

ISSUE PAPER

THE SMMC MALIBU LCPA “OVERRIDE” WOULD JEOPARDIZE PUBLIC SAFETY BY UNNECESSARILY INCREASING THE RISK OF FIRE

By: Ramirez Canyon Preservation Fund

The Ramirez Canyon Preservation Fund (RCPF) has submitted comments to the Coastal Commission outlining the manner in which the LCPA “Override” submitted by the Santa Monica Mountains Conservancy (SMMC) creates unnecessary fire risks. To further lessen the risk, RCPF has also asked the Commission and the City to consider modifications to the City’s LCPA with respect to alternate vehicular access to and large special events at the SMMC Ramirez property. This is a summary of RCPF’s continuing public safety concerns:

THE COMPELLING FACTS ABOUT FIRE AND MALIBU

1. **Malibu: An Urban/Wildland Community at Risk.** Malibu has been designated by the California Department of Forestry and Fire Protection (CDF) as a “Wildland Urban Interface (WUI) Community at Risk.” [1]
2. **Very High Fire Hazard Severity Zone.** SMMC properties in Ramirez Canyon, Escondido Canyon, Corral Canyon, and the City’s Charmlee Park are also designated by CDF as “Very High Fire Hazard Severity Zones.” [2]
3. **Chaparral ESHA.** Ramirez Canyon, Escondido Canyon, Corral Canyon and Charmlee Park are vegetated with Chaparral ESHA. Chaparral ESHA has a very high “fuel load” and is the most extensive wildland fire threat in Los Angeles County. [3]
4. **People Cause Fires.** The majority of fires within California, and specifically within Los Angeles County, are caused by humans – on average ten times more than by natural causes. During the last 20 years in California, 142 fires were started by campfires alone; those fires burned more than 360,000 acres and cost more than \$140 million to suppress. [4]
5. **Evacuation/Access Routes.** Most people who die in wildland fires do so while evacuating. Evacuation operations require large commitments of firefighters who could be better utilized for fire suppression. Evacuation operations also impair traffic, which affects firefighter response. [5]
6. **Malibu Fires.** Malibu has a history of destructive wildfires. In 2007, Malibu suffered the Corral Canyon Fire – 63 homes were destroyed, 54 were damaged. Malibu Presbyterian Church, Our Lady of Malibu and Webster Elementary School were damaged. Six firefighters were injured.

7. **California Fires.** Fifteen of the twenty largest wildfires in California history have occurred since 1985 and almost 1.2 million acres burned during the record-setting 2008 fire season. [6] CDF provides fire management for “state responsibility areas.” In these areas alone, in 2000 CDF reported 5,177 fires which destroyed 130 structures and caused damage in excess of \$29,800,000. [7] In 2007, the number of fires was down (3,610), but there were 3,079 structures destroyed, and damage in excess of \$254,000,000. [8]

8. **The Fire Danger is Growing due to Drought and Warming.** The number of wildfires in the United States between 1987 and 2003 was four times the number between 1970 and 1986. [9] The total area burned increased by more than six and a half times in the Western States (*id*). Fifteen of the twenty largest wildfires in California history have occurred since 1985. [10] Governor Arnold Schwarzenegger has proclaimed a statewide drought, and has acknowledged that the drought has created extreme fire danger due to dry conditions. [11] Recent studies predict that based upon weather conditions for future climate scenarios (including the intensification of warming), the frequency of wildfires will increase in the Western U.S. – perhaps as much as 35 percent by mid-century and 55 percent by the end of the century. [12]

9. **The State’s Dwindling Fiscal Resources.** CDF fire protection expenditures increased from \$475 million in 1996-97 to \$869 million in 2006-07, an 83% increase. [13] The 2008-09 budget for CDF is \$1.6 billion. [14] However, the increased risk of wildfires cannot be managed by fire suppression strategies alone. [15] The “most effective way to limit damage and loss due to wildfire is to prevent all but the most blatant ignitions due to arson or other unforeseeable circumstances.” [16]

MALIBU’S FOOTHILLS ARE THE WRONG PLACE FOR CAMPING AND LARGE PRIVATE EVENTS.

1. **Camping in Malibu’s Foothills is Inherently Unsafe.** SMMC proposes “trail camps” and “hike in” camps at Ramirez, Escondido and Corral Canyon. A “trail camp” is a small campsite, located to the side of a trail. These camps are generally designed in chains, to accommodate overnight users on extended trips. A “hike in” camp is a small grouping of campsites, also accessed only by trail. The lack of vehicular access to these areas hinders rapid fire response. In addition, because these camps are so remote, “no smoking” and “no campfire” rules would be difficult, if not impossible, to enforce.

2. **Large Private Events in Ramirez Canyon Are Inherently Unsafe.** The SMMC Override and the Malibu LCPA propose to allow SMMC to lease its Ramirez property for large private events, with as many as 200 people. The Malibu LCPA conditions these events on alternate access and limits them to 16 per year; SMMC proposes these events with no alternate access and increases the number to 32 per year. Like camping, even with alternate access, these events are not safe – for at least four reasons:

a. **Narrow, Box Canyon.** Ramirez Canyon is a dry, narrow box canyon. Fires that start at the base of box canyons create strong upslope drafts, which cause the fire to spread rapidly upslope and create extreme fire behavior and dangerous conditions. Steep terrain also creates extremely hazardous conditions for fire-fighting personnel and limits the use of heavy equipment, such as bulldozers, to create fire lines. [17]

b. **Ramirez Canyon Road Is Not an Adequate Primary or Secondary Access Because it Does Not Meet the Requirements of State or Local Fire Codes.** State and local Fire Codes require an evacuation route to be at least 20 feet wide. [18] Ramirez Canyon Road is only 13 feet wide in some places, with nine speed bumps. The front yard setbacks are narrow and some structures are located very near the road. The road traverses Ramirez Creek with “Arizona crossings” and narrow bridges and is impassable in times of heavy rain. At the bottom of the Canyon, the road passes under Pacific Coast Highway (PCH) through a concrete tunnel that is barely wide enough for a single car. The distance from PCH to the SMMC property is one mile. There is no way for event participants and Canyon residents to simultaneously evacuate and there is no way for fire equipment to come up the canyon while an evacuation is in progress.

c. **Are the Ramirez Structures Fire Safe?** Before Ms. Streisand donated the property to SMMC, she used it as a residence. SMMC changed that use, and was therefore required to bring the structures up to the Uniform Fire Code. [19] That requires compliance with fire safety standards adopted by the State Fire Marshal for state-owned or state-occupied buildings [20], and compliance with the extensive and detailed restrictions which apply to buildings in Very High Fire Hazard Severity Zones and in urban/wildland interface communities [21]. There are no records indicating that the structures at the SMMC Ramirez property have been lawfully converted from residential to commercial uses, nor that any fire protection measures have been installed (e.g., sprinklers, fire safe walls, windows, and doors). Yet, both the SMMC Override and the Malibu LCPA authorize the use of these structures for small and large events, as well as for regional executive offices for SMMC and its sister agency, Mountains Recreation and Conservation Authority.

SAFE, SANE AND FEASIBLE ALTERNATIVES

1. **SMMC’s Proposal for Camping.** In and around Malibu, there are 272 federally-owned, 678 state-owned and four City of LA-owned campsites. [22] Even if SMMC could demonstrate a public need for more camp facilities, those facilities should be sited on non-ESHA and beach properties - not in Malibu’s dry, box canyons.

2. **SMMC Override and Malibu LCPA Proposals for Large, Private Events.** There are 23 event, catering, and conference facilities in the Malibu area that accommodate various kinds of special events, with capacities from less than 100 persons to more than 500 persons. The facilities include restaurants, conference centers, museums, ranches, parks, hotels, retreat centers, and the like. The estimated total capacity of these facilities is approximately 6,045 persons. [23] Even if SMMC could

demonstrate a need for more event facilities, that need should be met at other SMMC and MRCA properties, with adequate vehicular access and less fire risk.

CONCLUSION

The first job of government is to keep people safe. Where residential neighborhoods border on open space and recreation properties, government officials must balance the public's right to access with the public's right to safety. If the fire danger in California and in Malibu were less, proposals for camping and large events in Malibu's canyons might be appropriate. However, under current conditions, these activities should not be offered. The risk of fire is too extreme.

ENDNOTES

1. California Department of Forestry and Fire Protection, "The Wildland Urban Interface (WUI): Assessing wildfire related risks to people, property and infrastructure in California." <http://frap.cdf.ca.gov/projects/wui/index.asp>
2. CDF, Fire Hazard Severity Zone Re-Mapping Project, http://frap.cdf.ca.gov/webdata/maps/los_angeles/fhszs_map.19
3. California Department of Forestry and Fire Protection, 2005a, "Fuels: Surface Fuels" Raster Digital Data. 2005. <http://frap.cdf.ca.gov/data/frapgisdata/select.asp?theme=5>; Anderson, H.E. 1982, "Aids to Determining Fuel Models for Estimating Fire Behavior"; National Wildfire Coordinating Group, 1994, "Introduction to Wildland Fire Behavior S-190," Student Workbook; The California Chaparral Institute, <http://www.californiachaparral.com/awheresthechaparral.html>.
4. California Department of Forestry and Fire Protection, 2008, "Fire Perimeters." Vector Digital Data, June, 2008, <http://frap.cdf.ca.gov/data/frapgisdata/select.asp?theme=5>.
5. Hunt, J., "Listen to Experts Concerning Fire Protection," Santa Barbara News-Press, December 21, 2008. Mr. Hunt is a former county fire department captain and a wildland/urban interface fire protection consultant for the past 29 years.
6. Associated Press, Report: Climate Change to Fuel Wildfires in West, August 15, 2008.
7. CDF. http://www.fire.ca.gov/communications/downloads/fact_sheets/2000summary.
8. CDF. http://www.fire.ca.gov/communications/downloads/fact_sheets/2007Summary
9. A.L. Westerling, *et al.*, "Warming and Earlier Spring Increase Western U.S. Forest Wildfire Activity," *Science* 313, 940 (2006), published online 6 July 2006 (10.1126/science.1128834).
10. Associated Press, Report: Climate Change to Fuel Wildfires in West," August 15, 2008.
11. Press Release, Office of the Governor, 6/04/2008, <http://gov.ca.gov/press-release/9796>.
12. Climate Action Team Report to Governor Schwarzenegger and the Legislature (California Environmental Protection Agency 2006). National research demonstrates that, in the western states, the number of wildfires between 1987 and 2003 was four times the number between 1970 and 1986; the total area burned increased more than six and a half times. (A.L. Westerling, *et al.*, "Warming and Earlier

Spring Increase Western U.S. Forest Wildfire Activity,” Science 313, 940 (2006), published online 6 July 2006 (10.1126/science.1128834). From 1995 to 1999, wildland fires burned an average of 4.1 million acres each year. From 2000 to 2004, the fires burned an average of 6.1 million acres per year, an increase of almost 50 percent. During the same periods, the costs incurred by federal firefighting entities to suppress wildland fires more than doubled, from an average of \$500 million annually to about \$1.3 billion annually. (U.S. Government Accountability Office, Wildland Fire Suppression: Better Guidance Needed to Clarify Sharing of Costs between Federal and Nonfederal Entities (hereafter “USGAO Report”), July 2006, pp. 3-4.) Forest Service and university researchers estimate that about **44 million homes in the lower 48 states are located in the wildland-urban interface.**

13. California Legislative Analyst’s Office, “California Department of Forestry and Fire Protection: State’s Wildland Firefighting Costs Continue to Escalate,” presented to Senate Budget Subcommittee No. 2 on Resources, Environmental Protection and Energy, March 26, 2007.

14. Governor Schwarzenegger is Committed to Meeting the Challenges of a Year-Round Fire Season. November 18, 2008. <http://www.calfires.com>.

15. National Wildlife Federation, “Increased Risk of Catastrophic Wildfires: Global Warming’s Wake-Up Call for the Western United States,” August 14, 2008.

16. County of Los Angeles Fire Department, Pre-Fire Management Plan, June 2004, p. 9.

17. Char, C.R. and L.R. Chatten, 1977, “Principles of Forest Fire Management,” Publisher unknown (manual); Clayton, B., Day and J. McFadden, 1985, “Wildfire Fire Fighting,” Publisher unknown (manual).

18. Title 24, Cal. Code Regs., sec. 503.2.1; Los Angeles County Fire Code, sec. 503.2.1. Both Codes include a provision which allows for “modifications” of the requirements in individual cases. However, modifications can be granted only if the fire official finds that a “special individual reason” makes strict compliance “impractical,” and that the modification is in compliance with the intent and purpose of [the] code and . . . does not lessen health, life and fire safety requirements.” (24 Cal. Code Regs, App. A, sec. 104.8.)

19. That change in use amounted to a “change in occupancy” under the Uniform Fire Code (24 Cal. Code Regs., § 202) and required that the structures be brought up to Code: “No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the California Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the California Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use. (Title 24, Cal. Code Regs., sec. 102.3, emphasis added.)

20. Health & Saf. Code, sec. 13108, *et seq.*; Title 19, Cal. Code Regs., sec. 1.03, *et seq.*

21. Health & Saf. Code, sec. 13108.5; Title 19, Cal. Code Regs., § 2.01, *et seq.*

22. Science Applications International Corporation, “Analysis of Issues Relating to Application by the Santa Monica Mountains Conservancy For a Local Coastal Program Amendment Override,” December 2008, pp. 2-3.

23. Science Applications International Corporation, “Analysis of Issues Relating to Application by the Santa Monica Mountains Conservancy For a Local Coastal Program Amendment Override,” December 2008, p. 4 and Appendix A.