



## AGENDA REPORT

**Meeting Date:** April 17, 2012  
**Item Number:** E-2  
**To:** Honorable Mayor and City Council members  
**From:** Mahdi Aluzri, Assistant City Manager  
**Subject:** Consideration of a resolution of the City Council regarding the Westside subway extension project

**Attachments:**

1. Draft Resolution
2. Letter to Metro dated February 8, 2012

---

### **RECOMMENDATION**

Vice Mayor Mirisch requests City Council Consideration of the attached draft resolution.

### **INTRODUCTION**

The attached draft resolution was prepared by Vice Mayor Mirisch who is asking for its consideration and adoption by the City Council. The resolution reiterates the City's stated position opposing the proposed alignment tunneling under the Beverly Hills High School but also includes language that emphasizes opposition to the entire project in the City as a result of Metro's recommendation for the selection of the Constellation station in Century City. That selection results in Metro's designation of the alignment tunneling under the High School as the recommended Locally Preferred Alternative.

### **DISCUSSION**

The attached letter sent from then Mayor Brucker is the last written correspondence from the City clearly stating the City's grave concerns over and opposition to the alignment tunneling under the High School.

### **FISCAL IMPACT**

Unknown at this point.

---

Mahdi Aluzri   
Approved By

# **Attachment 1**

## Resolution of the City Council of the City of Beverly Hills

Whereas the City Council of the City of Beverly Hills (the "City Council") generally supports well planned mass transit projects;

Whereas the City Council has reviewed the Final Environmental Impact Report/Final Environmental Impact Statement (FEIR/FEIS) of the Los Angeles Metropolitan Transportation Authority for the Westside Subway Extension, including Metro's chosen alignment through the City of Beverly Hills as well as Metro's proposed adoption of the Constellation station site in Century City;

Whereas the City Council has retained geotechnical and other experts to evaluate the FEIR/FEIS for the purpose of assisting the City Council in evaluating the various routes and station sites considered by Metro as they relate to the City of Beverly Hills, and the impacts of the construction and use of the proposed Westside Subway Extension;

Whereas these experts have indicated on the record that Metro's studies, on which the alignment recommendation is substantially based, are in critical and significant aspects incomplete, flawed and deficient;

The route of the proposed subway alignment, as proposed in Metro's FEIR/FEIS, would run underneath the historic Beverly Hills High School and numerous businesses and residences in the City of Beverly Hills.

Whereas the City Council has released the Hazard Assessment Study of its expert consultant Exponent which study concluded that the proposed Constellation station faces potential methane gas hazards not considered by Metro in its environmental analysis and that Metro did not identify, quantify, rank and mitigate the potential hazards posed by the proposed Westside Subway Extension Project;

Whereas there are numerous unresolved and unresolvable inconsistencies in Metro's public justifications for various station locations in addition to the proposed subway alignment;

Whereas Metro's proposals do not adequately take the transit needs of the residents of Beverly Hills into account and do not provide Beverly Hills and other Westside residents with reasonable access to the subway nor do they give them reasonable options to make use of this massive taxpayer-financed public works project;

And whereas our perception is such that Metro's dealings with the City of Beverly Hills, including its extensive interaction with the Beverly Hills Mass Transit committee were not made in good faith, and are inconsistent with the values of a democratic public agency and publicly funded organization which should respect the principles of local control.

Based upon the City Council's evaluation of the above factors and the issues related to the proposed route of the Westside Subway Extension through the City of Beverly Hills, the City Council resolves as follows:

The City Council of the City of Beverly Hills hereby withdraws its previous support of and expresses its opposition to the Westside Subway Extension Project as proposed in Metro’s FEIR/FEIS, specifically the alignment proposed by Metro through Beverly Hills, the designation of the La Cienega station as an interim transit station and the selection of the Century City Station at Constellation Avenue. The City Council will take such steps to implement its opposition as circumstances warrant.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mayor, City Council of the City of  
Beverly Hills

DRAFT PROPOSAL

# **Attachment 2**



Barry Brucker, Mayor

February 8, 2012

Honorable Antonio R. Villaraigosa, Chairman of the Board  
Metropolitan Transportation Authority  
One Gateway Plaza  
Los Angeles, CA 90012

Arthur T. Leahy, Chief Executive Officer  
Metropolitan Transportation Authority  
One Gateway Plaza  
Los Angeles, CA 90012

Dear Mayor Villaraigosa and Executive Director Leahy:

Enclosed is a copy of the report dated February 7, 2012, prepared by Exponent Failure Analysis Associates. This report was presented to the Beverly Hills City Council during the Study Session on February 7, 2012, and it is a review of the risk assessment associated with the Westside Subway Extension Project through Beverly Hills to Century City. Your letter of February 7, 2012 was distributed to the entire Council, as you had requested, prior to the meeting. I have enclosed a disc of the presentation made by Dr. Moncarz and Dr. Shaller, which can also be accessed through the website link:

[http://beverlyhills.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=2596](http://beverlyhills.granicus.com/MediaPlayer.php?view_id=2&clip_id=2596).

On behalf of the City Council, I am requesting that Metropolitan Transportation Authority review this presentation and report, and respond to their recommendations.

Beverly Hills Unified School District is trenching on the campus of Beverly Hills High School to determine the exact location of the possible Newport-Inglewood Faults and the West Beverly Hills Lineaments. This study is expected to provide important new information and detail on the status of these fault lines.

The City of Beverly Hills requests that Metropolitan Transportation Authority conduct additional studies, including trenching on Santa Monica Boulevard, to determine the exact location of these same fault lines near the eastern station alternative for Santa Monica Boulevard.

Let me reiterate our adamant and unanimous opposition to any Westside Subway Extension alignment that tunnels under Beverly Hills High School. The Beverly Hills City Council's support of the Westside

Subway Extension has been and remains predicated on the Santa Monica alignment or an alternative alignment that does not tunnel under our only high school.

Thank you,

A handwritten signature in black ink that reads "Barry Brucker". The signature is fluid and cursive, with a long horizontal stroke at the end.

Barry Brucker, Mayor  
City of Beverly Hills

**Enclosures:** Westside Subway Extension Tunneling Safety Report and presentation disc

cc: Beverly Hills City Council  
Jeffrey Kolin, City Manager