

March __, 2021

Board of Forestry, Board Members and Staff.

Email: PublicComments@bof.ca.gov

State Board of Forestry and Fire Protection

P.O. Box 944246-2460

Sacramento, CA 94244-2460

Attn: Edith Hannigan, Land Use Planning Policy Manager

Amending 14 CCR §§ 1270.00-1276.04, "State Minimum Fire Safe Regulations"

In 1991 the California legislature developed the Board of Forestry and Fire Protection (BOF), established and adopted regulations known as "State Responsibility Area (SRA) Fire Safe Regulations." The idea was to establish minimum wildfire protection standards in Building, Construction and New Development to ensure basic emergency access and perimeter wildfire protection measures. **A draft of proposed changes to the Fire Safe Regulations was released on December 1, 2020. The February 8, 2021 draft of the State Minimum Fire Safe Regulations is the result.**

1. Thresholds regarding ADU and Wildfire Rebuild Exemptions

In the spring of 2020, the Board addressed the applicability of the State Minimum Fire Safe Regulations to Accessory Dwelling Units (ADUs) and the rebuilding of structures lost due to wildfire by using the emergency rulemaking process to write exemptions for both types of construction. The February 8 draft proposes to keep those exemptions in place, with some modifications to the wildfire rebuilding exemption.

• **A 20% increase rebuilding an ADU structure in a Very High Fire Severity Hazard Zone is not appropriate or recommended.** There are a multitude of substandard roads, dead ends and cul-de-sacs in the area of our Neighborhood Council that are 14 feet wide or less. They are beyond the capacity of handling current traffic, as well as, access for any emergency vehicles. Limitations on ADU's and Wildfire rebuilds beyond the original size is not safe or appropriate.

ADU's in these areas are already overbuilt and Access to these areas are already beyond the maximum the roads were built for. Literally numerous times, there are traffic jams that cannot be avoided with the traffic burden these roads have to accommodate. Accessibility for emergency vehicles and residents often experience unreasonable wait times to clear the traffic. A considerable number of ADU's in this area are already overbuilt in size beyond what would be considered reasonable for the neighborhood or safe in an emergency.

2. Thresholds for Limiting Developing on Existing Roads

Staff would like to propose that where an existing road cannot provide a 14 foot wide traffic lane for at least 22 feet of length at a certain frequency or interval, no commercial, industrial or residential development be allowed until the road meets the minimum standards. The proposed 14 foot traffic lane width is the minimum required width for one-way roads and driveways, and the 22 feet of length is the minimum required length for turnouts under these regulations.

Question:

- Is this threshold for road width appropriate?

No, not appropriate for two reasons: 1. Residents who live in a VHFSHZ frequently have limited parking for their own vehicles, and who is going to enforce parking limitations including turn arounds on a regular basis? Fourteen foot wide streets including turn arounds are not adequate when guests are invited to attend a function. If they park in turnarounds, then emergency vehicles will not be able to turn around, and if they park on the street emergency, vehicles will not be able to gain access.

- How frequently should this width be required – every few hundred feet, every quarter mile, every half mile, etc? A ¼ of a mile is a long distance when traveling in a VHFSHZ with substandard roads and blind hairpin turns. They should be no more than 1,000 feet apart.

3. Thresholds regarding existing roads

When a project should be required to address the safety of existing roads leading to the project. The offsite road requirements are in addition to complying with the Fire Safe Regulations within the project boundary.

The February 8 draft requires all Building Construction subject to these regulations to comply with all applicable requirements within the Perimeter of the proposed project. The requirements for a project that must ensure existing roads providing access to the project meet the minimum requirements. This section includes criteria for when a development can be allowed on an existing road and when an existing road is unsafe to the degree that construction cannot occur along it unless the road is brought up to the minimum standard(s).

Too often Plan Check and Area Planning Commissions are very lenient with the widening of substandard roads of 14 feet and less, and streets that do not meet the minimum requirements as the code calls for. These minimums are there for the safety of all residents collectively and waivers should not be granted unless very unusual circumstances, however, if the circumstances benefit the property owner only asking for the waiver, how does that set with neighbors that had to comply?

4. “Areas of Refuge”

As an alternative to requiring existing roads meet a certain engineering or construction standard, building construction could instead provide for an “area of refuge” where people could shelter safely at a site at or near their location. This alternative is not contemplated in the February 8 rule plead, but draft language for such an idea can be found in [Attachment 3, Areas of Refuge Proposal](#). Areas of refuge do not seem to be practical, however they may have a need incertain locations. Wild fires in a VHFSHZ are even less predictable and no one can predict where the fire will be in relation to the would be Refuge. Evacuating by getting out of the area is much more practical and safer. Fires in a VHFSHZ are especially unpredictable and dangerous and an “area of refuge” may be dangerous or not accessible at all. If an “area of refuge were established where would a refuge be placed prior to where a fire may be or is going?

- Question: Should this concept be incorporated into these regulations?
Yes, in very selective areas.

One important thing to keep in mind is the period leading up to the finalization of new regulations, ordinances, etc. This is often an opportunity for lobbyists and special interest groups to hijack the process, by changing wording and introducing loopholes that will undermine the very protections the BOF is trying to establish. We don't want that to happen. We understand that the building industry and building trades may be putting pressure on the BOF to adopt a number of exemptions which would weaken, severely limit, or simply eliminate important aspects, of both the new regulations and the original 1991 regulations, by allowing new or expanded residential or multi-residential developments on hazardous substandard, narrow roads, exacerbating existing hazardous conditions, creating evacuation nightmares, jeopardizing the safety of civilians, firefighters and other emergency personnel alike.

Reminder regarding the emergency regulations

The last day to submit re-adoption paperwork to Office of Administrative Law is May 14, 2021, so action must be taken at the April 7, 2021, Board meeting to continue the effectiveness of these regulations until permanent rules can be in place. Upon a first re-adoption of these emergency regulations at the Board’s April 7, 2021, meeting, these regulations will be in effect through February 2022.

The 1991 regulations are now inadequate and climate conditions throughout California have made wildfires a year-round concern to hillside communities, and increasing exponentially in the last 30 years. After extensive consultation with Fire Chiefs across the state, the BOF came up with a new draft on Dec 22, 2020, having additional concerns Permitting new or expanded residential development.

Our approximately 27,000 homes within the BABCNC boundaries are all residential stakeholders surrounded by wildlife corridors and animal habitat in the Santa Monica Mountains and in a Very High Fire Hazard Severity Zone. Our community needs to weigh in on how important these regulations are to us. Be very clear, we do not want either the 1991 regulations or the improvements made in the December 2020 draft undermined or derailed.

We ask the Board of Forestry to retain the current July 2020 regulations and expand these to the Local Responsibility Area (LRA) rather than approve the proposed changes in the February 2021 draft. This enormous regression in public and environmental safety will foster new development in fire-prone communities on narrow and substandard and/or

long dead-end roads. Concurrent fire equipment ingress and civilian egress that is required in the current July 2020 regulations will no longer be required.

We admonish the BOF to retain the July 2020 regulations and expand them to the Local Responsibility Area (LRA) rather approve the proposed changes in the February 2021 draft. This dereliction in public and environmental safety will create new developments in fire-prone areas on narrow, substandard or dead-end roads. Fire equipment ingress and civilian egress will no longer be required.

Although the state Attorney General has confirmed that the regulations apply to both existing and new roads, the proposed draft essentially excludes existing roads from most regulation. Most development in fire-prone communities occurs on existing roads. Existing access roads to new development would no longer have to be at least 20-feet wide, and no longer must enable fire apparatus (8-9 feet wide) to pass vehicles (6 feet wide). There would be virtually no restrictions on the length of dead-end access roads, which are currently limited to one mile. The proposal provides vast exceptions to new residential, commercial and industrial development on existing roads via thresholds. New development **“over the threshold”** would only require a minimum width of 14 ft. (previously 20 ft.) and no dead-end road limitation. For new development **“below the threshold”** would allow new development on narrow 8-10 ft. wide roads with occasional widening to 14 ft. for only 22 ft. long that does not even meet the current turnout standards or provide any meaningful concurrent egress during an evacuation. All standards for turning radius on existing roads would be removed.

Not addressing fire prone communities on all roads, both existing and newly developed, living in a VHFSHZ spells disaster for everyone. When seconds and minutes can mean the difference between life or disaster without restrictions on road length without dead-end limitations and a minimal width of at least 14 feet does not provide a meaningful access during an evacuation.

On March 9, 2021, by unanimous recommendation of its Land Use Committee, the BABCNC on the 24th of March voted to OPPOSE the above-referenced matter as stated above.

Thank you.

Robin Greenberg, President
Bel Air-Beverly Crest Neighborhood Council

cc::

Cc: Eric Garcetti mayor.garcetti@lacity.org

Mike Feuer mike.n.feuer@lacity.org

Paul Koretz, CD5 paul.koretz@lacity.org

Mike Bonin, CD11 Councilmember.Blumenfeld@lacity.org

Nithya Raman, CD4 contactCD4@lacity.org

Board of Planning Commissioners. 213.482.7077