

# **Attachment 4**



Laurence S. Wiener  
City Attorney

August 13, 2014

Rabbi David Baron  
Temple of the Arts  
Saban Theater  
8440 Wilshire Blvd.  
Beverly Hills, CA 90211

Ronald W. Stamm, Esq.  
County of Los Angeles Office of County Counsel  
Transportation Division  
One Gateway Plaza, 24<sup>th</sup> Floor  
Los Angeles, CA 90012

Re: Metro Construction Working Group

Dear Rabbi Baron and Mr. Stamm:

This letter agreement is intended to memorialize the agreement between the City of Beverly Hills (the "City"), the Saban Theater (the "Saban") and the Los Angeles County Metropolitan Transportation Authority ("Metro") (collectively, the "Parties") to establish a technical working group to address certain concerns of the Saban regarding construction of the proposed Purple Line Extension, Segment One.

Background

On Wednesday, August 6, 2014 the Parties met at Beverly Hills City Hall to discuss issues of concern to the Saban. Several issues were addressed at that meeting. For example, at the meeting, Metro represented that its construction will not interfere with any foundation or footings of the Saban Theater. In order to allay concerns regarding utility relocation activities, Metro agreed to prepare for the Saban sections and profiles of its proposed utility relocation work to demonstrate that there is adequate distance between the proposed utility work and the theater building to protect the building's foundations.

Also at the meeting, Metro reported that it had designed its utility relocation (and would design its station construction) to avoid any damage to, or contact with, the Saban

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building. The Saban expressed concern that Metro's designs are based on the original plans for construction of the Saban building and those plans might not reflect the true location of its structure. In response to this concern, Metro agreed to prepare a survey, stamped and signed by an engineer, to determine the location of the Saban's building relative to the property lines on Wilshire Boulevard and Hamilton Drive. The purpose of the survey would be to determine whether the building was built in the location shown on the plans for the building.

Metro and the City both indicated to the Saban that Metro had agreed to maintain pedestrian access for the full sidewalk width between the three major off-street parking facilities used by Saban patrons and the Saban Theater. The full sidewalk width would be maintained throughout the utility relocation phase during times that patrons would ingress or egress from Saban events.

Metro and the City also assured the Saban that the proposed agreement between Metro and the City prohibits construction parking in the three major off-street parking facilities used by Saban patrons.

The City further assured the Saban that the City was amenable to establishing increased loading and valet zones on Hamilton Drive to accommodate Saban activities during the construction.

The Saban also made several requests for financial assistance during construction, including Metro-funded advertising, subsidized parking for patrons, and reimbursement for the Saban's consultant costs. The City noted that business mitigation assistance was still being discussed by the City and Metro.

Several concerns raised by the Saban required further and detailed technical discussion that could not be completed at the August 6 meeting. These concerns related to impacts that would not likely occur during utility relocation, and are primarily related to potential impacts of station construction. However, as noted by the Saban, in order to properly address the concerns, a plan of action must be developed before station construction begins.

As a consequence, the Parties agreed to form a technical working group to address these concerns.

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Working Group

Within thirty days from the date of this letter, representatives from the City, the Saban and Metro will meet as a technical working group to discuss the technical details and potential resolution of the following issues:

1. The need for an independent structural assessment to be performed on the Saban Theater to determine the theater's tolerance for settlement and whether Metro's proposed station construction would cause settlement that would exceed that tolerance.
2. The need for an architectural assessment to establish a baseline of the condition of architectural features that might suffer damage during station construction.
3. The need for an independent geotechnical assessment of the Saban Theater to ensure that proposed station construction does not result in differential settlement of the building due to construction or dewatering.

The working group will endeavor to complete its work within sixty days of its first meeting. The following people will serve as the representatives of the Parties to the working group. For the City of Beverly Hills, the representatives will be Cathy Higley and Timmi Tway. For the Saban, the representative will be Tim Buresh. For Metro, the representatives will be Jim Cohen and Scott McConnell.

If the above summary of the proposed working group tasks and representatives conforms to your understanding, please so indicate by signing below.

Sincerely,

Laurence S. Wiener  
City Attorney  
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Agreed:

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LAURENCE S. WIENER  
City of Beverly Hills

[Signatures continue]

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RONALD W. STAMM  
Los Angeles County Metropolitan Transportation Authority

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RABBI DAVID BARON  
Saban Theater