

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



W12e

5-21-0641 (CITY OF LAGUNA BEACH)
MARCH 9, 2022

CORRESPONDENCE

March 4, 2022

California Coastal Commission
455 Market Street Suite 300
San Francisco, CA 94105

Re: **W12e – Application No. 5-21-0641, City of Laguna
Beach Fuel Modification**

Dear Commissioners:

Southern California Edison (SCE) appreciates the opportunity to provide the following comments on the Consolidated Coastal Development Permit under consideration for the City of Laguna Beach's planned fuel modification activities in Fuel Modification Zones (FMZs) 10 and 11. SCE's interest in this matter is a result of the fuel modification work being in close proximity to an SCE habitat restoration project (Ref: CDP No. 5-17-0506).

It appears that the fuel modification work will occur wholly outside of SCE's existing restoration area. Special Condition 9 seems to reflect this fact and specifically states that the applicant shall avoid fuel modification in any identified SCE restoration area. The condition also provides for a remedy in the event the applicant disturbs SCE restoration project – the applicant must restore the SCE restoration site to the condition it was in prior to being disturbed. SCE is pleased to see that its project is being acknowledged and protected. Nevertheless, we believe the protections should be strengthened slightly.

SCE is also concerned that the condition seems to give SCE the right to grant applicant access to the Driftwood property. That is not the case. SCE was required to obtain an access agreement from the property owner. We assume applicant will have a similar obligation and believe changes to the condition are warranted as a result.

We think Special Condition 9 could be improved if it were revised as follows:

- 9. Southern California Edison and FMZ 11 Access.** The applicant shall obtain permission to access the site from the property owner. Once permission has been obtained, the applicant shall provide it to Southern California Edison and coordinate with Southern California Edison to gain access to the site through the locked gate. The gate shall be locked at the conclusion of each day's activities. The applicant shall avoid fuel modification in any identified Southern California Edison pole maintenance and removal and active habitat restoration areas (Ref: CDP No. 5-17-0506) (see Exhibit 4). The applicant shall install field markers to delineate the maximum boundaries of the FMZ and the Southern California Edison pole maintenance and removal and habitat restoration area. In the event

that any active restoration area within the SCE pole maintenance and removal and habitat restoration area is disturbed in the course of or as a result of the proposed work, the applicant shall coordinate with SCE to take all steps necessary, in a timely fashion, to return the disturbed restoration area to the condition in which it existed prior to the disruption caused by the applicant and to a condition that is satisfactory to SCE.

We were also concerned about the following sentence on page 15 of the Staff Report: Any necessary treatments outside of the range of Fuel Modification Zones 10 and 11 would be subject to removal of only targeted non-native, invasive vegetation, or tree thinning and dead branch removal. It is unclear if this sentence is authorizing treatments outside of the range of Fuel Modification Zones 10 and 11. We think such authorization would be inappropriate in the CDP and ask that the sentence be revised. If treatments outside of the range of Fuel Modification Zones 10 and 11 are needed, we think that the applicant should have to return to the Commission for an amendment to its CDP specifically authorizing such treatments.

Here are the changes we are suggesting to the Staff Report on page 15:

The intent of the proposed fuel modification is to reduce the overall fuel load of the subject 10.51 acres by only 50 percent to maintain a defensible space adjacent to existing development. Should the applicant determine that ~~Any necessary treatments~~ outside of the range of Fuel Modification Zones 10 and 11 are necessary, such treatments would be subject to removal of only targeted non-native, invasive vegetation, or tree thinning and dead branch removal. In addition, the applicant must obtain an amendment to its CDP before proceeding with any treatments outside of the range of Fuel Modification Zones 10 and 11.

Finally, we note that the applicant is required to submit a Final Habitat Mitigation Plan that shall closely conform with the “FMZ 10 + 11 Habitat Enhancement Plan” prepared by the Laguna Canyon Foundation, dated August 17, 2021. It is not clear if this is the same document as item 3 in Appendix A, but either way it is not in the record. We assume that this plan contains a figure showing the location of applicant’s restoration project(s). Based on our review of Exhibit 2, p.2, it appears that at least some of the areas potentially identified by the applicant as suitable for its restoration project(s) are now part of SCE’s restoration site. Therefore, these areas are no longer available to the applicant, and the applicant will have to identify different areas.

Accordingly, here are some changes we suggest to Special Condition 2 to acknowledge this circumstance:

- 2. Habitat Mitigation Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a final Habitat Mitigation Plan. The final Habitat Mitigation Plan shall be prepared by a qualified biologist with experience restoring coastal sage scrub and southern maritime chaparral habitat. With the exception of changes necessitated in order to avoid the SCE restoration site, t~~he~~ final Habitat Mitigation Plan shall closely conform with the “FMZ 10 + 11 Habitat Enhancement Plan” prepared by the Laguna Canyon Foundation and dated

March 4, 2022

Page 3

August 17, 2021, and describe in detail the activities the permittee will undertake to restore and enhance degraded habitat adjacent to FMZ 11 at an undeveloped parcel located at the northern terminus of Driftwood Drive (APN: 056-240-65), and shall include the following provisions:

Thank you for your time and attention.

Very truly yours,

/s/ Paul Yamazaki

cc: David Asti, SCE
Elizabeth Brown, SCE



March 4, 2022

California Coastal Commission
455 Market Street Suite 300
San Francisco, CA 94105

Re: W12e – Application No. 5-21-0641 City of Laguna Beach FMZs 10 and 11

Dear Commissioners:

Thank you for the opportunity to comment on this application by the City of Laguna Beach to conduct aggressive fuel modification in one of the most significant habitat blocks in the entire City (reference Karlin Marsh Biological Report):

4.5 SUMMARY OF SOUTH LAGUNA'S SIGNIFICANT HABITATS

4.5.1 Very High Biological Value

Using the criteria established in the foregoing section, these localities within South Laguna possess very high biological value.

1. Hobo Canyon; South-facing Slope of Aliso Canyon

Hobo Canyon, including its surrounding ridges, extending north to and including Goff Ridge and inland to and including the Moulton Meadows marine terrace, and the contiguous south-facing slope of Aliso Canyon down to the golf course is the single most significant habitat block in South Laguna. The area is rich in rare, threatened and endangered species and unique habitats, is the center of distribution and contains the largest extant stand of California threatened big-leaved crownbeard in the United States, and is broadly connected to the permanent protected open space of the Laguna Greenbelt, thus insuring that wildlife diversity and use will continue to be high.

The Sierra Club Save Hobo Aliso Task Force was established in 2001, in response to development threats, as well as destructive fuel modification. The task force focuses on Hobo Canyon, Hobo Aliso Ridge and Aliso Canyon, and has attempted to protect and preserve this special area in collaboration with your staff for over 20 years.

With this in mind, the task force respectfully requests that the Commissioners deny this proposed fuel modification project as outlined in this staff report and require the City of Laguna Beach to put forward a plan that actually protects and preserves this incredibly valuable area and provides accurate mapping and a plan that is available for public review versus a “to-be-determined” proposal that does not take into account habitat protection or restoration. This CDP application is not complete, therefore, should not be accepted until it is complete. And an incomplete application is not ready to be heard by the Commission.

The following comments are presented to assist you in making the decision for denial. Your staff has been challenged with an entity that is very difficult to persuade to do the right thing when it comes to being good stewards of our finite natural resources. Please do not accept this less than adequate proposal that only seeks to protect existing residential development and not the open space that's so highly treasured by the environmental community and deserves protection for our future generations.

- **City of Laguna Beach and Laguna Beach Fire Department's lack of collaboration over the years**

As you can see from the multiple emergency permits for fuel mod in this area that have been approved for the City of Laguna Beach over the years, there has been little willingness on the part of the city to collaborate with your staff, thus this is always deemed as an emergency. You will also note that Chair Brownsey and Vice Chair Hart just recently appealed a fuel mod proposal for an area south of this FMZ due to inadequate mitigation, among other inadequacies. However, the lack of collaboration doesn't exist with just CCC staff, but the environmental community as well.

A few months ago, I contact the Laguna Beach Fire Department (LBFD) about a camp that had been set up at Hobo Aliso Ridge by mountain bikers and e-bikers. There were stockpiles of wood for a bonfire that were being stored on top of Coastal Sage Scrub and chairs set up in a would be campsite. **See photos below and on next page.**

LBFD had a representative call me back that I have known for many years. His basic message to me was that since I worked with the Coastal Commission that I should be calling them to lodge my complaint and concern because the area I was addressing was under the jurisdiction of the Coastal Commission. He in essence told me, "we don't want to have anything to do with it." I questioned him and asked why he wouldn't want to be involved in helping me resolve a potential fire danger since this area definitely had all the earmarks of being set up for a bonfire. I reminded him that he represented the LBFD and this came under their purview. He said that if I wanted to go ahead and remove the chairs and wood to go right ahead and he wouldn't tell anyone. He ended our discussion by stating, "I don't know you and we never had this conversation." Immediately following this conversation members of my task force, with the assistance of the SCE biologist, removed the chairs and wood and hauled them off site. Please keep in mind this is the same area that the city insists on conducting fuel mod in due to high fire danger, but when contacted to assist with a potential fire hazard they refused.

Bikers' Camp Site



Wood Supply



Another example of the LBFD's flagrant insistence on doing whatever they deem necessary, whenever they deem it necessary, I bring your attention to the unpermitted fuel mod that was conducted all along K Street In Hobo Canyon during nesting season in 2021. All of this was done without a permit as the City was negotiating this CDP application. Not only was the slope cleared of Big-Leaved Crownbeard, but other high-value habitat was limbed up and bare dirt left behind. The green coverage you see are weeds that are sprouting now that all the habitat has been removed. This is termed counterproductive activity as well as destructive.



In lieu of more photos of denuded slopes, here is the **memo on the next page** that was sent out to all the residents of the mobilehome park advising them of this slope clearance during nesting season. According to the mobilehome park management, the LBFD ordered them to do this massive clearing. There were no biologists on site and a pre-fuel mod biological analysis was never completed, so there was nothing but mass destruction of all habitat, including the endangered Big-Leaved Crownbeard that usually thrives on this slope and has been discussed with this Commission many times over the past several years. Your permitting and enforcement staff are very familiar with our challenges related to the protection and preservation of this endangered species when it comes to the rogue clearing ordered and undertaken by the LBFD. I have reported this to Enforcement and followed up many times, but as with our ongoing challenges with the denuding at Lot K53 you have heard so much about, there will be no enforcement – just another permit issued without any repercussions for the Coastal Act violations. We again beg the question as to when and where 30821.3 will come into play in these types of situations. When does CCC Enforcement staff quit covering up Coastal Act violations with CDPs and ATF CDPs? It will be too late when all of the habitat is totally destroyed.

Note: While this notice states that dead plant and grasses will be removed, there was much more than that destroyed as previously detailed.



**NOTICE OF SLOPE MAINTENANCE
G STREET AND UPPER K STREET**

Monday, May 03, 2021 through Friday, May 07, 2021

Dear Laguna Terrace Resident,

This is to provide you notice that beginning on **Monday, May 3rd** and ending on **Friday, May 7th**, BrightView will be providing Laguna Terrace extensive slope clean-up involving removal of dead plant materials and grasses. Heavy equipment will be brought in to provide best access to all areas needed to complete this improvement.

Ingress and egress into your residence may be temporarily obstructed during this time period, due to the required work necessary.

There will be dust and possibly flying debris within these areas of clean-up. Parking within your homesite or in guest parking will be necessary. Guest parking however, on G street and upper K street will be unavailable as they move through these areas. If guest parking is needed, please use guest parking in other areas of the community.

Laguna Terrace management apologizes for any inconvenience this may cause you. This is a maintenance program necessary to provide a safe community as well as continuing the landscaping improvements BrightView is providing.

Thank you,
Craig Gentry

Craig Gentry ~ Community Manager
Laguna Terrace
30802 S. Coast Hwy #K2, Laguna Beach, CA 92651
P: 949.499.3000 ~ F: 312.205.1204
e: CGentry@hometownamericacommunities.com
www.hometownamericacommunities.com
[Laguna Terrace's Online Newsletter](#)

Laguna Terrace
30802 S Coast Highway TEL: 949.499.3000 FAX: 312.205.1204
HometownAmerica.com

The disdain that the City of Laguna Beach has for the Coastal Commission is well documented and creates great obstacles when it comes to trying to accomplish something positive and productive. This is one of the major reasons we have not been able to work with the City or the LBFD on a comprehensive fuel mod program that protects natural resources while protecting life and property for the past few decades. No one wants to see our LBFD personnel put into a dangerous situation with a wildfire, but we also do not want to see all of our open spaces suffer aggressive fuel mod. Especially those that have active restoration sites on them.

• **Starting Point for Fuel Mod – 100' from Property Line or 100' from Structure?**

The staff report is recommending fuel mod commencing at 100' from the property line versus 100' from the structure. Homeowners in this high fire danger area should be responsible for lowering the fuel load on their properties instead of the LBFD insisting that it always be taken out of our open spaces and wildlands. In 1993, after the big fire in Laguna Beach that destroyed so much, the LBFD required homeowners to actually take responsibility for their fuel load, but that program has not been implemented since. Please **see attachments** of the 1995 defensible space review that asked homeowners to be responsible for the fuel load adjacent to their homes.

These photos provide an example of a homeowner that allows their highly flammable foliage to grow up into the open space and very close to their home. It is also smothering the native habitat in some cases. This entire length of the slope is planted with highly flammable plant material that is not native for the most part. The program that was implemented in 1995 would be a major assistance in controlling the fuel load around this home. This program is needed again in place of aggressive fuel mod in our open spaces.



- **Inadequate Mitigation Restoration**

Mitigation restoration ratio of .5:1 is not adequate and is in stark contrast to all of the other mitigation restoration ratios employed by CCC up and down the coast, and specifically here in Laguna Beach. For examples, the SCE and Hometown America mitigation restoration sites are at much higher mitigation ratios, and these sites are being targeted by LBFD for fuel mod after years of hard work and great expense to get these established. The impacts that will be created by this aggressive fuel modification in one of the most sensitive biological areas of Laguna Beach cannot possibly be mitigated with a .5:1 ratio. Staff states that this is not considered development so no need for greater mitigation, but by definition this proposed fuel mod is an intensification of use thus qualifies as development. The proposed fuel mod is not designed to maximize the preservation of sensitive resources and is not adequately mitigated.

- **Mitigation Restoration is not Defined**

There is no defined mitigation restoration site for this aggressive fuel mod proposal in the staff report, nor a diagram or mapping of the proposed mitigation restoration site at Hobo Aliso Ridge in the Exhibits. There is a vague reference only in the staff report, but no solid plan. This plan should be made available to the Commissioners and to the public prior to any decisions being made on this CDP.

- **LBFD Protection of Existing Mitigation Restoration Sites for SCE and Hometown America**

There is no clarity as to how the LBFD will protect and preserve the two existing restoration sites managed by SCE and Hometown America. The OCTA preserve restoration sites are another big question mark. These are just brushed over in the staff report – no detail at all on how they will be protected. SCE is to “coordinate” with the City on providing them entry into the property, but no mention of how their restoration site will be protected during this aggressive fuel mod. On the **next page are photos of SCEs recently planted mitigation restoration** – this was just completed after years of planning and great expense. And now, the LBFD feels it needs to do fuel mod in this area. How can this be?



These protection concerns also apply to Hometown America. The staff report has only a small mention of mitigation restoration “should” there be impacts and destruction to the Hometown restoration area. It’s not a matter of “should” there be impacts, this is inevitable based on the City’s history of conducting fuel mod.

Will CCC staff be requesting a report from the current restoration site management teams to assess the appropriate mitigation for the LBFD’s impacts to their restoration sites? These two restoration sites were required of SCE and Hometown America by CCC as mitigation restoration, and have required thousands of hours of work and hundreds of thousands of dollars to create and manage. Yes, I repeat myself on this fact since this has been a costly endeavor of time and money. I find it absolutely astounding that this staff report would allow for any impacts to these prized restoration sites, but again, there is no final mapping, so everyone is in the dark as to exactly what will happen and what will be impacted. This CDP application is not complete.

- **Inaccurate and Misleading Mapping**

Overall, the mapping and diagrams in the exhibit mislead the reader and inaccurately describe the ESHA and endangered species coverage in this area, i.e. coding large swaths as “ornamental” when there is Big-Leaved Crownbeard, riparian habitat and other elements of Southern Maritime Chaparral (ESHA) that have been completely ignored. This is just one example of many mapping errors in the Exhibit that accompanies the staff report. The current exhibits lead the Commissioners to believe there is little habitat value in areas where there is actually very high-value habitat. This CDP application is incomplete without accurate and complete mapping.

- **Mischaracterization of Biological Resources**

There are many examples of the mischaracterizations of the biological resources at this site, but here is just one example. The “drainage course” that is mentioned is actually a mapped watercourse and contains not only riparian habitat, but also Big-Leaved Crownbeard and Toyon. This is an area that was subject to CCC enforcement action that included restoration. This was CCC Enforcement, Christine Chestnut’s case nearly 20 years ago. Now, it is being considered for fuel mod contrary to Coastal Act policies to protect this type of area, and the City’s LCP policies that should also protect watercourses and streams. There are so many Coastal Act Policies and City LCP Policies listed in this staff report, but what do they mean if nothing is being protected? This is all very confusing and the reason we are asking for denial in hopes of a better project.

- **Ratio of Biologists to Crew**

The ratio of 1 oversight biologist to every 3 crew conducting the fuel mod is completely inadequate given the past destruction that has occurred. In the past, CCC staff has required a 1:1 ratio to protect and preserve this special area and the endangered species. Previous emergency permits for this sensitive area have required a much higher biologist to crew coverage. Why is this not in place for this CDP given the past problems associated with too few biologists overseeing the project? I repeat, too few biologists in the past have allowed for a lot of destruction. Perhaps 1:1 is too costly, but how much is our very-high value habitat worth? Please don’t let this destruction happen again by cutting corners on oversight.

- **Acceptable Tools in Very-High Value Habitat Areas**

Chainsaws, according to prior emergency permits, have been prohibited. Chainsaws are simply too impactful for this sensitive area and can destroy a mature stand of laurel sumac, toyon, or ceanothus, in seconds. A chainsaw has never been considered a “hand tool” under any circumstances and has been a topic of much debate between CCC staff and the City in the past. What changed? Why are chainsaws now considered a hand tool versus a mechanized tool? A destructive mechanized tool.

- **Substantive Documentation**

Unable to locate substantive documentation, including documents that are listed as being included in Appendix A. There doesn’t appear to be an Appendix A and the documents that are listed should be provided so that the Commissioners and public can make an intelligent and informed decision on the adequacy and completeness of this CDP application. Without these documents, this staff report is not complete.

- **Responsible Party for Paying for City Fuel Modification Programs**

Who pays for this fuel modification program? The land is still owned by The Athens Group and they have not only refused to pay for fuel mod in the past, but they defaulted on their property taxes over the years in excess of \$300,000. As a resident of Laguna Beach and a County taxpayer, I certainly hope I am not paying for this project that I so strongly object to.

- **Goats and Goat Feces**

More than ample documentation exists on the impacts of goat grazing in these highly sensitive habitat areas. Additionally, there are water quality impacts related to the use of goats. Please see attached memo related to the use of goats during an emergency nuisance abatement order.

- **2005 LBFD Fuel Modification Guidelines**

Fire officials concede that wind-driven wildfires can carry embers over two miles rendering firebreaks useless. Wildfires are influenced by hot, dry winds yet this proposed Public Works Program/fuel mod program omits installing a perimeter irrigation system for Fuel Mod Zones A & B (FMZ A&B) as recommended in the City's Fire Department Fuel Modification Guidelines adopted in 2005 and incorporated in the City's Local Coastal Program (LCP). Lacking sufficient irrigation, this proposed Public Works Development remains inadequate in achieving wildfire protection consistent with the LCP. CCC staff has stated that the "new" 100' from the property line is superior to the FMZ A & B, but as discussed earlier, 100' from the property line continues to destroy far too much in the open spaces.

On behalf of my task force, I want to once again reiterate that we do not want to put our fire personnel in danger during a fire event, but we cannot stand by and be silent on issues that really matter, and destruction of living and thriving habitat really matters.

In closing, I want to share with the Commission that my husband and I have evacuated our home twice in the 37 years we have lived in South Laguna. In 1993 my husband had to evacuate by himself because I was working at the Dana Point Resort and couldn't get home due to gridlock and LBFD restrictions on entering the City. Instead, I spent the entire night, into the early morning hours, caring for those that were able to evacuate Laguna Beach. My husband was not able to evacuate. He gathered up our belongings in our little Jeep and camped out in the parking lot on Coast Hwy. I lost touch with him at a certain point because the phone lines were down. I finally returned home the following late evening after pushing through two hours of gridlock traffic on Coast Hwy. I live only 7 miles from Dana Point and it was a two hour drive home the traffic was so heavy. So, yes, I understand how deadly and devastating fire can be. Thankfully, our home was spared because the winds decided to change direction that night, but I will never forget seeing the faces of those streaming into the Dana Point Resort that night that had lost their homes, including Bob Gentry, the Mayor of Laguna Beach at that time. I do understand – believe me – but that doesn't mean I can accept this type of aggressive fuel mod.

Thank you for considering these comments. Please deny this project as currently proposed.

Respectfully,



Penny Elia
Chair
Save Hobo Aliso Task Force
Sierra Club

Attachments:

- 1995 Defensible Space Cover Memo from Fire Chief Edmundson
- 1995 Defensible Space Worksheets from my property
- Goat feces removal due to water quality impacts

Ken Frank
City Manager – City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

November 9, 2007

The “Nuisance Abatement Order” for the Driftwood Properties LLC site (FB zone 11) that you issued on October 23, 2007, has created another nuisance that needs to be abated. The nuisance is goat feces left on the site.

The feces blankets approximately 50,000 square feet of a sensitive-habitat area within a “white hole”, a mapped significant watercourse and is adjacent to the back yards of the upper Driftwood Drive homes (see aerial photo attached).

RELATED ISSUES

1. PUBLIC HEALTH AND SAFETY

The goat feces that is allowed to remain will stagnate in the sun and with any kind of wind and/or rain will run downslope directly into the back yards of upper Driftwood residents. Feces leaches into gardens’ ground water and airborne bacteria create a serious disease vector for people, pets, plants and wildlife.

2. WATER QUALITY

The goat feces that is allowed to remain will eventually run off the site with wind and rain and contaminate the receiving waters of the Pacific Ocean – only 2500 linear feet from the site.

3. ENVIRONMENTAL IMPACTS

The goat feces that is allowed to remain will impact ocean water quality and add to the bacteria counts for Treasure Island and Aliso Beach.

The goat feces that is allowed to remain is toxic and will impact the recovery of overstory vegetation that is necessary for the federally-threatened Big-leaved Crownbeard to survive.

RELATED POTENTIAL VIOLATIONS

1. FEDERAL CLEAN WATER ACT
2. NPDES
3. COASTAL ACT
4. FEDERAL ENDANGERED SPECIES ACT
5. CESA
6. CEQA
7. CITY ORDINANCES

REQUEST FOR SERVICE

We request that the city of Laguna Beach pick up after their goats just as city ordinance mandates for pet owners. This above-referenced area on Driftwood Properties LLC property is easily cleaned up as there are no steep slopes or rugged terrain to traverse and is easily accessed through SCWD’s service road off of Ocean Vista Drive. Gentle raking, collection and proper disposal as recommended by the city council in recent months is the best way to abate the goat feces nuisance.

Thank you for your cooperation.

Fw: Fw: Public Comment on March 2022 Agenda Item Wednesday 12e - Application No. 5-21-0641 (City of Laguna Beach, Orange Co.)

Alvarado, Marlene@Coastal <Marlene.Alvarado@coastal.ca.gov>

Tue 3/8/2022 2:11 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

 4 attachments (5 MB)

DefensibleSpaceGuideline.pdf; DefensibleSpaceOrdinance1664.pdf; HomeEmberAwarenessChecklis.pdf; Outlook-facebook.png;

From: Mike Rohde <michaelsrohde@gmail.com>

Sent: Friday, March 4, 2022 8:37 PM

To: Alvarado, Marlene@Coastal <Marlene.Alvarado@coastal.ca.gov>

Cc: Wiener, Marc@CityofLagunaBeach <mwiener@lagunabeachcity.net>; Garcia, Mike FD <mgarcia@lagunabeachcity.net>

Subject: Re: Fw: Public Comment on March 2022 Agenda Item Wednesday 12e - Application No. 5-21-0641 (City of Laguna Beach, Orange Co.)

Marlene, the City of Laguna Beach adopted defensible space requirements for existing homes within the Very High Fire Hazard Severity zone in compliance with California Assembly Bill 38 in August, 2021. These requirements address the kinds of hazardous conditions described by Ms. Elia and affect all existing properties near the project perimeter. Extensive fire and building code requirements that include Chapter 7A, the State's Wildland-Urban Interface requirements, were already a part of City code for new construction.

I have attached guidance that has been made available to residents through both direct mail and City handouts, and via the City's website. That website is: <https://www.lagunabeachcity.net/government/departments/fire/fire-prevention/wildfire-mitigation-vegetation-management/defensible-space>. Vigorous public hearings on the matter also took place last summer prior to adoption.

Given that State Law, City fire code, and City ordinance addressing are already in existence that affectively address this matter, we feel any additional conditioning in the CDP is unnecessary and would be unreasonable. Perhaps staff could cite the existence of these mitigations in necessary reporting instead? In addition, our Fire Prevention Bureau has a dedicated inspector for enforcement of defensible space issues, established policy for enforcement and reporting, and both online and telephonic reporting/complaint systems that actively address wildfire hazard issues.

With regard to the 100-foot clearance need, and if you will remember past communications between us on this matter, the initial zone of protection around homes as recommended by the State (CAL FIRE) includes a green and native plant exclusive immediate yard surrounding the property. The protection zone exterior to that is what our FMZ's address, which includes a 50% reduction of fuel. This pattern is what is achieved by the FMZ application, meeting State guidelines, and is our City wide practice. This policy is also validated by fire behavior studies for fire intensity reduction. In short; we count on the backyard plus 100-feet to make it all work and to be effective against the wildfire threat, and this is a State-wide practice adopted locally.

The poorly completed clearance cited by Ms. Elia in Hobo Canyon was not a City project and no CDP application is currently pending for that site. In review of her letter, the action was taken solely by a private landowner and was not under fire department supervision. The clearance completed was not consistent with the City's Vegetation Management Treatment Protocol which guides such efforts and is on file with the Commission.

We would also respectfully suggest Ms. Elia utilize available City processes for filing of fire hazard complaints so that the City can effectively and immediately deal with these matters rather than directing such issues to the Commission. Her letter that was forwarded to us by Coastal staff today contains a fire hazard complaint and alleges inappropriate handling of a fire hazard issue by City staff. This was the first we had heard of the issue. The letter was forwarded this afternoon to our Fire Chief for investigation of the alleged inappropriate action by a City employee and review for hazard abatement.

Thanks for your continuing consideration,

Mike

Michael S. Rohde, CEO and Principal Consultant

Rohde & Associates LLC

949.275.4545

MichaelSRohde@gmail.com

www.rohdeassociates.net



DEFENSIBLE SPACE GUIDELINE FOR EXISTING STRUCTURES IN THE VERY HIGH FIRE HAZARD SEVERITY ZONE



FIRE PREVENTION DIVISION
505 FOREST AVE, LAGUNA BEACH, CA 92651

AUGUST 2021



1. INTRODUCTION

The City of Laguna Beach's topography, ecology, and Mediterranean climate create an environment that is conducive to the spread of a fast-moving wildfire. Defensible space is essential to reducing risk of structure ignition during a wildfire and providing adequate safety for firefighters protecting the structure. Defensible space refers to the buffer area between a building and the property line where the vegetation has been modified to reduce the fuel load and decrease both flame length and radiant heat from a wildfire.

2. SCOPE

The purpose of this Guideline is to provide the minimum defensible space requirements for existing structures, in accordance with Public Resource Code Section 4291 and Government Code Sections 51175-51189, for properties situated in the Very High Fire Hazard Severity Zone (VHFHSZ). The VHFHSZ is designated by California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) and is depicted on a FRAP map for the City (available on the Fire Department webpage). Parcels designated as VHFHSZ are determined to be in an area of exceptionally high fire risk due to vegetation types, moisture levels, topography, and wind patterns. State codes require that all properties in the VHFHSZ on which there is a building maintain defensible space of 100 feet from each side and from the front and rear of the structure but not beyond the property line (see Diagrams #2 and #3). While adherence to this Guideline does not guarantee a structure's survival during a wildfire, it does increase the probability.

3. STATE CODES FOR VHFHSZ PROPERTIES

Public Resources Code Section 4291 and Government Code Section 51182 state that a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material in a VHFHSZ, shall maintain defensible space of 100 feet from each side and from the front and rear of the structure, with an ember-resistant zone being required within five feet of the structure (see Diagrams #2 and #3). If the property does not extend 100 feet, vegetation shall be maintained to the property line. Fuels (vegetation) around the structure shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure.

4. EXCLUSIONS

- This Guideline shall not be used for buildings undergoing new construction or "major remodel" (as defined by the Laguna Beach Municipal Code).
- Projects constructed in compliance with the Laguna Beach Fire Department Landscape/Fuel Modification Standards and Maintenance Program (L/FMSMP) must have the landscape maintained in accordance with the approved fuel modification plans. The L/FMSMP requires more stringent fuel management than the Defensible Space Guideline and greatly increases the survivability of a structure during a wildfire.

5. DEFENSIBLE SPACE ZONES

ZONE ZERO (0-5 FEET) - EMBER RESISTANT

Embers are a leading cause of structure loss during wildfires. Embers can settle under decks and pile against wood fences and building siding. This often leads to ignition of the home, even after the fire has passed. To improve the survivability of your home from embers, the following actions shall be taken.

VEGETATION

- Ornamental and native shrubs shall be thinned, relocated or removed to provide no more than 50% density and/or coverage and shall be positioned to limit plant continuity and inhibit fire progression.
- Remove all dead vegetation, including dead portions of live vegetation. This includes all dead or dying grass, plants, shrubs, branches, leaves, and weeds.
- Maintain grasses at a maximum height of four inches.
- Maintain large shrubs and hedges exceeding 6 feet in height such that limbs are not within 4 feet of the ground or 1/3 of its height (whichever is less).
- Vines are to be limited on the structure.
- Vegetation under windows shall be kept below 18 inches.
- Consideration shall be given to properties with more fire-resistive construction, lower flammability plant species, and frequent irrigation.

TREE MAINTENANCE

- Trees shall be maintained (i.e., cleaned, thinned, raised) to reduce the spread of fire. Trees shall be trimmed to achieve a 30% canopy reduction from an unmaintained condition.
- Tree branches shall have six feet of clearance above roofs, combustible fences, and combustible structures. Tree branches shall be trimmed to limit fuel continuity as per the vertical spacing requirements in Diagram #1.
- Dead trees shall be removed. Sick, diseased, or dying trees shall be assessed for potential removal and the removal permitted by the Community Development Department (CDD). A licensed arborist evaluation and recommendation may be required prior to obtaining a CDD permit/approval. Contact the CDD for more information.

BALCONIES, OVERHANGS, AND PORCHES

- The underside of balconies, overhangs, and porches shall be kept clear of combustible vegetation.

ORGANIC WOOD CHIPS AND MULCH

- Organic mulch and wood chip application is prohibited. Only non-combustible materials shall be used in the VHFHSZ. Examples include concrete walkways, gravel, and decomposed granite.

FIREWOOD

- Firewood shall not be stored in unenclosed spaces beneath buildings or structures, on decks or under eaves, canopies or other projections and overhangs. Firewood shall be removed from Zone Zero.

CHIMNEYS

- All chimneys shall have a spark arrestor installed.
- Keep all branches a minimum of ten feet from chimneys, stovepipes, and heater outlets.

PROPANE TANKS

- Remove all dead vegetation within a ten-foot radius around propane tanks.

ROOFS AND GUTTERS

- Maintain the roof and gutters free of leaves, needles, or other vegetation.

FIREFIGHTER ACCESS

- Remove hazardous items that would hinder existing firefighter access to all sides of the structure.

ZONE ONE (5-30 FEET) – HIGHER INTENSITY FUEL REDUCTION

The purpose of Zone One is to reduce the risk of direct flame impingement and limit radiant heat exposure to the structure and windows. This also creates a space for firefighters to conduct suppression operations.

VEGETATION

- Ornamental and native shrubs shall be thinned, relocated, or removed to provide no more than 50% density and/or coverage, and positioned to limit plant continuity and inhibit fire progression.
- Remove all dead vegetation, including dead portions of live vegetation. This includes all dead or dying grass, plants, branches, leaves, and weeds.
- Maintain all grasses at a maximum height of four inches.
- Maintain shrubs and hedges exceeding 6 feet in height such that limbs are not within 4 feet of the ground or 1/3 of its height (whichever is less).
- Consideration shall be given to properties with more fire-resistive construction, lower flammability plant species, and frequent irrigation.

TREE MAINTENANCE

- Trees shall be maintained (i.e., cleaned, thinned, raised) to reduce the spread of fire. Trees shall be trimmed to achieve a 30% canopy reduction from an unmaintained condition.
- Tree branches shall have six feet of clearance above roofs, combustible fences, and combustible structures. Tree branches shall be trimmed to limit fuel continuity as per the vertical spacing requirements in Diagram #1.
- Dead trees shall be removed. Sick, diseased, or dying trees shall be assessed for potential removal, and the removal permitted by the CDD. A licensed arborist evaluation and recommendation may be required prior to obtaining a CDD permit/approval. Contact the CDD for more information.

ORGANIC WOOD CHIPS AND MULCH:

- Organic mulch and wood chips shall be kept to a depth of 3 inches.

PROPANE TANKS

- Remove all dead vegetation within a ten-foot radius around propane tanks.

FIREFIGHTER ACCESS

- Remove hazardous items that would hinder existing firefighter access to all sides of the structure.

ZONE TWO (30-100 FEET) – LOWER INTENSITY FUEL REDUCTION

The purpose of Zone Two is to cool and slow the wildfire by strategically thinning and reducing vegetation.

VEGETATION

- Ornamental and native shrubs shall be thinned, relocated, or removed to provide no more than 60% density and/or coverage, and positioned to limit plant continuity and inhibit fire progression.
- Remove all dead vegetation, including dead portions of live vegetation. This includes all dead or dying grass, plants, shrubs, branches, and weeds.
- Maintain all grasses at a maximum height of 18 inches.
- Maintain shrubs and hedges exceeding 6 feet in height such that limbs are not within 4 feet of the ground or 1/3 of its height (whichever is less).
- Consideration shall be given to properties with more fire-resistive construction, lower flammability plant species, and frequent irrigation.

TREE MAINTENANCE

- Trees shall be maintained (i.e., cleaned, thinned, raised) to reduce the spread of fire. Trees shall be trimmed to achieve a 30% canopy reduction from an unmaintained condition.
- Tree branches shall have six feet clearance above roofs, combustible fences, and combustible structures. Tree branches shall be trimmed to limit fuel continuity as per the vertical spacing requirements in Diagram #1.
- Dead trees shall be removed. Sick, diseased, or dying trees shall be assessed for potential removal, and the removal permitted by the CDD. A licensed arborist evaluation and recommendation may be required prior to obtaining a CDD permit/approval. Contact the CDD for more information.

ORGANIC WOOD CHIPS AND MULCH

- Organic mulch and wood chips shall be kept to a depth of 3 inches, and may include fallen leaves or needles, twigs, bark, cones, and small branches.

PROPANE TANKS

- Remove all dead vegetation within a ten-foot radius around propane tanks.

FIREFIGHTER ACCESS

- Remove hazardous items that would hinder existing firefighter access to all sides the structure.

NOTE: The Fire Department may require additional fuel modification measures to be taken by a property owner when unusually hazardous vegetation conditions are found to be present.

6. DEFENSIBLE SPACE DIAGRAMS

Diagram #1

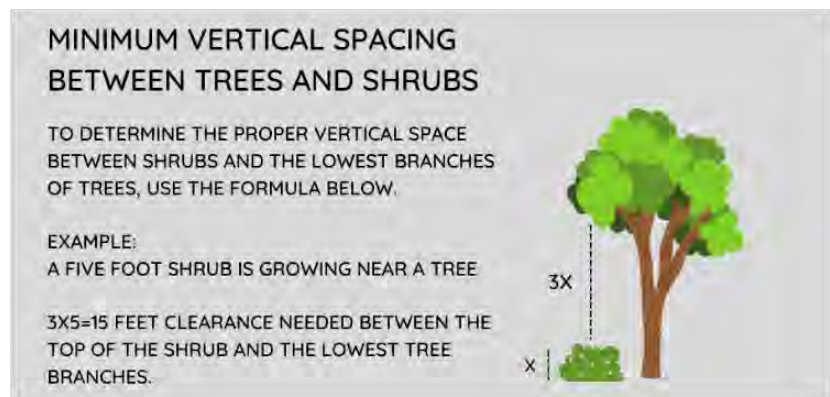


Diagram #2

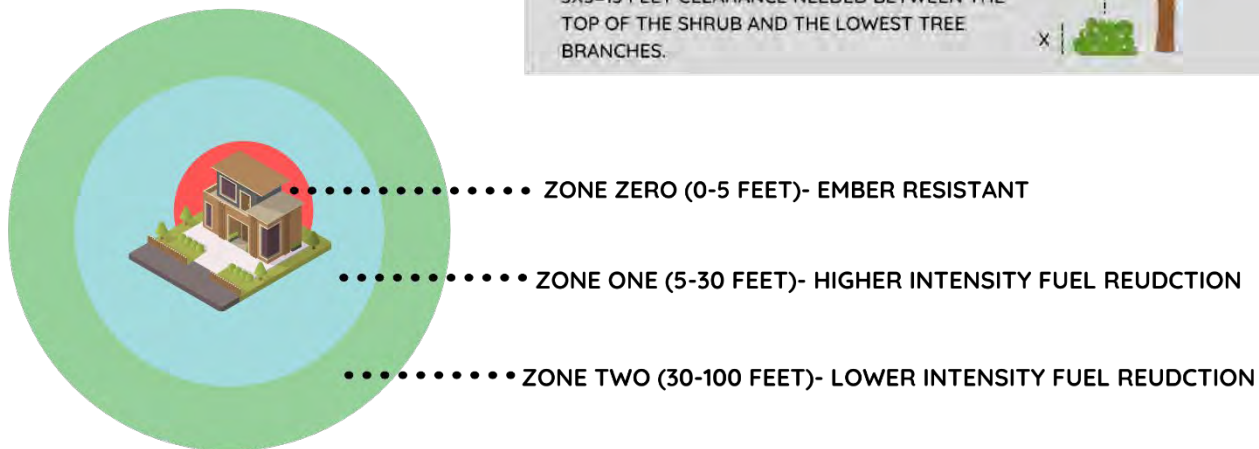
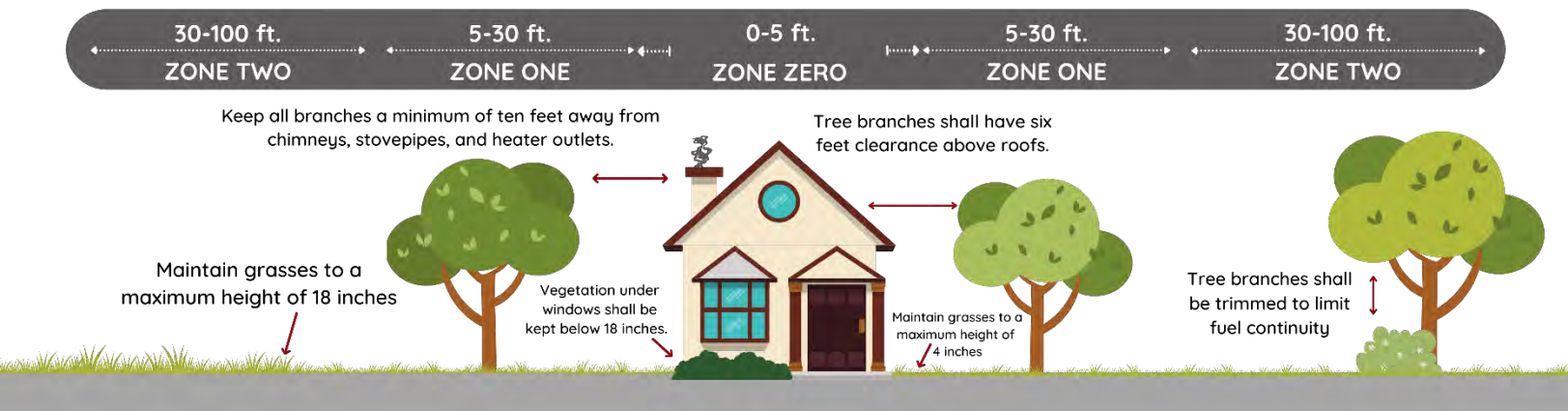


Diagram #3



ORDINANCE NO. 1664

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING SECTIONS 15.01.030 AND 15.01.045 OF THE LAGUNA BEACH MUNICIPAL CODE, RELATING TO DEFENSIBLE SPACE GUIDELINE AND DOCUMENTATION OF COMPLIANCE PURSUANT TO THE CALIFORNIA FIRE CODE

WHEREAS, State of California Health & Safety Code Section 17958 mandates that the City of Laguna Beach adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State of California pursuant to Health & Safety Code, Section 17922; and

WHEREAS, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2019 California Fire Code, hereinafter referred to the Fire Code; and

WHEREAS, Section 17958.7 of the State of California Health and Safety Code states “the governing body of a city or county, before making any modifications or changes to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geologic or topographical conditions”; and

WHEREAS, the Fire Chief and the Fire Official recommend changes and modifications to the Fire Code that are reasonably necessary due to the following local climatic, geological, or topographical conditions; and

WHEREAS, the City Council finds as follows:

A. The City of Laguna Beach is located in an area subject to climatic conditions of high winds and low humidity. This environment is conducive to rapidly spreading fires and control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, streetlights and utility poles may greatly impact the response time to reach an incident scene.

B. The City of Laguna Beach is located in a seismically active area. The viability of the public water system may be questionable immediately after a major seismic event. This would leave buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of available water to extinguish a fire. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section indicated above. With the probability of a countywide seismic disaster, the availability of immediate mutual aid resources will be limited.

C. Due to topographical conditions of sprawling development separated by narrow and congested streets and the expected infrastructure damage inherent in a seismically active area, it is prudent to rely on automatic fire sprinkler systems to mitigate extended Fire Department response time and keep fires manageable with reduced fire flow (water) requirements for a given structure. Additional fire protection is also justified to match the current resources, firefighting equipment and personnel within the Laguna Beach Fire Department. Additionally, the City of Laguna Beach has only three access or egress points (North Coast Highway, South Coast Highway, and Laguna Canyon Road). With the daily reliance on automatic or mutual aid, any condition that limits an access point exponentially increases response times for outside aid.

D. The City of Laguna Beach has several areas with significant growth of wildland vegetation of a highly combustible nature that could threaten structures and the surrounding community. That threat combined with the potential for high winds and low humidity described above warrant additional construction requirements regarding fire resistivity.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 15.01.030 of the Laguna Beach Municipal Code is hereby amended to add Sections 304.1.2.1 and 304.1.2.2 to Chapter 3 of the Fire Code, which shall read as follows:

Section 304.1.2.1 Defensible Space Guideline is hereby added as follows:

304.1.2.1 Defensible Space Guideline. All existing habitable buildings and structures within the Very High Fire Hazard Severity Zone shall maintain defensible space in accordance with the requirements in the Defensible Space Guideline for Existing Structures in the Very High Fire Hazard Severity Zone, dated August 2021.

Exceptions:

1. New construction or major remodels, as defined by local ordinance, to be built or installed in areas containing City of Laguna Beach Fuel Modification designation, shall comply with Section 321.
2. Existing structures built in compliance with the Fuel Modification Guidelines pursuant to Resolution 89.104 shall be maintained in accordance with the approved plan.

Section 304.1.2.2 Documentation of Compliance is hereby added as follows:

304.1.2.2 Documentation of Compliance. Property owners required to comply with the Defensible Space Guideline for Existing Structures in the Very High Fire Hazard Severity Zone, or the Fuel Modification

Guidelines pursuant to Resolution 89.104, shall obtain documentation of compliance from the fire code official upon inspection verification.

SECTION 2. Section 15.01.045 of the Laguna Beach Municipal Code is hereby amended to add Sections 4907.1.1 and 4907.1.2 to Chapter 49 of the Fire Code, which shall read as follows:

Section 4907.1.1 Defensible Space Guideline is hereby added as follows:

4907.1.1 Defensible Space Guideline. All existing habitable buildings and structures within the Very High Fire Hazard Severity Zone shall maintain defensible space in accordance with the requirements in the Defensible Space Guideline for Existing Structures in the Very High Fire Hazard Severity Zone, dated August 2021, as amended from time to time by Resolution of the City Council.

Exceptions:

- 1.New construction or major remodels, as defined by local ordinance, to be built or installed in areas containing City of Laguna Beach Fuel Modification designation, shall comply with Section 4908.
- 2.Existing structures built in compliance with the Fuel Modification Guidelines pursuant to Resolution 89.104 shall be maintained in accordance with the approved plan.

Section 4907.1.2 Documentation of Compliance is hereby added as follows:

4907.1.2 Documentation of Compliance. Property owners required to comply with the Defensible Space Guideline for Existing Structures in the Very High Fire Hazard Severity Zone, or the Fuel Modification Guidelines pursuant to Resolution 89.104, shall obtain documentation of compliance from the fire code official upon inspection verification.

SECTION 3. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15061(b)(3) of the State CEQA Guidelines in that the proposed amendments are not anticipated to result in a direct or reasonably foreseeable indirect physical change causing a significant effect on the environment. Without adoption of the Ordinance, the City would default to the more stringent and environmentally deleterious State defensible space guidelines. The amendments proposed by the Ordinance address the needs of the City's residential fuel modification program, provide greater flexibility in meeting the AB 38 requirements for home sales in the Very High Fire Hazard Severity Zone, and are commensurate with regional wildland fire prevention practices. The Ordinance will not substantially affect, potentially substantially affect, or change the City's land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic resources as all potential changes have been thoroughly considered and will protect the environment

by minimizing potential spread of wildfire. The City Council further finds that this Ordinance is exempt from CEQA pursuant to Sections 15269(c) and 15308 of the State CEQA Guidelines and Public Resources Code Section 21080(b)(4) in that the proposed amendments are intended to be and have the effect of being specific actions necessary to prevent or mitigate a wildfire emergency, which has a high probability of occurring in the short-term, and in that the proposed amendments are actions taken by a regulatory agency, as authorized by state law or local ordinance, to assure the maintenance and protection of the environment by facilitating the prevention and containment of wildfires that would be destructive to the environment.

SECTION 4. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent shall be and the same are hereby repealed to the extent of such inconsistency and no further.

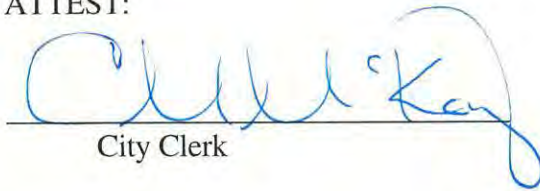
SECTION 5. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective November 5, 2021.

ADOPTED this 5th day of October, 2021.



Bob Whalen, Mayor

ATTEST:

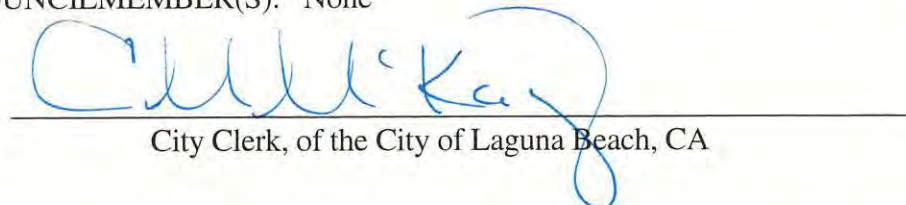

City Clerk

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on September 21, 2021, and was finally adopted at a regular meeting of the City Council of said City held on October 5, 2021 by the following vote:

AYES: COUNCILMEMBER(S): Blake, Kempf, Whalen

NOES: COUNCILMEMBER(S): Iseman, Weiss

ABSENT: COUNCILMEMBER(S): None


City Clerk, of the City of Laguna Beach, CA

WHERE IS THIS HOME VULNERABLE TO EMBER ATTACK?

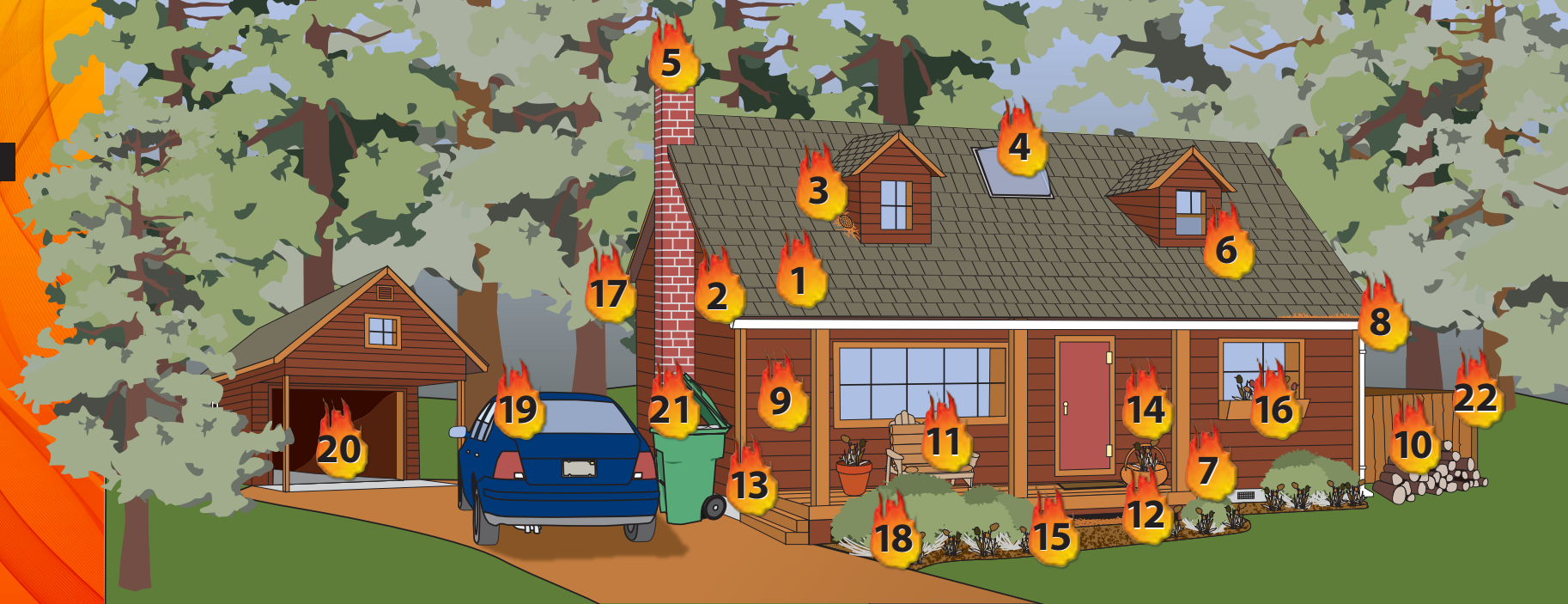
EMBER AWARENESS CHECKLIST

WHAT YOU CAN DO TO PROTECT YOUR HOME:

- 1 WOOD ROOF**
Replace wood roofs with fire-resistant types such as composition, metal and tile.
- 2 ROOF OPENINGS**
Plug openings at locations between the roof covering and roof deck using a noncombustible material.
- 3 ROOF DEBRIS**
Routinely remove leaf and pine needle debris from the roof.
- 4 SKYLIGHTS**
Replace plastic skylights with double-pane tempered glass on gabled or sloped roofs.
- 5 SPARK ARRESTER**
Install an approved spark arrester on chimneys.
- 6 WINDOWS**
Use multi-pane, tempered glass windows. Close windows if wildfire is threatening.
- 7 VENTS**
Cover all exterior vents with 1/8-inch corrosion resistant wire mesh or install new vents designed to resist ember entry. Use a louvered vent for the dryer.
- 8 RAIN GUTTERS**
Use noncombustible rain gutter covers. Inspect and keep gutters free of debris.
- 9 SIDING**
Fill gaps in siding and trim with caulk. Assure at least a six-inch separation between the ground and the start of the siding.
- 10 WOODPILES**
Move woodpiles at least 30 feet from the house.
- 11 PATIO FURNITURE**
Put combustible patio furniture inside or move 30 feet from the house if wildfire is threatening.
- 12 DECK BOARDS**
Replace deck boards <1" thick, or in poor condition, with thicker higher density decking (i.e., hardwood or plastic composite). Properly install metal flashing between the deck and house.

- 13 DECK DEBRIS**
Remove leaf and pine needle debris on top of deck and between deck board gaps.
- 14 PORCH & DECK ACCESSORIES**
If wildfire is threatening, remove door mats and combustible materials from the porch and deck. Place BBQ propane tanks indoors.
- 15 UNDER THE DECK**
Remove leaf and pine needle debris and other combustible materials from under decks. Enclose open sided decks with 1/8-inch corrosion resistant wire mesh.
- 16 FLOWERBOXES**
Remove plants and combustible materials (or flowerboxes as practical) from beneath windows if wildfire is threatening.
- 17 EAVES**
Enclose open eaves with a noncombustible material.
- 18 FLOWERBEDS**
Should be at least five feet from the house. Use noncombustible mulch like gravel. Routinely remove dead and dry plant material. Choose plants and flowers that are deciduous, herbaceous, low resin or non-resinous, succulent and/or low growing.

- 19 VEHICLES**
Close vehicle windows. Park in closed garage or away from the house.
- 20 GARAGE DOOR**
Adjust garage doors to achieve a tight fit. Close the garage door if wildfire is threatening.
- 21 GARBAGE CANS & RECYCLING BINS**
Use garbage cans with tight lids. Place recycling bins in garage or away from the house.
- 22 WOODEN FENCES**
Use a five-foot or longer noncombustible gate or fence section next to the house. Keep base of fence free of combustible debris.



Fw: Fw: Public Comment on March 2022 Agenda Item Wednesday 12e - Application No. 5-21-0641 (City of Laguna Beach, Orange Co.)

Alvarado, Marlene@Coastal <Marlene.Alvarado@coastal.ca.gov>

Tue 3/8/2022 2:18 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

From: Mike Rohde <michaelsrohde@gmail.com>

Sent: Saturday, March 5, 2022 7:57 AM

To: Alvarado, Marlene@Coastal <Marlene.Alvarado@coastal.ca.gov>

Cc: Mike Garcia <mgarcia@lagunabeachcity.net>; Wiener, Marc@CityofLagunaBeach <mwienner@lagunabeachcity.net>

Subject: Re: Fw: Public Comment on March 2022 Agenda Item Wednesday 12e - Application No. 5-21-0641 (City of Laguna Beach, Orange Co.)

Good morning Marlene, this additional comment below addresses the rest of the letter from Ms. Elia. With regard to the SCE comments, we believe criteria already established within the staff report for issuance of the CDP is satisfactory and will ensure avoidance of the SCE restoration site.

Thank you for the opportunity to comment.

Mike

Regarding Ms. Elia's mischaracterization of water courses comment, mapping completed by the project reflects all "blue line" ephemeral, intermittent, or perennial streams in the project area. The presence of species such as Toyon and Crownbeard in these courses are specifically protected within the terms of the City's Vegetation Management Treatment Protocol. Additionally, these watercourses are subject to modified treatment where only invasives are removed within them.

She also alleges that mapping is inaccurate, and this is not the case. Professional biologists have spent weeks specifically documenting the actual character of ground cover within the project site, and GIS mapping resubmitted by the project reflects this data.

Regarding the photos shown of the SCE restoration project, no homes are within 100 feet of this site and it is separate from the proposed restoration area. This area will remain undisturbed by the City's project.

Ms. Elia says that chainsaws have never been used in past projects where handtools were the selected treatment method. This is not true. Chainsaws are utilized as a hand tool in all CDP sites for fuel modification and the work would not be possible to complete without them. This has been recognized and permitted by the Commission in past permitting.

Regarding Ms. Elia's charge that biological monitors are not in sufficient number, this issue has been brought to Commission staff before by her, and we have documented the processes accomplished by workers including the number of actual "cutters" and "haulers", and documented that the staffing pattern used by the City in CDP treatment has been successful in no incidental take in our entire system in over 6 years of protocol use. The City is certain the appropriate ratio for monitors to workers exists within the proposed project's current plan.

Proposed goat grazing has been documented and explained previously to Commission staff and

supported in Emergency Permitting. Goat grazing is limited by the City's Vegetation Management Treatment Protocol to areas of moderate or low value habitat only. These are sites that are dominated by grasses and scattered light sage and are disturbed habitat. Other areas of higher value are limited to hand methods. Fencing, monitoring, active herding, and limitation of animal numbers are utilized as goat controls

Regarding Ms. Elia's charge that the project has been inappropriately documented, the project has been qualified under CEQA by completion of an Initial Study-Mitigated Negative Declaration, which has been accepted by the City of Laguna Beach Planning Commission and posted with State and County authorities. Further, a complete Habitat Restoration Plan has been filed with the Coastal Commission.

Ms. Elia has cited the 2005 irrigation of fuel management zone requirement which is applicable to installation of fuels management around new structural development within the City. This is a different program and is not applicable to landscape fuel modification treatments for neighborhood fire prevention.

Regarding project funding, the project is funded by General Funds in the City of Laguna Beach. The project was identified as a high priority by the City Council through adoption of its Wildfire Mitigation and Fire Safety Task Force Report in 2019. The Task Force Report was the subject of public hearing and was adopted and funded unanimously by Council.

Thank you for your consideration,

Mike

Michael S. Rohde, CEO and Principal Consultant
Rohde & Associates LLC
949.275.4545

MichaelSRohde@gmail.com

www.rohdeassociates.net



Re: Mike Beanan's comments W12e andTh7

Mike beanan <conxtns@hotmail.com>

Tue 3/8/2022 4:54 PM

To: Penny Elia <greenp1@cox.net>; Alvarado, Marlene@Coastal <Marlene.Alvarado@coastal.ca.gov>; SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Hi Marlene,

I submitted attached comments earlier for 12e to Materials.

Mike Beanan

From: Penny Elia <greenp1@cox.net>

Sent: Tuesday, March 8, 2022 4:24 PM

To: Alvarado, Marlene@Coastal <marlene.alvarado@coastal.ca.gov>; SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Cc: Michael Beanan <conxtns@hotmail.com>

Subject: Mike Beanan's comments W12e andTh7

Hi Marlene -

I am on the phone with Mike Beanan he sent in his comments on 3/4 to Submit Comments.

He also sent comments for Thursday's enforcement item.

Are you sure you didn't receive? Should he send again?

Thanks!

Penny

Re: South Laguna Fuel Modification Project

As a 40 year resident living adjacent to the South Laguna Greenbelt Urban Fringe Area, I appreciate the careful removal of dead or diseased trees for wildfire protection. Fuel Modification crews are faced with steep, rugged hills and deep arroyos as they attempt to preserve rare, globally endangered plants and habitats. However, several aspects of the proposed South Laguna Fuel Modification Project public works project to develop a "firebreak" remain problematic and do not implement irrigation requirements of the 2005 Fire Department Fuel Modification Guidelines adopted in the City of Laguna Beach's Local Coastal Plan (LCP).

Background

The steep coastal terrain surrounding the project area is unique to Laguna Beach in forming a relatively undisturbed habitat for globally endangered South Maritime Chaparral (SMC) and the wildlife depending upon this area for foraging and shelter. Native vegetation remains green due to the adaptive ability of plants to be "fog feeders" capturing marine layer moisture throughout the year. Native plants and trees add a protective natural oil layer to retain moisture during scorching summers. Consequently, routine hiking surveys and historical records have yet to discover any evidence of local wildfires in South Laguna.

The City's Fuel Modification Guidelines adopted in 2005, reflects development standards common in all surrounding South County communities and reflect requirements by the Orange County Fire Authority to maintain a graduated, multicut, biomulched series of Fuel Modification Zones (FMZs) rather than fire breaks on steep, inaccessible hillsides. FMZ A & B are designated to be routinely irrigated to maintain safe hydration as a preventive measure and first line of defense during a wildfire event. Despite multiple requests for a perimeter wildfire water suppression system, the Fire Department, Laguna Beach County Water District and South Coast Water District have failed to consider the obvious multiple benefits of an independent, high purity recycled water system among strategies for long term protection of South Laguna and the City as a whole.

Simply stated, water prevents and suppresses fire. To date, there has been no application of the City's 2005 Fuel Modification Guidelines in South Laguna to provide an independent source of new water within the prospect of a projected, long term drought.

Unintended Consequences

The proposed Laguna Beach Firebreak seeks to create a "Laguna Brownbelt" to replace the Laguna Greenbelt. As a Public Works Program, the removal of rare coastal vegetation on steep, rugged, virgin hillsides to expose terrain will add dramatically to the urban heat sink and actually increase wildfire threats. In South Laguna, Southern Maritime Chaparral has adapted as successful fog-feeders to remain green year round. Consequently, no wildfires over the past hundred years have occurred in this area.

Fire officials concede, wind driven wildfires can carry embers over 2 miles rendering firebreaks useless. Wildfires are influenced by hot, dry winds yet the proposed Public Works Program omits installing a

perimeter irrigation system for Fuel Mod Zones A & B (FMZ A&B) as recommended in the City's Fire Department Fuel Modification Guidelines adopted in 2005 and incorporated in the City's Local Coastal Program (LCP). Hot dry winds can be met with cool, wet, green zones. Lacking sufficient irrigation, the proposed Public Works Development remains inadequate in achieving wildfire protection consistent with the City's LCP.

The urban heat sink can be easily understood by standing, without a hat, in the noon sun. Moving under a tree or in the shade of a building reveals a drop in temperature of 10 to 20 degrees. Similarly, clearing vegetation removes protective shading of soils to avoid the direct sun from scorching surrounding plants and trees.

Unfortunately, Fire Officials consider rare coastal habitats, protected by the California Coastal Act to be "fuel load" and an "existential threat". They ignore permanent drought conditions influencing the health and well-being of native vegetation as an important resource and key to carbon sequestration in addressing regional climate change impacts. Promoting drastic water conservation measures will further de-hydrate surrounding rare coastal plant communities providing ground shade and animal habitats.

Since the development of a firebreak requires removing acres of globally rare habitat, standard mitigation practices may not be possible. The slope of Aliso Peak, over-grazed earlier when goats escaped, is one possible site. Additionally, a better mitigation measure is to require irrigation of FMZ A & B to protect globally endangered SMC.

The proposed project to dramatically remove native vegetation to achieve proposed spacing requirements on steep, South facing hillsides will exacerbate wildfire threats. De-vegetated terrain exposes the fragile soil mantle to elevate surrounding ambient temperatures and dehydrate remaining plants and trees. Native groundcover significantly shades and cools soil temperatures while stabilizing slopes during storm events. Removing vegetation achieves the opposite result by increasing soil erosion and silt covering protected tide pools in Laguna's Marine Protected Areas (MPAs).

Exposed soils also add to the urban heat sink. Remaining trees limbed up to mitigate fire ladders unintentionally exposes the tree's trunk to harsh Southern sun and intense afternoon ocean glare to scorch trees that eventually die, thus adding to wildfire threats. Exposed soils invite introduction of dry, brown grasses and future ember alleys accelerating the spread of wildfires. Evidence of this dynamic is clearly visible among hillsides previously grazed by goats or manually de-vegetated.

Removing native vegetation will diminish the City's dedication to address Climate Change impacts and opportunities for achieving carbon sequestration goals. Native plants store carbon and mitigate warming temperatures through ground shading. Plants also add oxygen to the environment. The proposed project will dramatically reduce the ability of the Greenbelt to add environmental and economic benefits to the community. Studies by real estate experts have shown, nature reserves add as much as 19% to adjacent property values and the benefit extends throughout a surrounding neighborhood.

In addition to unintended environmental impacts, education programs present a false equivalency to promote aggressive de-vegetation. Comparing South Laguna, for instance to the Paradise Wildfire is disingenuous since the community of Paradise is a collection of mobile homes surrounded by expansive forests clustered together with propane tanks supplying fuel and energy. South Laguna, in contrast, is a coastal area with well maintained homes lacking outside propane tanks near an abundant supply of recycled water infrastructure.

South Laguna's small streets present another challenge for wildfire threats. Fire Department trucks appear to be typical of modern suburban communities with wide streets as opposed to more compact trucks typical among forested communities with limited access. The present policy to protect Fire Department personnel and equipment is understandable but can mean large urban designed equipment will not be able to enter a compact older neighborhood to suppress wildfires. In effect, residents are left on their own to combat approaching embers responsible for spot fires.

During the 1993 Laguna Wildfire, I was among residents who formed a hasty fire watch network to use water to suppress embers in North Laguna and save numerous homes. The wildfire subsequently avoided Cliff Drive homes and jumped five lanes of Coast Highway to burn homes in Emerald Bay.

The present plan for significant de-vegetation of steep hillsides will introduce a greater wildfire threat by adding large areas of highly flammable brown grasses requiring expensive maintenance and future habitat rehabilitation.

A 30 Year Plan

California will experience a series of severe drought conditions over the next 30 years. Wildfire threats can be addressed with a systematic long term approach utilizing available unallocated supplies of new, independent water resources coupled with prudent, routine grooming of the Greenbelt urban interface.

Fortunately, communities like Laguna Beach can take advantage of wasted wastewater otherwise discharged to State waters just 1.5 miles offshore. High purity recycled water from the Coastal Treatment Plant can provide a reliable, independent source of wildfire prevention & suppression water to maintain safe hydration of FMZ A & B.

Water, strategically introduced, protects rare native plants and provides residents with an independent, reliable, sustainable system for preventing wildfires.

South Coast Water District has reclaimed water lines along Coast Highway with outlets installed to supply recycled water to Mission Hospital and other clients. Increasing delivery of recycled water to hillsides above Mission Hospital is essential to protect this critical First Response facility. Extending the recycled water line to the proposed project areas will add additional moisture to maintain safe hydration of native plants and be a determining factor in suppressing an on-coming wildfire. Irrigated FMZs, a common feature in all surrounding cities, is a development standard presently ignored for consideration in the proposed project area.

Title 22 recycled water is an independent resource to significantly add more water before and during a wildfire event. This feature allows Fire Departments full access to potable water supplies otherwise tapped by individual homeowners seeking to suppress ember showers. Recycled water, however, can be problematic for firefighters since latent Constituents of Emerging Concern (CECs) are likely vaporized and inhaled during high heat fire events. Fortunately, compact water filtration units strategically placed can polish recycled water to potable standards and distribute this new water to FMZ A & B to protect firefighters and homeowners from CECs.

Additional independent supplies of high purity "new water" will maintain a green buffer zone next to homes while reducing the burden of ever increasing insurance rates. Just as interior sprinklers can mitigate fire insurance costs, an independent supply of new water will allow homeowners to negotiate reductions in insurance rates. Interviews with firefighters reveal their preference to enter vegetative areas that are green rather than brown.

Generous State and Federal grants are now readily available for recycled water infrastructure to address wildfire and drought conditions. Studies have shown, as much as ½ of water demands can be met with recycled water supplies. The City of Laguna Beach remains the only city in South Orange County lacking recycled water despite surrounding older cities, like Dana Point, with a robust recycled water infrastructure. More recycled water upcycled for wildfire prevention and suppression presents the added benefit of reducing ocean discharges of Laguna's 1.87 million gallons per day of secondary sewage adjacent to State MPAs.

Going Forward

Wildfires will continue to threaten the well-being of South Laguna for the next 30 years or more and should be addressed as a long term public infrastructure program. Extensive wildfire fear campaigns diminish a thoughtful approach to prudent planning and adds unintended consequences to increase wildfire conditions. Drought mandates requiring less use of potable water supplies will add additional stress to native vegetation already suffering from known anthropogenic impacts to climate change.

Following the devastating San Francisco Earthquake 100 years ago, city planners introduced large cisterns among street intersections throughout the city's steep terrain as a pre-emptive measure for any future fire event. Laguna Beach should consider a similar system to take advantage of gravity in storing and distributing water for wildfire prevention and suppression.

The proposed project needs to incorporate a long term plan to create a green zone instead of a Brownbelt and access readily available high purity recycled water along Coast Highway as one of the best measures to protect and preserve the many benefits of the Laguna Greenbelt to our community. Water puts out fire and:

“Without water, a firefighter is just a spectator” – Retired Laguna Beach Firefighter

Thank you for reviewing and incorporating my comments and recommendations to the South Laguna Fuel Modification Project.

Mike Beanan
South Laguna

Fuel Modification Guidelines

<https://www.lagunabeachcity.net/civicax/filebank/blobdload.aspx?blobid=4867>

Street Cisterns

<https://www.bloomberg.com/news/articles/2017-05-01/a-map-of-san-francisco-s-buried-firefighting-cisterns>

The proposed Laguna Beach Firebreak seeks to create a "Laguna Brownbelt" to replace the Laguna Greenbelt. As a Public Works Program, the removal of rare coastal vegetation on steep, rugged, virgin hillsides to expose terrain will add dramatically to the urban heat sink and actually increase wildfire threats. In South Laguna, Southern Maritime Chaparral has adapted as successful fog-feeders to remain green year round. Consequently, no wildfires over the past hundred years have occurred in this area.

Fire officials concede, wind driven wildfires can carry embers over 2 miles rendering firebreaks useless. Wildfires are influenced by hot, dry winds yet the proposed Public Works Program omits installing a perimeter irrigation system for Fuel Mod Zones A & B (FMZ A&B) as recommended in the City's Fire Department Fuel Modification Guidelines adopted in 2005 and incorporated in the City's Local Coastal Program (LCP). Lacking sufficient irrigation, the proposed Public Works Development remains inadequate in achieving wildfire protection consistent with the LCP.

The urban heat sink can be easily understood by standing, without a hat, in the noon sun. Moving under a tree reveals a drop in temperature of 10 to 20 degrees. Clearing vegetation removes protective shading of soils to avoid scorching surrounding plants and trees.

Unfortunately, Fire Officials consider rare coastal habitats, protected by the California Coastal Act to be "fuel load" and an "existential threat". They ignore permanent drought conditions influencing the health and well-being of native vegetation as an important resource and key to carbon sequestration in addressing regional climate change impacts. Promoting drastic water conservation measures will further de-hydrate surrounding plant communities providing ground shade and animal habitats.

Since the development of a firebreak requires removing acres of rare habitat, standard mitigation practices are not possible. A better mitigation measure is to require irrigation of FMZ A & B.

The Fire Department places a high priority in protecting personnel and equipment. South Laguna, however, is characterized by narrow streets and small wooden homes sited close together making access by large fire engines difficult. Present policy, therefore, is to remain outside of village areas to protect personnel and equipment. In a wildfire event, residents are left with "You're On Your Own" - YOYO.

Fortunately, communities like Laguna Beach can take advantage of wasted wastewater otherwise discharged to State waters just 1.5 miles offshore. High purity recycled water from the Coastal Treatment Plant can provide a reliable, independent source of wildfire prevention & suppression water to maintain safe hydration of FMZ A & B.

Water, strategically introduced, protects rare native plants and provides residents with a reliable, sustainable system for preventing wildfires.

Public Comment on March 2022 Agenda Item Wednesday 12e - Application No. 5-21-0641 (City of Laguna Beach, Orange Co.)

Peter Walzer <petercwalzer@gmail.com>

Fri 3/4/2022 3:39 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

As mentioned in my letter to the Coastal Commission on January 11, 2022, I strongly object to work proceeding in any and all of the Fuel Modification Zones (FMZs) envisioned within the City of Laguna Beach until these plans can be adequately evaluated for their overall environmental impact. Below are the specific issues that need to be addressed before these plans can move forward:

- If work that impacts environmental resources within the city is carried out for several FMZs designated throughout the city, which city staff has already openly disclosed as their plan, then the impact of this work should be looked at as a whole, and a full EIR should be completed to assess this impact, as opposed to the thinly veiled piece-meal approach that the city is taking.
- There is no plan to supervise the work that the city is planning to embark on to ensure that it is not significantly destructive to sensitive environmental resources, despite commitments that may be made by the city. This is a city staff managed by a City Manager and a Director of Community Development who mislead the City Council on at least one other development issue that the Orange County City Attorney found to be in violation of the Brown Act, due to the misuse of a City Council Closed Session.
- The city's plan calls for the use of herbicide in any and all resource areas without a full explanation or an environmentally balanced justification of its use.
- The city is attempting to undertake work within multiple FMZs, as soon as possible, and has asked for an emergency permit, due to a recent fire. A recent fire is not an emergency any more than an impending large earthquake is: we don't know when the next fire will be any more than we know when the next earthquake will be. A past fire is not an emergency and does not suddenly increase fire risk. This is not even remotely logical.

Please confirm receipt of this letter.

Respectfully,

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Peter Walzer

Mobile Phone: 949.636.4100

Public Comment on March 2022 Agenda Item Wednesday 12e - Application No. 5-21-0641 (City of Laguna Beach, Orange Co.)

Melissa Dougherty <MDougherty@hometownamerica.net>

Tue 3/8/2022 2:41 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Cc: Donna Eto <deto@landiq.com>; Jason Castaneda <JCastaneda@hometownamerica.net>

If approved, the Laguna Beach Fire Department would require annual or biannual "thinning" (clearing, cutting, removing by another entity on our restoration site) up to 80 % of the native plants on the bottom two terraces of Driftwood, this would include not only the existing mature native plants on the site but also the ones we just planted and whatever develops from seed we just applied. If this fuel modification happens on an annual/biannual basis then this portion of the restoration will potentially not reach performance criteria and ultimate completion and buyoff which was required by the Coastal Commission. This needs to be part of our discussion tomorrow.

Thanks

HOMETOWN AMERICA
COMMUNITIES

Melissa Dougherty

Regional Vice President, Southwestern Regional Office

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