

WILDLAND URBAN WILDFIRE COMMITTEE

April 8, 2021

Planning Commissioners
Marie Pavlovic, Project Planner
County of Los Angeles, Dept. of Regional Planning
320 W. Temple Street, Los Angeles, CA 90012
Via Email: mpavlovic@planning.lacounty.gov

Please copy to all Commissioners and enter into the Administrative Record

**Re: Comments on Mitigated Negative Declaration for Pico Canyon
Canyon View Tract 74650 and all associated permits
Located in a Very High Fire Hazard Severity Zone, Hearing Date: April 14, 2021**

Honorable Commissioners and Ms. Pavlovic:

The Sierra Club Angeles Chapter Wildland Urban Wildfire Committee (Wildfire Committee) was formed to address land use planning and safety policies related to the increasing intensity and frequency of wildfires in the Wildland-Urban Interface (WUI).¹ Our mission is to assess the risks associated with building in the Very High Fire Hazard Severity Zones (VHFHSZs) in Los Angeles and Orange Counties and influence decision-makers to reduce those dangers while protecting the environment through education, organizing, and policy change. Oftentimes projects are considered and approved in spite of the wildfire risk to current and future residents, wildlife, and habitat and there is a failure to consider the huge cost to the public.

Consideration of the Pico Canyon development (Project) shows a cavalier disregard for the growing danger of massive wildfires in VHFHSZs that have become so prevalent in the last few years throughout the state. In fact, devastating wildfires have occurred repeatedly in the Pico Canyon area and illustrate why we must stop building in these fire-prone zones:

- 1) The 2016 Sage Fire forced the evacuation of thousands of residents, threatening homes, charring thousands of acres in a major wildlife corridor, and
- 2) The 2003 Simi Fire tore through Pico Canyon burning more than 98,000 acres.

These two mega fires are only two of a number of wildfires that have occurred in this area over the last decade, with the most recent fire occurring in the fall of 2020. The toll on public safety and the environment in addition to the financial cost of fighting these blazes is no longer acceptable.



¹ WUI is defined as areas adjacent to or of transition between wildlands and human development and its associated infrastructure in which severe wildfire hazards are increasingly likely due to flammable native and non-native wildland vegetation, hazardous weather patterns, and steep topography. These areas have been designated as Very High Fire Hazard Severity Zones by Cal Fire.

We oppose this development in a VHFHSZ because it would put existing and future residents in harm's way in the event of a wind-driven wildfire. It would also endanger existing residents as they attempt to evacuate on a residential street where many additional cars would add to an already difficult evacuation problem. ***The MND is deficient in failing to analyze the time required to evacuate and the project's potential to slow the evacuation of others in the community (with possible deadly results), creating an unacceptable risk to public safety.***

While the Planning Department has determined a mitigated negative declaration is the appropriate level of environmental review for this project, we assert that wildfire danger has not been properly analyzed or mitigations offered to reduce the potential impacts from this development on the environment to less than significant. Wildfire impacts and hazards (including evacuation) are required to be analyzed according to current CEQA guidelines.² When a project exacerbates environmental conditions or hazards it is the project's impact on the environment that "compels an evaluation of how future residents or users could be affected by exacerbated conditions." (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369.) At a minimum, we urge the Commission to require a focused EIR to analyze the potential wildfire impacts of this development on the environment.

The Project proposal is to develop 37 single-family residential lots and two open space lots adjacent to the Santa Monica Mountains SEA in the Wildland Urban Interface. According to the staff report, the Project proposes access from Magnolia Lane within the neighboring Southern Oaks community already populated with 40 homes. At the Feb. 2020 meeting, staff responded to Commission concerns:

"A Unit Count Exhibit, dated 03/11/2020, was accepted by the Los Angeles County Fire Department ("Fire Department") depicting 37 new homes in addition to the existing 40 homes for a total of 77 units utilizing a single means of access beyond the intersection of Magnolia Lane and Oakridge Road (Exhibit B)."

Please look closely at Exhibit B. The 2020 "acceptance" is merely an email referring to a previous 2018 letter from the Fire Dept (attached) that states as a condition of approval, "access as noted on the Tentative and the Exhibit Maps shall comply with Title 21 (County of Los Angeles Subdivision Code)." Nowhere does this letter say that it *does* comply, only that it *should* comply.

Subdivisions Code Section 21.24.020(A)(1) allows up to 150 units along a single route of access if the street or street system 1) connects to a highway, and 2) does not traverse a wildland. (The Ordinance can be found in an endnote for your reference.)³

² CEQA guidelines have been updated to require an analysis of a project's wildfire impacts for projects "in or near state responsibility areas or lands classified as very high fire hazard severity zones" to determine whether the project would:

- substantially impair adopted emergency response or evacuation plans,
- exacerbate wildfire risks due to slope, prevailing winds, or other factors and expose project occupants to pollutant concentrations from a wildfire or uncontrollable spread of wildfire,
- require installation/maintenance of wildfire associated infrastructure (roads, fire breaks, water resources, power lines, other utilities) that may exacerbate fire risks or result in environmental impacts, or
- expose people or structures to significant post-fire risks, such as downslope or downstream flooding/landslides, slope instability, drainage changes

See revised Appendix G adding a new section XX on the need to address project wildfire impacts (p. 10 at the following link: http://califaep.org/docs/2019-Appendix_G_Checklist.pdf)

³ 21.24.020 - Restricted residential access.

Further, the project would extend Magnolia Lane nearly a mile, and in doing so, would traverse a wildland area. This can clearly be seen on the map below and is contrary to the statement made by staff that a wildland area is not traversed.

Finally, Magnolia Lane does not connect directly to a highway. It connects to another residential street, Southern Oaks, which provides egress to a residential street “system” of far more than the 150 homes allowed. The entire eastern section of the Southern Oaks subdivision would have to exit via Southern Oaks Drive. This is the number of residences that should be used to evaluate compliance with the Subdivision code. See the Google Maps image below.

A. If a street or street system is restricted to a single route of access to a highway shown on the Highway Plan, except for a limited secondary highway, which is maintained and open to public travel, whether at the point of intersection with the highway or at some point distant from the highway, the street or street system shall serve not more than:

1. 150 dwelling units where the restriction is designed to be permanent and the street or street system does not traverse a wildland area which is subject to hazard from brush or forest fire;
2. 75 dwelling units where the restriction is designed to be permanent and the street or street system traverses a wildland area which is subject to hazard from brush or forest fire;
3. 300 dwelling units, where the restriction is subject to removal through future development.

B. If the roadway paving on that portion of the street or street system forming the restriction is less than 36 feet in width and is not to be widened to 36 feet or more as a part of the development of the division of land, the permitted number of dwelling units shall be reduced by 25 percent if the pavement is 28 feet or more in width, and by 50 percent if the pavement is less than 28 feet in width. If the roadway paving on that portion of the street or street system forming the restriction is 64 feet or more in width and the restriction is subject to removal through future development, the permitted number of dwelling units may be increased to 600. In no event shall the pavement width be less than 20 feet. The provisions of this section shall not apply to divisions of land referred to in [Section 21.32.040](#) to divisions of land approved pursuant to [Section 21.32.080](#), or to minor land divisions. (Ord. 85-0168 § 2, 1985; Ord. 10485 § 4, 1972; Ord. 4478 Art. 4 § 40.2, 1945.)

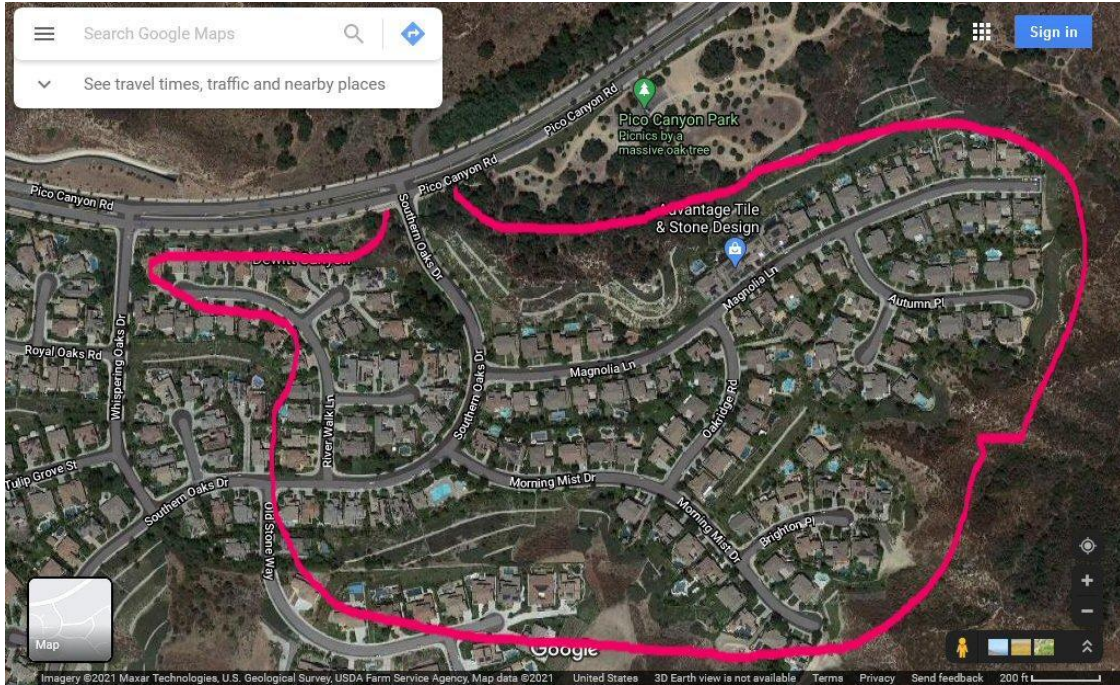
21.24.030 - Wildland access.

Notwithstanding the provisions of Sections [21.24.020](#) and [21.24.190](#), the advisory agency may disapprove a design of a division of land which utilizes a cul-de-sac or branching street system or other single-access street or street system as the sole or principal means of access to lots within the division, where the forester and fire warden advises:

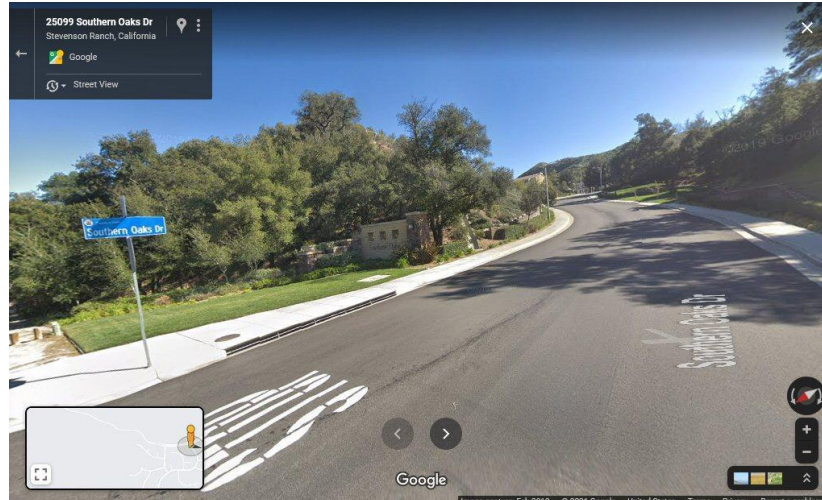
A. That the street or street system will traverse a wildland area which is subject to extreme hazard from brush or forest fires;

B. That the lack of a second route of access would unduly hinder public evacuation and the deployment of fire-fighting and other emergency equipment in the event of a brush or forest fire.

(Ord. 10485 § 3, 1972; Ord. 4478 Art. 4 § 40.1, 1945.)



The 37 units, in addition to the whole east side of the subdivision would have to exit out of this single residential street before reaching Pico Canyon Rd. This plan does not comply with the County subdivision fire code for VHFHSZs. Moreover, it is not safe.



It appears that someone is providing the Commission with inaccurate information by avoiding a count of all residents that must exit using this route. Without a full picture of the actual number of those who will need to evacuate in an emergency, the Commission cannot properly assess the potential significant impacts of this project and ensure the planning decision being made takes into account the health and safety of our community.

The Project fails to conform to the Los Angeles County General Plan

Goal LU-3: Healthy Neighborhoods. Healthy and safe neighborhoods for all residents.

Policy LU-3.3.2: In areas subject to wildland fire danger, ensure that land uses have adequate setbacks, fuel modification areas, and emergency access routes.

Policy LU-3.3.3: Through the development review process, ensure that all new residential development is provided with adequate emergency access and that subdivision and site designs permit ready access by public safety personnel.

As described above, access is inadequate to protect public safety and provide safe evacuation in a fast-moving, wind-driven wildfire. Therefore, this project is not consistent with the General Plan Policies and Goals.

Fuel modification will affect wildland, open space and habitat

Since this project site is located within Fire Zone 4, which is a Very High Fire Hazard Severity Zone that falls within the State Responsibility Area (SRA), a fuel modification plan for the perimeter portions of the proposed development envelope would be required and has been conceptually approved by the County Fire Department. This fuel modification will affect wildland and preserved open space and habitat.

Expense

Defending this area from wildfires will continue to be very expensive for the County. We ask that the Commission request a cost-of-services study for this development and begin to generate fees to ensure that adequate financing of fire services can be provided if this project is approved.

Process is unfair to the public

We note that this is the second Mitigated Negative Declaration for this project issued in just a little over a year. The Appendices to this document are over 1,200 pages (longer than some EIRs), yet the public has only had a short review period and no response to comments will be required.

Since the project has not changed or has changed very little since it was first submitted to the Commission, we ask that all original opposition letters be included in the administrative record for this new MND. The public may not understand that they must re-submit their comments. ***We therefore include by reference all comments from the February 2020 MND submitted by the opponents of this project.***

Conclusion

Experts agree that human-sparked wildfires are more frequent, faster spreading, and more destructive than those caused by nature.⁴

- Wildfires have become more destructive due to climate change, historic fire suppression and development in wildlands.⁵
- When houses are built close to natural vegetation, they pose two problems related to wildfires. First, there will be more wildfires due to human ignitions. Second, wildfires that occur will pose a greater risk to lives and homes, and they will be hard to fight.⁶
- To stem the escalating loss of life and property, the state needs to curb development in high fire-hazard zones.⁷

⁴ <https://www.sciencemag.org/news/2020/12/human-sparked-wildfires-are-more-destructive-those-caused-nature>

⁵ Fanning the Flames: The Reality of Climate Change and Wildfires in California,
https://www.youtube.com/watch?v=BFaDz_NyYX8

⁶ <https://www.pnas.org/content/115/13/3314>

⁷ <https://www.latimes.com/projects/wildfire-california-fuel-breaks-newsom-paradise/>

- To stop the destruction of our communities by wildfire in our rapidly changing environment we must reduce the flammability of existing communities and prevent new ones from being built in very high fire hazard severity zones.⁸
- California's increasingly deadly and destructive wildfires have become so unpredictable that government officials should consider banning new home construction in vulnerable areas.⁹
- The best way to prevent wildfire destruction and death is to stop building houses in the path of fire.¹⁰

Based on overwhelming research and evidence concluding that people and structures near wildland areas are the primary driver of destructive wildfires, the Wildfire Committee sponsored a resolution, which Sierra Club California adopted last year. The Los Angeles County Democratic Party passed a similar resolution shortly thereafter. Both adopted new policies address the importance of restricting development in fire-prone areas:

- Sierra Club California: "supports policies that prohibit new building in Very High Fire Hazard Severity Zones, consistent with established Sierra Club infill policy, to respond to increasing intensity and frequency of devastating wildfires on lives, habitat, property, infrastructure, and the environment." (Adopted: August 22, 2020)
- The Los Angeles County Democratic Party: "calls on our state leaders to reconsider the approval of increased developments in Very High Fire Hazard Severity Zones near or in wildland-urban interface areas, and seeks strong regulations and limits on new structures, as these buildings have been found to increase the size and destructive nature of our state's worst fires." (Adopted: September 22, 2020)

Public opinion supports the recommendations of scientists and fire experts to restrict building in fire-prone areas. A 2019 Analysis of Quality of Life Index by UCLA's Luskin School of Public Affairs (see page 5, figure 8) found that 73 percent of those surveyed believe that the construction of new homes should be prohibited in high risk fire areas. Only 20 percent disagreed.¹¹

For all the reasons listed above, the Sierra Club Wildfire Committee opposes further incursions into very high fire hazard severity zones, especially in areas that have limited evacuation routes and pose a serious danger to current and future residents. We also oppose such projects due to the rising costs associated with defending lives and property due to the increased occurrence of wildfires as temperatures rise creating drier and hotter conditions due to climate change.

Thank you for considering our comments.

Sincerely,

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https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/sierra-club-california/PDFs/GovNewsom_Wildfires_2019.pdf

⁹ <https://apnews.com/article/d2f76432db1749d4918e55624a47c654>

¹⁰ <https://www.latimes.com/opinion/story/2019-11-29/california-wildfire-housing-ideas>

¹¹ <https://ucla.app.box.com/s/t8bb9h8lg48fbfp411yz1c6rs35tdmf5>

Attachment
2018 County Fire Department Letter