



## AGENDA REPORT

**Meeting Date:** January 13, 2015  
**Item Number:** F-3  
**To:** Honorable Mayor & City Council  
**From:** Mark Cuneo, City Engineer  
Laurence S. Wiener, City Attorney

**Subject:** DEVELOPMENT OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR THE DESIGN-BUILD PHASE OF THE PURPLE LINE SUBWAY EXTENSION PROJECT - SEGMENT 1

**Attachments:** 1. Metro proposed Draft Memorandum of Agreement for Design-Build Phase (prepared by Metro as a redline to the prior MOA and not yet negotiated with staff and Council)

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### RECOMMENDATION

Metro has approached the City and asked to begin negotiations regarding a Memorandum of Agreement (MOA) to govern the construction of the subway station at La Cienega and Wilshire Boulevards. The attached Metro draft has not been discussed or negotiated with staff and staff is not yet seeking specific edits to this preliminary document. Staff recommends that the City Council provide input and direction on the process to develop and negotiate an MOA.

### INTRODUCTION

The Design-Build phase of the Purple Line Subway Extension Project – Segment 1 (from Western Avenue to La Cienega Boulevard) including the construction of the La Cienega Subway Station in the City of Beverly Hills is anticipated to begin in 2015 with development of construction documents and continue for several years through the completion of construction. The proposed work in the City includes building demolition, shoring, excavation, decking of Wilshire Boulevard, concrete station construction,

tunneling, station entrance construction, additional utility relocation (beyond what will occur as part of the advance utility relocation) and street restoration. A portion of Wilshire Boulevard between La Cienega Boulevard and Tower Drive will be transformed into a bridge structure and an extensive excavation will be made under the street for the underground station while traffic is carried above on the deck. Installation and removal of the shoring and decking will be disruptive to traffic and potentially to the residents and businesses adjacent to the work area; however, once the shoring and decking have been installed, the majority of construction will occur underground beneath Wilshire Boulevard. To facilitate coordination of the work between the City and Metro, and to minimize, to the extent feasible, impacts and inconveniences to the adjacent residents and businesses, a Memorandum of Agreement between the City of Beverly Hills and Los Angeles County Metropolitan Transportation Authority (Metro) is anticipated to be developed. Similar to the previous agreement for the advanced utility relocation phase, the new agreement is intended to establish procedures, processes, mitigation measures and conditions for the design-build phase of the project.

It is the intent of this report to inform City Council of the pending Design-Build phase and to seek Council's direction regarding the process and procedures that staff should follow for developing a comprehensive agreement.

## **DISCUSSION**

Construction of the Purple Line Extension Project – Segment 1 from Western Avenue to La Cienega Boulevard will require several permits from the City of Beverly Hills as well as significant support from City staff. The La Cienega Station is proposed to be constructed beneath Wilshire Boulevard between La Cienega Boulevard and Tower Drive. The station will require an excavation measuring approximately 1,000 feet long x 70 feet wide x 80 feet deep. Traffic lane closures and traffic detours will be requested by Metro during this phase of the work. The design-build phase is anticipated to begin in 2015; however, significant station construction in the City is not anticipated to occur until the utility relocation phase is completed in late 2016. It is anticipated that full completion of this phase will be in 2023.

In order to address impacts in a comprehensive manner with mitigation provisions applicable to all permits required for the design-build phase, it is recommended that the City enter into a Memorandum of Agreement with Metro. The purpose of an agreement is to establish the conditions and procedures which Metro and the City will follow in identifying, planning, designing and building the subway and appurtenant facilities in the public right-of-way, the manner in which the City will be reimbursed for costs associated with such activities, and conditions for construction operations that minimize impacts to surrounding community.

The existing agreement for utility relocation was planned to form the basis of future phase agreements. Metro staff utilized the executed agreement for the advance utility relocation phase as a baseline, redlining it to indicate areas of the previous agreement to be modified. A copy of this first Metro draft proposal is attached, however, there have been no negotiations of any of the changes and the proposal is currently being reviewed by staff and the City consultants, Cordoba Corporation. The redline identifies Metro's proposed changes from the prior MOA to address the proposed method of construction necessary to build an underground subway station. Although review of the proposed changes is still underway, staff is not comfortable with a number of the proposed changes. Staff has not yet shared these concerns with Metro and we anticipate that significant negotiations with Metro will be required in order to develop an agreement that

will address the concerns of the community and the Council. As a first step in this process, and before negotiations begin, staff is seeking input from the City Council to provide general direction on the agreement development process, including the public outreach process to solicit comments and concerns from the community. The key points in the new agreement include but are not limited to the following:

- Work hours and work days
- Parking Impacts
- Traffic lane requirements and detour plans
- Emergency Vehicle Access
- Mitigation Measures including noise restrictions
- Economic impacts including Business Mitigation Assistance
- Business/Resident Accessibility and Aesthetic Impacts
- Protection of Historic Resources
- Community outreach and advanced notification requirements
- Cost reimbursement
- Potential real estate acquisitions
- Duration of Impacts

It is anticipated that Metro will seek exemptions for after hours work outside the designated construction hours in the City's Code. Additionally, Metro has indicated that multiple weekend closures of Wilshire Boulevard will be requested to facilitate the installation and removal of the temporary roadway decking. Metro staff has developed a brief video animation of the steps required for station construction to help the public and decision makers understand this significant construction project and is prepared to show this animation at the January 13<sup>th</sup> Council meeting. Metro staff will also be available for Council questions about the construction process.

Staff anticipates holding a public outreach meeting at LaCienega Park to:

- Describe this next phase
- Review the effectiveness of mitigation measures in place which could continue
- Describe potential impacts that are new to this phase
- Describe mitigation options
- Seek input on additional anticipated impacts and other suggestions

Staff and Cordoba would then review the public input, develop options and return to the City Council for direction on further development of the agreement. The goal is to ensure that appropriate standards for construction work in Beverly Hills are applied to the work by Metro in order to minimize impacts to the surrounding community including both residents and businesses.

### **FISCAL IMPACT**

None at this time. The agreement is to include a provision that staff and consultant costs to develop the Memorandum of Agreement will be reimbursed by Metro.

David Lightner   
Approved By