# AGENDA REPORT

**Meeting Date:** March 31, 2020  
**Item Number:** D-5  
**To:** Honorable Mayor & City Council  
**From:** Daren Grilley, City Engineer  
Robert Welch, Engineering Manager  
Teresa Revis, Management Analyst  
**Subject:** PROPOSED TEMPORARY CLOSURE OF WILSHIRE BOULEVARD AND BEVERLY DRIVE AND MODIFICATION OF CERTAIN CONSTRUCTION ACTIVITIES FOR METRO PURPLE LINE EXTENSION CONSTRUCTION DURING COVID-19 EMERGENCY  
**Attachments:**  
1. Letter Agreement  
2. Proposed Detour Map  
3. Correspondence Received by 3/26/2020

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## RECOMMENDATION

Staff recommends that City Council move to approve temporary full closures of Wilshire Boulevard between Crescent Drive and Beverly Drive and Beverly Drive at Wilshire Boulevard and adjusted hauling hours for the Metro Purple Line Extension Wilshire/Rodeo Station construction during the local emergency due to COVID-19 unless concluded sooner by the City Manager or his designee. If authorized by City Council, staff requests that the Mayor send the attached letter agreement to Metro's CEO to memorialize the terms of the expanded construction activities.

## INTRODUCTION

On March 15, the City Manager declared a local emergency in response to the ongoing public health concerns surrounding COVID-19, and on March 16, City Council approved an urgency ordinance that ordered the closure of non-essential retail stores, gyms, personal services providers and other businesses within the City. The urgency ordinance allows restaurants to remain open with delivery or take-out service.

Due to reduced vehicular and pedestrian traffic, the current business restrictions within the City and the status of our restaurant and hotel businesses, staff recommends that City
Council consider approving full closures of Wilshire Boulevard and Beverly Drive and adjusted hauling hours to expedite subway construction and minimize future impacts of the project during the future economic recovery period. If approved by City Council, Metro will immediately move forward in preparation for the closure.

**DISCUSSION**

Due to the temporary business closures and reduced traffic, the impacts caused by Metro’s subway construction would be less impactful during this local emergency. As a result, staff recommends allowing Metro to expand certain construction activities that would otherwise be prohibited by the Memorandum of Agreement between Metro and the City that governs Segment 2 of the Purple Line Extension (“MOA”). These expanded construction activities will expedite the contractor’s work, achieving significant time savings and lessening construction impacts during the future economic recovery period for the City.

Metro will be required to adhere to all other conditions and mitigation measures outlined in the MOA. The Independent Compliance Monitor is available to oversee the work in order to verify compliance. The MOA will resume in full force and effect after the conclusion of the temporary work conditions.

**Proposed work**

- **Wilshire Boulevard Closure:** Metro may close Wilshire Boulevard between Crescent Drive to Beverly Drive for piling on the south side of the street. After a sufficient number of piles are installed at each end of the street, decking may proceed contemporaneously with piling.

- **Beverly Drive Closures:** Metro may close Beverly Drive at Wilshire Boulevard for piling and decking activities.

- **Detour Route:** During the full closure, detours will be in place to route traffic around the street closure, onto Olympic Boulevard and Santa Monica Boulevard. Soft closures will be in place along Wilshire Boulevard within the detour area to allow local access (Attachment 2). The Police and Fire Departments are aware of the proposal and are prepared to maintain response time to emergencies.

- **Work Days and Hours:** Metro may: (1) conduct decking operations during the hours permitted for piling under the MOA; and (2) conduct hauling operations between 7 A.M. and 9 A.M. and between 4 P.M. and 7 P.M. All other MOA authorized work hours and days remain in effect.

- **Holiday Moratorium:** Metro may work on non-religious holidays, such as Mother’s Day, Memorial Day, Father’s Day and Independence Day.

**Schedule**

The current schedule estimates 3-4 months for piling activities on the south side of Wilshire Boulevard. This work is scheduled to begin in April and would be complete by August. If City Council approves this modified work, Metro estimates that south side piling will be complete in one month.

Once the piles are installed on the south side of Wilshire Boulevard, Metro and the contractor will begin the installation of cap beams, dewatering wells and geotechnical
instrumentation. This work would then overlap with decking work that is currently scheduled for 13 weekend closures over approximately 3.5 months. Including the November/December 2020 Holiday Moratorium, the current schedule shows completion of decking by March 2021. If the closure remains in place for this work, decking could be complete by September 2020, for a total potential time savings of six months.

This work does not include future piling and decking work associated with other appendage work.

If approved, this will be for temporary work conditions, which will begin immediately and will only be in place until the termination of the local emergency or by notice of the City Manager or designee, whichever occurs first.

Within five (5) days of receiving an initial notice from the City Manager or designee, Metro shall reestablish travel lanes on Wilshire Boulevard and/or Beverly Drive. The City may extend the closure beyond this five-day period, but Metro shall be able to reestablish travel lanes within 48 hours of receiving a subsequent written notice.

In order to minimize impacts to the business community, street improvements at the intersection of Clifton and Crescent shall be maintained in a safe, temporary condition until the full closures are complete.

If this work is approved, Metro’s contractor, TPOG, will not be entitled to a credit against its business license tax obligation based on early completion of weekend deck and pile installation on Wilshire Boulevard and Beverly Drive pursuant to Article XIII of the MOA.

COMMUNITY ENGAGEMENT

The City and Metro have discussed the proposed work directly with the leadership of the Southwest Homeowners group. They understand the nature of the request and that if City Council allows the modified conditions, it is with best intentions that the schedule will reduce future impacts. Staff has explained that the existing MOA provides incentives for Metro to take advantage of these proposed modifications during the emergency conditions.

Staff and Metro are also discussing the work with the following adjacent hotels: the Sixty Beverly Hills, AKA, the Sirtaj, Montage, the Beverly Wilshire and the Waldorf/Hilton. The Montage and Beverly Wilshire Hotels are both closed at this time. The Sixty Beverly Hills, Sirtaj, and AKA Hotels are currently still open for business.

The Sixty Beverly Hills has expressed concern about detour routes and access to the hotel. Staff is working with them directly to provide detour maps that can be accessed on their website and emailed to guests before their arrival. Staff has also developed a signage plan to direct visitors to both the Sirtaj and the Sixty Beverly Hills Hotels. The AKA expressed concerns with work at the intersection of Clifton Way and Crescent Drive being performed during a full closure of Wilshire Blvd. The AKA is indifferent to the closure of Wilshire Boulevard with the condition that the intersection work at Clifton Way and Crescent Drive does not happen at the same time as the closure.

In addition to the hotels, staff has discussed this proposal with the adjacent office buildings, restaurants and retail establishments. While they have been generally receptive to the proposal, they have expressed concern about making sure that Wilshire Boulevard is accessible as soon as the City businesses are permitted to reopen. The Rodeo Drive
Committee submitted a letter of concern to this regard (Attachment 3). Staff has spoken to representatives of the Rodeo Drive Committee to explain the process for terminating these temporary conditions.

Before the start of work, Metro will host a webinar to explain the changes, a notice will be emailed to both the City’s Purple Line Extension List and Metro’s database, a notice will be posted on both the City’s website and Metro’s website and posted on social media for both organizations.

Staff will continue to monitor phone, email and social media to mitigate any community concerns.

**FISCAL IMPACT**

There is no direct fiscal impact associated with approving this request. All staff and consultant costs associated with permitting and inspecting the temporary work will be reimbursed by Metro in accordance with the MOA.

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Shana Epstein
Approved By
Attachment 1
March 31, 2020

DELIVERED VIA U.S. MAIL & ELECTRONIC MAIL

Phillip A. Washington
Chief Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, California 90012

Re: Letter Agreement Setting Forth Terms of Expanded Construction Activities During COVID-19 Local Emergency

Dear Mr. Washington:

I write to set forth the terms of Metro’s expanded construction activities within the City of Beverly Hills during the local emergency caused by the COVID-19 pandemic. The expanded activities described herein apply to Segment 2 of the Purple Line Extension project.

By way of background, on March 15, 2020, the City Manager declared a local emergency due to COVID-19, which was thereafter ratified by the City Council the next day. The local emergency will remain in effect until terminated by the City Council. In addition, the City Council adopted Urgency Ordinance No. 20-O-2805 that requires the closure of non-essential retail stores, bars, nightclubs, gyms, live performance venues, and certain other non-essential businesses within the City during the local emergency. In addition, restaurants may not serve food for consumption on their premises. The State and the County of Los Angeles have adopted similar public health orders.

These important public health measures are intended to help slow the spread of COVID-19 by promoting proper social distancing and encouraging residents to remain at home. These measures have had the effect of significantly reducing vehicular and pedestrian traffic and public gatherings within the City, especially on Wilshire Boulevard.

Due to the temporary business closures and reduced traffic, the City Council recognizes that impacts caused by Metro’s subway construction may be limited during this local emergency. As a result, the City Council has authorized Metro to expand certain construction activities that would otherwise be prohibited by the Memorandum of Agreement between Metro and the City and that governs Segment 2 of the Purple Line Extension (“MOA”). The City Council believes these expanded construction activities will help Metro expedite its work.

Upon completion of required public outreach, the City Council authorizes Metro to conduct the following activities, and temporarily suspends conflicting provisions of the MOA, until concluded in writing by the City Manager or his designee:
• **Wilshire Boulevard Closure.** Metro may close Wilshire Boulevard between Crescent Drive to Beverly Drive for piling on the south side of the street. After a sufficient number of piles are installed at each end of the street, decking may proceed contemporaneously with piling.

• **Beverly Drive Closures.** Metro may close Beverly Drive at Wilshire Boulevard for piling and decking activities.

• **Work Days and Hours:** Metro may: (1) conduct decking operations during the hours permitted for piling under the MOA; and (2) conduct hauling operations between 7 A.M. and 9 A.M. and between 4 P.M. and 7 P.M. Except as modified herein, the MOA’s authorized work hours and days remain in effect.

• **Holiday Moratorium:** Metro may work on non-religious holidays, such as Mother’s Day, Memorial Day, Father’s Day, and Independence Day.

Prior to beginning the expanded work activities, Metro must complete the following outreach program:

• Meet with and explain the expanded activities with representatives of nearby hotels, including the Sixty, AKA, Sirtaj, Montage, and Beverly Wilshire;

• Email a notice to both the City’s Purple Line Extension email list and Metro’s project email list;

• Host a webinar explaining the expanded activities; and

• Post a notice of the expanded activities on both the City’s and Metro’s websites.

Metro shall be prepared to restore and reestablish travel lanes on Wilshire Boulevard and Beverly Drive within five days of receiving an initial notice from the City Manager or his designee. The City may extend the closure beyond this five-day period, but Metro shall restore and reestablish travel lanes within 48 hours of receiving a subsequent written notice from the City Manager or his designee. If the streets would be required to reopen on a Friday, Saturday, or Sunday, then Metro may reopen and restore the street by the following Monday at 6:00 A.M. Thereafter, it may implement lane closures in accordance with the MOA.

In order to minimize impacts to the business community, street improvements at the intersection of Clifton and Crescent shall be maintained in a safe, temporary condition until the full closures are complete.

Except as set forth above, Metro must adhere to all other mitigation measures and conditions outlined in the MOA. The Independent Compliance Monitor is available to oversee the work in order to verify compliance. The MOA will resume in full force and effect after the City Manager terminates the authority to conduct these expanded activities. Finally, due to the additional, advance piling and decking work authorized herein, Metro’s contractor, TPOG, will not be entitled to a credit against its
business license tax obligation based on early competition of weekend deck and pile installation on Wilshire Boulevard and Beverly Drive pursuant to Article XIII of the MOA.

The City Council remains committed to helping Metro expeditiously complete the Purple Line Extension, while also protecting local businesses and residents from construction-related impacts. We all hope that the COVID-19 emergency ends as soon as possible. But during this challenging time, the City believes that this additional work will expedite the Project for Metro and reduce impacts in the future.

If the above terms are acceptable to you, please so indicate by signing below on behalf of Metro.

Sincerely,

Lester J. Friedman
Mayor

Philip A. Washington
Chief Executive Officer
Los Angeles County Metropolitan Transportation Authority
Attachment 2
Proposed Detour Map: Wilshire Boulevard Closed
Proposed Detour Map: Wilshire Boulevard and Beverly Drive Closed
Attachment 3
The Honorable John Mirisch, Mayor
The Honorable Lester Friedman, Vice Mayor
The Honorable Lili Bosse, Councilmember
The Honorable Julian Gold, Councilmember
The Honorable Robert Wunderlich, Councilmember
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, California 90210

Mayor Mirisch and City Councilmembers,

The Rodeo Drive Committee understands that City Council is considering closing Wilshire Blvd. between Crescent and Beverly for a period of two to up to eight plus weeks to facilitate Metro work.

We are certain you can appreciate how challenging it has been to navigate the current climate due to COVID-19. Therefore, the Committee kindly requests that, should 1) the State-ordered “Safer at Home” mandate be lifted immediately following its current expiration of April 19 and 2) the opportunity arise to re-open our stores sooner than the current plan to close Wilshire Blvd. (of up to eight plus weeks) proposes, Wilshire Blvd. and all access to Rodeo Drive remain accessible.

Thank you very much for your consideration.

With sincere thanks,

[Signature]
Nicola Cagliata
President
on behalf of the Rodeo Drive Committee
Perla,

AKA is indifferent to the work being done on Wilshire, causing a Wilshire closing, as long as it is not happening at the same time as work on crescent and Clifton.

-  
Best,

Brittney Ruland  
Managing Director  

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Dear Mayor Mirisch and Members of the Council:

I got a very nice call from Shana Epstein yesterday alerting me that the City may agree with Metro to close Wilshire 24/7 during this “emergency” coronavirus period when traffic is so much less on Wilshire, in lieu of Metro closing Wilshire during 13 weekends beginning in September (as now planned). Depending on how long the “emergency” period lasts, the intent would be that the number of weekend closings in September would be reduced. (I had worked closely with Shana and a number of others in some of the initial Metro plans.)

In our discussion, I suggested that the City should insist on some formula in the MOU that requires Metro to reduce or eliminate the September weekend closings. The last thing the City or the neighborhood would want is for Metro to close Wilshire (and thereby divert at least some of the traffic into the nearby residential area) for a month or two 7 days a week and then have Metro claim that they still need to close for 13 more weekends (and again divert some traffic into the neighborhood).

In other words, if Metro can work for 1 week (6 days) 24/7 (even if not fully at night), that’s 6 days of work which should --theoretically—eliminate 3 weekends (6 days) of work later on. Indeed, working 24/7 for 6 straight days should be far more efficient and effective than 2 days in one weekend, then 2 days the next weekend, and 2 days the following weekend.

So there should be some definitive formula that reduces the number of weekends Metro is allowed to work and close Wilshire and the Beverly Drive intersection beginning in September by the number of 7-day (or 6-day) weeks that they are allowed to work now. In other words, there needs to be some mechanism in the MOU to force Metro to be serious about this concession by the City and the neighborhood.

We’ve had too many critical broken promises by Metro to just rely on some generalized promise or theoretical incentive.

I gather this will be on your Agenda Tuesday night. And I appreciate your consideration of this suggestion.

Ken

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