

November 4, 1997

The Honorable Los Angeles County Board of Supervisors
Hall of Administration, 500 W. Temple Street
Los Angeles, CA 90012

Gloria Molina, Supervisor First District, Room 856
Yvonne Brathwaite-Burke, Supervisor Second District, Room 866
Zev Yaroslavsky, Chairperson, Supervisor Third District, Room 821
Don Knabe, Supervisor Fourth District, Room 822
Michael Antonovich, Supervisor Fifth District, Room 869

Re: Rancho Malibu Estates (Vesting Tentative Tract Map No. 46277)

The applicant still proposes to develop 46 single-family homes plus five second units along ridgetops in the Santa Monica Mountains surrounded on all sides (360 degrees) by a sea of chaparral, known to be one of the most explosive and flammable vegetation types in the world. Overlooking the basic safety concerns of topography (ridgetop and sideslope homes are statistically most prone to destruction or damage by wildland fire), the applicant proposes to further compound the public safety conundrum by proposing to develop these homes with over 5,500 feet of cumulative length of roadways (including about 3,250 feet within the main road trunk - Rancho Malibu Road and its extension onto estate lots) without a secondary ingress or egress.

“Mitigation measures” proposed to reduce the extreme exposure to fire, such as interior sprinklers and a 200-foot fuel modification buffer zone are minimum (or standard) requirements; they do not mitigate fire hazard to a level of insignificance. They reduce but do not eliminate the damage to structures and infrastructures from heat exposure alone. Even such “mitigation measures” have not yet affected the ever-increasing public subsidies (State and Federal) required for mitigation of predictable fire, flood, erosion and landslide problems in such problem areas.

Furthermore, the applicant's proposed "mitigation measures" do not address the fact that the present road layout is contrary to the spirit and letter of required ingress and egress under the County's subdivision code and would never be approved in the wildland fire areas of the City of Los Angeles (secondary access required with road length in excess of 700 feet). And the one-way ingress and egress also totally contradicts the guidelines and recommendations of SB 1075, the comprehensive wildland fire safety legislation. The bill requires the California Board of Forestry to establish minimum fire safety requirements that apply to SRA (State Responsibility Area). The legislation was motivated by a general lack of response by local governments to the wildland fire protection problem over the previous 20 years. These requirements cover emergency access and water supplies, addressing and street signing, and fuel modification relating to new construction and development.

Public Resource Code 4290 was adopted in May 1991. Each of the 56 SRA Counties was given the option of implementing the state regulations as written or adopting a local package that met the intent of the state regulations.

The regulations provide exceptions to the rules due to health, safety, environmental and physical site limitations. Reasonable alternatives may be proposed. For example, if it is impossible to change the width of a road, other options may be evaluated. Reduced road length, safety islands, fuel modification along the road, and turnout construction might be alternatives to a narrower road. But specifically, PRC 4290 recommended that at least two different public ingress/egress routes on all roads be a standard for all new subdivisions.

Your Board convened the Wildfire Safety Panel in the aftermath of the disastrous 1993 Old Topanga Fire of November 2, 1993, where limited ingress and egress was a contributing cause to the burning of many homes. The panel's recommendations were limited to new construction or replacements that required permits, as the panel was not empowered nor allowed to address present inadequacies. In addition to somewhat tightening up the codes for new development in the wildland areas, the panel was also tacitly created to deflect potential legal liability away from the County for approval of previous developments in fire-prone wildland areas without adequate ingress and egress where fire and flood disasters were cyclical and predictable and could not be passed off as an act of God.

I attended most of the Wildfire Safety Panel sessions inclusive of its summary meeting on June 1, 1994. Pertaining to the real need for siting of homes to increase built-in safety, developer spokes-people strongly spoke out against any further restrictions, citing private property rights to build where they want to build

regardless of new safety criteria or concerns. The same generally pertained to the issues of ingress and egress. However, here several County Department heads took a surprisingly strong exception by suggesting that the County Board of Supervisors has a duty to disclose and let the public know about deficiencies pertaining to ingress and egress. But in the ensuing discussions County counsel was concerned about taking the issue any further because disclosure is a two-fold issue. If there is no disclosure there may be liability, as the public has a right to make informed decisions. And if there is disclosure about known deficiencies, this may also create liability. The County would therefore need to provide solutions to mitigate hazardous conditions as well as educate the public.

In discussing the issue of ingress and egress in the Santa Monica Mountains further, it was generally agreed by respected department heads that the issue is a “can of worms,” as extensive files exist in the County system (on such public safety hazards) without any action ever having been taken. Present subdivision codes would therefore need to be further tightened up and their language changed and clarified. Because of the extensive liability concerns to the County as expressed by County counsel, the Wildfire Safety Panel was reluctant to and could not make recommendations irrespective of liability, especially as it pertained to ingress and egress. Nevertheless, ISSUE 8: ACCESS on page 8 of Appendix 2 dares to state: “The recent firestorm experience has demonstrated once again that having adequate access during a wildfire is of paramount importance for the Fire Department and other emergency crews assigned to the incident.” After this daring statement, of course, the report had to retract to an overall defensive posture without seriously addressing the question of ingress and egress.

Solutions to the public health and safety concerns as they pertain to ingress and egress have therefore not been addressed by the County to this day. The “public education program” launched last month by the Fire Department and Sheriff’s Department basically amounts to pressuring the public to abandon their homes and immediately evacuate in case of fire danger. These mandates hope to skirt potential liability problems. Such philosophy of course requires the massive input of government subsidized fire protection services in the form of mutual aid strike teams (each strike team consists of five fire engines manned by four people and very conservatively requires a public subsidy of at least \$600 per 24-hour overtime shift for each firefighter or a minimum of $20 \times \$600 = \$12,000$ for manpower alone). If homeowners are forced to totally evacuate, at least three to five strike teams (\$12,000 to \$50,000) for direct fire protection of homes may be needed for a highly exposed development such as Rancho Malibu Estates on a seven to ten year rotation (based on fire history). These figures cover only direct fire suppression costs for strike teams and do not include overhead such as logistics, air support, outside

contract services, the additional costs for wear and tear on equipment, firefighter injuries and extensive postfire disability claims, emergency erosion control measures and subsequent lawsuits against public agencies and involved parties. All these costs have become staggering and can no longer be borne by local agencies. Thus, as it now stands, the proposed Rancho Malibu Estates development would need to be subsidized perpetually by every person in America through Federal Disaster Aid Assistance which pays for fire suppression costs in wildland areas whenever a fire endangers life and property.

Last but not least, you must consider the background and expertise of the “experts” hired by the developer. Many in the Malibu community would be outraged to learn that a former Los Angeles County Fire Department chief and former fire captain are now the experts for developers and fight for dead-end roads into developments located in areas of predictable wildland fire disasters. Let me just reflect that the former County fire chief hired by the developer had been given a 60-day ultimatum in the 1980s by the Board of Supervisors to resign amid surfacing public safety and department management scandals. The next-in-line chief subsequently appointed by the Board (read damage control) was also given an ultimatum to turn in his resignation or be fired within 30 days after the news media disclosed instances of large-scale embezzlement within the County Fire Department.

In the past, the County of Los Angeles Fire Department, in a quid-pro-quo with members of the Board of Supervisors, has attempted to obtain special consideration for its membership while historically supporting development in fire-prone areas of the Santa Monica Mountains with inadequate ingress and egress. As research scientist and senior deputy forester working for the County Fire Department, I myself was threatened with serious job consequences if I did in any way oppose questionable developments or did not support them when asked to, as it was clearly stated that “the fire chief wants this development and the district supervisor wants it too.” Not to do so was construed as insubordination and not being “one of the boys.” I have also witnessed over the years how personnel were reclassified to chief officer positions despite flunking the Civil Service Examination (i.e., flunking despite being given 100% in oral promotability and then being reclassified when unable to pass a test) to fill positions that required “one of the loyal boys.” I believe past quid-pro-quo deals and promotions based on favoritism have strongly influenced the previous approval process of the Rancho Malibu Estates development.

Please note that the “quid-pro-quo” had already largely been disclosed by the Pacific Palisades Property Owners Association to the City Council of the City of Los Angeles when they opposed a proposed fire code amendment which called for

extending the brush clearance distance ordinance without public hearings and a focused EIR.

Respectfully yours

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