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July 1, 2020

Honorable Toni G. Atkins  
Senate President Pro Tempore  
State Capitol, Room 205  
Sacramento, CA 95814

Honorable Anthony Rendon  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, CA 95814

RE: Fire Safety in Proposed Housing Legislation

Dear President Pro Tempore Atkins and Speaker Rendon:

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 44 homeowner and resident associations with approximately 250,000 constituents spanning the Santa Monica Mountains.

At its meeting of June 16, 2020, the Hillside Federation adopted the position to oppose all pending housing legislation that fails to balance the need for housing with public safety by exempting very high fire hazard severity zones from these bills. While we agree housing is one of our state's most important public policy priorities, housing development should not come at the cost of vastly increased risk of harm to persons and property due to wildfire.

"Climate change has doubled the number of extreme-risk days for California wildfires...California in recent years has experienced the deadliest and most destructive fires on record."<sup>1</sup> CalFire Deputy Director Mike Mohler has acknowledged: "We don't really have a fire season anymore; it's really a fire year." Accuweather estimates total damage and economic loss of California wildfires from 2017 to 2019 at more than half a trillion dollars.<sup>2</sup> This does not include the tens of millions of dollars spent on fire prevention strategies that do not work in high winds.<sup>3</sup> Houses

<sup>1</sup> Anne C. Mulkern, *Climate Change Has Doubled Riskiest Fire Days in California*, SCIENTIFIC AMERICAN, Apr. 3, 2020, <https://www.scientificamerican.com/article/climate-change-has-doubled-riskiest-fire-days-in-california/>.

<sup>2</sup> John Roach, *California wildfires will cost tens of billions*, Accuweather estimates, Nov. 1, 2019, <https://www.accuweather.com/en/weather-news/california-wildfires-will-cost-tens-of-billions-accuweather-estimates/612548>.

<sup>3</sup> Bettina Boxall, *California is spending \$32 million on a fire prevention strategy that doesn't work in high winds*, LA TIMES, Sept. 11, 2019, available at <https://www.latimes.com/projects/wildfire-california-fuel-breaks-newsom-paradise/>.

Argyle Civic Assn.  
Beachwood Canyon NA  
Bel-Air Assn.  
Bel-Air Hills Assn.  
Bel Air Knolls Property Owners  
Bel Air Skycrest Property Owners  
Benedict Canyon Association  
Brentwood Hills Homeowners  
Brentwood Residents Coalition  
Cahuenga Pass Property Owners  
Canyon Back Alliance  
Crests Neighborhood Assn.  
Dixie Canyon Assn.  
Doheny-Sunset Plaza NA  
Franklin Ave./Hollywood Bl. West  
Franklin Hills Residents Assn.  
Highlands Owners Assn.  
Hollywood Dell Civic Assn.  
Hollywood Heights Assn.  
Holmby Hills Homeowners Assn.  
Kagel Canyon Civic Assn.  
Lake Hollywood HOA  
Laurel Canyon Assn.  
LFIA (Los Feliz)  
Mt. Olympus Property Owners  
Mt. Washington Homeowners All.  
Nichols Canyon NA  
N. Beverly Dr./Franklin Canyon  
Oak Forest Canyon HOA  
Oaks Homeowners Assn.  
Outpost Estates HOA  
Residents of Beverly Glen  
Save Coldwater Canyon!  
Shadow Hills POA  
Sherman Oaks HOA  
Silver Lake Heritage Trust  
Studio City Residents Assn.  
Sunset Hills HOA  
Tarzana POA  
Torreyson Flynn Assn.  
Upper Mandeville Canyon Assn.  
Upper Nichols Canyon NA  
Whitley Heights Civic Assn.

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built close to natural vegetation cause more wildfires, pose a greater risk to lives and homes, and are harder to fight.<sup>4</sup>

In April 2019, Governor Newsom issued a report entitled “Wildfires and Climate Change: California’s Energy Future.”<sup>5</sup> The Los Angeles County Board of Supervisors unanimously adopted a motion quoting the report’s recommendation to “deprioritize new development in areas of the most extreme fire risk,” noting its consistency with the LA County General Plan’s Safety Element policy to “discourage high density and intensity development in VHFHSZs (Very High Fire Hazard Severity Zones).”<sup>6</sup> The motion required consideration of amendments to the county’s subdivision and planning and zoning codes that would make mandatory a denial of any plan amendments that allow increased density or intensity within high risk wildfire areas such as very high fire hazard severity zones.

Limiting housing and other development in areas at greatest risk of wildfire hazards is not controversial. For example, Assembly Bill 1279 (Bloom), which would permit ministerial development of certain affordable housing projects in “high opportunity” areas, specifically exempts such projects “within a very high fire hazard severity zone.” Similarly, the original language of Senate Bill 902 (Wiener) exempted very high fire hazard severity zones, but the exemption was removed. It should be reinstated.

Other bills that should include exemptions for wildfire hazard areas include, but are not limited to:

- SB 995 (Atkins, Wiener, Caballero, Rubio), which would extend the Environmental Leadership Act of 2011 and allow ELDP status to apply to certain housing projects;
- SB 1120 (Atkins, Caballero, Rubio, Wiener), which would make the approval of housing developments with two residential units ministerial (and therefore exempt from environmental review), without respect to whether proposed projects are located in wildfire hazard areas; and
- AB 3107 (Bloom, Ting), which would authorize residential use on sites designated for commercial uses under certain conditions.

We urge you to factor the elevated risk to persons and property due to wildfire into your consideration of *all* measures intended to increase housing, and to protect residents from the

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<sup>4</sup> Volker C. Radeloff, et al., Research Article, *Rapid growth of the US wildland-urban interface raises wildfire risk*, Proceedings of the National Academy of Sciences, Mar. 27, 2018, <https://www.pnas.org/content/115/13/3314>.

<sup>5</sup> See <https://www.gov.ca.gov/wp-content/uploads/2019/04/Wildfires-and-Climate-Change-California's-Energy-Future.pdf>.

<sup>6</sup> See Los Angeles County Board of Supervisors Statement of Proceedings for February 11, 2020, Agenda Item 12 (p. 17), available at [http://file.lacounty.gov/SDSInter/bos/sop/1068926\\_021120.pdf](http://file.lacounty.gov/SDSInter/bos/sop/1068926_021120.pdf); see also Motion of Supervisor Sheila Kuehl at <http://file.lacounty.gov/SDSInter/bos/supdocs/143863.pdf>.

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unintended consequences of allowing increased development and residential density in very high fire hazard severity zones and wildland-urban interface/intermix areas. Please ensure that language to exempt high-risk wildfire areas is included in all pending and future housing legislation.

Sincerely,

A handwritten signature in black ink that reads "Charley Mims". The signature is written in a cursive, flowing style.

Charley Mims  
President, Federation of Hillside and Canyon Associations