



AGENDA REPORT

Meeting Date: April 11, 2013
Item Number: E-3
To: Honorable Mayor & City Council
From: City Attorney
Subject: A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS STATING THE CITY'S POSITION CONCERNING METRO'S CHOICE TO ROUTE THE WESTSIDE SUBWAY EXTENSION BENEATH BEVERLY HILLS HIGH SCHOOL
Attachments: 1. Resolution

INTRODUCTION

Mayor Mirisch has proposed the attached resolution for City Council consideration.

DISCUSSION

The attached resolution was prepared by Mayor Mirisch for City Council consideration.

The resolution states "that the City Council's continued support of the Westside Subway Extension is contingent upon the route's not running under Beverly Hills High School." The resolution also states that the City Council will resolve "to reach out to Metro and invite all parties to immediately meet in good faith and begin candid discussions with the goal of finding an alternative to the unacceptable current Westside Subway Extension route."


for Laurence S. Wiener, City Attorney

Attachment 1

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS STATING THE
CITY'S POSITION CONCERNING METRO'S CHOICE TO ROUTE THE WESTSIDE
SUBWAY EXTENSION BENEATH BEVERLY HILLS HIGH SCHOOL

The City Council of the City of Beverly Hills hereby finds, determines and resolves as follows:

Section 1. The Westside Subway Extension and the integrity and safety of Beverly Hills High School and its students and teachers are not inconsistent. Both can be achieved.

Section 2. The City Council of the City of Beverly Hills (the "City Council") supports well planned mass transit projects. The City Council continues to believe that the City of Beverly Hills will benefit from an appropriate Westside Subway Extension that includes two subway stations along Wilshire Boulevard in the City of Beverly Hills, notwithstanding its concerns about insufficient accessibility for Beverly Hills residents under current plans.

Section 3. The City Council also supports the Beverly Hills Unified School District and its students and teachers. The City Council is committed to preserving the integrity of the Beverly Hills High School campus and opposes constraints, including the currently proposed route of the Westside Subway Extension, which might prevent the full utilization of the City's only High School campus by future generations of students. The City Council is also committed to ensuring the safety of the students, teachers and visitors to the Beverly Hills High School campus.

Section 4. For years, Metro's publically proposed route was under Santa Monica Boulevard. Regrettably, despite the existence of alternatives, the Los Angeles County Metropolitan Transportation Authority ("Metro") changed that planned route and has made a choice instead to direct the route of the Westside Subway Extension underneath Beverly Hills High School.

Section 5. At a public hearing on May 17, 2012, the City of Beverly Hills presented to Metro three examples of alternative subway routes that would avoid tunneling beneath Beverly Hills High School, but would still achieve Metro's goal to locate a subway stop on Constellation Boulevard in Century City. Metro declined to engage the City in any discussion concerning these alternatives or any other alternative which would avoid tunneling beneath Beverly Hills High School.

Section 6. The City Council reiterates its support for the Locally Preferred Alternative (LPA), Metro's originally planned route, which would run under Santa Monica Boulevard.

Section 7. On March 15, 2013, the California Geologic Survey ("CGS") affirmed reports prepared by independent engineers for the Beverly Hills Unified School District that there is no fault along the West Beverly Hills Lineament, and that two of the strands of the Santa Monica Fault (which cross the BHHS campus) are inactive and not a threat. Those findings, and the approval by the City of Los Angeles of the 10000 Santa Monica project, show that Metro stations may be safely placed on Santa Monica Boulevard, in contrast with Metro's previous position that the presence of such faults precluded station construction on Santa Monica Boulevard.

Section 8. All members of the prior City Council and all members of the current City Council have publically opposed tunneling the subway under Beverly Hills High School.

Section 9. A subway route that runs beneath Beverly Hills High School, despite the availability of alternatives, is not a well planned mass transit project.

Section 10. Construction of Phase 2 of the Westside Subway Extension, which includes the portion of the Westside Subway Extension from Beverly Hills to Century City, is not scheduled to begin before 2019.

Section 11. There is adequate time for all impacted parties--Metro, the Beverly Hills Unified School District, and the City of Beverly Hills--to meet and come to agreement on alternatives that will provide to the Westside the benefits of mass transit without the unacceptable impacts to Beverly Hills High School. The City of Beverly Hills remains willing and able to engage in those discussions.

Section 12. NOW THEREFORE, the City Council declares that the City Council's continued support of the Westside Subway Extension is contingent upon the route's not running under Beverly Hills High School. The City Council encourages Metro's prompt and good faith pursuit of alternatives to its current route that tunnels under the Beverly Hills High School campus. To this end, the City Council hereby declares that it too will make a good faith effort to pursue alternatives acceptable to all parties. The City Council hereby resolves to reach out to Metro and invite all parties to immediately meet in good faith and begin candid discussions with the goal of finding an alternative to the unacceptable current Westside Subway Extension route.

Section 13. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Council of the City.

Adopted:

JOHN A. MIRISCH
Mayor of the City of
Beverly Hills, California

ATTEST:

BYRON POPE
City Clerk