

Table B-17 **UDPATED** City of Beverly Hills Residential Allowable Residential Development Land Use Regulations for Single Family Residential Zoning Districts and Zoning District Overlays

	R-1	R-1X	R-1.5	R-1.5X	R-1.5X2	R-1.6X	R1.7X	R-1.8X
Single-family dwelling	P	P	P	P	P	P	P	P
Second units	P	P	P	P	P	P	P	P
Transitional and supportive housing ¹								
Single-family structure	P	P	P	P	P	P	P	P
Family daycare home								
Small	P	P	P	P	P	P	P	P
Large	UP	UP	UP	UP	UP	UP	UP	UP
Community care facility ²								
Small (serving 6 or fewer)	P	P	P	P	P	P	P	P
Manufactured/Mobile home	P	P	P	P	P	P	P	P

Notes: P: Permitted use UP: Use Permit CUP: Conditional Use Permit

1. Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a single-family residence, it is regulated as such and is subject to all regulations applied to residences in the single family residential zone where it is located.
2. For the purposes of this table, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.

Table B-18 **UPDATED** City of Beverly Hills Residential Allowable Residential Development Land Use Regulations for Multi-Family Residential Zoning Districts and Zoning District Overlays

	R-4	RMC P	Special Needs Housing Overlay ³	R- 4X1	R-4X2	R-3	R-4-P
Single-Family dwelling	P	P		P	P	P	
Duplex	P	P		P	P	P	P
Multi-family dwelling	P	P		P	P	P	P
Transitional and supportive housing ¹							
Single-family structure	P	P			P	P	
Multi-family structure	P	P			P	P	P
Emergency shelters			P				
Single room occupancy housing (SRO)			CUP				
Community care facilities ² (state licensed)							
Small (6 or fewer)	P	P			P	P	
Large (7 or more)	CUP	CUP			CUP	CUP	CUP
Childcare uses licensed pursuant to state law	CUP	CUP			CUP		CUP
Multiple-family congregate housing for the elderly or disabled pursuant to article 12.8 of zoning code ⁴			CUP				
Multiple-family housing for the elderly or disabled pursuant to article 12.5 of the zoning code ⁵	CUP	CUP			CUP		CUP

Notes: P: Permitted use UP: Use Permit CUP: Conditional Use Permit

1. Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a multi-family residence, it is regulated as such and is subject to all regulations applied to residences in the multi-family residential zone where it is located.
2. For the purposes of this table, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.
3. Uses allowed in the special needs housing overlay zone are in addition to any use allowed in the underlying zoning district.
4. A Conditional use Permit (CUP) is required to utilize the reduced development standards offered for this type of development. Intended to reduce development costs for assisted living facilities. Specific requirements apply. The project site must be located in an area with four- or five-story height limits; located adjacent to commercially zoned areas; separated from adjacent commercial areas by an alley; and located on a street greater than thirty feet (30') in width. Unit density up to 165 units/acre. Reduced minimum unit sizes and parking requirements apply (450 square feet minimum unit size, unit must have private bathroom) (BHMC 10-3-12.8).
5. Multiple-family housing for the elderly or disabled is a permitted use in any zone permitting multiple-family residential uses. Conditional Use Permit (CUP) required to utilize the reduced development standards offered for this type of development. Intended to reduce development costs of housing for seniors and persons with disabilities. Specific requirements apply. Housing limited to households with head of household 62 years and older and families with handicapped member. Maximum unit density 150 units/acre. Minimum unit size as defined by HUD. Maximum number of bedrooms per unit is 2. Only 5% of the units can be 2-bedroom units (BHMC 10-3-12.5).

Second Units

The City's Zoning Code defines second units as an attached or detached residential dwelling unit that provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on the same site area as the primary dwelling. In compliance with AB 1866, Beverly Hills has developed both a ministerial approval process for second units that are less than 650 square feet in size on minimum 6,000 square foot R-1 parcels, and a discretionary review process for larger second units proposed on R-1 properties located north of Santa Monica Boulevard. Each second unit can be provided with one parking space in addition to the parking spaces required for the primary dwelling, which additional parking space can be provided behind the front setback line of the site area.

~~The City has received and approved an average of 3 discretionary applications annually since the current ordinance was adopted in 2003, and is in the process of identifying building permits for second units less than 650 feet in size not required to undergo discretionary review.~~ The City processes an average of three building permits annually for second units. In order to collect information on second units to determine who lives in them, rent ranges, size, and additional steps the City can take to encourage construction of second units, the City ~~recently completed (July, 2010) completed~~ completed a Citywide survey of residential property owners in July 2010 (refer to Residential Sites Appendix C section for further discussion of the survey results). One of the questions posed in the survey is the amount of rent charged on existing second units (if any), as a means of assessing affordability and contribution towards addressing the community's regional housing needs (RHNA). Of the 40 occupied second units in the survey, 81 percent were provided rent free or for a rental amount affordable to very low income households. The results of the survey indicate that the majority of second units in Beverly Hills are occupied by caregivers or elderly parents of the primary homeowner.

To further encourage the provision of second units, the City is currently considering modifications to its second unit ordinance (Imp 10.4 in the adopted Housing Element) ~~includes a program (Imp 10.4) to evaluate modifications to its second unit ordinance,~~ including:

- Consider greater flexibility in second unit standards in R-1 zones south of Santa Monica Boulevard.
- Consider allowing larger sized second units, of up to 1,000 square feet by right, to eliminate the need for a second unit permit, thereby reducing processing times and development costs.
- For second units built above a garage, consider allowing an increase in the permitted height up to the height of the primary residence.

- Consider allowing reduced setback requirements where privacy is not compromised

The City is also actively encouraging second units by providing information to the public. As part of program 10.4 in the adopted Housing Element implementation, the City created a brochure outlining information on second unit development standards. This information is also available to the public on the City's website.

Senior Elderly and Disabled Housing

Beverly Hills has established modified standards to specifically encourage the provision of higher density rental housing for seniors and persons with disabilities at costs lower than could otherwise be achieved. While housing which serves ~~seniors~~ the elderly and the disabled is permitted in any residential zone district subject to the same standards as other residential uses, for such housing to take advantage of a potential doubling in density and other modified standards, a conditional use permit is required. The City's Municipal Code specifies the following two distinct types of senior and disabled housing: 1) Multiple-Family Congregate Housing for Elderly and Disabled Persons (Article 12.8); and 2) Multiple-Family ~~Residences~~ Housing for Elderly and ~~Handicapped~~ Disabled Persons (Article 12.5). The definition and zoning incentives for each are described in the following section.

Multiple-Family Congregate Housing for Elderly and Disabled Persons and Community Care Facilities

Congregate housing provides a range of support services for residents, including all meals, housekeeping and laundry service, private transportation, planned activity programs, and 24 hour emergency in-house call system. Emergency shelters, transitional and supportive housing programs and community care facilities for seven or more persons, offer similar amenities and support networks. Currently, to use the City's incentives to develop an elderly or disabled congregate care facility the City requires at least one household member to be 65 years of age or older, or to have a substantial physical impairment. The City is currently studying fee reductions for certain types of housing in this zone, as outlined in program 12.3 of the adopted Housing Element.

~~In addition, the CUP requirement would not be required of transitional and supportive housing or emergency shelters. Additionally, the fees associated with the CUP for other forms of housing in this zone would be waived under program 12.3.~~

The City's modified development standards for congregate housing for the elderly or disabled housing provide for densities of up to 165 units per acre, with up to 113 units permitted on any one site. In

addition, the City provides significant reductions in the minimum unit size for congregate housing:

- 450 square feet for an efficiency unit
- 500 square feet for a one-bedroom unit
- 800 square feet for a two-bedroom unit

As presented earlier in Table X, the City has adopted a reduced parking ratio for congregate housing of one space for one-bedroom units and 1.5 spaces for two bedroom units. The Planning Commission is authorized to provide further reductions of one-half space per unit.

The City is committed to providing opportunities for special needs housing and realizes that such housing forms typically require additional incentives to be viable. The incentives offered in the City's ~~existing congregate care~~ Special Needs Housing overlay Overlay zone offer greater unit numbers in a project and relax the requirements for parking and unit size. This offers greater potential to actually getting a project built as opposed to allowing these housing forms throughout the R-4 zone but in conformance with R-4 standards. ~~Additionally costs for the CUP (if applicable) would be waived,~~ the City is studying the viability of reducing or waiving the cost for the conditional use permit for these projects. A map of the overlay area is provided in the back of this document and shows that the overlay zone properties are in close proximity to public transportation, and areas with businesses to support daily needs and services. The overlay zone is residential and so provides the look and feel of living in a neighborhood, as opposed to alternative locations in the commercial zones. For these reasons the City feels that this overlay zone in concert with the incentives offered is a viable location for special needs housing.

Multiple-Family Residences Housing for Elderly and Handicapped Persons (Deed-Restricted Affordable)

Affordable independent multi-family housing for the elderly (age 62+) and disabled persons is permitted by conditional use permit in any zone allowing multiple-family residential uses. Densities of up to 165 units per acre are permitted, with a maximum project size of 150 units. Minimum unit sizes are not less than the maximum allowable under HUDs Section 202 Senior Housing Program, with no more than five percent of project units permitted to be two-bedrooms. Building height shall be consistent with the prevailing height of surrounding buildings, and not greater than 60 feet. A reduced parking ratio of one space per unit is provided, with further reductions to 4/10 of a space per unit permitted at the discretion of the Planning Commission.

If the rental rates for any such senior or disabled housing are not under the provision of a federal, state, or other public agency, then the

rental rates for any this housing will be set by the Planning Commission at affordable rental rates as a condition of issuing the conditional use permit.

Housing for Persons with Disabilities

SB 520, signed into law in 2001, requires that Housing Elements analyze potential and actual governmental constraints on the development, maintenance and improvement of housing for persons with disabilities. The following analysis addresses Beverly Hills' regulations and procedures for housing for persons with disabilities with regards to: 1) zoning and development standards; 2) building codes; and 3) processing procedures. The analysis highlights several actions recently taken by the City to address potential constraints to the development and maintenance of housing for persons with disabilities. Based on the outcome of this analysis, the City's Housing Element establishes programs that address identified constraints and/or provide reasonable accommodations for housing designed for persons with disabilities.

Zoning and Development Standards

Definition of Family: The California courts have invalidated the following definition of "family" within jurisdictions Zoning Ordinances: (a) an individual, (b) two or more persons related by blood, marriage or adoption, or (c) a group of not more than a certain number of unrelated persons as a single housekeeping unit. Court rulings state that defining a family does not serve any legitimate or useful objective or purpose recognized under the zoning and land planning powers of the city, and therefore violates rights of privacy under the California Constitution. A zoning ordinance also cannot regulate residency by discrimination between biologically related and unrelated persons. Through the adoption of Ordinance 12-O-2633 in 2012, the City established a definition of "family" which is inclusive and non-discriminatory for incorporation into the Zoning Code (refer to definitions at the beginning of this section).

~~While the Beverly Hills Zoning Ordinance does not contain an explicit definition of "family", the lack of such a definition has not functioned to preclude community care facilities from single or multi-family zone districts. Nonetheless, to address this potential constraint, the City will develop a definition of "family" which is inclusive and non-discriminatory for incorporation into the Zoning Code, as indicated in Housing Element Program 12.1.~~

Community Care Facilities: The Lanterman Developmental Disabilities Services Act (Lanterman Act) is that part of California law that sets out the rights and responsibilities of persons with developmental disabilities. The Lanterman Act impacts local zoning ordinances by requiring the use of property for the care of six or fewer disabled persons to be classified as a residential use under zoning. More specifically, a State-authorized, certified or licensed family care home, foster home, or a

group home serving six or fewer disabled persons or dependent and neglected children on a 24-hour-a-day basis is considered a residential use that is to be permitted in all residential zones. No local agency can impose stricter zoning or building and safety standards on these homes. Due to the unique characteristics of larger community care facilities (housing more than six persons), most jurisdictions require a Use Permit to ensure neighborhood compatibility in siting. Smaller care facilities (housing up to six persons) are permitted by-right.

~~The Beverly Hills Zoning Ordinance makes no specific reference to community care facilities, and imposes no spacing or concentration requirements on such facilities.~~ By way of practice and consistent with the Lanterman Act, the City permits small community care facilities in residential zones and treats them as a residential use. Review of the California Community Care Licensing Division inventory of community care facilities (~~April 2013~~July 2010) identifies two residential care facilities for the elderly in Beverly Hills, providing capacity for over 200 seniors age 60 and above. As evidenced by the presence of these facilities, the City's regulations have not precluded the provision of community care facilities. Nonetheless, in order to better facilitate the provision of care facilities for persons with disabilities by providing greater certainty to project applicants, ~~a program (Imp 12.1) has been added to the Housing Element to amend the Zoning Ordinance to define and~~ the City established parameters for small and large Community Care facilities in compliance with the Lanterman Act. Ordinance No. 12-O-2633 established definitions for large (seven or more individuals) and small (six or fewer individuals) community care facilities and incorporated these definitions into the Zoning Code. ~~The ordinance also~~ This will include: 1) ~~identifying identified~~ small Community Care facilities with six or fewer occupants as permitted in residential zones; and 2) ~~identifying identified~~ large Community Care facilities with seven or more occupants as conditionally permitted in various all residential zoning districts.

The City's Zoning Code facilitates housing for persons with disabilities in several ways, including:

- Allowances for property owners to build handicapped ramps into residential structures which encroach into the front, or side yard setbacks to allow first floor access for physically disabled residents.
- Allowances for elevators to encroach in the side yard setbacks on single-family properties to allow persons no longer able to climb stairs to remain in their homes.
- Reduced parking and unit size standards for multi-family congregate housing for elderly and disabled persons, and for affordable multi-family residences for elderly and handicapped persons.

The City permits housing for special needs groups, including for individuals with disabilities, without regard to distances between such uses or the number of uses in any part of the City.

Building Codes

The City of Beverly Hills ensures that new housing developments comply with California building standards (Title 24 of the California Code of Regulations) and federal requirements for accessibility. For example, any new apartment development is subject to requirements under the Americans with Disabilities Act (ADA) for unit “adaptability” on ground floor units. Adaptable units are built for easy conversion to disabled access, such as doorway and hallway widths, and added structural support in the bathroom to allow the addition of handrails.

The City also allows residential retrofitting to increase the suitability of homes for persons with disabilities in compliance with accessibility requirements. Such retrofitting is permitted under Chapter 11, 1998 version of the California Code. Further, the City works with applicants who need special accommodations in their homes to ensure that application of building code requirements does not create a constraint.

Permits and Processing

The City does not impose special permit procedures or requirements that could impede the retrofitting of homes for accessibility. The City’s requirements for building permits and inspections are the same as for other residential projects and are straightforward and not burdensome. City officials are not aware of any instances in which an applicant experienced delays or rejection of a retrofitting proposal for accessibility to persons with disabilities.

In 2012, the City adopted ordinance 12-O-2634 to establish specific written procedures for disabled persons to request reasonable accommodation from the zoning and land use regulations. This ordinance codifies the process through which a disabled person or their designee may request accommodation from building codes, land use regulations, policies, and procedures to provide Disabled Persons with an opportunity to use and enjoy housing equal to that of non-disabled persons. As established through the ordinance, a request for a Reasonable Accommodation is reviewed by the Community Development Director (or Designee), unless it is related to a discretionary land use application that requires review by the planning commission, in which case the Planning Commission is the review authority. The applicant must provide information pertaining to the code section, regulation, procedure, or policy from which relief is sought, the nature of the property and the relief sought, and explanation of why the accommodation is reasonable and necessary. No application fee is associated with the Reasonable Accommodation, and when an

improvement or modification is requested in this process would normally require a variance, a variance is not required.

~~The City of Beverly Hills implements procedures to ensure that reasonable accommodations are made for persons with disabilities. Individuals with disabilities and/or their family member(s), caretaker(s), or designee(s), on behalf of the disabled applicant, can telephone the City, send an e-mail, write a letter, stop by City offices, or appear at a Planning Commission or City Council meeting to request special accommodations or variances from the requirements of City Zoning or Building Codes for disability accommodations. However, the City has not developed specific written procedures for requesting a reasonable accommodation, and therefore, as a means of facilitating such requests, has included a program in the Housing Element to develop procedures for reasonable accommodation requests with respect to zoning, permit processing, and building laws.~~

Summary of Constraints to Persons with Disabilities and Program Response

The City has conducted a review of zoning, building code, and processing requirements, and has not identified any actual barriers to the provision of accessible housing. Actions taken recently by the City to address previously identified potential barriers through the establishment of definitions of “Family” and “Community Care Facility” as well as the establishment of Reasonable Accommodation procedures in the zZoning eCode ensure that the provision of accessible housing is not constrained (see definitions at the beginning of this section). ~~However, to address potential barriers and better facilitate housing for persons with disabilities, the Housing Element sets forth the following program actions:~~

~~Add a definition of “family” which is inclusive and non-discriminatory to the Zoning Code. (Program 12.1)~~

~~Add a “Community Care Facility” category and definition to the Code. List community care facilities with six or fewer occupants as permitted in residentially zoned areas. Permit care facilities with 7 or more occupants with a conditional use permit in various residential zoning districts. (Program 12.1)~~

~~Develop and adopt written procedures for reasonable accommodation requests with respect to zoning laws, permit processing, and building laws. Procedures will specify who may request an accommodation, time frames for decision-making and specific modification provisions. (Program 11.5)~~

Housing for Persons who are at Risk of Homelessness

Transitional and Supportive Housing

Transitional housing is typically defined as temporary (often six months to two years) housing for a homeless individual or family who is transitioning to permanent housing or for youth that are moving out of the foster care system. Supportive housing is generally defined as permanent, affordable housing linked to on- or off-site services and occupied by a target population (i.e. persons with disabilities, suffering from mental illness or chronic health conditions). Services typically include assistance designed to meet the needs of the target population in retaining the housing, living and working in the community, and/or improving health. ~~Currently, Beverly Hills' Zoning Ordinance does not contain specific provisions for the siting and development of transitional or supportive housing facilities. The City recently participated in the opening of a three month transitional living center, Upward Bound House, in Culver City, pledging \$200,000 in project support.~~

SB 2, effective January 2008, amended Housing Element law regarding planning and approval for transitional and supportive housing. Specifically, SB 2 requires transitional and supportive housing to be treated as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

~~As discussed previously, in order to comply with the provisions of SB 2, the City adopted ordinance 12-O-2633. This ordinance: 1) established a definition in the zZoning eCode for transitional and supportive housing, 2) amended the eCode to treat transitional and supportive housing as a residential use subject to the same requirements as other residential uses as the same type in the same zone, and 3) amended the eCode to permit transitional and supportive housing that is configured as a single family use by right in all residential zone districts and permit such housing that is configured as multiple-family use by right in the R-3 and R-4 zones. and to clarify the City's intent with regard to treating transitional and supportive housing as a residential use, a program has been added to the Housing Element (Imp 12.1) to: 1) include transitional and supportive housing within the definition section of the Code; 2) treat as a residential use subject to the same requirements as other residential uses of the same type in the same zone; 3) permit transitional and supportive housing that is configured as a single-family use by right in all residential zone districts, and permit such housing that is configured as multi-family use by right in the R-3 and R-4 zone districts.~~

Emergency Shelters

SB 2 also requires the Housing Element to address new planning and approval requirements for emergency shelters, defined as a facility that provides shelter to homeless families and/or individuals on a limited short-term basis.

Jurisdictions with an unmet need for emergency shelters for the homeless are required to identify a zone(s) where emergency shelters will be allowed as a permitted use without a conditional use or other discretionary permit. The identified zone must have sufficient capacity to accommodate the shelter need, and at a minimum provide capacity for at least one year-round shelter. Permit processing, development and management standards for emergency shelters must be objective and facilitate the development of, or conversion to, emergency shelters.

There are an estimated 30-47 chronically homeless persons that spend the majority of their days and nights in Beverly Hills, according to a homeless count the City conducted in January 2013-2009. Beverly Hills has no emergency shelters within its City limits; however, the City has provided funds for the construction and ongoing operation of emergency shelters operated by People Assisting the Homeless, and by Network of Care for Veterans and Service Members. Although nearby Westside shelters are over-capacity, it is not clear at this time whether Beverly Hills can be considered to have an unmet need for an emergency shelter.

Pursuant to SB 2, Beverly Hills ~~has~~ conducted a staff level review of its zoning districts and ~~has~~ determined that areas within the R-4 multi-family residential zoning overlay district where congregate housing for elderly and disabled persons is allowed are the most conducive to provision of an emergency homeless shelter by right. This district is characterized as a high density multi-family zone consisting of a variety of existing apartment buildings and condominiums. Within the approximately 37.8 acre (172 properties) area there are four vacant parcels, as well as numerous older and/or underutilized residential properties. Additionally, the overlay zone provides close access to needs and services such as grocery stores, pharmacies, and transportation.

~~As such, the City has included a program within the Housing Element (Imp. 12.1) to modify~~modified the Zoning Code to permit shelters within the ~~multi-family residential~~Special Needs Housing zoning overlay~~Overlay -zoned~~district where congregate housing for elderly and disabled persons is allowed. A map of this zone is provided in Appendix x at the end of this document. Development standards within the district located in the Southerly Zone of the City (BHMC 10-2-303; LOTS: A.) are

appropriate to facilitate emergency shelters, and can be summarized as follows:

- Height: up to 60 feet, or five stories
- Minimum Lot Size: 7,500 square feet
- Minimum Public Street Frontage: 55 feet
- Setbacks:
 - Front – 15 feet
 - Side (total) 19 – 23 feet

Pursuant to SB 2, the City has also established development standards for Emergency Shelters regulating the following aspects:

- The maximum number of beds or persons permitted to be served nightly by the facility;
- Off-street parking based on need, but not to exceed requirements for other residential or commercial uses in the same zone;
- The size and location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity of other emergency shelters, provided that shelters are not required to be more than 300 feet apart;
- The length of stay;
- Lighting; and
- Security during hours that the emergency shelter is in operation.

~~Pursuant to SB 2, the City can specify written, objective standards to regulate the following aspects of emergency shelters to enhance compatibility~~

Single Room Occupancy (SRO)

Single Room Occupancy (SRO) residences are small, one room units occupied by a single individual, and may either have shared or private kitchen and bathroom facilities. SROs are rented on a monthly basis typically without rental deposit, and can provide an entry point into the housing market for extremely low-income individuals, formerly homeless and disabled persons.

Ordinance No. 12-O-2633 established a definition for “Single Room Occupancy Housing” (SRO) and incorporated this definition into the zoning code. SROs are allowed in the Special Needs Housing Overlay Zone if authorized by a conditional use permit. Additionally, the ordinance established development standards SROs addressing unit size and occupancy, common area, management, parking, kitchen facilities and bathroom facilities to ensure high standards for development.

~~Beverly Hills' Zoning Code does not currently define single room occupancy uses. The City has reviewed the Zoning Code, and similar to emergency shelters, has determined that within the multi-family residential zoning overlay district where congregate housing for elderly and disabled persons is allowed are the most conducive to the provision of SROs. The Housing Element includes a program (12.1) to define and establish parameters within this area for the development of SRO residences.~~

Mobile Homes

No mobile homes or mobile home parks are located in the community. Pursuant to state law, the City permits manufactured housing placed on a permanent foundation in all residential zones.

Farm Employee Housing

~~The 2010 Census identifies 22 does not identify any Beverly Hills residents employed in farming, fishing and forestry occupations, and no agricultural land remains in the City. , accounting for only 0.1 percent of the City's labor force. These occupations include gardeners, landscapers, and person who work in plant nurseries. Given the extremely limited presence of "farmworkers" in the community, Given the absence of any "farmworkers" in the community,~~ the City has not identified a need for specialized farmworker housing beyond overall programs for housing affordability.

C. Environment and Infrastructure

Environmental and infrastructure constraints can limit or affect the type and density of housing development in a community. These constraints can include natural resources such as topography and flood areas, hazards/safety concerns, or lack of sufficient infrastructure capacity. However, as discussed in greater detail below, Beverly Hills is a built-out community with little remaining vacant land, with the majority of the City's infrastructure systems already in place. Environmental and infrastructure concerns do not compose a significant constraint to housing production.

1. Environmental Constraints

Seismic Hazards

The City of Beverly Hills contains both active and potentially active faults. Specifically, three active or potentially active faults are located within the city limits, including: the Hollywood Fault, the Santa Monica Fault, and the Newport-Inglewood Zone of Deformation. (Woodward-Clyde 1987) Since the 1987 Study was completed, work completed by Dolan, et al and the California Division of Mines and Geology maps show the Hollywood and Santa Monica faults as converging within the City, and the Newport-Inglewood fault located approximately two miles south of the City.

The City of Beverly Hills implements the most recent California Building Code. In addition, the City's Seismic Safety Program promotes public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

Landslides and Slope Hazards

The hillside areas of Beverly Hills pose the greatest hazard of landslides. Surface movements in the hillside area could be triggered by heavy rain, a reservoir breach, pumping facilities or an earthquake. Hillside development has placed additional loads on the subsurface bedrock. Additionally, improper site grading, steep slopes, and loss of vegetation can increase the potential for localized landslides. In the canyon areas, the presence of subsurface water and geology composition provides the potential for liquefaction during earthquakes. Any significant hillside movement along canyon streets would potentially isolate populations in those areas due to limited ingress egress routes. Potential damage to underground utilities and fire hydrants could also result from landslide movement. Future growth in the canyon areas of the City may be limited due to safety factors.

Flooding Hazards

There are not FEMA designated flood zones in the City of Beverly Hills. The City of Beverly Hills is located within the Ballona Creek Watershed; however most of the drainage is controlled by structural flood control measures along a mostly channelized watershed. Approximately 40 percent of the watershed within the City is covered by impervious surfaces leading to greater surface area for storm runoff and the potential for flooding.

FEMA has classified the City under Flood Zone "C," which does not require mandatory flood mitigation enforcement.⁴ However, Beverly Hills is highly urbanized and as a result of increased paving, can lead to an increase in volume and velocity of runoff after a rainfall event, exacerbating the potential flood hazards. The City's steep hillside areas are also more susceptible to runoff and slope failures. New development in these areas will require careful adherence to current grading, soil compaction, maximum slope, and drainage regulations.

The Federal Emergency Management Agency (FEMA), as part of its statutory responsibilities to carry out the National Flood Insurance Program, has mapped most of the flood risk areas within the United States. The City of Beverly Hills is located in a FEMA Flood Zone "C", which does not require mandatory flood mitigation enforcement. Properties are not required to carry flood insurance (Hazard Mitigation Action Plan [20042010](#), pg. [14943](#)).

The City of Beverly Hills also lies in the inundation path of the Lower Franklin Canyon Dam which is located north of the City. The reservoir has a 200 acre-feet capacity and can be drained to half capacity in 72 hours and completely emptied in 216 hours. The National Inventory of Dams characterizes this dam with significant hazard potential. Dams with significant hazard potential are those in which failure or mis-operation would result in no probable loss of human life but can cause economic loss, environmental damage, and disruption of lifeline facilities. In the event of a breach of the Lower Franklin Reservoir, the residential area north of Carmelita Drive would be exposed to immediate and severe danger. Below that point, the danger diminishes rapidly although flooding of most structures in this section of the inundation path would occur. Approximately 1,200 people live in the sector of the inundation area subject to severe danger and provision for evacuation of this population is required in the event of a breach in the structure. This reservoir, as well as others in California, are continually monitored by various governmental agencies (such as the State of California Division of Safety of Dams and the U.S. Army Corps of Engineers) to guard against the threat of dam failure.

⁴ City of Beverly Hills Hazard Mitigation Plan, [August 2010](#).

The possibility of dam failures during an earthquake has been addressed by the California Division of Mines and Geology in the earthquake planning scenarios for a magnitude 8.3 earthquake on the San Andreas Fault zone and a magnitude 7.0 earthquake on the Newport-Inglewood fault zone (Davis 1982). These studies found that catastrophic failure of a major dam as a result of a scenario earthquake is regarded as unlikely (Davis 1982). Current design and construction practices and ongoing programs of review, modification, or total reconstruction of existing dams are intended to ensure that all dams are capable of withstanding the maximum credible earthquake (MCE) for the Incentive Area. FEMA requires that all reservoir owners develop Emergency Action Plans (EAP) for warning, evacuation, and post-flood actions. Although there may be coordination with county officials in the development of the EAP, the responsibility for developing potential flood inundation maps and facilitation of emergency response is the responsibility of the reservoir owner.

The City ~~recently~~ updated its Safety Element and hazard mitigation plan in 2010. Those documents included flood hazard mitigation intended to minimize potential risks associated with flooding, including dam or reservoir failure inundation hazards. Furthermore, any project implemented would be required to undergo project-specific environmental review, at which time specific mitigation or design changes would occur to reduce the exposure of people or structures to flooding. Therefore, potential impacts associated with flooding were found to be less-than-significant in the General Plan environmental review and are not considered a constraint to new housing production.⁵

Wildland Fire Hazard

Beverly Hills is bounded on the north by hillside and canyon areas. Canyons that empty into the City's boundaries are Benedict, Franklin, Coldwater, and Trousdale Canyons. Benedict, Coldwater, and Trousdale Canyons are densely populated, with Franklin Canyon the least developed of the four. The dense wild brush of Franklin Canyon extends to the boundaries of the City. Due to the extensive hazards originating in the hills north of Sunset Boulevard, the area has been designated a Very High Fire Hazard Severity Zone (VHFHSZ).

Approximately 36 percent of the City is located in the VHFHSZ, with approximately 1,640 single-family residences and 3,700 people.

Urban Fire Hazard

In the built-out areas of the community, the primary fire hazard risks are man-made. Beverly Hills is home to three very large hotels having occupancies in excess of 500 persons per day, 33 high-rise buildings, and

⁵Beverly Hills General Plan EIR, 2008

a densely populated retail and commercial district. Of particular concern are two high-rise buildings that are residential occupancies and did not fall under the 1998 retrofit sprinkler mandate imposed on buildings 55 feet or higher. These are the only two high-rise buildings in the City that are not equipped with sprinkler systems.

New affordable housing development within the City is expected to occur through the infill of existing sites and mixed-use development in commercial areas. Limited future market rate development is expected to occur in the hillside areas. Wildland fire risks for new development are mitigated by various City programs described below.

Fire Prevention and Suppression Programs

In 1998, the Beverly Hills Fire Department (BHFD) installed a Remote Automated Weather Station (RAWS) in the hillside area just outside the City in Franklin Canyon. Data from the RAWS assists fire officials in determining the need for augmenting or redeploying fire resources depending on current and anticipated weather conditions.

For the VHFHSZ, The BHFD has also developed “Pre-Attack Plans” that enable the fire suppression to predetermine required resource deployment, resources to locate combustible roofs, evacuation routes, safe refuge areas, and resident assemblage locations. These planning resources help firefighting forces make critical decisions during emergency situations. Pre-Attack Plans are also made available to outside agencies who are called for Mutual Aid assistance and that may not be familiar with the area.

In addition, in 2004, the BHFD and residents within the VHFHSZ initiated the FireWise Communities/USA Program, which is designed to enable communities to achieve a high level of protection against wildland/urban interface fire loss while maintaining a sustainable ecosystem balance.

Biological Resources

The City of Beverly Hills is fully developed with urban uses and has little undisturbed open space areas. Review of GIS databases and aerial photographs indicate that there is little native terrestrial vegetation within the City of Beverly Hills. The only relatively undisturbed areas within the City include those located near the foothills of the Santa Monica Mountains and the few open space areas located in the portion of the City north of Sunset Boulevard. The remaining open space within the City is located in public parks, which typically do not contain natural or native vegetation.

Some migratory bird species pass through the City. Due to their mobility and range of travel, avian species tend to be more abundant and conspicuous than other animals. There are migratory birds that pass through the City while moving from wintering grounds in the south to

breeding grounds in the north. The number of resident bird species in the City is low due to the lack of undisturbed habitat.

As discussed in the Beverly Hills General Plan Amendments Environmental Review (2009), there are no riparian or sensitive habitats that are known to occur in the City of Beverly Hills. As no riparian or sensitive habitats are known to exist within the City, biological resources do not present a constraint to future housing development within the community.⁶

2. Infrastructure Constraints

Infrastructure needed to maintain and develop new housing includes water facilities, sewer facilities, streets, and sidewalks. The provision and maintenance of these facilities in a community enhances not only the character of the neighborhoods but also serves as an incentive to homeowners to routinely maintain the condition of their homes. In contrast, when public improvements are left to deteriorate or are overextended in use, the neighborhoods in which they are located become neglected and show early signs of deterioration.

Very little undeveloped residential land remains in the City. Most of the community's infrastructure is currently in place and adequately serves existing development. Future housing growth will occur within in-fill areas and construction of multi-family or mixed development within commercial areas. Therefore, the provision of infrastructure does not constitute a constraint to housing production.⁷

Water System

The City of Beverly Hills provides water service to approximately three quarters of the City's residents and to some residential parts of the City of West Hollywood. The remaining areas of the City of Beverly Hills that the City does not provide water service to are served by the Los Angeles Department of Water and Power.

The City of Beverly Hills imports about 90 percent of its water from the Metropolitan Water district (MWD) to approximately 9,400 customers. The remaining 10 percent of water need is met by the four groundwater wells in the City. Three are located in the Beverly Gardens Park and one in the Burton Way median and all are pumped to the treatment plant through a transmission main owned and maintained by the City. About 90 percent of the service area land use is residential in nature. The service

⁶ Beverly Hills General Plan Amendments Environmental Review (2009)

⁷ Ibid.

area includes the city limits on the west and north San Vicente Boulevard on the east and Whitworth Drive on the south.⁸

As described in the Urban Water Management Plan (UWMP), the current and projected water supply and demand indicates that in average precipitation years the City has sufficient water to meet its customer's needs through 2030. Beverly Hills' water supply is anticipated to meet the demand for future population growth up to 2030. As per State Law (Gov Code Sec. 65589.7), the City will give priority for service hook-ups to projects that include affordable housing.

Sewer System

The Beverly Hills Department of Public Works maintains sewer collection and distribution system within the community. The existing sanitary sewer system consists of over 95 miles of sewer mains that connect to the sewer facilities of the City of Los Angeles at the southwestern border of the City. More than half of the existing sewer system within Beverly Hills is over fifty years old. To address this issue, the City of Beverly Hills has a rehabilitation program in place to repair, reline, and/or replace the existing waste water infrastructure. All of the City's wastewater flow is treated at the City of Los Angeles Hyperion Treatment Plant located in the City of El Segundo.⁹ As per State Law (Gov Code Sec. 65589.7), the City will give priority for service hook-ups to projects that include affordable housing.

Storm Drainage

There are approximately 47 miles of improved storm drain system within and adjacent to the boundaries of the City of Beverly Hills, approximately two-thirds of which is owned and maintained by the City. The remaining one-third is under the jurisdiction of the Los Angeles County Department of Public Works. Roughly one third of the storm drain system was built before 1940 with the earliest construction taking place in the 1920s and the most recent in the 1970s. The 1999 Storm Drain System Master Plan identified 18 percent of the City's drainage links as insufficient to convey the runoff for the 10-year or 25-year storm. However, approximately 72 percent of the deficient links require a 1-foot diameter or less upgrade to the existing pipe size.

The 2002 Water System Master Plan recommends that the City establish a program to investigate each deficiency and coordinate this replacement work with other City projects in the area within the recommended timeframes for each deficiency. Ongoing inspection of city storm drains, especially the older (pre-1960) drains and those where

⁸ Ibid.

⁹ City of Beverly Hills General Plan Update Technical Background Report, October 2005.