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February 18, 2021

Laguna Beach City Council
505 Forest Avenue
Laguna Beach, CA 92651

RE: Proposed amendments related to streamlining fuel modification plans.

Mayor Whalen and Councilmembers:

It is disappointing and potentially damaging to our city's landscape that the Fire Department proposes to amend critical policies of the Landscape and Scenic Highways Element. The intent of the Landscape and Scenic Highways Element and Resource documents is to balance sound fire protection programs with landscape values, providing for landscapes that are **both safer from fire and are beautiful and functional living environments.**

The current review standards being used by the Fire Department are not balanced to include beauty and functional living considerations. Safety does not have to be sacrificed in order to continue to have a beautiful and verdant city. Fire Department requirements need to be modified and made less rigid and dogmatic so that there is a way for beauty to prevail while providing improved safety.

Recommended Action:

1. Deny the proposed amendments to the Landscape and Scenic Highways Element and affirm that Fuel Modification zone restrictions do not apply to Very High Fire Hazard Severity Zone properties that are not on the wildland/urban interface.
2. Direct the Fire Department to return to Council with a proposed methodology for revising the Fuel Modification Standards to comply with the LCP approved Resolution 89.104 and with the policy directives of the Landscape and Scenic Highways Element. These revisions shall include a continuing public participation process.
3. Delete the provisions of the "streamlining" that allow stand-alone fuel modification projects to be approved by staff instead of at Design Review with a public hearing.

Summary

By now you may have received correspondence from many residents of Laguna Beach concerned about the impact that the Fire Department's policy of applying fuel modification requirements to most of the city will have on their properties and the city as a whole. These impacts include:

1. Tree/plant prohibitions--requirements to remove plants/trees that are on the Fire Department's "Target Species" list. Pines, cedars, California and Brazilian Pepper, Eucalyptus, Melaleucas, Camphor trees, Toyon and many others will be required to be removed, and none of those plants/trees can be planted in new landscapes.
2. Spacing limitations—requirements that are so limiting that much planting in Laguna gardens as we know them will be forbidden. For example, with the requirement that there be 10' minimum distance to a house from the edge of the canopy of the mature tree, and tree canopies can't overhang the property line, there is no feasible location to plant a tree in a 20' front yard setback area.
3. Wood not allowed—trellises, arbors, fences cannot be constructed of wood.

Laguna Beach landscapes and gardens will be transformed as these requirements are implemented—making the outdoor spaces less livable both in terms of shade and beauty. Without its trees and much of its shrubbery and without its traditional fences and trellises the city as a whole will lose the "Laguna character" that we all appreciate.

Landscape architects and applicants for Fire Department landscape plan approvals been concerned about these impacts for years. See the attached letter from James Dockstader, who was landscape architecture consultant for the city for many years doing landscape plan reviews and working with the Fire Department requirements. He raises many of the issues listed above and suggests that there could be less impactful methods to address fire safety issues.

These concerns are the reasons Bob Borthwick, Greg Vail and I, when preparing the Landscape and Scenic Highways Element (LSHE) and Resource document, spent considerable time with the Fire Department to try to work out modifications to these Fire Department requirements. After many meetings with the Fire Department compromises were reached and the Element and Resource Document were adopted by Council November 13, 2018.

These compromises were:

- The target species prohibitions would not apply to the Very High Fire Hazard Severity Zones.
- The Fire Department would be flexible in their plant spacing requirements without making applicants hire a fire engineering consultant and pay for an AM & M report.
- The Fire Department would make a compendium of mitigating measures prepared by outside fire engineering consultants and approved by the FD, so that others could apply the same mitigating measures without having to hire a fire engineering consultant.
- The plant lists (recommended and not recommended) would be validated based on research, and the recommended lists would distinguish among plants for fuel modification zones, areas away from the wildland urban edge, target plants and invasive plants .

In the over 2 years since the adoption of the LSHE the Fire Department has not implemented these policy changes even though this non-compliance was brought to their attention. In conjunction with the requested streamlining at the November 12, 2020 Design Review hearing, the conflicts between the Fire Department policies and the Landscape and Scenic Highways Element of the General Plan were raised. The Director of Community Development was concerned about the conflicts and delayed moving the streamlining changes to Council to look into the matter. Rather than to comply with the agreed upon policies in the Element, the Fire Department chose to request General Plan amendments instead.

The proposed amendments would void all of the bulleted items listed above—items that the Fire Department agreed to in 2018.

Streamlining

The proposed changes streamline for the Fire Department, but maintain or add to the obstacles that confront private property owners seeking Fire Department approvals.

“Projects consisting solely of a new or modified fuel modification program shall be reviewed and approved by the Director of Community Development and his or her designee to evaluate landscape design and by the Fire Marshal or his or her designee for compliance with fuel modification regulations.”

Projects consisting solely of fuel modification programs are almost all City proposed projects. Under these revised procedures City fuel modification projects will be approved by staff without public review. Easier for the Fire Department—not good for the public who may be concerned about the effect of those City fuel modification projects.

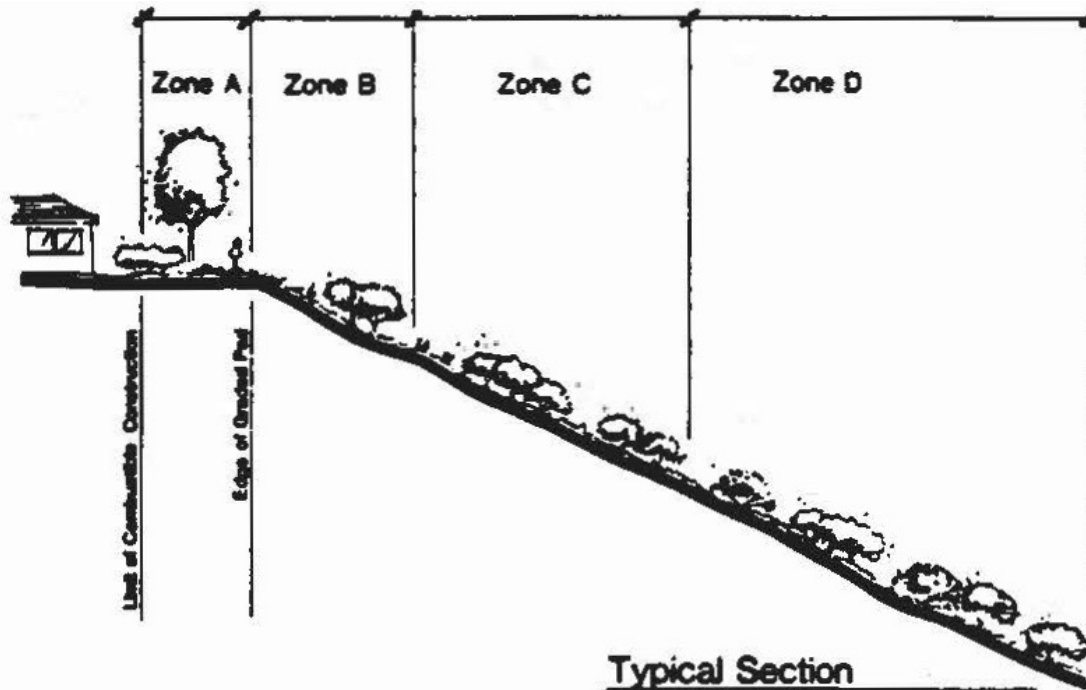
Landscape plans for private properties will face more difficulties than they would if the Fire Department instituted the policy changes now required by the Landscape and Scenic Highways Element. Applicants in the Very High Fire Hazard Severity Zone would have to remove target species, deal with restrictive shrub and tree spacing requirements, will not have the benefit of referring to a compendium of other previously approved mitigating measures and will have to hire expensive consultants to try to work out ways to keep their trees and other vegetation.

This is not “streamlining.”

Local Coastal Program

On December 17, 2019 the Council determined that the fuel modification guidelines that are in effect are those that are part of the Local Coastal plan, those contained in Resolution 89.104. This Council action overrides the standards that the Fire Department has been using for many years. On February 19, 2020 the Fire Department issued a memorandum in which they tried to say that despite the Council action making Resolution 89.104 the determining guide for fuel modification, they could still incorporate all the guidelines they had been formerly using into the requirements they are imposing on applicants. The memorandum blended them all together by claiming somehow that they were all really the same.

But they are not. Resolution 89.104 deals only with fuel modification zones adjacent to wildland areas, the zones A, B, C and D. This is the diagram from Resolution 89.104.



Note that Zone A of the fuel modification diagram does not continue to the rear yard area next to the house. Zone A is not on the front yard or side yards of the residential lot either. Yet our Fire Department maintains that Zone A is the entire lot, and even includes many neighborhood lots that are not even close to the illustrated fuel modification zones on the wildland urban interface.

The Fire Department applies the same standards to individual lots surrounded by other houses, and not adjacent to the wildland/urban interface, just because they are noted as "FM" or in the Very High Fire Hazard Severity Zone. They are distorting the intent of the Fuel Modification diagrams by requiring whole lots to be "Zone A", requiring removal of all target species, and imposing the same restrictive plant spacing requirements on individual interior lots and gardens as would be imposed on native vegetation adjacent to wildlands. This leads to clearing of nearly all the vegetation from the lots and severely restricting replanting. Since the Very High Fire Hazard Severity Zone represents 87.8 % of the city, over time these removals and planting restrictions will devastate the beauty of the city.

In addition Resolution 89.104 does not refer to Target Species. None of the documents referenced in Resolution 89.104 mention "Target Species" either. Some of the target species on the Fire Department list (*Heteromeles arbutifolia*, *Toyon* and *Rhus integrifolia*, Lemonade Berry, for example) are recommended to be **preserved, not removed** in lists in the Monarch Point documents, part of 89.104.

Since it is now clarified that the City should be using Resolution 89.104, the Fire Department needs to redo their instructions to applicants accordingly, not just continue with their previous approaches which have no legal foundation as requirements for permitting.

State Policies

The proposed amendments do not “bring the City in alignment with the State’s wildland-urban interface fire safety requirements.” A review of the state laws cited reveals that they are much less stringent than what the Fire Department is proposing. For example, instead of requiring that the edge of tree canopies be 10’ away from a structure as our Fire Department has been requiring, state Government Code Section 51182 only requires that “any portion of a tree that extends within 10 feet of a chimney or stovepipe” be removed. State code allows vegetation overhanging a roof as long as it is “free of dead or dying wood” and the roof is maintained “free of leaves, needles, or other vegetative materials”.

These are reasonable requirements, keeping the entire tree, including the canopy, 10’ away from the structure is not.

Trees are not the enemy

The fire propensity for irrigated and maintained trees in an urban area is much reduced compared to drought-stricken trees in a forest. This is expressed in a scientific manner below:

“Foliar moisture plays an important role in defining surface fire behavior in fuel types with a woody or herbaceous component, and in defining thresholds for crown fire initiation. The moisture content of shrubs and herbaceous vegetation will influence whether the fuels act as a heat source or a heat sink, either intensifying or lessening surface fire behavior (Burgan, 1979).”

Burgan, R.E., 1979. Estimating live fuel moisture for the 1978 National Fire Danger Rating System. USDA Forest Service Gen. Tech. Rep. INT-226.

Trees remained in Coffey Park, Santa Rosa, while all structures were lost.



Groves of Eucalyptus and other trees within the neighborhood survived the Scripps Ranch fire.



Clearly, the trees in these neighborhoods did not set the houses on fire. Removing trees within our neighborhoods in the name of fire safety is misguided. Rather we should be promoting good maintenance practices (such as removing dead wood), and irrigation.

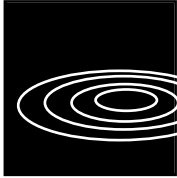
California Environmental Quality Act

The staff report maintains that “the proposed amendments are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment...” The Element itself and the public testimony makes clear that the Fire Department requirements to restrict landscape construction and remove existing trees and other vegetation will have a detrimental effect on the aesthetics and character of the city of Laguna Beach, will violate general plan policies on preservation of village character, existing significant trees and natural vegetation and habitat. As a Historic American Landscape, Laguna Beach should be preserving those features that have drawn artists and lovers of beauty from its earliest days. There is a fair argument that these impacts will occur and a categorical exemption does not apply. Thus the City Council should reject this proposal or direct preparation of the appropriate environmental documents, including exploring mitigating measures and alternatives, before making a decision.

Sincerely,

A handwritten signature in blue ink that reads "Ann Christoph". The signature is written in a cursive, flowing style.

Ann Christoph
Landscape Architect FASLA



ATTACHMENT FOR
JANUARY 20, 2020

MEMO

November 2, 2020

City of Laguna Beach Planning Commission
c/o Jim Pechous, Assistant Director of Community Development
c/o Christian Dominguez, Associate Planner
Laguna Beach, CA 92651

**Subject: Zoning Ordinance Amendment 20-6662
Local Coastal Program Amendment 20-663
Agenda Item 4.1 to be heard November 4, 2020**

Planning Commissioners:

I am writing as a local Landscape Architect, thankful for having been part of the Laguna Beach design community for over 25 years. In addition to many, many private projects I've also contributed to design and implementation of several public projects in Laguna including Browns' Park, South Laguna Streetscape, three phases of Heisler Park renovation, and more. I spent a number of years assisting the City with a variety of administrative tasks, including submittal review, development of landscape checklists, and long ago helping with development of Fuel Modification Guidelines.

I am very familiar with regulations and guidelines that support fire safety and with those that support the landscape character which help define Laguna Beach for many. **It is not clear to me that recent changes to fire safety policies include thorough public discussion both of public safety AND of the resulting impacts to the visual, biological, vegetative, and social resources of our neighborhoods.**

Last December, City Council adopted fire safety and building provisions which included revisions to the Fire Department's Fuel Modification Guidelines. In effect, properties with a Very High Fire Hazard Severity Zone (VHFHSZ) designation (90% of Laguna, even those next to the beach) would be reviewed using the same guidelines as were previously applied only to projects adjacent wildlands areas (those with FM designation on the City's GIS site). Those revisions, just a few sentences, have far-reaching effects in terms of preserving much of the landscape character that exists today and that we strive to continue. My concern at the time was that the public discussion did not include evaluation of the consequences and whether or not ALL of the new restrictions were equally necessary, wise, or important. In my reading of the new guidelines, consequences include:

...significant spacing restrictions on any plants over 4' tall (eliminates most opportunities for NEW shrubs, trees, and hedges and requires removal of EXISTING plants over 4' tall for major remodels and new homes unless compliant with spacing requirements)

...expands the number of prohibited plant species to include valuable natives such as Lemonade Berry and Toyon, excellent and important plants to use on bluffs and slopes.

...significant restrictions and prohibitions on iconic Laguna elements such as wood picket fences, wood arbors, wood gates, and wood fences

We all believe in and support fire safety and applaud the efforts of the Fire Department to routinely update guidelines, suggest changes, and to bring current fire safety thinking to our City; I am grateful to Chief Garcia and Fire Marshall Brown for their diligence and attention to detail. It is their job to

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eat/drink/live fire safety 24 hours a day and we are better off because of it! However, Laguna Beach is about more than that, and other parts of our local government, such as the Planning Commission, should understand and support fire safety but in the context of other aspects of life in Laguna as well. We appear to be losing important tools for shaping our town, enhancing architecture, creating visual interest, establishing privacy, and supporting wildlife. It is my understanding that local agencies have flexibility in how to address VHFHSZ properties. I believe that local jurisdictions can choose which guidelines are most important in terms of fire safety and which are less so but important to Laguna in other ways. I therefore have the following questions which I hope could be considered:

...Is it true that Laguna Beach has flexibility in how to address fuel modification requirements for Very High Fire Hazard Severity Zones?

...If so, are there some fire safety provisions that could be softened so that excellent fire safety can be achieved while at the same time new and existing landscapes could continue to help create neighborhood character that has been so defining and valued by residents and visitors alike?

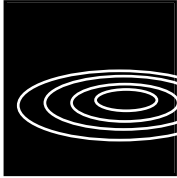
...Does the Planning Commission believe that recent changes appropriately balance fire safety and community character?

It seems Agenda Item 4.1, November 4, 2020, has something to do with again adopting strict fire safety guidelines for all of Laguna Beach, treating most if not all properties as though they are on the wildland interface. I can see that there are reasons for that, however I would like to know if there's a way to more finely craft and address fire safety in the context of community character...to the benefit of both.

Thank you for considering community safety and neighborhood character! Sincerely,

James Dockstader
Landscape Architect

c: Jim Pechous, Assistant Director of Community Development
c: Christian Dominguez, Associate Planner
c: Nancy Csira, Zoning Administrator



MEMO

January 18, 2020

City of Laguna Beach Planning Commission
Laguna Beach, CA 92651

Subject: General Plan Amendment 21-8119
Agenda Item 4.4 to be heard January 20, 2020

Planning Commissioners:

I would like to reiterate the concerns expressed in my November 2020 letter to the Planning Commission (attached), and in addition summarize a few points below:

...I ask the question: Is it necessary to use the same fire safety requirements crafted for 'fuel mod' properties adjacent wildland areas for nearly every other home in Laguna Beach?

...I believe it MAY not be necessary; based on what I hear from LBFD and from OCFA I believe we have flexibility in choosing which specific conditions are needed to create 'defensible space'. Different agencies may choose different requirements to establish defensible space, and it seems to me we can more finely tune our guidelines to reflect location, neighborhood, and structure type alongside an associated goal of preserving and enhancing neighborhood landscape character.

...the definition of what constitutes defensible space in Laguna Beach is of high interest not just to the few dozens of annual new projects and major remodels but may also, in the near future, apply to homes being sold and to homes periodically reviewed by the Fire Department going forward. It is possible that the definition of defensible space will affect EVERY home in Laguna Beach sometime soon.

I believe that fire safety is a top issue for Laguna Beach, and it is clear that more should be done with respect to increasing requirements for Very High Fire Hazard Severity Zone properties compared to our 2010 approach. I very much appreciate the effort by LBFD to update guidelines. It is my hope that we can achieve fire safety in the context of long-established goals for community character.

Thank you. Sincerely,

James Dockstader
Landscape Architect

c: Marc Wierner, Director of Community Development
c: Nancy Csira, Zoning Administrator