



AGENDA REPORT

Meeting Date: November 1, 2016
Item Number: F-1
To: Honorable Mayor & City Council
From: Mark Cuneo, City Engineer
Subject: PERMIT APPLICATION FOR THE USE OF THE PUBLIC RIGHT-OF-WAY TO INSTALL BARRICADES/SOUND WALLS AND RELATED ANCILLARY WORK AROUND THE PERIMETER OF THE TWO STAGING SITES FOR THE LA CIENEGA STATION OF THE WESTSIDE SUBWAY EXTENSION PROJECT

Attachments:

1. Location Map
2. Permit Conditions

RECOMMENDATION

Staff recommends City Council move to authorize staff to issue permits to the Los Angeles County Metropolitan Transportation Authority (Metro) and/or their Design-Build Contractor, Skanska-Traylor-Shea (STS) for the construction of barricades/sound walls and other related ancillary work around the perimeter of the two laydown/staging sites located at: 1) La Cienega Boulevard and Wilshire Boulevard; and 2) Gale Drive and Wilshire Boulevard (Attachment 1).

INTRODUCTION

At the April 19, 2016 meeting, City Council authorized the issuance of Demolition and Public Right-of-Way Use Permits for the demolition and clearing of all buildings and existing improvements at 111 Gale Dr., 8401 Wilshire Blvd., 8421 Wilshire Blvd., 8471-8485 Wilshire Blvd., and 14 N. La Cienega Blvd. for future construction staging and laydown locations for the La Cienega Station of the Westside Subway Extension Project.

On July 19, 2016, City Council approved revisions to the permit conditions due to changes in the schedule and duration of the work caused in part by the nesting of migratory birds on the site. Demolition work commenced on September 6, 2016, and Metro's contractor, STS, is anticipated to complete the work by November 18, 2016, within the ten weeks authorized by the Council for completion of the demolition work. A condition of the demolition permits for each of the demolition sites stated: "... (U)se of the sites shall not be allowed after the completion of demolition until a noise barrier wall,

as approved by the City of Beverly Hills, is fully erected along with any other required mitigation measures.” In accordance with this condition, staff recommends authorizing the construction of the perimeter sound walls around the laydown yards in anticipation of the start of the La Cienega Station construction in early 2017 after approval of the Memorandum of Agreement (MOA) between the City and Metro. The MOA for the station construction is intended to establish a comprehensive set of conditions and mitigation measures to minimize, to the extent feasible, impacts and inconveniences to the adjacent residents and businesses during construction.

DISCUSSION

The La Cienega Station laydown/staging sites (111 Gale Dr., 8401 Wilshire Blvd., 8421 Wilshire Blvd., 8471-8485 Wilshire Blvd. and 14 N. La Cienega Blvd.) will be cleared of all buildings and improvements by November 18, 2016. At the current pace, the demolition will conclude within the ten weeks authorized by the City Council for completion of the demolition work. As a consequence, the work is also expected to be completed before the City Council and Metro Board can finalize the proposed MOA for the La Cienega Station construction. The draft MOA requires Metro to construct a sound wall around the perimeter of the sites at least 20 feet high to minimize potential construction noise from these sites to the adjacent community.

Beverly Hills Municipal Code Section 10-3-4203 (Fencing of Vacant Lots) states that all vacant properties must be surrounded by a minimum six foot (6') high chain link fence or other alternative fencing that is adequate to protect the public safety and welfare. Staff recommends the installation of the sound walls at both laydown sites in lieu of a chain link fence upon the completion of demolition. The sound walls will be required to be aesthetically pleasing and at a height to mitigate noise generated from future construction activity by Metro's Contractor at the site. The sound walls will remain around the perimeter of the sites for the duration of station construction (approximately five to six-years).

The sound walls are constructed with steel soldier “columns” with plywood infill panels and will be painted light grey. The interior of the walls will be affixed with sound-attenuating materials. Metro will install project-related construction and business signage similar to temporary signage installed at the Wilshire/La Brea Station and Wilshire/Fairfax Station construction yards. The proposed temporary construction and business signage for the La Cienega Station was presented to the Architectural Commission on September 21, 2016. The Architectural Commission commented that, as part of Metro's Eat Shop Play program, local business graphics should be prominently displayed on the sound wall signage. Metro signage posted on these sound walls will be subject to City staff review.

The following are the construction activities associated with this permit application:

- Excavation to locate existing foundations and utilities within each yard.
- Removal of foundations and structures as required for sound wall installation.
- Drilling foundations for sound wall steel soldier “columns.”
- Electrical power interruptions for safety (portions of the walls are adjacent to existing overhead power lines).
- Concrete placement for sound wall foundations.
- Installation of sound wall wood panels and sound blankets.
- General grading of site.
- Surveying.

- Removal of three (3) trees in the public right-of-way: One (1) on La Cienega Blvd. and two (2) on Gale Dr.
- Relocation of utilities within each laydown yard to accommodate construction of the access shaft and other associated work all within the two laydown yards. This work may require work within the City's public right-of-way. These utilities were not relocated as part of the AUR contract work because they were located on Metro's property.
- Installation of temporary lighting. Lighting will be directed downwards and shielded in accordance with the standards set forth in the permit conditions.
- Installation of driveways in public right-of-way.
- Temporary traffic lane and sidewalk closures.

Staff has reviewed the permit application and recommends specific permit conditions to minimize the potential impacts of the work on adjacent residents and businesses. These conditions have been extracted from the current version of the draft MOA for station construction. Although City Council has not yet acted on the MOA, staff believes the measures are more robust than the City's standard construction conditions. The conditions would include providing advanced public notification; limiting traffic lane closure; providing replacement parking; maintaining pedestrian and driveway access; noise mitigation; coordination of planned service interruptions; and compliance monitoring. Metro will also be required to maintain their phone line to continue to be responsive to concerns about the work from the public.

Summary of Potential Impacts and Mitigation Measures

Traffic:

One traffic lane will be closed periodically on Wilshire Boulevard, La Cienega Boulevard and Gale Drive. Two lanes of traffic in each direction will be maintained on Wilshire and La Cienega Boulevards between 9 a.m. and 4 p.m. For work on Gale Drive, one lane of traffic in each direction will remain open during the work. Traffic control devices will be used to delineate traffic lanes. The capacity of the roadway to carry traffic will be reduced; however, the impact is anticipated to be minimal.

Parking:

The periodic removal of up to 11 on-street parking spaces will be required along the north side of Wilshire Boulevard and 4 spaces on the east side of La Cienega Boulevard in order to implement the contractor's traffic control plan for the work. Metro will be required to provide replacement parking at a reasonable distance from the parking that is impacted by the work. Metro will also reimburse the City for lost parking meter revenue.

Access:

The width of sidewalks will be reduced and sidewalks will be closed periodically. A minimum of five feet will be maintained while open. A detour will be provided to provide pedestrian access, as necessary. Adjacent driveways will be maintained.

Noise:

Construction operations will create some noise. Metro will be required to implement noise mitigation measures such as sound barriers around the work area and equipment. The noise mitigation measures included in the draft MOA are incorporated into permit conditions.

Service Interruptions:

Electrical service interruptions are anticipated periodically when work is immediately adjacent to overhead power lines. Durations of outages will be as required by Southern California Edison but are anticipated to be short-term (5 to 7 hours). Each outage will be coordinated with affected residents and businesses, including the Saban Theatre if necessary.

The recommended conditions for approval of this permit application are included as Attachment 2. Sound wall installation and the associated ancillary work will commence upon the completion of the demolition and will likely continue for several months. Beginning the work upon completion of the demolition will prepare the work area for future station construction activities upon approval of the MOA.

Metro's contractor is in the process of developing its work plan and schedule. No work will be allowed to commence until a detailed work plan, work traffic control plan and schedule are approved by the City.

FISCAL IMPACT

All costs for staff and consultants performing work associated with the permit application review, planning, coordination and oversight of the construction will be reimbursed to the City by Metro. Parking meter revenue will also be reimbursed to the City by Metro. Metro has reimbursed the City for FY16 expenses associated with Section 1. To date, Metro has reviewed and approved all invoices for FY17 and has committed to continue to review and approve invoices but will not issue payment until the FY17 Form 60 is approved by the Metro Board scheduled on December 1, 2016.

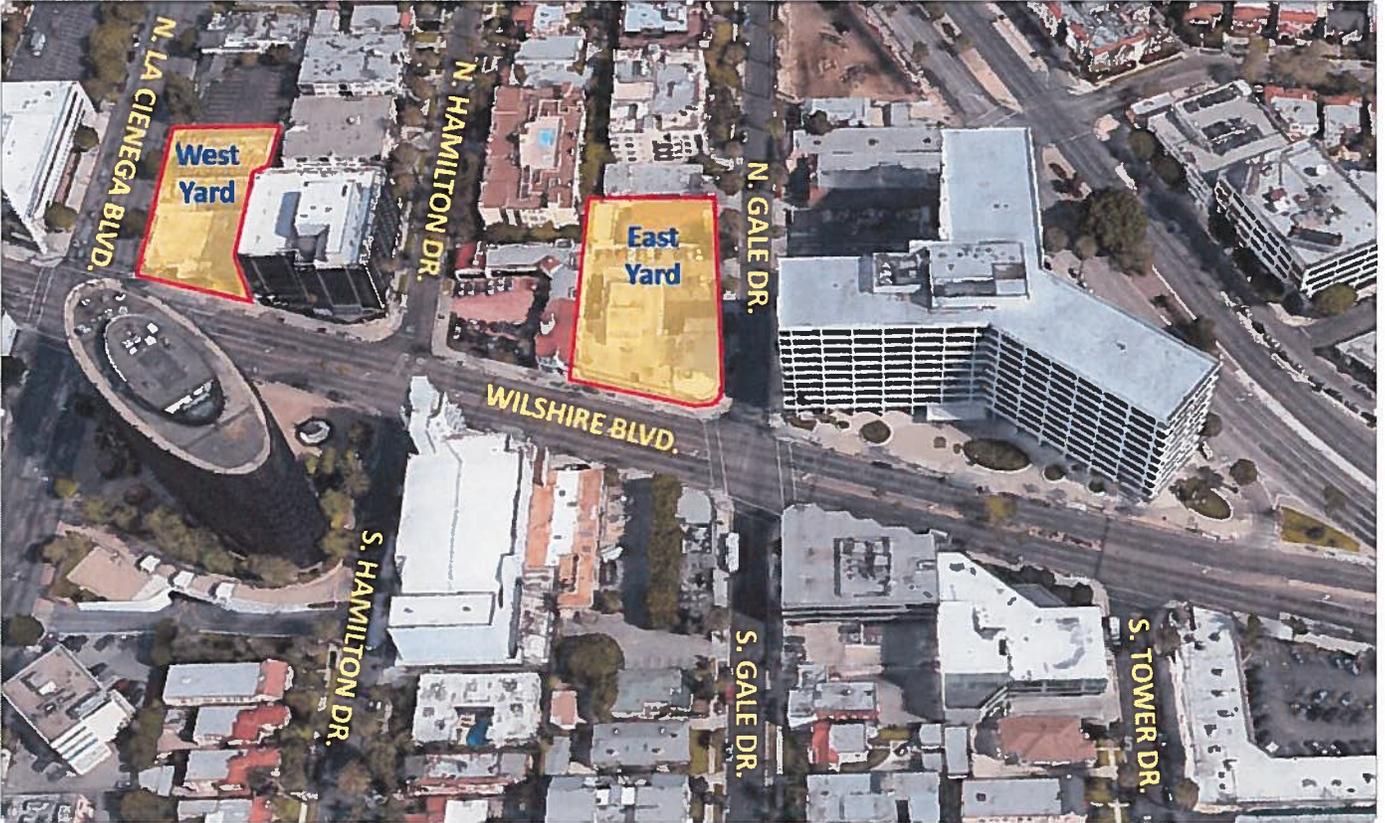


George Chavez

Approved By

Attachment 1

Location Map



Attachment 2

Construction Permit Conditions of Approval

The following definitions shall apply to these permit conditions:

- (a) "C1045" or "C1045 Contract" means the contract awarded by LACMTA for the Design and Construction of the stations and tunnels for Segment 1 of the Purple Line Extension Project.
- (b) "C1045 Contractor" or "Contractor" means the design build contractor, including its designers and subcontractors who have been contracted to design and construct the C1045 scope of work.
- (c) "City Representative" means the City Engineer or his or her designee.
- (d) "City Standard" means the City's rules, regulations, ordinances, practices and codes of the City, including, but not limited to, standards, plans, specifications, general provisions and approved materials for public works projects that the City has documented in writing or has previously implemented. City Standards may also include published standards of appropriate, recognized professional organizations or requirements of the State of California or Federal Government.
- (e) "Construction" means the work of removal, demolition, replacement, alteration, realignment, building, fabricating, landscaping and all new fixed facilities to be built and systems and equipment to be procured and installed that are necessary to complete the Project in accordance with approved plans and specifications.
- (f) "Construction Staging Plans" means construction phasing/sequencing, which may include Traffic Management Plans developed for the C1045 Contract.
- (g) "Consultant" means the person, persons or entity contracted by the City for the purpose of performing work on behalf of the City.
- (h) "Costs" shall mean all Direct and Indirect Costs incurred by the City and the LACMTA.
- (i) "Days" means calendar days including Saturdays, Sundays, and legal holidays. See also definition of Working Days.
- (j) "Design" means engineering, architectural and other design work and the resulting maps, plans, specifications, special provisions, drawings, calculations, computer software and estimates which are needed to construct the Project.
- (k) "Design Review" means the process of critical evaluation of plans and specifications by the LACMTA, the City and others as necessarily required to complete the C1045 Contract.
- (l) "Direct Costs" means labor costs, Consultant costs and costs of purchasing equipment and/or materials, without markup or overhead of any kind. Direct Costs may be determined by the City's pre-existing labor costs standards which the City may revise on an annual basis.

- (m) "Fiscal Year" means July 1 through June 30.
- (n) "Hazardous Material" means any material that meets the definition of hazardous waste set forth in California Health and Safety Code Section 25117.
- (o) "Indirect Costs" means administrative and overhead costs.
- (p) "La Cienega Station" or "Station" shall refer to the proposed Purple Line subway station to be constructed substantially under Wilshire Boulevard between La Cienega and San Vicente Boulevards within the City of Beverly Hills.
- (q) "LACMTA Representative" means the person designated by the Chief Executive Officer of the LACMTA represent the LACMTA in all dealings with the City for purposes of this Permit.
- (r) "Project" means Segment 1 of the Purple Line Extension Project within the City of Beverly Hills.
- (s) "Segment 1" means the portion of the Purple Line Extension Project between Western Avenue and La Cienega Boulevard.
- (t) "Station" or "La Cienega Station" means the LACMTA underground infrastructure required to access and support the operations of the Purple Line Extension Project, a heavy rail transit subway, generally bounded by La Cienega on the west, San Vicente on the east and within/below the Wilshire Boulevard right-of-way, including but not limited to the tail tracks or appendages under and within various sidewalks and an entrance located at the northeast corner of Wilshire and La Cienega Blvd.
- (u) "Traffic Management Plan" means the various Worksite Traffic Control Plans and any other measures intended to mitigate traffic circulation, which may be included in Construction Staging Plans, for the various stages of Construction that the LACMTA may submit as part of its permit applications.
- (v) "Working Days" or "Work Days" means those days that Beverly Hills City Hall is open for business.
- (w) "Worksite Traffic Control Plan(s)" means the plans depicting the stages of traffic control for each stage of Construction for the C1045 Contract.

1. Permit Fees

- a. All Costs (Direct and Indirect) incurred by City staff or its Consultant(s) as a result of permit issuance, including without limitation, plan and/or Design review and approval, Construction inspection, coordination, and testing.
- b. The LACMTA's Contractor shall comply with the City's Business License Tax Ordinance. No Construction within the City of Beverly Hills may commence until the Contractor has paid the City's Business License Tax in full.

2. Hazardous Materials

- a. Upon discovery of Hazardous Material the LACMTA shall immediately notify the City regarding the proper course of action for disposition of the Hazardous Material. The C1045 Contractor will handle, treat, and dispose of encountered Hazardous Materials in accordance with specifications in the C1045 Contract. The LACMTA or C1045 Contractor will comply with all laws regarding the disposition of any Hazardous Material disturbed, and the City shall not be responsible for any costs associated with such compliance.

3. Manner In Which The City Will Be Reimbursed For Costs

- a. The LACMTA agrees to reimburse the City in the manner provided by these Conditions for its Costs (Direct and Indirect) for all staff and Consultants performing work associated with the C1045 Contract consistent with these Conditions. Indirect Costs shall be computed based upon the maximum rates allowable under federal and/or state law. Unless the Internal Revenue Service or the California Public Utilities Commission issues regulations or rulings to the contrary, reimbursable Costs will not include taxes purportedly arising or resulting from the LACMTA's payments to the City under these Conditions.
- b. City shall be reimbursed for all Costs incurred in providing services to administer these Conditions including issuance of Permits, within sixty (60) Days of the date of Permit issuance.

4. Construction Staging, Traffic Control And Parking Requirements

- a. The LACMTA and its consultants and contractors shall develop and submit to the City Worksite Traffic Control Plans that demonstrate vehicle, public safety vehicle, and pedestrian access within the Project area or approved detours at all times. The LACMTA shall comply with the following requirements:
 1. The minimum traffic lane requirements for arterial streets (Wilshire Boulevard and La Cienega Boulevard) impacted by Construction activities shall be as follows: (1) three lanes in each direction between the hours of 7 AM and 9 AM; (2) two lanes in each direction between the hours of 9 AM and 4 PM; (3) three lanes in each direction between the hours of 4 PM and 8 PM; and (4) one lane in each direction between the hours of 8 PM and 7 AM. These minimum traffic requirements may be varied by an approved Worksite Traffic Control Plan that protects the surrounding neighborhood and promotes the free flow of traffic along the arterial streets.
 2. The minimum traffic lane requirements for all other streets impacted by Construction activities shall be one lane in each direction, unless varied by an approved Worksite Traffic Control Plan that protects the surrounding neighborhood.
 3. The Worksite Traffic Control Plans shall be designed to minimize traffic impacts on residential streets.
 4. Parking, staging, or queuing of Project-related vehicles, including workers' vehicles, trucks, and heavy vehicles, shall be prohibited on City streets at all times, including for miscellaneous trips, outside of a permitted workspace identified in a Worksite Traffic Control Plan. The LACMTA shall notify the City

thirty (30) Days in advance of any agreement for off-street parking with any owner of a private parking facility.

5. The Construction Staging Plans or Worksite Traffic Control Plans developed by the C1045 Contractor shall include a parking management plan that observes the conditions set forth in these conditions.
 6. On-street parking may not be used by the LACMTA for LACMTA vehicles or equipment unless the City and the LACMTA agree that such use is necessary. If the Parties agree that such use is necessary, then a parking control plan satisfactory to the City Representative shall provide for equivalent overnight replacement parking for removed residential permit parking spots at the nearest possible location to the location where parking has been removed. In the event that any on-street metered parking spaces are removed because the work is directly beneath the subject parking space or a Worksite Traffic Control Plan or other form of traffic control requires the removal of the parking space, including spaces removed by the City to provide loading or valet zones for impacted businesses, the LACMTA shall reimburse the City for the City's lost parking meter revenue due to the removal of the metered parking space. Additionally, the LACMTA shall mitigate the loss of metered parking spaces by making available an equivalent number of parking spaces in an off street parking facility located along Wilshire Boulevard between La Cienega and San Vicente Boulevards. If off street parking is not available along Wilshire Boulevard due to a street closure, then the LACMTA shall procure parking spaces in the nearest off street available facility. The parking spaces shall be provided for public use at a rate no greater than the metered parking rate. The LACMTA shall provide public notice of the availability of the alternative parking spaces through consultation with businesses or the use of signage. The LACMTA shall further post appropriate signage on on-street metered parking spaces when Construction activities may restrict the use of a metered parking space.
- b. The LACMTA and its Contractor shall ensure that the three off street parking structures located in 8484 Wilshire Boulevard, 8447 Wilshire Boulevard, and 8383 Wilshire Boulevard are not used for construction related parking during times that such parking would conflict with event parking for events that are held at the Saban Theatre.
 - c. The LACMTA shall coordinate with the City to ensure that Construction is scheduled in a manner that maintains adequate loading space for curbside valet parking during events at the Saban Theatre when valet parking is offered by the Saban Theatre.
 - d. The Construction Staging Plans and Worksite Traffic Control Plans shall include Pedestrian Access Plans which shall be approved by the City. Pedestrian Access Plans shall be subject to the following minimum criteria:
 1. Pedestrian access to buildings, including all entrances and box offices at the Saban Theatre, shall be maintained during all times that the buildings are open to the public.
 2. Pedestrian access between the Saban Theatre and all off-site parking lots used by its patrons shall be maintained for all events at the Saban Theatre.

3. The LACMTA shall maintain all crosswalks between the Saban Theatre and those off-site parking lots during all events at the Saban Theatre, unless infeasible to do so. Whenever the LACMTA or its Contractor removes a crosswalk from service, the LACMTA shall establish and maintain temporary replacement crosswalks unless the City determines that a replacement crosswalk is not necessary to maintain an adequate level of service.
 4. The sidewalk shall be used exclusively for pedestrian use and shall not be used for Construction activities or staging, unless Construction is taking place within the sidewalk.
 5. Sidewalks that are being maintained in a temporary condition shall meet the minimum coefficient of friction and meet the following criteria:
 - i. Sidewalks in a temporary condition in excess of 6 months shall be constructed of pre-cast concrete panels or cast in place concrete; unless pre-cast or cast in place concrete is infeasible and the City grants approval to use metal replacement panels or asphalt;
 - ii. Sidewalks in a temporary condition up to 6 months shall be covered on a temporary basis by wooden "boardwalks" for a period not to exceed six months in any given area. Wooden boardwalks shall be constructed of a painted wood and, where required, handrails shall be finished and smooth. Wooden boardwalks shall be illuminated to City Standards;
 - iii. Temporary sidewalks and any sidewalk adjacent to Construction activities shall be illuminated to City Standards.
 6. Sidewalk closures in accordance with an approved Construction Staging Plan or Worksite Traffic Control Plan are permitted only when necessary to facilitate C1045 Contract work, and when approved by the City and coordinated with the Saban Theatre.
 7. Unless subject to an approved closure or an approved width reduction, the minimum sidewalk width shall be five (5) feet and additional width shall be required as necessary to protect the public safety and the operational needs of impacted properties within the Project area, when requested by the City. The C1045 Contractor shall endeavor to maintain the maximum width of sidewalk possible.
 8. All temporary sidewalks shall be adequately lit to protect public safety.
- e. Preliminary Haul routes and Overload routes:
1. Haul routes and overload/oversized vehicle routes must be reviewed and approved by the City. Hauling shall be prohibited on the residential portions of City streets. The following streets are designated for use by vehicles exceeding a maximum gross weight, including the vehicle and its load, of three (3) tons:

La Cienega Boulevard;
San Vicente Boulevard; and
Wilshire Boulevard (East of La Cienega only).

- f. The LACMTA shall at all times provide adequate street access to public safety vehicles, including when lane or street closures are in place. All Worksite Traffic Control Plans shall demonstrate the manner in which public safety vehicles access properties within the Project area vicinity.
- g. The LACMTA shall provide adequate street access to City service vehicles, including but not limited to trash pickup and street sweeping service vehicles, during planned service times.

5. Allowable Work Hours and Workdays

All work shall be conducted between the hours of 7:00am and 4:00pm, Monday through Friday, unless the City approves an after-hours construction permit due to the existence of one of the following conditions:

- Construction that will create planned service interruptions for water, electrical power, and sewer;
- Construction where the work zone is located in the intersection of Wilshire & La Cienega;
- Construction activities requiring the reduction of available traffic lanes on Wilshire Boulevard to one lane in either direction;
- Construction where the work zone is located in the sidewalk and building entrances or adequate pedestrian access cannot be provided; and
- Construction activities when the work zone requires the complete closure of driveways (not including laydown sites).

Work conducted exclusively within the demolition sites and off the public right-of-way may continue until 6pm.

Traffic control may begin at 6:30 AM on Wilshire Boulevard, La Cienega Boulevard, and San Vicente Boulevard. No other Construction is permitted during this one half hour time period.

- a. If the City denies a request for an after-hours permit or additional authorized work hours for work that would conflict with a requirement of these Conditions to 1) maintain pedestrian or driveway access during business hours, or 2) maintain minimum traffic requirements on Wilshire Boulevard, then the LACMTA may nevertheless conduct the work hours as shown in table above. In that event, the LACMTA shall identify to the City the conflicting requirement and shall identify to the satisfaction of the City how the LACMTA will minimize the duration of the conflict. Upon doing so, the LACMTA may proceed with the work hours shown in the table above.
- b. Except when work is otherwise permitted by the City in accordance with this Section, no work shall be permitted during a holiday moratorium. For the purpose of this Section, a "holiday moratorium" shall mean:
 - New Year's Day
 - Martin Luther King Jr. Day
 - President's Day
 - Memorial Day

- The First Two Days of Passover
- Independence Day
- Labor Day
- Rosh Hashanah
- Yom Kippur
- Thanksgiving Day
- The Friday after Thanksgiving Day
- Christmas Day

6. Noise Control Plans and Mitigation Measures

a. The LACMTA shall comply with the attached “Metro 5-Step Noise Control Plan”), specific Noise Control and Noise Monitoring Plans, and additional conditions adopted as part of this permit. To the extent that there is any conflict between those documents, the standards of this Section shall control over the Metro 5-Step Noise Control Plan and specific Noise Control and Noise Monitoring Plans.

1. Noise Control Plans

The LACMTA, through its consultants, contractors, subcontractors or agents, shall follow the Metro 5-Step Noise Control Plan. Additionally, the LACMTA, through its consultants, contractors, subcontractors or agents, shall develop specific Noise Control and Noise Monitoring Plans and submit such plans to the City Representative for approval.

In evaluating the effectiveness of specific Noise Control and Noise Monitoring Plans, the factors which may be considered include, but are not limited to, the following:

- i. The volume of the noise;
- ii. The intensity of the noise;
- iii. Whether the nature of the noise is Construction or non-Construction related;
- iv. Whether the origin of the noise is natural or unnatural;
- v. The volume and intensity of the background noise, if any;
- vi. The proximity of the noise to residential sleeping facilities;
- vii. The nature and zoning of the area within which the noise emanates;
- viii. The density of the inhabitation of the area within which the noise emanates;
- ix. The time of the day or night the noise occurs;
- x. The duration of the noise;
- xi. Whether the noise is recurrent, intermittent, or constant;
- xii. Whether the noise is produced by a commercial or noncommercial activity; and
- xiii. The monitoring of noise levels.

2. Noise Control Measures

The LACMTA shall employ the following noise control measures:

<u>Source</u>	<u>Noise Control Measures</u>
Backup alarms	When backup alarms are used, they shall be low impact alarms, which include manually-adjustable alarms, self-adjusting alarms and broadband alarms. Configure traffic pattern to minimize backing movement.
Slamming tailgates	No slamming tailgates. Establish truck cleanout staging areas as needed. Use rubber gaskets or functional equivalent or decrease speed of closure.
Pavement breakers (jackhammers) Vibratory rollers and packers	Fit with manufacturer approved exhaust muffler. Enclose pavement breaker and cutting activities with a noise barrier fence. The use of vibratory rollers and packers will be avoided near vibration sensitive areas and structures. The vibration sensitive areas and structures shall be determined by a structural engineer as part of the preconstruction surveys and subject to verification by the City.
Drilling for Piles Prolonged idling of Equipment	No impact pile driving will be used. No idling of heavy equipment or vehicles when not in use. Locate equipment away from noise sensitive areas to the extent practicable.

<p>Construction Operations Planning</p>	<p>No truck traffic shall be permitted on residentially zoned streets, except for access to laydown yards when necessary and only by using a route approved by the City.</p> <p>Use modern equipment equipped with state of the art engine insulation and mufflers, in accordance with all applicable City, State, and Federal standards.</p> <p>Where a generator is necessary, it shall be equipped with the best available technology to minimize noise.</p> <p>Operate equipment at the lowest possible power levels.</p> <p>Provide noise muffling enclosures for fixed equipment.</p> <p>Provide noise awareness training to contractors/workers.</p> <p>Use solar, battery powered, or hybrid equipment whenever practical.</p> <p>All staging areas shall be enclosed with a 20' minimum sound wall.</p> <p>Place plywood or dirt beds on all trucks or any other mutually agreed to effective noise mitigations when loading concrete or steel on beds of trucks.</p>
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The following path mitigation techniques shall be employed at all times to reduce the impact of construction noise:

- Use of temporary noise barriers and sound control curtains or an equivalent form of solid object to either destroy part of the sound energy by absorption, or to redirect part of the energy by wave deflection.
- All jackhammers, pavement breakers and saw cutters used at the Construction site shall be enclosed with shields, acoustical barrier enclosures, or noise barriers.
- Enclose activities likely to create a noise disturbance and enclose stationary equipment.
- Employ sound blankets over a movable fence for all night work, including the use of state-of-the-art technology where necessary to achieve no more than 5dBA above pre-existing ambient noise levels at the property line of the nearest residential building. If sound blankets are to remain in place for more than five (5) Days, the LACMTA must seek approval from the City.

- Employ targeted noise mitigation when Construction is proximate to historic structures and may exceed 5dBA (Leq 15 min) above pre-existing ambient noise levels during business hours at historic structures.

If any activity conducted between the hours of 10 PM and 7 AM causes an unreasonable noise impact to the surrounding neighborhood, reasonable mitigation, agreed to by both parties, shall be implemented to reduce the impact to a reasonable level. When determining whether an impact is unreasonable, the City shall take into account the hour of day, the proximity to the work site, and other similar factors.

3. Noise Control Monitoring
 - i. The LACMTA, through its consultants, contractors, subcontractors or agents, shall develop specific Noise Control and Noise Monitoring Plans that include all requirements contained in these Conditions and the Metro 5-Step Noise Control Plan, which shall be subject to City approval.
 - ii. Construction noise levels at all times will be limited to no more than 5 dBA above pre-existing ambient noise levels at the property line of any residential building (“the Noise Standard”). Noise monitoring will be evaluated on a 15-minute average noise level (Leq 15 min). In the event that the City identifies a potential violation of this Noise Standard at a property line where the ambient noise level has not previously been established: (1) the City shall use the ambient noise level established at the nearest pre-existing monitoring location unless and until a new ambient noise level is established at the location of the potential violation; (2) LACMTA shall take the steps necessary to meet the Noise Standard at the location of the potential violation; and (3) LACMTA may elect to jointly establish with the City a new ambient noise level at the location of the potential violation. The City shall then use the ambient noise level established at the pre-existing location or the newly established ambient level, as applicable, as the baseline for determining whether to impose a monetary contribution as provided for under Enforcement of Permit Conditions and Mitigation Measures section.

7. Light Plans and Mitigation Measures

To minimize the impact of temporary lighting on adjacent properties, the following mitigation measures shall be implemented:

- Lighting will be directed downwards and shielded. Care shall be taken in the placement and orientation of portable lighting fixtures to avoid directing lights toward sensitive receptors, including automobile drivers.
- Temporary lighting will be limited to the amount necessary to safely perform the required work and ensure pedestrian safety.

- In addition to minimizing light spill, sensitive receptors and motorists on public streets will not have direct views of the light source (glare) from construction lighting. Light sensitive receptors include but are not limited to residential areas.
- Light trespass shall not exceed one foot-candle above ambient light level as measured at any adjacent property.

8. Enforcement of Permit Conditions and Mitigation Measures

- a. When the City finds that the LACMTA or its contractors have violated the terms or conditions of this Permit (“the Permit Conditions”), the City will provide documentation of the violation to the LACMTA within twenty-four (24) hours of the violation. The LACMTA shall provide a response to the nonconformance report within forty-eight (48) hours that shall include a description of the investigative actions taken to resolve the nonconformance, a description of the cause of the nonconformance, the actions taken or planned to correct the nonconformance, and the actions taken to prevent recurrence of the nonconformance.
- b. The City has the power to order compliance with the Permit Conditions. If the City identifies two or more violations of the same Permit Condition with impacts on the same business, residence, or within a one hundred fifty (150) foot radius of the violation, within a ten (10) Day period, the LACMTA shall be required to make a monetary contribution into a fund established for the purpose of mitigating construction impacts on businesses and residents impacted by the construction:

Violation 2:	\$15,000 per violation
Violation 3 or more:	\$25,000 per violation

- c. The City will control the fund established by this Section and will direct expenditures to mitigate construction impacts on businesses and residents upon finding a link between the violation and the impact to businesses or residents. This Section is in lieu of any other method set forth in the Beverly Hills Municipal Code for imposing monetary fines or penalties upon the LACMTA for violations of the Permit Conditions.
- d. In addition to any monetary contributions required under this Section, the City may order an immediate halt to the work causing a violation or prohibit work that would imminently and obviously cause a violation until the LACMTA, its contractors or other third parties take action to correct the violation and prevent the violation from being repeated. If the work is halted or prohibited, the City will not allow resumption of the work causing the violation or that would imminently and obviously cause a violation until the violation is resolved and will not be repeated. The City will only preemptively halt the work if the work would cause a violation of a specific Permit Condition that leaves no room for discretion, such as a failure to utilize proper noise mitigation equipment or conducting work at an unpermitted time.
- e. The City will also order a halt to any work that poses a clear and immediate threat to public safety. If work is halted for reasons of public safety, the City will not allow resumption of the work until the threat to public safety has been abated. This paragraph shall not be construed to limit the authority of any authorized safety

engineer, inspector, or other person to halt any work that poses a threat to public safety.

9. Tree Removal and Replacement

Tree removal will be avoided wherever possible. The LACMTA shall strictly comply with a tree removal and replacement plan that will ensure that any landscaping removed as a result of C1045 Contract Construction is eventually returned to its condition prior to removal. The tree removal and replacement plan shall substantially conform to the following requirements:

- New replacement trees shall be a 36” box of the same species and planted in the same location as the removed tree when not in conflict with new infrastructure, in which case the City’s arborist shall designate an alternative location and/or size;
- New replacement palm trees shall be a minimum 20’ in height;
- The LACMTA shall replace trees within six (6) months of restoration and completion of that portion of Wilshire Boulevard that may impact the tree. To the extent feasible, the LACMTA shall replace trees on an ongoing basis so long as doing so does not conflict with future C1045 Contract Construction; and
- The LACMTA shall mitigate the City’s lost value as a result of tree removal by compensating the City for the difference in lost value between removed trees and new replacement trees, with the difference in value determined using the TFM (Trunk Formula Method) as defined in “Guide for Plant Appraisal, 9th Edition”.

The LACMTA shall coordinate with the City’s arborist to ensure that the tree removal and replacement plan is executed to the satisfaction of the City’s arborist. The LACMTA or its contractor(s) shall maintain all trees landscaping installed by the LACMTA or its contractor(s) for a period of three (3) years from the date of planting and shall warranty the trees and landscaping for one (1) year after planting. Prior to the end of the one year warranty period, the City, LACMTA and its Contractors will conduct an inspection of all replacement trees and landscaping for general health as a condition of final acceptance by the City. If, in the City’s sole determination, a replacement tree or landscaping does not meet the health requirements of the City, then the LACMTA shall replace that tree within thirty (30) days. For any trees or landscaping that must then be removed, the original warranty shall be deemed renewed commencing from when the tree or landscaping is replaced.

10. Business Mitigation Assistance

The LACMTA shall implement business mitigation measures for the purpose of assisting those businesses financially affected by work performed under this Permit. Business mitigation assistance will include, but is not limited to, the following:

- Advertising
 - Weekly advertisement in a local or regional newspaper
 - Social Media

- Sign advertising in the event that the City Council authorizes the establishment of signs at the Project site
- Eat, Shop, Play (ESP) program
 - The ESP program allows businesses to advertise on Metro.net/purplelineext
 - ESP's will be highlighted in The Source
 - ESP's will be included in marketing materials
 - ESP's will be included in local and regional publications
- Parking mitigation
 - Parking validation and other incentives for local businesses
 - If the LACMTA's obligated replacement parking is unavailable, then the LACMTA shall participate in either a valet service or shuttle service to be provided by the City and reimbursed in part by Metro.
 - Signage advertising where and when parking incentives have been made available and how to access the parking
 - Social media shall be used to advise customers on alternate parking locations
- Communications and Outreach support
 - Provide an on-call public relations representative
 - Radio, print and social media advertising of detours during closures of Wilshire Boulevard
- Banners/signage
 - "Businesses Open During Construction" signage will be provided to all affected local business
 - The LACMTA will work directly with business owners to develop customized and appropriate signage
 - All LACMTA signage not related to traffic control or noise control placed in the City shall be mutually approved by the City and the LACMTA
 - Fund cost of production and installation of street banners promoting local businesses as approved by the City
 - Pedestrian-oriented wayfinding signage, including but not limited to, illustrations of parking areas and open businesses, will be provided in appropriate areas
- Marketing
 - The LACMTA will work directly with businesses to develop and procure marketing materials
- Public affairs representatives and consultants
- Other urban design, mitigation, public outreach, and business assistance projects as mutually agreed upon by the Parties.

The LACMTA shall devote funding for such types of measures, in accordance with the following schedule:

- Sixty thousand dollars (\$60,000) per month.

The LACMTA also agrees to provide the following additional environmental and business mitigation, either as part of current LACMTA operations or by a third party as part of any contract awarded by the LACMTA for the C1045 Contract:

- Clean worksite and adjacent areas, including street sweeping, at least once each work day and remove and paint over graffiti within 48 hours of discovery
- Placement of large, clearly visible signage indicating that all businesses are open during construction at a location identified by the City

11. Advance Notification Process and Establishment of a Public Phone Line

The Project area is a sensitive area for residents, businesses, commuters, and visitors. The LACMTA and the C1045 Contractor and consultants will be required to minimize any inconvenience to the public and provide advance notification to the public of Construction activities and planned service interruptions. As soon as possible after permit issuance, the LACMTA shall develop a community outreach plan, satisfactory to the City. The plan shall include quarterly public meetings to provide Project Construction information to residents and businesses nearby the Project.

The LACMTA shall be responsible for all advance notifications to the public for work associated with the Project. The notification distribution area shall be reviewed and approved by the City. Project information and Construction notifications may be provided in multiple formats including, electronic mail, Project website, social media and on-street portable changeable message boards. All signage not related to traffic controls or noise control shall be mutually approved by the City and the LACMTA.

The LACMTA will continue to provide advance notification via mail or hand delivery for the following activities:

- a) Start of Each Major Construction Activity and the Demolition of any building or structure
 - i. 21 calendar days – On street Changeable Message Signs (CMS)
 - ii. 14 calendar days (1st notice) – Mail or hand deliver
 - iii. 2 calendar days (2nd notice) – Mail or hand deliver
 - iv. Updates via Eblast, website, Facebook and Twitter
- b) Utility Service Interruption
 - i. 30 calendar days – Mail or hand deliver
 - ii. 2 calendar days – Hand deliver
- c) Driveway Closure
 - i. 7 calendar days – Mail or hand deliver
 - ii. 2 calendar days – Mail or Hand deliver
- d) Sidewalk Closure
 - i. 7 calendar days – On-street signs
 - ii. 2 calendar days – Hand deliver to residents and businesses
 - iii. Updates via Eblast, website, Facebook and Twitter

- e) Lane Closure
 - i. 7 calendar days – On street Changeable Message Signs (CMS)
 - ii. Updates via Eblast, website, Facebook and Twitter
- f) No Parking
 - i. 7 calendar days – On street signs
 - ii. Updates via Eblast, website, Facebook and Twitter

On-street changeable message boards related to lane closures, driveway closures, sidewalk closures and parking restrictions will be located based on traffic engineering plans and documents. They shall be removed during periods when no changeable messages are required by these Conditions or the City of Beverly Hills. The requirements of this Section will be incorporated into traffic plans as they are submitted by the C1045 Contractor.

The LACMTA shall reimburse the City for the development and maintenance of a web application, which will include Project information for the duration of the Project. The website or web application may include information unrelated to LACMTA Construction.

The LACMTA shall provide to the City a monthly schedule of all proposed activities within the City.

Establishment of a Public Phone Line

The LACMTA shall establish and fund a toll-free phone line that is available twenty-four (24) hours a Day to respond to concerns related to construction disturbances within the City. This phone line shall incorporate a construction relations phone line prompt for immediate live response. Contact information for the public liaison person and phone line shall be included in all Construction notices. The LACMTA shall respond to complaints within forty-eight (48) hours of receipt and, where possible, shall address the complaint by corrective action in a timely manner. The LACMTA shall provide documentation to the City Representative that the complaint was effectively resolved. The LACMTA will immediately log the complaint and immediately notify the City Representative.

At the City's own expense, the City may establish its own dedicated phone line, in addition to the LACMTA-established toll-free phone line. If the City establishes its own dedicated phone line, then all LACMTA notices and signs relating to Construction must include both the LACMTA's and City's phone numbers.

12. Construction Review Deadlines and Delays

LACMTA shall provide to the City for its review and, as necessary, approval all Design and Construction plans.

13. Miscellaneous

- a. The LACMTA and its Contractor shall protect and maintain all basement walls, footing encroachments, and marquees of all buildings adjacent to the Construction work zone.

- b. The LACMTA shall meet and confer with representatives of the Saban Theatre as necessary to discuss coordination of Construction with Saban operations and events.
- c. The City Representative or his or her designee, the City Engineer, and Consultant(s) shall at all times be permitted to enter the Project area, including LACMTA work sites, in order to conduct monitoring for compliance with these Conditions, mitigation measures, and C1045 Contract requirements.
- d. The LACMTA shall protect and maintain all basement walls, footing encroachments, and marquees of all buildings adjacent to the construction work zone.
- e. In addition to the Permit Conditions provided above, the following standard permit conditions of the City shall apply to the permit for the C1045 Contract work:
 - 1. Restore full street access at the end of each working day.
 - 2. Trench plates shall be recessed and secured per City standard drawings and requirements.
 - 3. Unsecured trench plates shall be re-secured within six (6) hours of notification from the City Representative, but in no case shall remain unsecured past the hours of 10 PM or during performances held at the Saban Theatre.
 - 4. Posting of "No Parking" signs indicating the dates and time of the parking restriction seven (7) days prior to work activity or as required by the City Representative.
 - 5. Contact parking enforcement to register parking restrictions 72 hours in advance of proposed restriction. Unregistered parking restrictions or parking restrictions with improperly maintained signage will not be enforced.
 - 6. Hauling that meets the following criteria may require engineering investigations, routing definition, coordination, police escort, and control of permit movement:
 - i. Loads in excess of 14 feet wide.
 - ii. Loads in excess of 135 feet in overall length.
 - iii. Loads that are of a weight that require:
 - a. More than a 13-axle, single-vehicle width hauling combination, or
 - b. A 13-axle, single-vehicle width hauling combination with a load deck where the inner axles in the groups bordering the load deck are 40 feet or more apart, or
 - c. Two or more side-by-side vehicles with a combined width of 14 feet or more supporting the load.
 - d. Damage to public improvements as a result of permitted transport shall be reported to the Police Department immediately

Note: In the event that the City and the LACMTA execute a Memorandum of Agreement (MOA) to govern Project construction activities during the term of this Permit, then the MOA and mitigation measures contained therein shall control over the conditions of approval above.