



## AGENDA REPORT

**Meeting Date:** April 21, 2011

**Item Number:** G-10

**To:** Honorable Mayor & City Council

**From:** Ara Maloyan, Deputy City Engineer

**Subject:** APPROPRIATION OF FUNDS IN THE AMOUNT OF \$621,826 FOR THE REHABILITATION OF BENEDICT CAÑON DRIVE UTILIZING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS;

AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, ALL AMERICAN ASPHALT, FOR THE "REHABILITATION OF BENEDICT CAÑON DRIVE, FEDERALLY FUNDED PROJECT ESPL 5221-011 (CITY OF BEVERLY HILLS GRANT CODE # 0605101F010)" IN THE AMOUNT OF \$589,589; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; AND

APPROVAL OF A PURCHASE ORDER TO ALL AMERICAN ASPHALT FOR A TOTAL NOT TO EXCEED \$707,507.80

**Attachments:**

1. Agreement
2. Vicinity Map
3. Program Supplement No N006 to Agreement No 07-5221R from Caltrans to proceed with Construction
4. Caltrans Categorical Exclusion

### RECOMMENDATION

Staff recommends that the City Council move to: 1) Appropriate funds in the amount of \$621,826.00 as follows:

From		To	
\$621,826	06-30000 Fund Balance Infrastructure Capital Projects Fund	\$621,826	0605101F010-85040 Construction, American Recovery and Reinvestment Act Grant

2) Award a construction contract to the lowest responsible bidder, All American Asphalt for the Rehabilitation of Benedict Cañon Drive, Federally Funded Project ESPL 5221 (011), (City of Beverly Hills Grant # 0605101F010) ("Project") in the amount of \$589,589; 3) Approve plans and specifications for the "Project" dated January 2010, which are adopted and approved with respect to design criteria; 4) Approve a construction contingency of 20% in the amount of \$117,917.80 and delegate the authority to approve change orders to the Director of Public Works and Transportation Department as defined in the city's Purchase Ordinance; and 5) Approve a purchase order in the amount of \$707,507.80

### **INTRODUCTION**

This report is a request for City Council approval to appropriate the City's remaining 2009 ARRA allocation in the amount of \$621,826.00 and award a contract to the lowest responsible bidder for the Rehabilitation of Benedict Cañon Drive, Federally Funded Project ESPL 5221 (011), utilizing these ARRA funds. This Federally-funded project consists of rubberized asphalt overlay of approximately 1.1 miles of Benedict Cañon Drive, from Sunset Boulevard to North City Limit and the ADA-compliant upgrading of 25 curb ramps. This project has a 30 work day completion requirement.

### **DISCUSSION**

On February 17, 2009 US Congress signed in to law the American Recovery and Reinvestment Act (ARRA), assigning more than \$150 Billion for new and upgrading of infrastructure in the Country. As a result of the ARRA application submitted by engineering staff in April 2009, the California Department of Transportation (Caltrans) obligated \$1,059,000 of Federal Aid ARRA funds to the City of Beverly Hills. The City has entered into an agreement with Caltrans to receive reimbursement for the obligated amount. As part of their 2009 application, staff reviewed and assessed all of the arterial streets within the city and an engineering decision was made to spend these ARRA funds on the reconstruction of Robertson Blvd and Benedict Cañon Drive thereby improving surface mobility for city traffic on two minor arterials that run from the south city limit of Whitworth Drive to the north city limit of Burton Way and from Sunset Boulevard to the north city limits respectively. Robertson Blvd was rehabilitated in December 2009 utilizing \$437,173 of these assigned ARRA funds (which we received 100% reimbursement for on June 15, 2010). The remaining \$621,826.00 is being utilized to rehabilitate Benedict Cañon Drive in addition to \$85,681.80 from the city's fiscal year 10/11 CIP 0195 "Street Resurfacing" budgeted funds.

On February 7 and 14, 2011, a Notice Inviting Bids was published in the Beverly Hills Courier, Beverly Weekly and on the City's web site. Twenty sets of contract documents were issued to contractors. On March 14, 2011, three bids were received and opened as follows:

All American Asphalt	\$ 589,589
Sully Miller Contracting	\$ 635,670
Excel Paving Company	\$ 678,060

The Engineer's' Estimate was \$ 578,600

The above bid amounts were tabulated using unit prices which take precedence over the submitted total bid amounts. All documents submitted by all the bidders were in order, and the apparent low bidder is All American Asphalt. Staff recommends that the lowest bid be accepted and a contract awarded to All American Asphalt. The work on this

project is scheduled to be completed within 30 working days of issuance of a notice to proceed.

Since 2007, All American Asphalt has satisfactorily completed the following paving projects within the city of Beverly Hills: 07/08 and 08/09 Street Resurfacing Projects in addition to our Phase I ARRA federally funded "Rehabilitation of Robertson Boulevard" project.

Notifications to residents and business owners will be sent two weeks prior to All American Asphalt starting work on Benedict Cañon Drive and city communications staff will coordinate regional news release with media.

**ENVIRONMENTAL IMPACT**

The State of California is committed to helping reduce the number of waste tires entering California's landfills. Since 2002, Caltrans has utilized more than 9 million waste tires in highway construction projects, averaging nearly 2 million waste tires per year. Of this amount, approximately 8 million waste tires were used in rubberized asphalt concrete (RAC) projects. The Benedict Cañon Drive rehabilitation will contribute saving approximately 10,000 waste tires using Rubberized Asphalt Concrete as the primary resurfacing structure. Beyond the obvious environmental benefit of reducing landfill waste by recycling scrap tires for use in pavements, there also pavement performance enhancements such as improved durability and reduced noise.

**FISCAL IMPACT**

Since this project was approved as part of the American Recovery and Reinvesting Act, the project will utilize the remaining \$621,826.00 of ARRA funds and will require \$85,681.80 in local funds which will come from the city's fiscal year 10/11 Infrastructure Capital Projects Fund. The existing average Pavement Condition Index (PCI) of Benedict Cañon Drive is 62 and it has a remaining service life of approximately of five years. Standard industry practice indicates that routine repair and maintenance work will need to be scheduled in order to keep or slightly increase this PCI during future years. This routine maintenance which includes slurry seal, crack seal and minor concrete repair could potentially cost approximately \$180,000.00 and will only end up increasing the average PCI from 62 to 72 and the lifespan of the street by five years. The rehabilitation and resurfacing of Benedict Cañon Drive will provide a minimum service life of 20 years at a total cost of \$ 589,589.00 thereby increasing the PCI from 62 to 100.

DEPT	FUND	PROJECT NUMBER	SUB-PROJECT NUMBER	FUNDING SOURCE	AMOUNT
			0605101F010-85040	Construction, ARRA Grant	621,826.00
35	06	0195	35-06-0195	Infrastructure Fund	85,681.80

**TOTAL \$ 707,507.80**

  
\_\_\_\_\_  
Scott Miller  
Finance Approval

  
\_\_\_\_\_  
David Gustavson  
Approved By

# **Attachment 1**

**AGREEMENT**

THIS AGREEMENT, made and entered into this 21 day of April, 2011 by and between the CITY OF BEVERLY HILLS, a municipal corporation, hereinafter referred to as "City", and

**All American Asphalt  
400 E Sixth Street  
Corona, CA, 92878**

\_\_\_\_\_ hereinafter referred to as "Contractor";

WITNESSETH

In this consideration of their covenants the parties hereto agree as follows:

1. Contractor shall furnish all labor, materials and equipment necessary to perform the following work in the City of Beverly Hills, California, strictly in accordance with the Notice to Bidders, Proposal form, Plans and Specifications for such improvement, Standard Contractual Requirements and inclusive of Addendums, each of which documents are made a part of this Contract as though fully set forth herein:

**REHABILITATION OF BENEDICT CAÑON DRIVE (FEDERALLY FUNDED PROJECT ESPL 5221-011 City of Beverly Hills Grant Code # 0605101F010)"**

2. In consideration of such work City agrees to pay Contractor and Contractor agrees to accept the sum of Five Hundred eighty nine thousand five hundred and eighty nine and no cents (\$589,589.00) in the manner provided in subject Plans and Specifications and subject to adjustment provided therein.

3. Concurrently with the execution of this Contract, Contractor shall file with the City the bonds and certificates of insurance specified in said Standard Contractual Requirements.

4. This Contract shall not be assigned without the written permission of the City Council.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

ATTEST:

CITY OF BEVERLY HILLS,  
A municipal corporation

\_\_\_\_\_  
BYRON POPE, City Clerk

\_\_\_\_\_  
BARRY BRUCKER, Mayor

APPROVED AS TO CONTENT:

CONTRACTOR:  
ALL AMERICAN ASPHALT

\_\_\_\_\_  
JEFFREY KOLIN, City Manager

\_\_\_\_\_  
KARL KIRKMAN, Risk Manager

\_\_\_\_\_  
DAVID D. GUSTAVSON, Director Of Public Works  
& Transportation

APPROVED AS TO FORM:

FUNDS AVAILABLE:

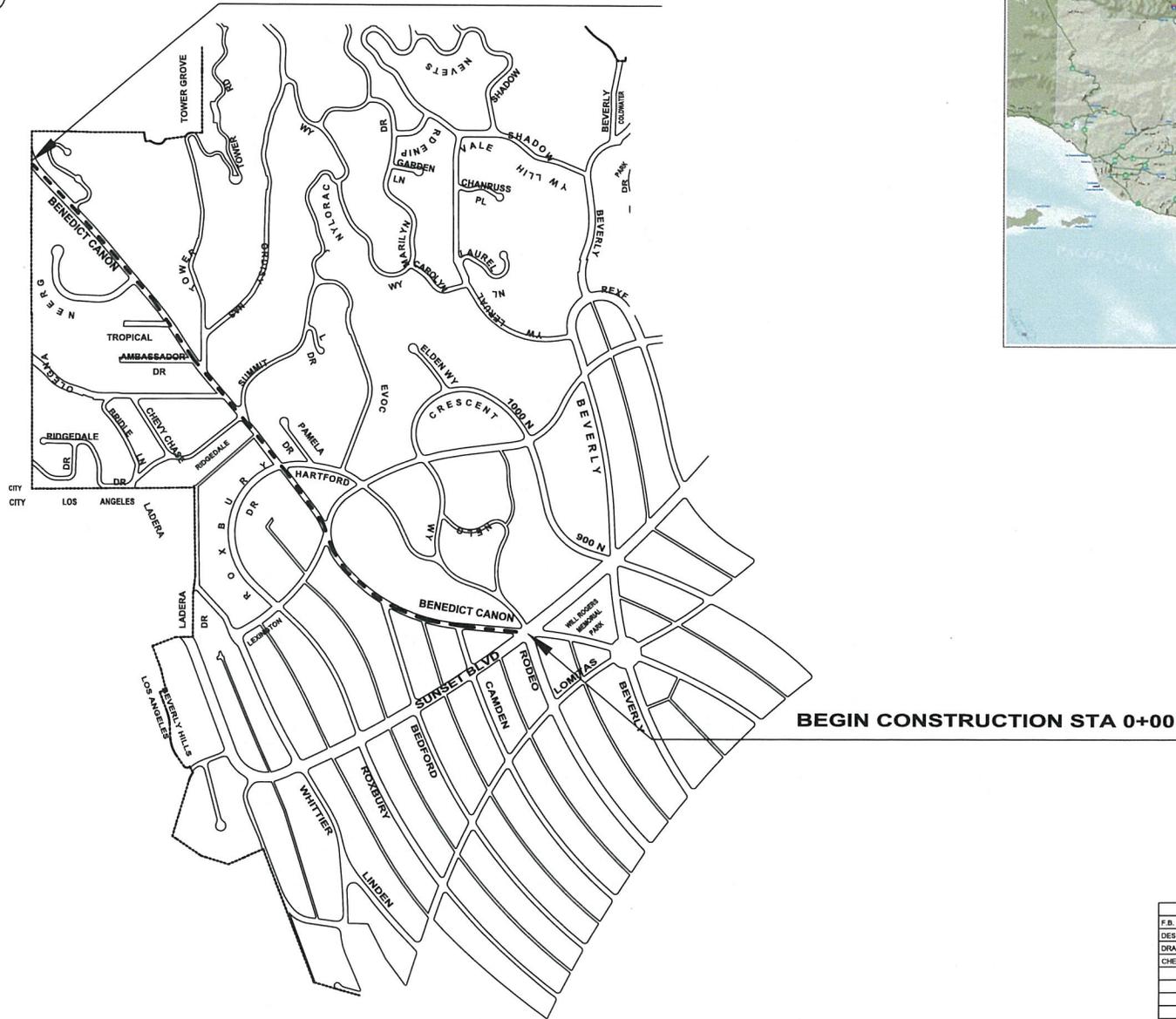
\_\_\_\_\_  
LAURENCE S. WIENER, City Attorney

\_\_\_\_\_  
SCOTT MILLER,

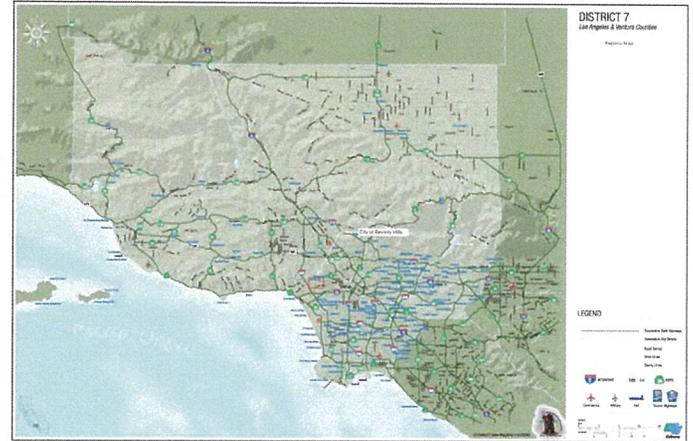
# **Attachment 2**



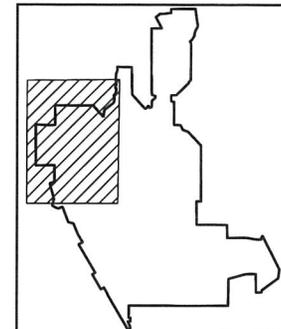
END CONSTRUCTION STA 56+20



BEGIN CONSTRUCTION STA 0+00



Location Map



Attachment #2

PROJECT:  
**PROJECT PLANS FOR REHABILITATION OF  
 BENEDICT CANYON DR. FROM SUNSET BLVD TO  
 NORTH CITY LIMIT**  
 FEDERALLY FUNDED PROJECT ESPL 5221 (011)

SCALE AS SHOWN		DATE	
F.B. NO.	PAGE	DESIGNED JLM	DATE July 2010
		DRAWN JLM	DATE Nov. 2010
		CHECKED	DATE
JOB NO. 2178		DRAWING NO.	
		SHEET 1 OF 14 SHEET	
DATE		REVISION BY	

CITY OF BEVERLY HILLS, CALIFORNIA  
 CIVIL ENGINEERING DEPARTMENT

# **Attachment 3**

**DEPARTMENT OF TRANSPORTATION**

Division of Local Assistance  
1120 N STREET  
P.O. BOX 942874, MS# 1  
Sacramento, CA 94274-0001  
TTY 711  
(916) 654-3151  
Fax (916) 653-7621



November 5, 2010

File : 07-LA-0-BVHS  
ESPL-5221(011)  
Bendict Canyon Rd.: Sunset Blvd -  
Norht City Limit,

*8-13-2010*

Mr. David Gustavson  
Public Works Director  
City of Beverly Hills  
455 North Rexford Drive  
Beverly Hills, CA 90210

Attn: Mr. Juan Martinez

Dear Mr. Gustavson:

Enclosed is your fully executed copy of Program Supplement Agreement No. 006-N to Administering Agency-State Agreement No. 07-5221R and an approved Finance Letter. Please retain the signed Finance Letter for your records.

In accordance to Government Code 16304, Federal and State funds appropriated by the State budget are available for disbursement for limited periods of time. The attached Finance Letter shows the deadlines for liquidation as "Reversion Dates". Please ensure that your invoices are submitted at least 60 days prior to the Reversion Date to avoid any lapse of funds. If your agency is unable to seek reimbursement by this date, you may request an extension through a Cooperative Work Agreement (CWA). A CWA is subject to the final approval of the State Department of Finance. If approved, the CWA may extend the deadline for up to one year to federal funds and up to three years for State funds.

Please note that Government Code 16304 does not supersede any other more restrictive expenditure deadlines.

Sincerely,

RAY ZHANG, Chief  
Office of Project Implementation - South  
Division of Local Assistance

Enclosure

c: DLA AE Project Files  
(07) DLAE - Kirk Cessna

RECEIVED  
CITY OF BEVERLY HILLS  
10 NOV - 8 PM 4:42  
PUBLIC WORKS DEPARTMENT

PROGRAM SUPPLEMENT NO. N006  
 to  
 ADMINISTERING AGENCY-STATE AGREEMENT  
 FOR FEDERAL-AID PROJECTS NO 07-5221R

Date: August 23, 2010  
 Location: 07-LA-0-BVHS  
 Project Number: ESPL-5221(011)  
 E.A. Number: 07-933853  
 Locode: 5221

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 10/22/09 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article 1 of the aforementioned Master Agreement under authority of Resolution No. 09-R-12709 approved by the Administering Agency on 09/15/2009 (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

**PROJECT LOCATION:**

Benedict Canyon Rd.: Sunset Blvd - Norht City Limit

**TYPE OF WORK:** Asphalt Overlay with Rubberized Asphalt

**LENGTH:** 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	C240		LOCAL	OTHER
\$730,780.00	\$621,826.00		\$108,954.00	\$0.00

CITY OF BEVERLY HILLS

By [Signature]  
 Title City Manager  
 Date 10/13/10  
 Attest \_\_\_\_\_

STATE OF CALIFORNIA

Department of Transportation

By [Signature]  
 Chief, Office of Project Implementation  
 Division of Local Assistance  
 Date 10/27/2010

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer [Signature]

Date 9-3-10 \$621,826.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
2. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
3. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

4. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
5. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other

SPECIAL COVENANTS OR REMARKS

key decision makers are on the Federal Government Excluded Parties List System (EPLS).

6. This project is financed, in whole or in part, with federal funds from the American Recovery and Reinvestment Act of 2009 (Recovery Act). ADMINISTERING AGENCY agrees:

1) Statutory provisions contained in Chapter 1 of Title 23 United States Code (U.S.C.) are applicable to all Recovery Act funded projects,

2) Costs incurred prior to the date of authorization are NOT eligible for reimbursement with federal Recovery Act funds,

3) Federal Prevailing Wage Rate requirements apply to all Recovery Act funded construction projects regardless of location (including projects on local roads and rural minor collectors, and Transportation Enhancement projects outside the highway right of way). ADMINISTERING AGENCY agrees to include the appropriate wage rate information in the contract and also include a contract provision that overrides the general applicability provisions in form FHWA-1273, Sections IV and V,

4) To expend and invoice for all Recovery Act funds prior to using other funds, and

5) To comply with the reporting requirements, terms and conditions set forth in Sections 1201 and 1512 of the Recovery Act and as designated by the STATE. Failure to comply will result in retentions from progress payments due ADMINISTERING AGENCY and/or other sanctions,

6) Recovery Act funds are available for liquidation only until September 30, 2015 when the remaining balance of Recovery Act funds will expire. ADMINISTERING AGENCY agrees to submit an invoice for the balance of project Recovery Act funds (if any) to the STATE prior to July 1, 2015.

7. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award or with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract, whichever is earlier.

Failure to do so will cause a delay in the State processing invoices for the construction phase.

Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

8. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State

**SPECIAL COVENANTS OR REMARKS**

approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.



**DEPARTMENT OF TRANSPORTATION**

Division of Local Assistance  
1120 N STREET  
P.O. BOX 942874, MS# 1  
Sacramento, CA 94274-0001  
TTY 711  
(916) 654-3151  
Fax (916) 653-7621



April 7, 2011

File : 07-LA-0-BVHS  
ESPL-5221(011)  
Bendict Canyon Rd.: Sunset Blvd -  
Norht City Limit,

Mr. David Gustavson  
Public Works Director  
City of Beverly Hills  
455 North Rexford Drive  
Beverly Hills, CA 90210

Attn: Mr. Juan Martinez

Dear Mr. Gustavson:

Enclosed is the approved current Finance Letter for the subject project. This Finance Letter is based on the information submitted by you to the Department. Some changes may have been made to fit the current funding scenario. If you feel that this does not correctly represent the current funding scenario of this project, please contact your District Local Assistance Engineer as soon as possible and have it corrected.

In accordance with Government Code 16304, Federal and State funds appropriated by the State budget are available for disbursement for limited periods of time. The enclosed Finance Letter shows the deadlines for liquidation as "Reversion Dates". Please ensure that your invoices are submitted at least 60 days prior to the reversion date to avoid any lapse of funds. If your agency is unable to seek reimbursement by this date you may request an extension through a Cooperative Work Agreement (CWA). A CWA is subject to the final approval of the State Department of Finance. If approved, the CWA may extend the deadline for up to one year for federal funds and up to three years for State funds.

Please note that Government Code 16304 does not supersede any other more restrictive expenditure deadlines.

If you have any questions, please contact your District Local Assistance Engineer.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ray Zhang".

for RAY ZHANG, Chief  
Office of Project Implementation - South  
Division of Local Assistance

Enclosure

c: OLP AE Project Files  
(07) DLAE - Kirk Cessna

DEPARTMENT OF TRANSPORTATION  
 DIVISION OF ACCOUNTING  
 LOCAL PROGRAM ACCOUNTING BRANCH

FINANCE LETTER

Date: 04/07/2011  
 Agency: 07-LA-0-BVHS  
 Project No: ESPL-5221(011)  
 EA No: 07-933853

Attention: City of Beverly Hills

FINANCE ITEMS	TOTAL COST OF WORK	FEDERAL PART. COST	FED. REIMB %	FEDERAL C240	LOCAL
Agency Preliminary Engineering	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
R/W Acquisition	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
Contract Items:	\$730,780				
Total:	\$730,780				
Construction	\$730,780.00	\$730,780.00	85.09%	\$621,826.00	\$108,954.00
Agency Construction Engineering	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
Totals:	\$730,780.00	\$730,780.00	0.00%	\$621,826.00	\$108,954.00

Fed. Partic:

100.00%

This Finance Letter was created based on specific financial information provided by the responsible local agency. The following encumbrance history is prepared by Local Assistance Accounting Office and is provided here for local agency's information and action.

Signature:   
 Title: HQ Area Engineer

For questions regarding finance letter, contact:

Printed Name : Rajalingam "Raj" Valluvan  
 Telephone No: (916) 653-6230

Remarks: This is an ARRA project. This FL is based on the City's FL dated 04/15/2009.

ACCOUNTING INFORMATION

- ESPL-5221(011)

Adv. Proj. ID	Approp. Unit	State Prog.	Fed/State	Encumbrance Amount	Approp Year	Expenditure Amount	Ecumbrance Balance	Reversion Date
0700020290	09603F	2030010810	F	\$621,826.00	0809	\$0.00	\$621,826.00	06/30/14

RESOLUTION NO. 09-R- 12704

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AUTHORIZING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT BETWEEN THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) AND THE CITY OF BEVERLY HILLS TO ACCEPT A GRANT IN THE AMOUNT OF \$1,059,000 FOR THE ENGINEERING DIVISION FOR THE REHABILITATION OF ROBERTSON BOULEVARD

WHEREAS, the State of California Department of Transportation (CalTrans) is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, grant application procedures require a lead applicant's governing body to authorize by resolution the designation by job title of the individual authorized to execute all grant documents on behalf of City of Beverly Hills; and

NOW, THEREFORE, the City Council of the City of Beverly Hills does hereby resolve as follows:

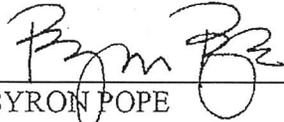
Section 1. The City Manager, or his or her designee is hereby authorized and empowered to execute in the name of the City of Beverly Hills all grant documents, including applications, contracts, requests for payment, agreements, and amendments, for the purpose of securing grant funds and of implementing the grant.

Section 2 The City Clerk shall certify to the adoption of the Resolution and shall cause the Resolution and its certification to be entered in the Book of Resolutions of the Council of this City.

Adopted: September 15, 2009

  
\_\_\_\_\_  
NANCY KRASNE  
Mayor of the City of Beverly Hills,  
California

ATTEST:

  
\_\_\_\_\_  
BYRON POPE (SEAL)  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
RODERICK J. WOOD, ICMA-CM  
City Manager

  
\_\_\_\_\_  
SCOTT G. MILLER  
Director of Administrative  
Services/Chief Financial Officer

# **Attachment 4**

**CATEGORICAL EXEMPTION/ CATEGORICAL EXCLUSION DETERMINATION FORM**

07-LA-0-BVHS	0	07-933342	ESPL-5221(009)	200905040
Dist.-Co.-Rte. (or Local Agency)	P.M/P.M.	E.A. (State project)	Federal-Aid Project No. (Local project)/ Proj. No.	CE Number

**PROJECT DESCRIPTION:**

*(Briefly describe project, purpose, location, limits, right-of way requirements, and activities involved.)*

The City of Beverly Hills, in Los Angeles County, is proposing a resurfacing project on several streets throughout the City.

Please see continuation sheet for further detail.

**CEQA COMPLIANCE** *(for State Projects only)*

Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

**CALTRANS CEQA DETERMINATION**

Exempt by Statute. (PRC 21080(b); 14 CCR 15260 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

Categorically Exempt. Class \_\_\_\_ (PRC 21084; 14 CCR 15300 et seq.)

Categorically Exempt. General Rule exemption. [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061(b)(3))]

Print Name: Environmental Branch Chief

Print Name: Project Manager/DLA Engineer

Signature

Date

Signature

Date

**NEPA COMPLIANCE**

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b)  
(<http://www.fhwa.dot.gov/hep/23cfr771.htm> - sec. 771.117)

In non-attainment or maintenance areas for Federal air quality standards, the project is either exempt from all conformity requirements, or conformity analysis has been completed pursuant to 42 USC 7506(c) and 40 CFR 93.

**CALTRANS NEPA DETERMINATION**

Section 6004: The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding (MOU) dated June 7, 2007, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:

- 23 CFR 771.117(c): activity (c)(\_\_\_\_)
- 23 CFR 771.117(d): activity (d)(1)
- Activity \_\_\_\_ listed in the MOU between FHWA and the State

Section 6005: Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under Section 6005 of 23 U.S.C. 327.

Print Name: Environmental Branch Chief

Print Name: Project Manager/DLA Engineer

Signature

Date

Signature

Date

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., air quality studies, documentation of conformity exemption, FHWA conformity determination if Section 6005 project; §106 commitments; §4(f); §7 results; W

**CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM**  
**Continuation Sheet**

The City is proposing to resurface the following streets:

	Street Name	From	To	Length (Miles)
1	Coldwater Canyon	Beverly Drive	Monte Cielo Drive	0.87
2	Beverly Drive	Rexford Drive	Coldwater Canyon	0.12
3	Burton Way (WB)	Rexford Drive	City Limit (Robertson Blvd.)	1.00
4	Burton Way (EB)	Rexford Drive	Robertson Blvd.	1.00
5	Robertson Blvd.	Burton Way	Withworth Drive	1.03
6	San Vicente	Wilshire Blvd.	City Limit (N La Cienega Blvd.)	0.50
7	Benedict Canon	Sunset Blvd.	City Limit (NW of Leona Drive)	1.04
8	Santa Monica Blvd (SB)	Wilshire Blvd.	Rexford Drive	0.68
9	Beverly Blvd.	Santa Monica	Doheny Drive	0.33
10	Beverly Drive	Santa Monica	Withworth Drive	1.10
11	Doheny Drive	Beverly Blvd.	City Limit (Phyllis St.)	0.83

The project consists of resurfacing approximately 8.5 miles of principal arterial and major collector streets within the City of Beverly Hills. The average age of the streets selected for the project is 30 years old and the Pavement Condition Index (PCI) average is 65. The pavement will be ground and overlaid with an Asphalt Rubberized Hot Mix (ARHM) layer over an asphalt rubber Stress Absorbing Membrane Interlayer (SAMI). As part of the improvements, curb, gutter and catch basins will be replaced or repaired in selected areas to increase and recover the drainage capacity of the streets. Also, a number of the pedestrian access curb ramps, driveways, and alley approaches will be rehabilitated to meet current ADA guidelines.