

REPORT TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED:	May 31, 2023		
MEETING DATE:	June 14, 2023	AGENDA	7
		ITEM:	
PROJECT NUMBER:	PRJ2020-002395-(1-5)		
PROJECT NAME:	Community Wildfire Protection Ordinance		
PLAN NUMBER(S):	Advance Planning Case No. RPPL2020007456		
SUPERVISORIAL DISTRICT:	1-5		
PROJECT LOCATION:	Countywide		
PROJECT PLANNER:	Cameron Robertson, Regional Planner Crobertson@planning.lacounty.gov		

RECOMMENDATION

LA County Planning staff (“staff”) recommends the Regional Planning Commission adopt the attached resolution recommending approval of the Community Wildfire Protection Ordinance, Plan No. RPPL2020007456, to the County of Los Angeles Board of Supervisors.

Staff recommends the following motion:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I ALSO MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION RECOMMENDING APPROVAL OF THE COMMUNITY WILDFIRE PROTECTION ORDINANCE, PROJECT NUMBER PRJ2020-002395, ADVANCE PLAN NO. RPPL2020007456 TO THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS.

SHAPING
TOMORROW

PROJECT DESCRIPTION

A. Project

Plan Number RPPL2020007456, known as the Community Wildfire Protection (“CWP”) Ordinance, amends Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code to reduce and manage wildfire and disaster risks to people, property, and environmental resources located in the Very High Fire Hazard Severity Zone (“VHFHSZ”) and Hillside Management Areas (“HMA”) (See Exhibit C – General Plan Reference Maps); address adequate evacuation egress during disasters; and improve public safety.

The CWP Ordinance amends existing development standards and introduces new standards in Title 21 (Subdivisions) to reduce risk to communities from wildfire and other disasters, including provisions to strengthen road access requirements for emergency ingress and egress, reduce the number of parcels that can be created through subdivision with only a single means of access, and require the analysis of evacuation routes as part of the tentative map application.

The CWP Ordinance also amends the existing Hillside Management Ordinance in Title 22 (Planning and Zoning) to modify and introduce new design measures for development located in Hillside Management Areas where slopes are 25 percent or steeper, and to require a Hillside Management Area Conditional Use Permit where new primary structures are proposed on slopes 50 percent or steeper. These provisions serve to improve structure protection and survivability during wildfire, reduce risks to development due to wildfire-induced landslides and slope instability, and increase design requirements for hillside protection where development is proposed in hazardous locations.

B. Project Background

The CWP Ordinance has been developed in response to the February 11, 2020 motion by the County of Los Angeles Board of Supervisors (Board) to prepare and submit amendments to Title 21 (Subdivision) and Title 22 (Planning and Zoning) of the Los Angeles County Code to reduce damage to life and property from wildfires. The CWP Ordinance, which was formerly named and referenced in the General Plan as the Reduce Damage From Wildfire Ordinance, implements the General Plan Safety Element by establishing land use standards and review procedures to reduce public safety risks due to wildfire and other hazards. The Commission held a public hearing on March 1, 2023, and staff recommended continuance to June 14, 2023, to review the State Minimum Fire Safe Regulations, which went into effect on April 1, 2023, and ensure consistency with the proposed CWP Ordinance.

The number of devastating wildfires and escalating wildfire risks has increased. Three of the five largest wildfires in Los Angeles County history have occurred within the last 15 years. The 2009 Station Fire is the largest wildfire in Los Angeles County history, burning 160,557 acres and resulted in the deaths of two firefighters. In 2018, the Woolsey Fire burned 96,949 acres across two counties, destroyed 1,121 residential and commercial structures and damaged another 189 structures in Los Angeles County alone, and resulted in the deaths of three people. According to the Citygate After Action Review of the Woolsey Fire Incident Report,

the County incurred approximately \$52 million in fire suppression costs and estimates that the insured losses from the Woolsey Fire will total between \$3 and \$5 billion. In 2020, California experienced multiple fires. During this unprecedented year, the Bobcat Fire, which started in the San Gabriel Mountains, burned over 115,000 acres, destroying over 170 structures, and becoming the second largest in recorded history for Los Angeles County. Cumulatively these three fires burned 372,500 acres, destroyed 1,700 structures, and resulted in five fatalities. These fire events epitomize a growing trend toward bigger and more destructive wildfires and escalating risks in fire zones.

As wildfires become an intense, all-year phenomena due to climate change, the risk of injury to residents and damage to property and infrastructure have increased, in part, due to further encroachment of development and human activity into areas designated as a VHFHSZ. Increased development and land uses at the urban periphery result in more structures, roads, vehicle traffic, and people into areas that were previously undeveloped, and increase the probability of ignitions within wildland areas. Furthermore, additional development within the VHFHSZ and steep HMAs strain already limited emergency resources and infrastructure that serve existing communities.

The CWP Ordinance is based on recommendations made by the After Action Review of the Woolsey Fire Incident, published in 2019, and the Community Planning Assistance for Wildfire (CPAW) Final Recommendations to Reduce Wildfire Risk to Existing and Future Development: Los Angeles County, California, published in 2020. CPAW is a national program that provides communities with expertise from professional land use planners, foresters, and fire behavior specialists to recommend improvements to local policies and codes. In 2020, the County was one of the six communities chosen to receive technical assistance from the CPAW program. Technical assistance included an analysis of the County's land use regulations and recommendations to increase safety and reduce the threat of wildfire to homes and businesses. The County collaborated with CPAW's team to identify opportunities to address wildfire through the planning process.

The CWP Ordinance reduces impacts from wildfires by implementing more protective standards for new development within areas of extreme fire risk. It aligns with State wildfire policy guidance and directives including the proposed State Minimum Fire Safe Regulations, and will contribute to the County's leadership in reducing damage to life and property from wildfires in Los Angeles County.

C. Key Components

To address wildfire hazards and reduce risks, the CWP Ordinance proposes to modify existing development standards and add new development standards in Title 21 (Subdivision) and Title 22 (Planning and Zoning). These development standards provide additional safety measures for new development in areas with the most extreme fire risk and serve to complement existing fire safety standards in Title 32 (Fire Code) and Title 26 (Building Code).

The CWP Ordinance amends Title 21 (Subdivisions) to modify existing design standards and introduce new design standards, including the following provisions:

- **Section 21.24.010 - General requirements – determination of adequacy:** Projects must demonstrate adequate road capacity, safety, and viability to accommodate emergency egress and access.
- **Section 21.24.020 - Restricted residential access:** The number of parcels that can be created through subdivision with only a single means of access are reduced to account for development potential (i.e., 75 units or 25 parcels, whichever is less, are allowed in the VHFHSZ with a single means of access.)
- **Section 21.24.040 - Modifications to access and frontage requirements:** Frontage requirements may only be modified when explicitly authorized by the Board of Supervisors.
- **Section 21.24.090 - Right-of-way and roadway width requirements—cross-section diagrams:** Alternate road cross-sections are not allowed to be located in or pass through a VHFHSZ.
- **Section 21.24.100 - Street grades:** Streets located in VHFHSZ cannot exceed a grade of eight percent, except where evidence shows that a lower grade is not possible.
- **Section 21.24.350 - Residential subdivisions—Provision of local park sites:** If located in a VHFHSZ, park sites must be located between development and wildlands to serve as a fuel break, where feasible, and continuous vegetation management is required.
- **Section 21.40.040 - Contents—Information and documents required:** The analysis of evacuation routes and possible impacts are required as part of the tentative map application.

The Ordinance also amends the existing HMAs Ordinance under Title 22 (Planning and Zoning) to modify and introduce new design measures for development located in HMAs to ensure the protection of hillside resources and public health and safety, including the following provisions:

- **22.104.030 - Permit Required:** A Hillside Management Area Conditional Use Permit is required where new primary structures are proposed on terrain with slopes 50% or steeper. Projects may be exempt from this provision if the steep terrain is less than one-half acre or less in size and not contiguous with other terrain with slopes 50 percent or steeper.
- **22.104.060 – Findings:** Projects must meet findings that the proposed development will protect hillside resources and public health and safety by: incorporating fire mitigation and resilience measure through project design, structure hardening; incorporating strategies to reduce slope instability, landslide, and flooding risks; and not impeding or otherwise causing significant negative impact on evacuation routes in the event of an emergency.

- **Appendix I - VI. SENSITIVE HILLSIDE DESIGN MEASURES – 1. Site Planning:** New design measures have been introduced, including: locating structures away from mid-slope locations and providing a minimum setback from steep terrain; locating all structures onsite to consolidate Fuel Modification Zones A and B; and providing a minimum 200-foot setback from structures and designated open space.
- **Appendix I - VI. SENSITIVE HILLSIDE DESIGN MEASURES – 3. Road Circulation:** Existing design measures have been modified to require that projects provide at least two points of paved roadway access for any project greater than 75 dwelling units or 25 lots, whichever is less, to be consistent with Title 21. Existing design measures that prioritize private drives instead of public roadways have been removed for consistency with Title 21.
- **Appendix I - VI. SENSITIVE HILLSIDE DESIGN MEASURES – 5. Landscaping:** New design measures have been introduced, including: strategic planting of native oaks for wildfire ember screening; and slope-adjusted vegetation clearance.

D. General Plan Consistency

The project implements the Reduce Damage from Wildfire program (Item S-9) in Chapter 16: General Plan Implementation Programs.

The project is applicable to new development located in the VHFHSZ and HMAs, which are both listed as part of Los Angeles County's Special Management Areas. Per the General Plan's Land Use Element, "these areas require additional development regulations to prevent the loss of life and property, and to protect the natural environment and important resources...The General Plan minimizes risks [from] hazards and discourages development in Special Management Areas." The project is consistent with and supportive of the goals, policies, and principles of the General Plan, including:

Safety Element – Fire Hazards

- *Policy S 4.1: Prohibit new subdivisions in VHFHSZs unless: (1) the new subdivision is generally surrounded by existing or entitled development or is located in an existing approved specific plan or is within the boundaries of a communities facility district adopted by the County prior to January 1, 2022, including any improvement areas and future annexation areas identified in the County resolution approving such district; (2) the County determines there is sufficient secondary egress; and (3) the County determines the adjoining major highways and street networks are sufficient for evacuation as well as safe access for emergency responders under a range of emergency scenarios, as determined by the County. Discourage new subdivisions in all other FHSZs.*
- *Policy S 4.2: New subdivisions shall provide adequate evacuation and emergency vehicle access to and from the subdivision on streets or street systems that are*

evaluated for their traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead- end, one- way, or single lane conditions.

- *Policy S 4.4: Reduce the risk of wildland fire hazards through meeting minimum State and local regulations for fire-resistant building materials, vegetation management, fuel modification, and other fire hazard reduction programs.*
- *Policy S 4.5: Encourage the use of climate-adapted plants that are compatible with the area's natural vegetative habitats.*
- *Policy S 4.6: Ensure that infrastructure requirements for new development meet minimum State and local regulations for ingress, egress, peak load water supply availability, anticipated water supply, and other standards within FHSZs.*
- *Policy S 4.7: Discourage building mid-slope, on ridgelines and on hilltops, and employ adequate setbacks on and below slopes to reduce risk from wildfires and post-fire, rainfall-induced landslides and debris flows.*
- *Policy S 4.10: Encourage the planting of native oaks in strategic locations and near existing oak woodlands, including those to be mapped in the Oak Woodlands Conservation Management Plan, to protect developments from wildfires, as well as to lessen fire risk associated with developments.*
- *Policy S 4.13: Encourage the siting of major landscape features, including but not limited to large water bodies, productive orchards, and community open space at the periphery of new subdivisions to provide strategic firefighting advantage and function as lasting firebreaks and buffers against wildfires, and the maintenance of such features by respective property owners.*
- *Policy S 4.14: Encourage the strategic placement of structures in FHSZs that conserves fire suppression resources, increases safety for emergency fire access and evacuation, and provides a point of attack or defense from a wildfire.*
- *Policy S 4.16: Require local development standards to meet or exceed SRA Fire Safe Regulations, which include visible home and street addressing and signage and vegetation clearance maintenance on public and private roads; all requirements in the California Building Code and Fire Code; and Board of Forestry Fire Safe Regulations.*
- *Policy S 4.18: Require Fire Protection Plans for new residential subdivisions in FHSZs that minimize and mitigate potential loss from wildfire exposure, and reduce impact on the community's fire protection delivery system.*

Conservation and Natural Resources Element - Scenic Resources

- *Policy C/NR 13.8: Manage development in HMAs to protect their natural and scenic character and minimize risks from natural hazards, such as fire, flood, erosion, and landslides.*

- *Policy C/NR 13.9: Consider the following in the design of a project that is located within an HMA, to the greatest extent feasible:*
 - *Public safety and the protection of hillside resources through the application of safety and conservation design standards;*
 - *Maintenance of large contiguous open areas that limit exposure to landslide, liquefaction and fire hazards and protect natural features, such as significant ridgelines, watercourses and SEAs.*

ENVIRONMENTAL ANALYSIS

Staff recommends that this project qualifies for a Categorical Exemption (Class 7 Exemption, Actions by Regulatory Agencies to protect Natural Resources, and Class 8 Exemption, Actions by Regulatory Agencies to protect the Environment) under the California Environmental Quality Act (“CEQA”) and the County environmental guidelines. The project will reduce risks to communities and impacts to environmental and natural resources resulting from wildfire, such as loss of vegetation and biodiversity, erosion, landslides, debris flows, water quality impacts, and contaminated and hazardous material disposal challenges. The project modifies existing regulations and introduces additional regulations for new development located in the VHFHSZ and in HMAs, which are both characterized by high ecological value and elevated wildfire risk.

Therefore, staff recommends that the Regional Planning Commission finds that the project is categorically exempt from CEQA. A Categorical Exemption (Exhibit F – Environmental Determination) was issued for the project.

OUTREACH AND ENGAGEMENT

A. County Department Comments and Recommendations

The following departments reviewed the project and provided comments, which were addressed in the Ordinance: Fire Department; Public Works; Parks and Recreation; and Public Health.

B. Project Outreach and Engagement

On September 8, 2022, staff emailed 483 stakeholders to announce the availability of the preliminary draft ordinance for public review and that public comments would be collected through October 3, 2022. On September 22, 2022, staff emailed 34 contacts on the Advance Planning Community Based Organizations and Town Councils contact list whose communities are located within the VHFHSZ offering engagement and discussion opportunities.

Staff coordinated the following meetings to discuss the proposed ordinance with stakeholders: March 12, 2020 with the Development Review Committee; June 11, 2020, October 11, 2022, October 31, 2022, and January 25, 2023 with the Las Virgenes Homeowners Federation; October 28, 2020 with the Association of Rural Town Councils; September 21, 2022 and November 16, 2022 with the Topanga Town Council; September

28, 2022 with the Association of Rural Town Councils; September 29, 2022 with the Building Industry Association; October 5, 2022 with the Kagel Canyon Civic Association; October 5, 2022 with the Altadena Town Council; October 12, 2022 with the County Land Development Advisory Committee; February 6, 2023 with the Newhall Land and Farm Company; February 6, 2023 with Acton Town Council; and April 12, 2023 with Agua Dulce Town Council.


Staff also attended County Parks After Dark events to highlight the ordinance in conjunction with current Climate Action Plan and Integrated Wildfire Program efforts. Staff attended the Parks After Dark events on the following dates: June 16, 2022 in Val Verde; July 21, 2022 in Altadena; and July 21, 2022 in Hacienda Heights.

C. Public Comments

Staff received public comment letters (Exhibit E) submitted by the Endangered Habitats League, Altadena Town Council, Westhills Homeowners Association, and by one member of the public during the public comment period.

ADDITIONAL STAFF RECOMMENDATIONS

Revisions to the Draft Ordinance have been made since the public hearing date on March 1, 2023, and the changes are reflected in Exhibit A and identified in red text. The revisions provide minor clarifications for internal administrative review procedures and improve language consistency to align with the State Minimum Fire Safe Regulations.

Report
Reviewed By: 
Thuy Hua, AICP, Supervising Regional Planner

Report
Approved By: 
Connie Chung, AICP, Deputy Director

LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Ordinance
EXHIBIT B	Draft Resolution
EXHIBIT C	General Plan Reference Maps
EXHIBIT D	Environmental Determination
EXHIBIT E	Public Correspondence