenshaw Blvd., and I-405 on-ramps.
- 3) Vehicles, entering or exiting the freeway, weave and merge on I-405 mainline lanes which back up commuter traffic from I-405 on-and-off ramps at 182<sup>nd</sup> St. and Crenshaw Blvd. to Western Ave.
- 4) Significant growth in housing, population, and employment are projected. The following table and graph are taken from the Transportation Concept Report (TCR) dated June 2013 and shows the projected socioeconomic growth in the city of Torrance.

	2008	2020	2030	2008 - 2020 change	2008 - 2035 change
Population	145,000	150,800	158,500	4.00%	9.31%
Housing	55,800	57,800	59,800	3.58%	7.17%
Employment	105,800	109,100	113,300	3.12%	7.09%



The combination of increased traffic demands from population, housing, and employment growth, as well as the limited capacity of the existing facility has led to increased traffic congestion and delays throughout the I-405 corridor. The goal of this project is to improve operational conditions, reduce delays by decreasing congestion, while improving safety and implementing a long-life pavement strategy.

Traffic volume is forecasted to increase on I-405 in 2040 and will require additional lanes to achieve the acceptable concept level of service. The current and forecasted design year values for annual average daily traffic (AADT) and peak hour volume (PHV) are shown in the following table:

<b>North Bound I-405</b>	<b>2014 AADT</b>	<b>2040 AADT</b>	<b>2014 AM PHV</b>	<b>2040 AM PHV</b>	<b>2014 PM PHV</b>	<b>2040 PM PHV</b>	<b>Truck%</b>
mainline	114950	134491	7400	8658	7710	9021	2
off-ramp	14004	16384	853	998	1065	1246	2
on-ramp	8734	10219	635	743	851	996	2

<b>South Bound I-405</b>	<b>2014 AADT</b>	<b>2040 AADT</b>	<b>2014 AM PHV</b>	<b>2040 AM PHV</b>	<b>2014 PM PHV</b>	<b>2040 PM PHV</b>	<b>Truck%</b>
mainline	112967	132171	7415	10150	7067	9674	2
off-ramp	8514	9961	907	1242	970	1328	2
on-ramp	10634	12441	997	571	703	345	2

The table is based on a forecasted annual growth of 1.07% with an assumption of 2% trucks per Department's Traffic Operations Department.

## **PROJECT PLANNING AND LOCATION**

The Project Report was approved on December 22, 2015. The I-405, within project limits, is a freeway that consists of a total of 10 lanes in which 2 are High Occupancy Vehicle (HOV) lanes. It has a posted speed limit of 65 miles per hour (mph). It is part of the Auxiliary Routes of the Dwight D. Eisenhower National System of Interstate and Defense Highways. Currently, the mainline lanes have a width of 11 feet, and the shoulders have a width of 10 feet.

The existing I-405 interchange at Crenshaw Blvd. is a partial cloverleaf interchange (Type A2) containing four ramps with eastbound and westbound collector-distributor

roads adjacent and parallel to I-405. There are continuous sidewalks and no bicycle lanes in the undercrossing / interchange area.

Crenshaw Blvd. is a major thoroughfare in Los Angeles that runs from Wilshire Boulevard in Hancock Park through Park Place in Rolling Hills. Crenshaw Blvd., within project limits, consists of a total of 7 lanes and have a posted speed limit of 40 mph. Currently, the through lanes have a width of 11-12 feet, and the right and left turn lanes have a width of 12-13 feet and 10 feet respectively. The existing vertical clearance of the undercrossing is 15 feet and 3 inches. Crenshaw Blvd. is a truck route per city of Torrance. Torrance Transit Line 10 is a bus that serves Crenshaw Blvd. from Interstate 105 (I-105) to Pacific Coast Highway.

182<sup>nd</sup> St. is a local street in Torrance that is about 4.5 miles long. It consists of a total of 5 lanes and have a posted speed limit of 35 mph. The through lanes have a width of 11 feet, and the right and left turn lanes have a width of 12 feet and 10 feet respectively. 182<sup>nd</sup> St. is not a truck route per City of Torrance. No bus serves 182<sup>nd</sup> St.

In collaboration with the Los Angeles County Metropolitan Transportation Authority and the City of Torrance and through studying all alternatives, the Department made design adjustments that would best accommodate the interests of all participants while meeting project goals.

There were three buildable alternatives proposed during the Project Report phase and each one included the following improvements related to improvements on 182<sup>nd</sup> St:

1. Widening northbound Crenshaw Blvd. and eastbound 182<sup>nd</sup> St. to accommodate an exclusive right-turn lane.
2. Widening westbound 182<sup>nd</sup> St. from 3 lanes to 5 lanes between Crenshaw Blvd. and northbound I-405 ramps, per city of Torrance's request.

The Alternative 1 that has been chosen helps improve the Crenshaw Blvd. Interchange and adds a single auxiliary lane in both directions of the I-405 between Western Avenue (Western Ave) and Crenshaw Blvd. The auxiliary lanes do not function as mainline travel lanes but as lanes for vehicles to enter and exit the freeway fluently. Additional improvements in this alternative are as follows:

- Adding an auxiliary lane on NB I-405 from Western Ave on-ramp to the Crenshaw Blvd./182<sup>nd</sup> St. off-ramp
- Adding an auxiliary lane on SB I-405 from the existing Crenshaw Blvd. on-ramp to the Western Ave/190<sup>th</sup> Street off-ramp

- Adding one lane to the existing NB I-405 off-ramp exiting to Crenshaw Blvd./182<sup>nd</sup> St. so that it would consist of two lanes at entrance and three lanes at terminus rather than one lane at entrance and two lanes at terminus
- Reconfiguring the terminus of the NB I-405 off-ramp to consist of a dedicated right-turn lane onto eastbound 182<sup>nd</sup> St. and two dedicated left-turn lanes onto WB 182<sup>nd</sup> St. rather than one dedicated left-turn lane and one left or right-turn lane
- Adding one lane on northbound I-405 on-ramp from Crenshaw Blvd./182<sup>nd</sup> St. to have a uniform two-lane metered on-ramp from 182<sup>nd</sup> St. to the meter head
- Relocating the meter head on the existing NB I-405 on-ramp from Crenshaw Blvd./182<sup>nd</sup> St. northerly for about 80 feet
- Relocate the meter head on the existing SB I-405 on-ramp from Crenshaw Blvd. southerly for about 50 feet for more storage
- Widening SB Crenshaw Blvd. upstream of the Crenshaw Blvd./SB I-405 ramp intersection to accommodate an exclusive right-turn lane onto the existing SB I-405 on-ramp
- Adding one lane on SB I-405 on-ramp from Crenshaw Blvd. to have a uniform two-lane metered on-ramp from Crenshaw Blvd to the meter head
- Adding maintenance vehicle pullouts on the mainline in between the on-and-off ramps on NB I-405 and SB I-405
- Adding maintenance vehicle pullouts and California Highway Patrol (CHP) enforcement areas on the on-ramps of NB I-405 and SB I-405 from Crenshaw Blvd.
- Adding one lane to the existing SB I-405 off-ramp exiting to Crenshaw Blvd. so that it would consist of one lane at entrance, two lanes at middle, and three lanes at terminus rather than one lane at entrance and two lanes at terminus
- Reconfiguring the terminus of the southbound I-405 off-ramp to consist of a dedicated left-turn lane onto NB Crenshaw Blvd. and two dedicated right-turn lanes onto SB Crenshaw Blvd rather than one shared left or right-turn lane and a dedicated right-turn lane
- Constructing a new SB I-405 two-lane metered on-ramp from NB Crenshaw Blvd.
- Widening NB Crenshaw Blvd. to accommodate an exclusive right-turn lane onto the proposed new southbound I-405 on-ramp
- Reconfiguring the traffic signals at the intersections of Crenshaw Blvd./182<sup>nd</sup> St., Crenshaw Blvd/SB I-405 ramps and 182<sup>nd</sup> St/NB I-405 ramps to accommodate the proposed improvements of this project
- Removing about 4,150 feet and constructing about 4,800 feet of sound wall at NB I-405 due to the new proposed design
- Removing about 2,450 feet and constructing about 2,480 feet of sound wall at SB I-405 due to the new proposed design

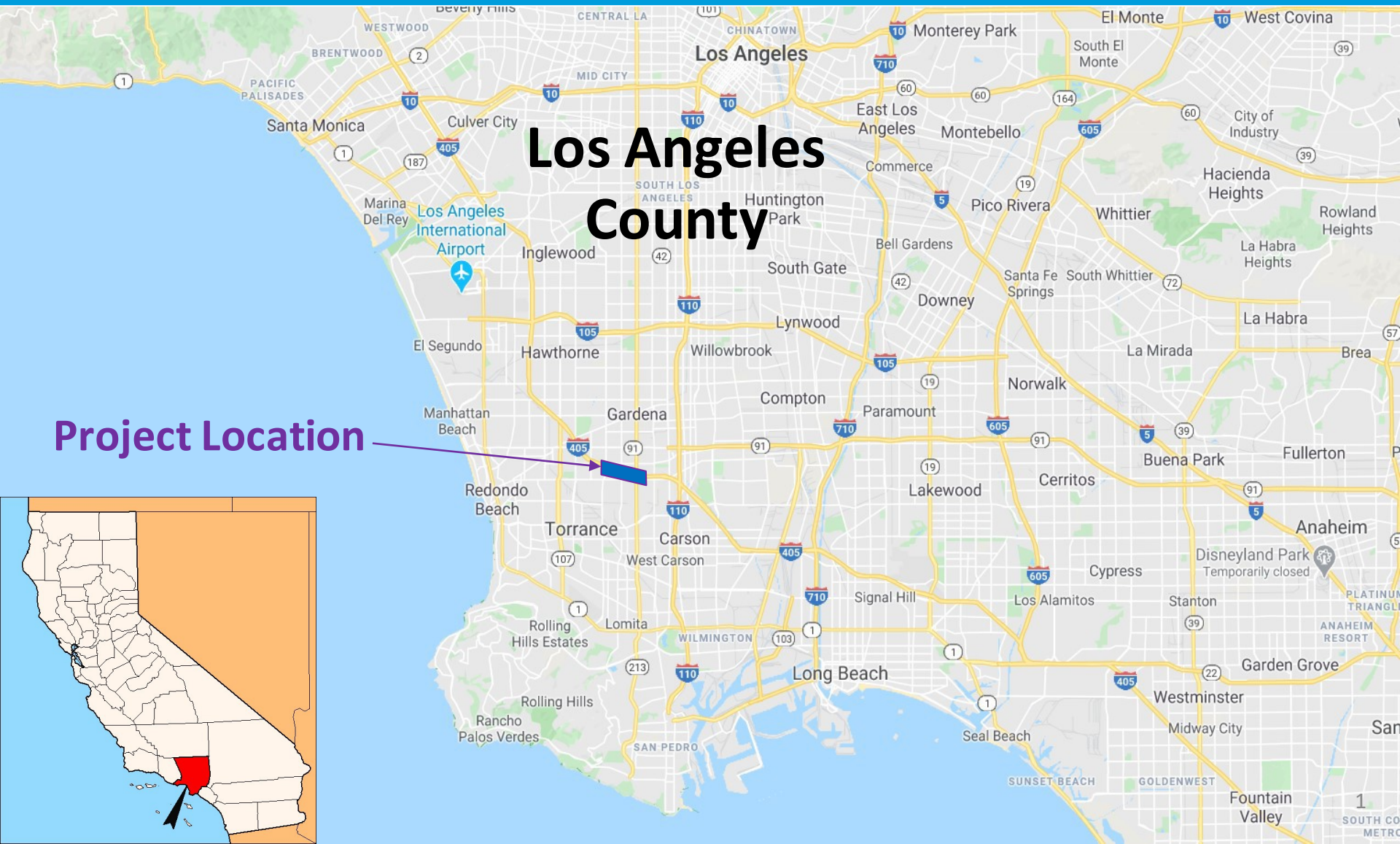


- Constructing about 2,540 feet of retaining wall along NB I-405 due to the new proposed design
- Constructing about 3,300 feet of retaining wall along SB I-405 due to the new proposed design
- Widening NB and SB Van Ness Avenue undercrossing; Bridge #53-1174 by 12 feet in each direction

The project found no significant environmental impacts and under California Environmental Quality Act (CEQA) guidance and in compliance with the National Environmental Protection Act (NEPA), a Finding of No Significant Impact (FONSI) was issued on June 26, 2016. The project is currently programmed in the 2020 STIP fiscal year delivery of 2020/2021. The current Right of Way capital cost estimate is \$10,300,000, and the Construction budget/cost is estimated to be \$62,000,000. Right of Way Certification has a tentative date of June 22, 2020, with a Ready to List Date of June 26, 2020. Advertisement is tentatively set September 25, 2020.

# Exhibit A

# Project Vicinity Map

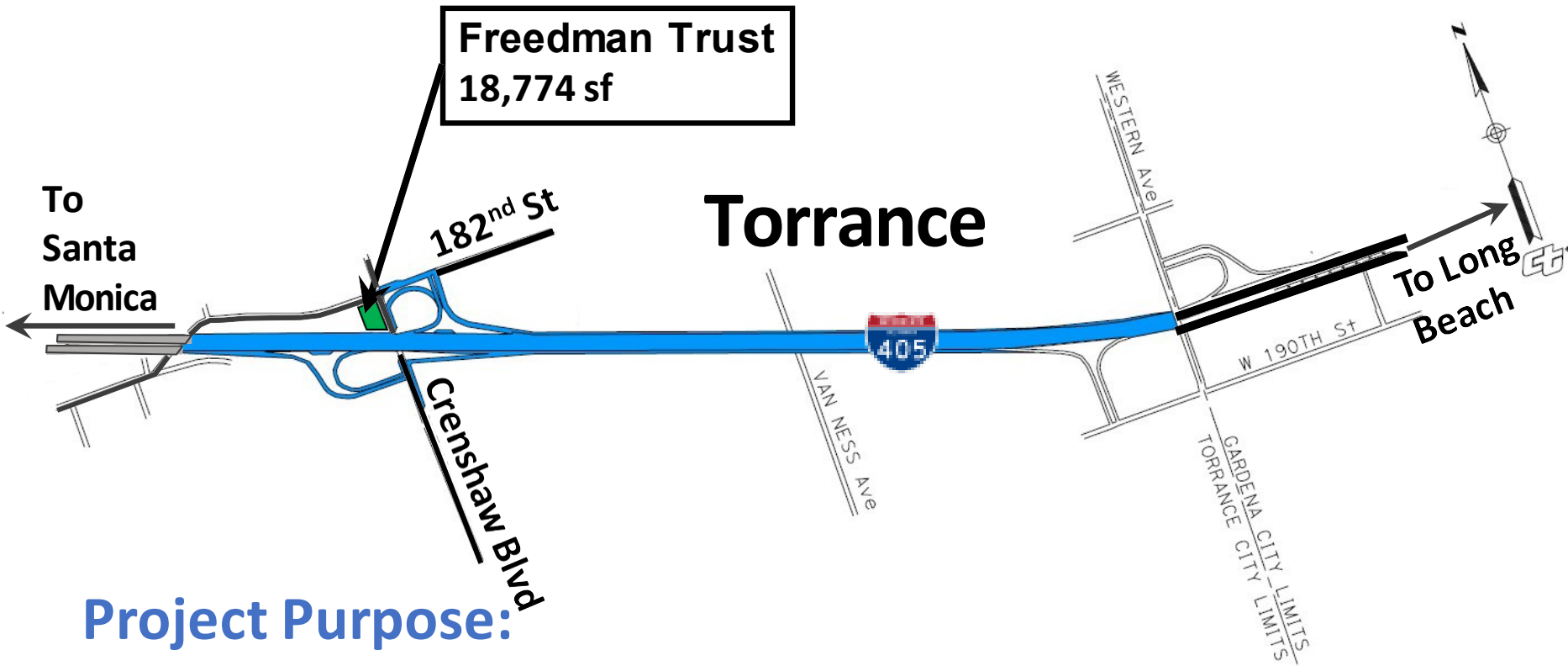


**Los Angeles  
County**

**Project Location**



# Project Location

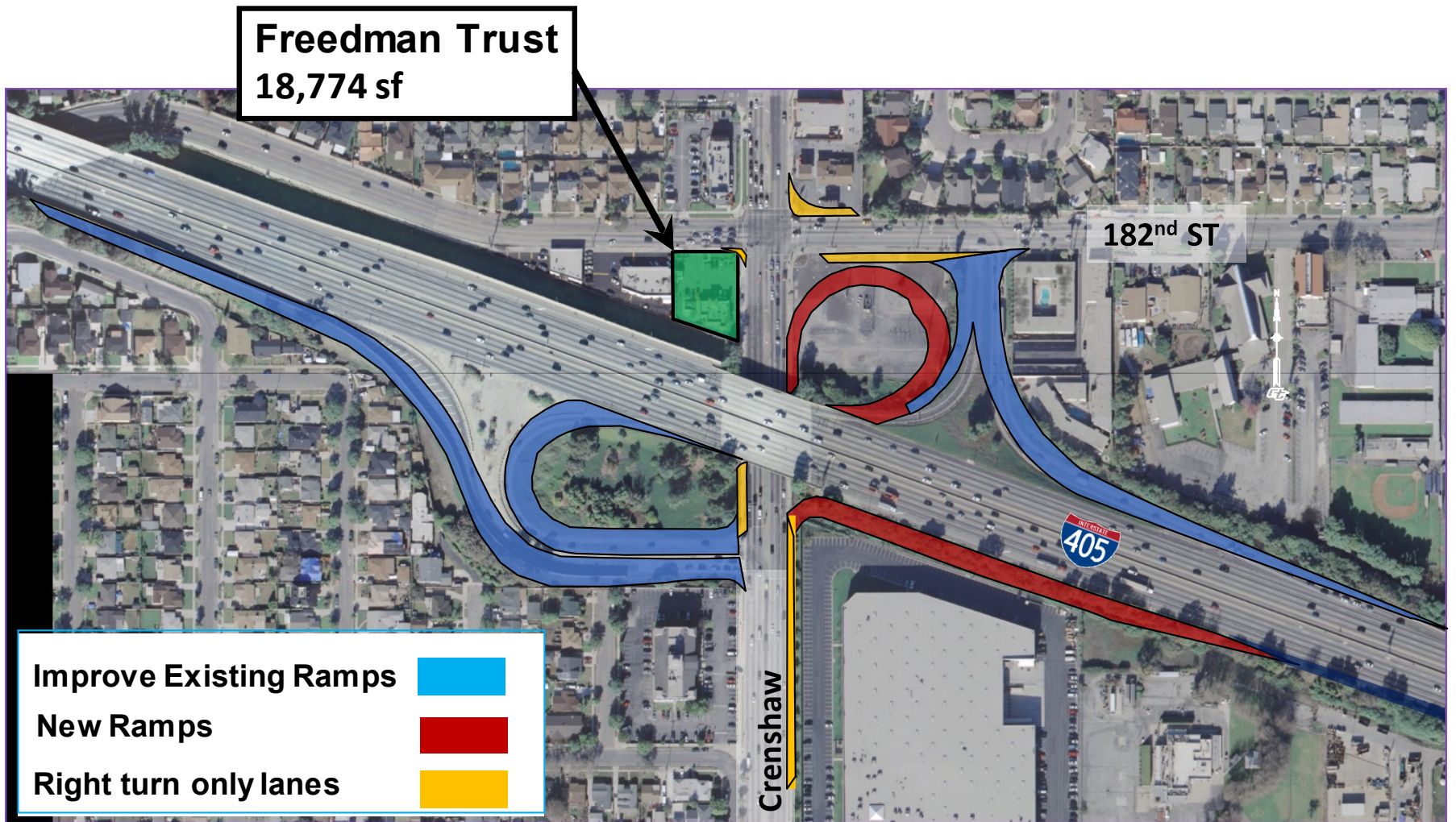


## Project Purpose:

- Improve Safety
- Reduce Congestion
- Improve Route Continuity



# Proposed Project Improvements



# Attachment B

**PARCEL PANEL REPORT**

Property Owner: Michael Alan Freedman and Jeanette Freedman, as Trustees of the 2003 Michael Alan Freedman and Jeanette Freedman Trust

Parcel Location: 18201 Crenshaw Boulevard, in the city of Torrance

Present Use: Commercial retail coffee shop – Coffee Bean & Tea Leaf

Zoning: General Commercial (C2)

Area of Property: 18,774 square feet (SF)

Area Required: Parcel 80774 -1: 335 SF - Fee  
Parcel 80774 -2: 1,376 SF - Temporary Construction Easement (TCE)

**PARCEL DESCRIPTION**

Parcel 80774 is located at 18201 Crenshaw Boulevard in the city of Torrance and identified as Assessor’s Parcel Number 4091-026-009. The parcel has a land use designation of General Commercial and is on a corner location improved with a coffee shop. The site encompasses 18,774 square feet (SF) and is improved with a 2,030 square foot commercial/retail building leased to the Coffee Bean & Tea Leaf. The site’s frontage along 182<sup>nd</sup> Street (182<sup>nd</sup> St) and Crenshaw Boulevard (Crenshaw Blvd) allows vehicular access (ingress/egress) to the site via one drive apron located on 182<sup>nd</sup> St and one drive apron located on Crenshaw Blvd.

**NEED FOR THE SUBJECT PROPERTY**

The close proximity of the 182<sup>nd</sup> St. and Crenshaw Blvd. intersection to the northbound (NB) I-405 on and off-ramps creates congestion and operational deficiencies. The existing single lane on-ramp does not have the capacity to handle the high volume of traffic during peak hour traffic, resulting in a queue of vehicles along 182<sup>nd</sup> St. and along NB Crenshaw Blvd. Providing a right turn pocket along eastbound (EB) 182<sup>nd</sup> St. at the approach of the NB I-405 on-ramp from EB 182<sup>nd</sup> St. will relieve the congestion and queuing along 182<sup>nd</sup> St. This right turn pocket requires the widening of 182<sup>nd</sup> St. and this results in the need to widen 182<sup>nd</sup> St., west of Crenshaw Blvd. This widening consists of

pulling back the curb return for safety related reasons. The first would be for a standard truck turning radius for the right turn onto southbound (SB) Crenshaw Blvd, specifically for 72-foot trucks. This allows trucks to turn safely, without crossing the NB Crenshaw left turn pocket, avoiding and reducing the chance for collisions. The second is to make sure the curb line along EB 182<sup>nd</sup> is aligned on either side of Crenshaw Blvd, therefore providing the standard lane alignment for EB and westbound (WB) directions.

Avoiding the parcel would result in bringing the EB side of 182<sup>nd</sup> St. back to existing conditions, eliminating the proposed right turn pocket and eliminating one of the proposed WB lanes.

This parcel is within a landscaped area that is between two driveways, there will be no impact to the adjacent parking lot or any facilities. The Coffee Bean sign will have to be slightly shifted to the side.

## **RESOLUTION OF NECESSITY REVIEW PANEL REPORT**

The Condemnation Review Panel (Panel) conducted an online WebEx meeting on May 20, 2020. The Panel members included Jeffrey Purdie, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Erick Solares, Department's Los Angeles Legal Division; Tina Lucas, Department HQ's Division of Design; and Mark Zgombic, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing the property owner at the meeting were owners Michael Freedman and Jeanette Freedman, and attorney, Michael Rubin from the law firm of Rutan & Tucker.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The primary concern and objection expressed by the property owners through their attorney is that the proposed project is not planned or located in the manner that will be most compatible with the greatest public good with the least private injury, nor is the property necessary for the proposed project.

The following is a description of the concerns expressed by the owners and/or their representative, followed by the Department's response:

### **Owner Contends:**

The Department should "deal with the multiple professionals to come up with design plans to mitigate or cure the results of the Department's acquisition or construction activities, i.e. obtain permits and approvals to implement the measures, and/or to hire and supervise contractors for the relocation of the Coffee Bean & Tea Leaf sign that will



be removed as part of the project". The owner has requested the Department to hire a landscape architect to prepare landscape plans and to hire a contractor to restore the subject property in the after condition to at least as nice a look and feel as it had before the project, including the relocated sign, trees, grass, a barrier from traffic similar to the monument sign barrier on the McDonalds' property across the street from the property.

**Department's Response:**

The project was designed with the least private injury and to meet current design standards, part of which includes safety. In order to avoid impacting the owners property, various project elements would need to be eliminated, which in turn would result in the project no longer meeting its defined purpose and need. The Department does not directly improve private property damaged through its public projects process. Rather, it directly compensates private property owners to mitigate the property damages. The Department's offer of just compensation to the owner's was in accordance with Government Code Section 7267.2, and addressed damages resulting from the proposed acquisition and construction of the project in the manner proposed. Also, implementing measures such as hiring private contractors and landscapers to prepare architectural plans or to complete restoration work on private property is not within the Department's authority as it does not have the ability to enter into private contracts for private property improvement.

The Department has coordinated with the City of Torrance to ensure damages created to the property can be mitigated, and that the owner would be able to obtain building permits and approvals to re-establish improvements. The City's building requirements have been conveyed to the owner to help facilitate mitigation or design plans that would be acceptable to both the property owner and the City. The Department has agreed, and continues to agree, that it will compensate the owner for said costs.

**Owner Contends:**

Signage:

- a) The owner wants to elevate the height of the existing sign structure at the back of the subject property, so it is visible by freeway traffic.
- b) Can two signs be place within the grass area one facing 182<sup>nd</sup> St. and one facing Crenshaw Boulevard?
- c) What are the city sign restrictions?

**Department's Response:**

Signage falls under city of Torrance jurisdiction. As such, the city's Planning office provided the following responses:

- a) The existing sign pole is currently at its maximum allowed height. The sign cannot be increased in size or height.

- b) The owner can relocate the existing circular ground sign, but the city cannot allow any additional signage. A permit will be required for relocating the circular ground sign. Also engineer stamped footing calculations will be required. The owner must also provide a site location map, show the new spot for the circular ground sign as well as the distance from the revised property line.
- c) The sign code allows one ground sign per parcel. This location already has more than one.

**Owner Contends:**

Parking Lot:

- a) The owner is proposing to remove a parking space or even setting back the parking lot a few feet to provide more of a setback from the sidewalk and provide a more landscaped area.
- b) Are there any city restrictions that would keep the owner from doing so?

**Department's Response:**

Parking falls under city of Torrance authority. As such, the city's Planning office provided the following responses:

- a) The property cannot afford to lose any parking. What is the proposed setback?
- b) The property requires 20 parking spaces and 20 are provided.

**Owner Contends:**

Landscaping:

- a) The owner wants its landscaping to look similar to the McDonalds layout across the street. (Stone pedestal for their sign)
- b) The owner may need an approved parking lot/landscaping plan from the city.

**Department's Response:**

Landscaping falls under city of Torrance authority. As such, the city's Planning office provided the following responses:

- a) The owner can contact city planning staff to discuss alternative landscape plans. The owner may not be able to match McDonald's sod parkway because of the state's water efficiency requirements.
- b) The owner must obtain the landscape plan directly from the architect.

**Owner Contends:**

Is the property necessary for the project? The project is an on/off-ramp project and not a street widening project. The acquisition dramatically impacts the property. Is it really necessary to widen 182<sup>nd</sup> street to provide for a right-hand turn lane to accommodate larger trucks that are turning south on Crenshaw Boulevard?

**Department's Response:**

The project is multifaceted and includes work at the on/off-ramps and the adjacent street intersection (182<sup>nd</sup> St./Crenshaw Blvd.) The parcel is necessary to improve the operations of the I-405/Crenshaw Blvd. interchange and the adjacent street intersections which must work in unison. By not including the proposed parcel, the project would not meet its intended operational improvements, nor the safety and design requirements.

The Department's need for this parcel is supported by traffic studies and the environmental document, which was the Finding of No Significant Impact (FONSI) issued June 2016. This parcel is required to:

- eliminate the offset in lane assignments traveling through the intersections that would otherwise be in direct conflict with the 2<sup>nd</sup> left turn lane that is needed for traffic traveling eastbound on 182<sup>nd</sup> St to NB Crenshaw Blvd.
- to create a safe turning movement for trucks (i.e., tractor trailers) traveling from westbound 182<sup>nd</sup> St. to SB Crenshaw Blvd. Under existing conditions trucks must utilize the adjacent eastbound through lane in order to make the turn, which creates a vehicle conflict with adjacent traffic.

**Owner Contends:**

The grass and landscaping within the berm strips between the sidewalk and the street in front of the subject property had been removed by the Department's contractors when the exploratory boring work was done on the property as part of site investigation activities. Instead of restoring the grass/landscaping to its original condition after the boring work was done, the berm strips were left either as dirt strips or as dirt and gravel strips, and the irrigation pipes were all left exposed at the top of the dirt or gravel.

**Department's Response:**

The Department's Hazardous Waste unit oversaw site investigation activities on the subject property in August 2018. A total of six borings were drilled in the landscaped areas. However, no drilling was done on the grass/landscaping within the berm strips between the sidewalk and the street in front of the subject property.

**Owner Requested:**

The owner requested a pdf copy of the PowerPoint presentation and Construction Plans that were presented at the District's Condemnation Evaluation meeting.

**Department's Response:**

A pdf copy of the PowerPoint presentation and Construction Plans were provided to the owner.

**DEPARTMENT CONTACTS**

The following is a summary of contacts made with the property owner:

Type of Contact	Number of Contacts
Mailing of information	3+
Emailing of information	10+
Telephone	10+
Personal Call	3

**STATUTORY OFFER TO PURCHASE**

The Department has appraised the subject property and offered the full amount of the appraisal to the owner of record as required by Government Code Section 7267.2. The property owner has been notified that issues related to compensation are outside the purview of the Commission.

## PANEL RECOMMENDATION

The Panel concludes that the Department's project complies with Section 1245.230 of the Code of Civil Procedure in that:

- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- The property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance with Government Code Section 7267.2 has been made to the owners of record.

The Panel recommends submitting this Resolution of Necessity to the Commission.

*Jeffrey A. Purdie*

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JEFFREY PURDIE  
Chief, Office of Project Delivery  
HQ Division of Right of Way and Land Surveys  
Panel Chair

I concur with the Panel's recommendation:

*Michael D. Keever*

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MICHAEL KEEVER  
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW  
MEETING ON MAY 20, 2020**

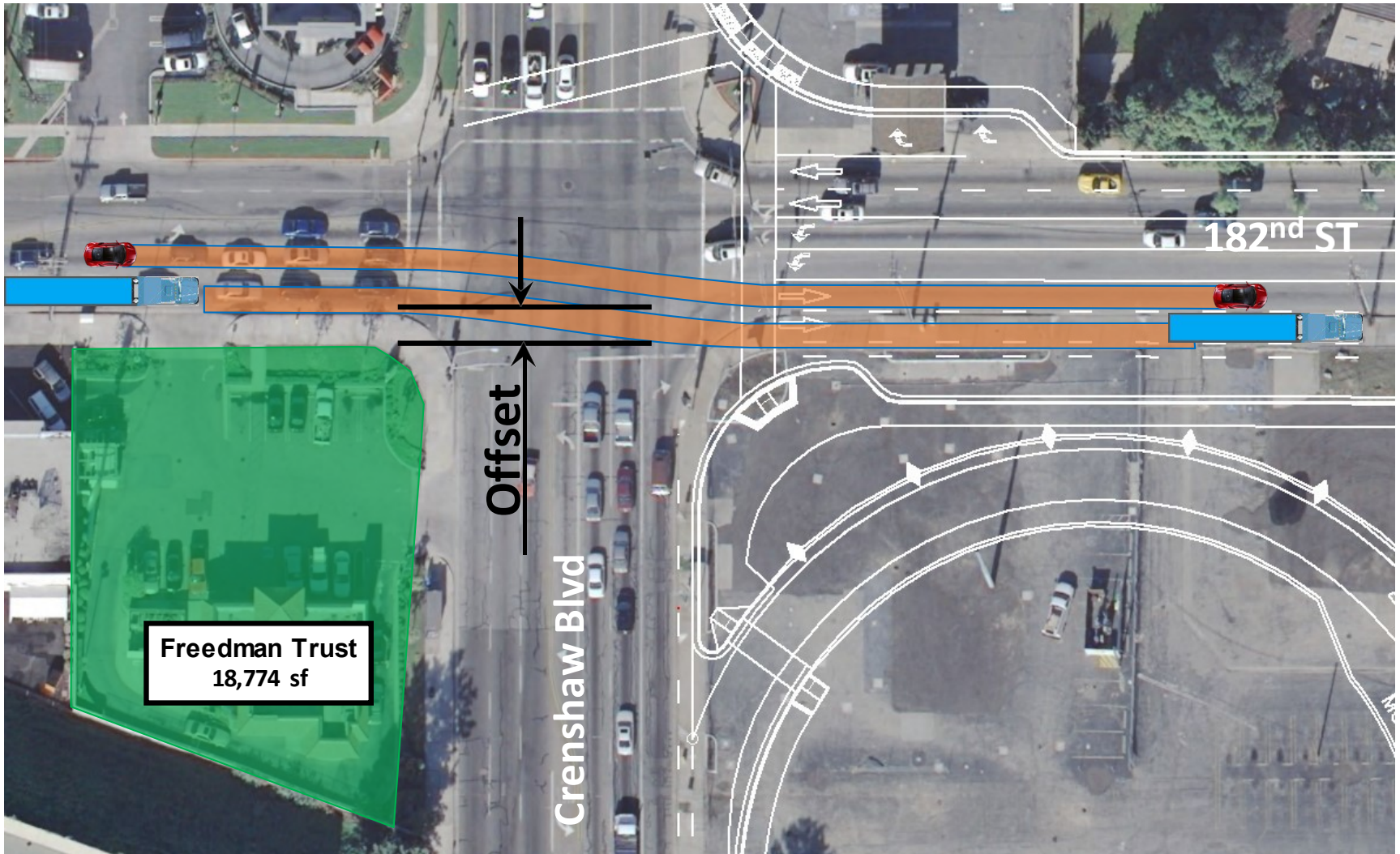
Jeffrey Purdie, HQ's Division of Right of Way and Land Surveys, Panel Chair  
Erick Solares, Assistant Chief Counsel, Los Angeles Legal Division, Panel Member  
Tina Lucas, HQ's Division of Design, Panel Member  
Mark Zgombic, HQ's Division of Right of Way and Land Surveys, Panel Secretary

John Bulinski, District Director, District 7  
Gloria Roberts, Chief Deputy Chief, District 7  
Dan Murdoch, Principal Right of Way Agent, District 7  
James Marsella, Senior Right of Way Agent, District 7  
Jerell Kam, Deputy District Director, Design, District 7  
Michael Whiteside, HQ's Division of Design, Assistant Chief Engineer  
Mehdi Salehinik, Senior Project Manager, Program Project Management, District 7  
Edward Francis, Office Chief, Office of Right of Way, District 7  
Robert So, Deputy District Director, Program Project Management, District 7  
Joseph Reynoza – Transportation Engineer, Design, District 7

Michael Freedman, Property Owner  
Jeanette Freedman, Property Owner  
Michael Ruben, Rutan & Tucker, LLP, Attorney for Property Owner

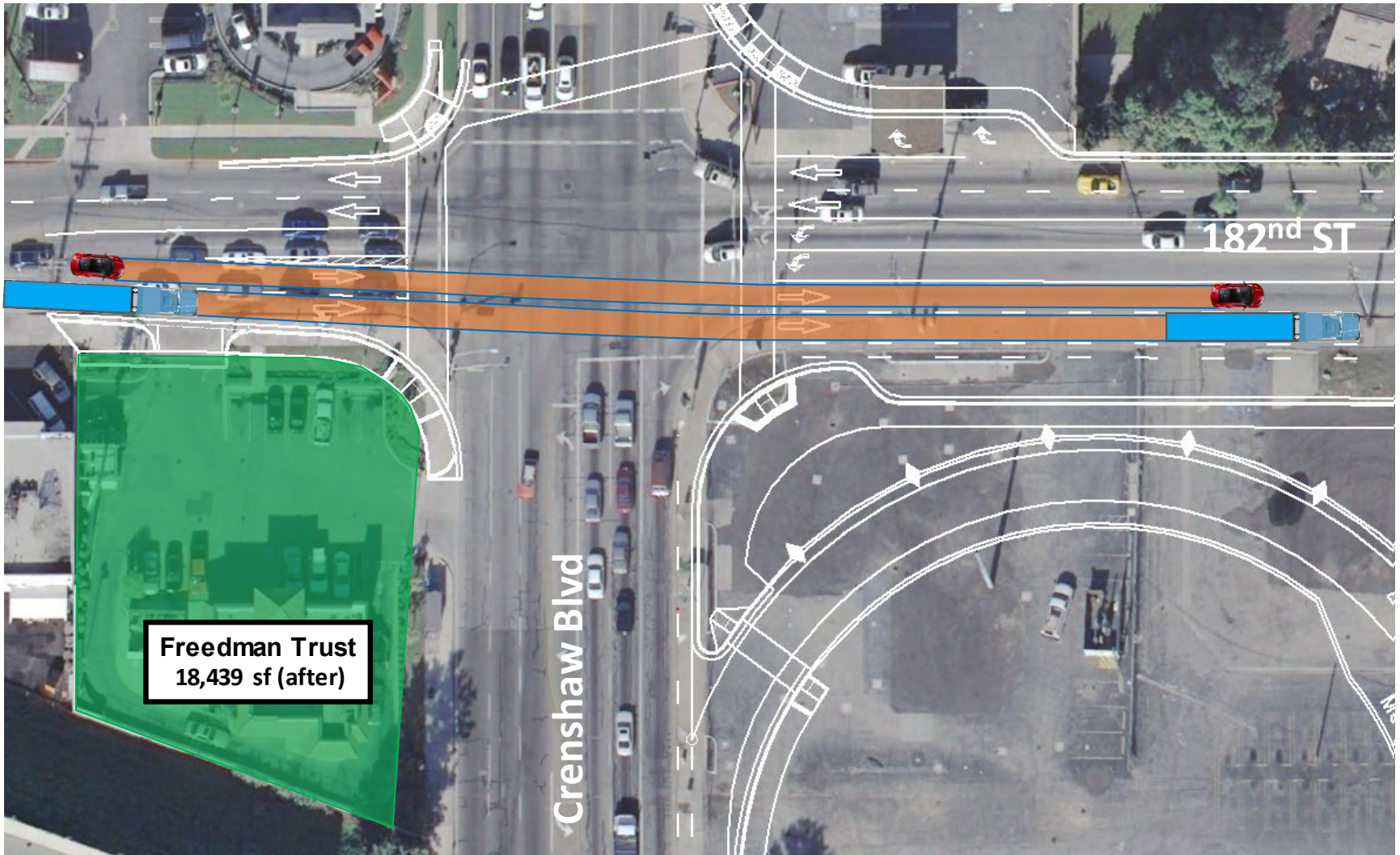
# Exhibit B

# Project Impacts – Lane Offset

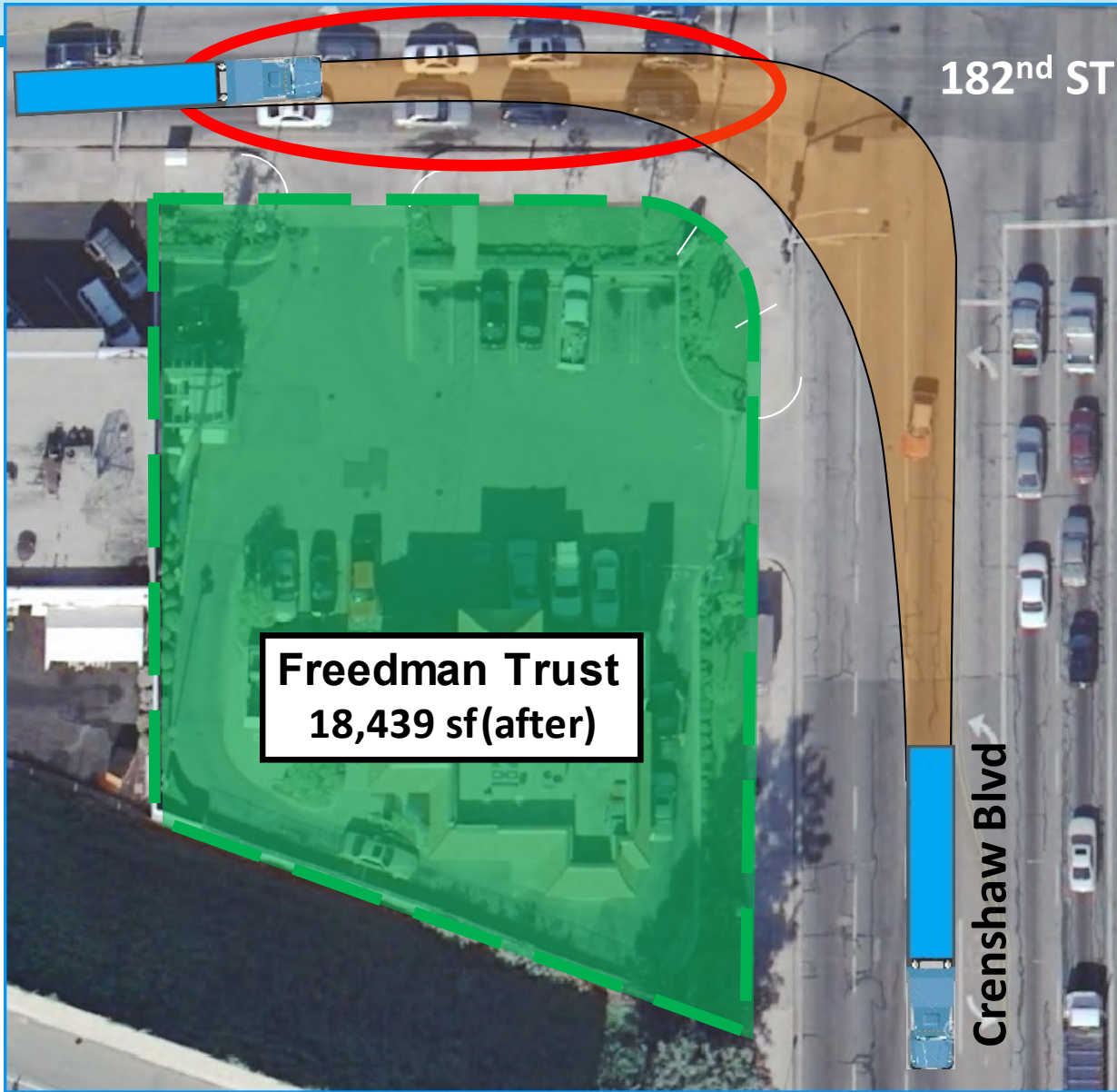




# Project Impacts – After Condition - Lane Offset Eliminated

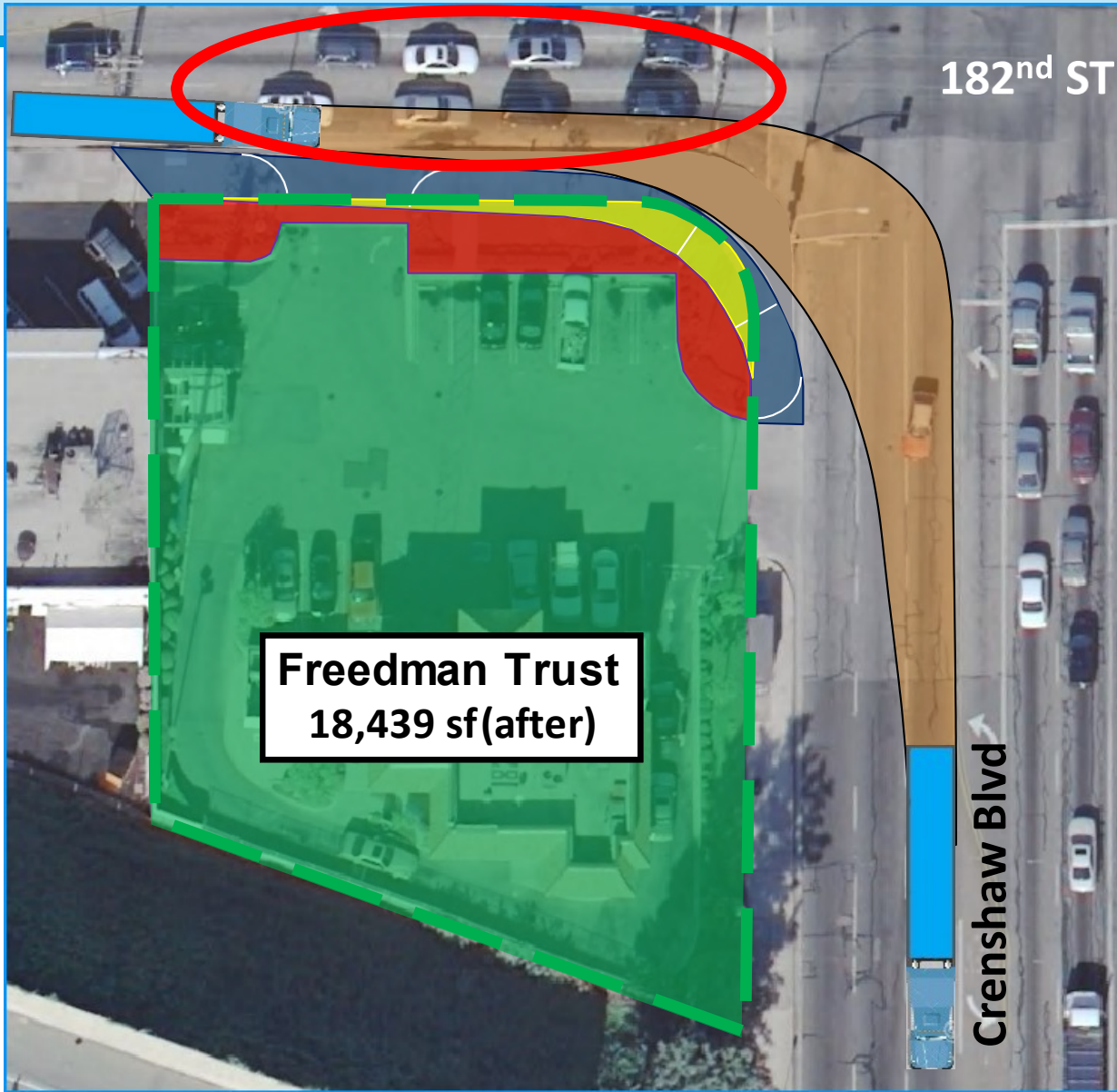





# Project Impacts – Truck Turns – Before Condition





# Project Impacts – Truck Turns – After Condition



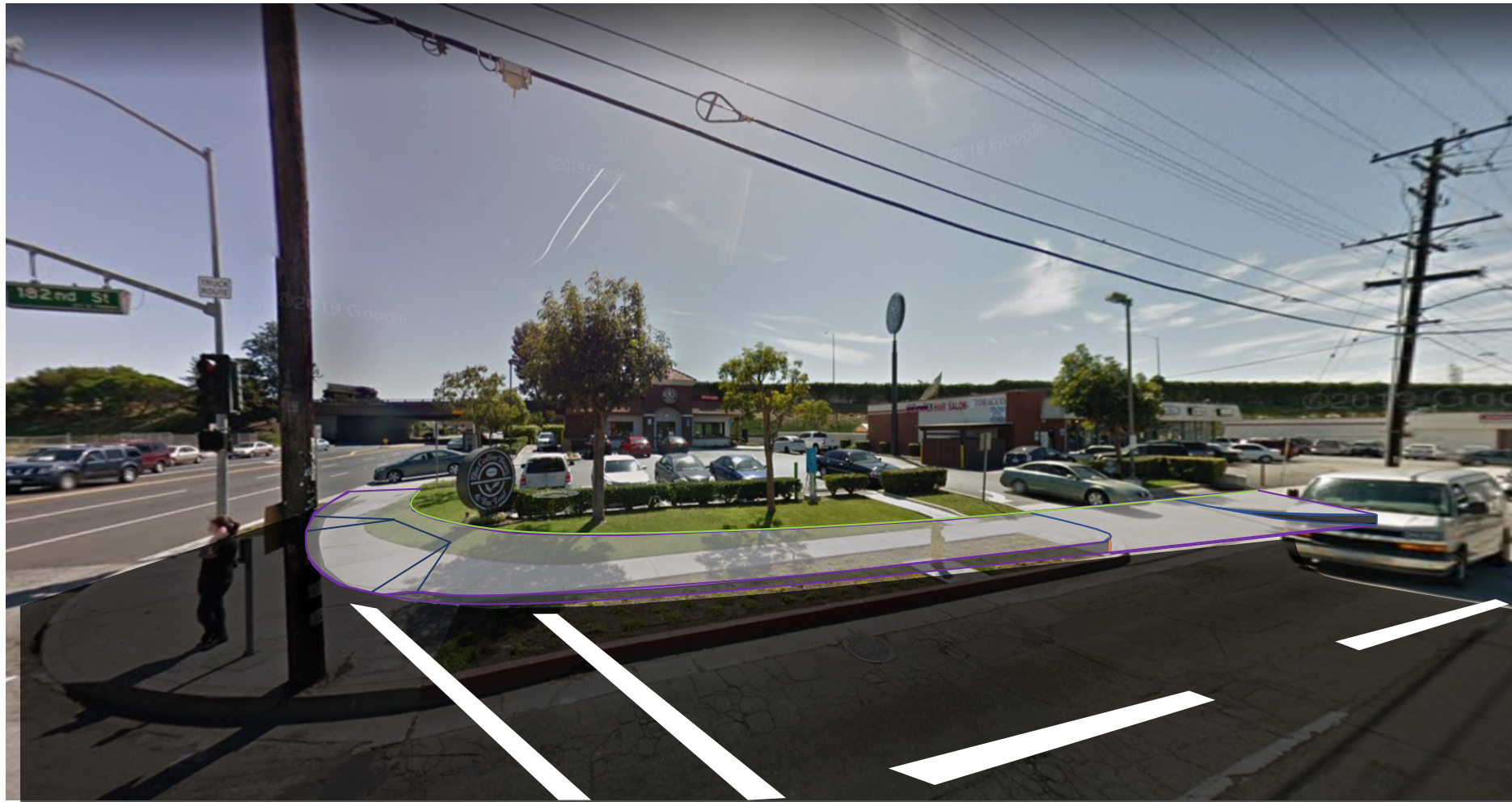
- Proposed Sidewalk 
- Proposed FEE (335sf) 
- Proposed TCE (1376sf) 

# Project Impacts – View of Proposed Sidewalk – Crenshaw Blvd. looking North





# Project Impacts - View of Proposed Sidewalk – 182<sup>nd</sup> Street looking south



# Exhibit C

1 **TRANSPORTATION COMMISSION**  
2 **RESOLUTION NO.**

3 **C-21918**

4 CALIFORNIA TRANSPORTATION COMMISSION  
5 RESOLUTION OF NECESSITY  
6 TO ACQUIRE CERTAIN REAL PROPERTY  
7 OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN  
8 HIGHWAY 07-LA-405-PM 14.4/15.6 PARCEL 80774-1, 2  
9 OWNER: Michael Alan Freedman, Trustee, etc., et al.  
10 LESSEE: International Coffee & Tea, LLC, dba The Coffee Bean & Tea Leaf

11 Resolved by the California Transportation Commission after notice (and hearing)  
12 pursuant to Code of Civil Procedure Section 1245.235 that it finds and determines and  
13 hereby declares that:

14 The hereinafter described real property is necessary for State Highway purposes  
15 and is to be acquired by eminent domain pursuant to Streets and Highways Code Section  
16 102;

17 The public interest and necessity require the proposed public project, namely a State  
18 highway;

19 The proposed project is planned and located in the manner that will be most  
20 compatible with the greatest public good and the least private injury;

21 The property sought to be acquired and described by this resolution is necessary for  
22 the public project;

23 The offer required by Section 7267.2 of the Government Code has been made to the  
24 owner or owners of record; and be it further

25 **RESOLVED** by this Commission that the Department of Transportation be and said  
Department is hereby authorized and empowered;

**APPROVED AS TO FORM AND PROCEDURE**

**APPROVAL RECOMMENDED**

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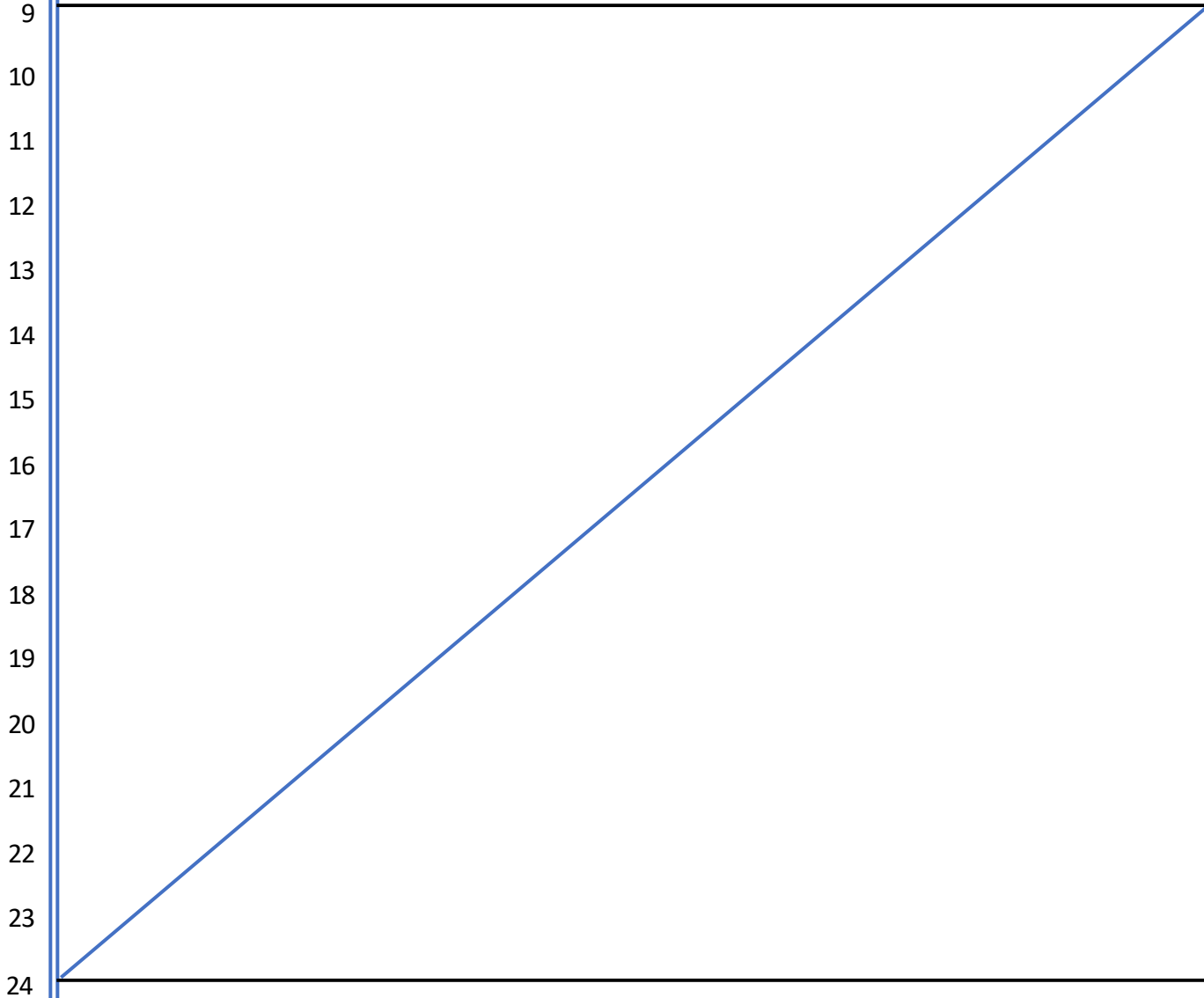
**Attorney, Department of Transportation**

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**DIVISION OF RIGHT OF WAY**

1 To acquire, in the name of the People of the State of California, in fee simple  
2 absolute, unless a lesser estate is hereinafter expressly described, the said hereinafter  
3 described real property, or interests in real property, by condemnation proceeding or  
4 proceedings in accordance with the provisions of the Streets and Highways Code, Code of  
5 Civil Procedure and of the Constitution of California relating to eminent domain;

6 The real property or interests in real property, which the Department of  
7 Transportation is by this resolution authorized to acquire, is situated in the County of Los  
8 Angeles, State of California, Highway 07-LA-405 and described as follows:





## RESOLUTION OF NECESSITY DESCRIPTION

### PARCEL 80774-1:

For State Highway purposes, that portion of Lot 43 of the McDonald Tract, in the City of Torrance, County of Los Angeles, State of California, as per map recorded in Book 15, pages 21 and 22 of Miscellaneous Records, Records of said County, lying Northerly and Northeasterly of following described lines: Commencing at a point in the Northerly line of said Lot 43, said point being distant  $N 89^{\circ} 52' 16'' W$  145.00 feet from the Northeast corner of said Lot 43, said point also being a point in the Southwesterly right of way line of 182<sup>nd</sup> Street, 60.00 feet wide, and the Northeast corner of the land described in the deed to Matthew John Nolan et al. recorded in Book D16, Page 821 of Official Records of said county; Thence  $S 00^{\circ} 06' 48'' W$  along the Easterly line of said land of Nolan et al, a distance of 10.00 feet to a point in a line that is parallel with and distant Southerly 10.00 feet, measured at right angles from said Northerly line of said Lot 43;

Thence parallel with the Northerly line of said Lot 43,  $S 89^{\circ} 52' 16'' E$ , 42.49 feet to the TRUE POINT OF BEGINNING,

Thence  $S 86^{\circ} 57' 34'' E$ , 45.12 feet to a tangent curve concave Southwesterly, having a radius of 39.50 feet;

Thence Southeasterly along said curve thru a central angle of  $84^{\circ} 52' 35''$ , an arc distance of 58.51 feet to the Westerly line of Crenshaw Boulevard, 100 feet wide.

EXCEPTING THEREFROM an easement for Public Street and Highway purposes to the City of Torrance, recorded on April 7, 1969 as instrument No. 3021, in the Office of the Registrar-Recorder/County Clerk of said county.

ALSO EXCEPTING THEREFROM that portion of said Lot 43 included in State Parcel 7205 as described in deed recorded on December 1, 1960 in Book D1051, pages 358 through 392 in said office.

**PARCEL 80774-2:**

A temporary easement for purposes incidental to the construction of Route 405, in, on, over and across that portion of Lot 43 of the McDonald Tract, in the City of Torrance, County of Los Angeles, State of California, as per map recorded in Book 15, pages 21 and 22 of Miscellaneous Records, Records of said County lying within following described lines:

Commencing at a point in the Northerly line of said Lot 43, said point being distant S 89° 52' 16" W, 145.00 feet from the Northeast corner of said Lot 43, said point also being a point in the Southerly right of way line of 182<sup>nd</sup> Street, 60.00 feet wide and the Northeast corner of the land described in the deed to Matthew John Nolan et al. recorded in Book D16, Page 821 of Official Records of said county;

Thence S 0° 06' 48" W along the Easterly line of said land of Nolan et al, a distance of 10.00 feet to a point in a line that is parallel with and distant Southerly 10.00 feet, measured at right angles from the Northerly line of said Lot 43, said point being the TRUE POINT OF BEGINNING;

Thence parallel with the Northerly line of said Lot 43, S 89° 52' 16" E, 42.49 feet;

Thence S 86° 57' 34" E, 45.12 feet to a tangent curve concave Southwesterly, having a radius of 39.50 feet;

Thence Southerly along said curve thru a central angle of 84° 52' 35", an arc distance of 58.51 feet to the Westerly line of Crenshaw Boulevard, 100 feet wide;

Thence Southerly along said Westerly line, S 0° 06' 48" W, 4.10 feet to a non-tangent curve concave Northeasterly and having a radius of 16.90 feet to which a radial line bears S 8° 11' 25" W;

Thence Northwesterly along said curve thru a central angle of 79° 59' 54", an arc distance of 23.60 feet;

Thence N 1° 43' 57" E, 13.71 feet; Thence N 89° 52' 16" W, 57.30 feet; Thence N 0° 07' 44" E, 10.09 feet; Thence N 89° 52' 16" W, 25.59 feet; Thence S 21° 47' 40" W,

4.47 feet to a non-tangent curve concave Northwesterly, having a radius of 6.00 feet, to which a radial line bears S 68° 12' 21" E;

Thence Southwesterly along said curve thru a central angle of 68° 20' 57", an arc distance of 7.16 feet;

Thence N 89° 52' 16" W, 20.75 feet to the Easterly line of the land described in said deed to Matthew John Nolan et al;

Thence along said Easterly line, N 0° 06' 48" E, 12.30 feet to the TRUE POINT OF BEGINNING.

The above described parcel of land is to be used for temporary construction purposes and incidents thereto in connection with the construction of State Freeway Route 405 project designated as 07-LA-405-PM-14.4/15.6 on maps in the Office of the Department of Transportation, State of California, and the rights to the above described temporary easement shall cease and terminate on March 31, 2022. Said rights may be terminated prior above date by the STATE upon notice to the OWNER.

**END OF DESCRIPTION**

PARCELS 80774-1 & -2

# Attachment C

7/29/19 - sent to Caltrans Right-of-way  
cc: Chris Trauma

Michael Rubin  
Direct Dial: (714) 641-3423  
E-mail: mrubin@rutan.com

July 25, 2019



Executive Director  
California Transportation Commission  
P.O. Box 942873  
Mail Station 52  
Sacramento, CA 94273-0001

Re: 18201 Crenshaw Blvd, Torrance CA, APN: 4091-026-009; Caltrans Parcels  
80774-1 & 2

Dear: Executive Director and Commissioners

In response to the July 15, 2019 notice of intent to adopt a resolution of necessity to acquire portions of the above referenced property which was sent to my client, Michael Alan Freedman, (as trustee of The 2003 Michael Alan Freedman and Jeanette Freedman Trust), I am hereby requesting to appear and be heard. Please inform me of the meeting date, time and location.

Very truly yours,

RUTAN & TUCKER, LLP

A handwritten signature in black ink, appearing to read "M. Rubin".

Michael Rubin

cc: Michael & Jeanette Freedman