STAFF REPORT

Meeting Date: July 1, 2014

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP, Director of Community Development
Raj Patel, City Building Official, Assistant Director of Community Development

Subject: Request-by Councilmember Mirisch to discuss City Council approval of seismic report for projects in the City

Attachments: None

INTRODUCTION

This report transmits a request by Councilmember Mirisch for the City Council to consider whether staff should further explore a potential revision to the current review and approval process for project development site specific seismic investigations to require City Council approval and acceptance. This item resulted from a recent seismic fault rupture investigation and report accepted by the City specific to the 9900 Wilshire Blvd. project.

DISCUSSION

Project developments subject to site specific seismic investigations are required by current City regulations and practices to provide geotechnical and geological/seismic investigations for review and acceptance by the City prior to issuance of building permits. The City of Beverly Hills is known to be in a seismically active area, but not specifically within a mapped zone established by the State Geologist Survey (CGS). However, to ensure for public health, safety and welfare, as a matter of policy, the City follows the recommendations and guidelines established by the CGS, resulting from the Alquist-Priolo (AP) Act, outlined as follows:

1. The Alquist-Priolo (AP) Act was enacted in 1972 following the February 1971 Sylmar earthquake. The main intent of the AP is to prevent construction of habitable structures across an "active fault," presently defined by the State as *"a fault that has had surface displacement within Holocene time (about the last 11,000 years), hence constituting a potential hazard to structures that might be located across it."* [14 Cal. Code Regs. Section 3601(a)].

2. The State Geologist (CGS) is mandated to establish earthquake fault zones (EFZ) across known or reasonably inferred active faults. A project affected by the AP (PRC Section 2621.6) generally includes any structure for human occupancy with the *exception* of the following:

A) Single-family wood-frame or steel-frame dwellings to be built on parcels of land for which geologic reports have been approved [by the lead agency, in this case, the City of Beverly Hills];

B) A single-family wood-frame or steel-frame dwelling not exceeding two stories when that dwelling is not part of a development of four or more dwellings.

3. The local agency may impose investigation requirements more restrictive than those imposed by State regulations. The City may require that applicants for developments of four or more "units," whether in or out of an AP zone, conduct appropriate, site-specific fault investigations that employ current professional standards-of-practice; and that these reports be subject to peer review by a technically qualified geologist retained by the agency.

The developer is responsible to provide the required investigations, which are submitted to the City for review and approval. Since the City does not have a certified geologist on staff, all seismic investigation reports are reviewed by a certified peer reviewer designated and contracted with the City. The peer reviewer's responsibility is to review all the technical documentation, including the Consultant-of-Record's (in the recent case, Geocon) opinions and conclusions, as to the possible presence and relative impact of active faults within and adjacent to the proposed development, and conclude that the investigation meets the current geologic standard-of-practice for evaluating the site-specific potential for seismic surface fault rupture. When all issues that may be identified by the City's peer reviewer have been addressed, the City's reviewer provides a brief summary of the investigation and certifies that the investigation was completed in conformance with the current building codes and with current geologic-standards-of practice that ensure public health, safety and welfare. Upon recommendation of acceptance by the City's peer reviewer, the City Building Official would formally accept the Fault Investigation Study.

Requiring Council review and approval for technical studies is not (to our knowledge) a typical standard in the building permit approval process. Staff at this point has not conducted any surveys or studies on this approach and how other agencies in the region have addressed this issue nor an analysis of any implications of a change in the current review protocol. Should the City Council wish to explore other review and approval procedures for site specific geological investigations, staff would review the practices of other agencies, consider the potential ramifications of adopting an alternate review and approval protocol in conjunction with the City Attorney's Office, and return to the City Council with options for its consideration.

FISCAL IMPACT

No fiscal impact anticipated at this time.

RECOMMENDATION

Staff recommends that City Council receive the information provided and direct staff as appropriate.

D. Yelton for
Susan Healy Keene, AICP
Approved By