

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Develop and
Adopt Fire-Threat Maps and Fire-Safety
Regulations.

R.15-05-006
(Filed May 7, 2015)

**OPENING COMMENTS OF THE CITY OF LAGUNA BEACH ON THE SAFETY AND
ENFORCEMENT DIVISION'S REPORT FILED ON BEHALF OF THE CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION AND THE INDEPENDENT
REVIEW TEAM**

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November 29, 2017

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As authorized by the assigned Administrative Law Judge (“ALJ”) Timothy Kenny’s November 21, 2017 email to all parties, The City of Laguna Beach (the “City” or “Laguna Beach”) hereby submits its opening comments on *The Safety and Enforcement Division's Report Filed on Behalf of The California Department of Forestry and Fire Protection and The Independent Review Team*, dated November 21, 2017 (“IRT Report”).

I. INTRODUCTION

As explained in detail below, Laguna Beach strongly opposes the IRT Report’s classification of the Tier 2 boundary in the City. The City is a small community with limited ingress and egress that has been devastated by wild fires in the past. The City has been included in State Fire Marshal maps for high severity fire-threat zones and in the current proposed fire threat maps. Excluding portions of the City from the Tier 2 boundary was a major mistake that could have life-threatening implications for the City’s residents.

The City is particularly troubled by the dismissal of its concerns in the fire-mapping process. As the City pointed out in its *Opening Comments of the City of Laguna Beach on the Proposed Decision of Commissioner Michael Picker Adopting Regulations to Enhance Fire Safety in the High Fire-threat District*, dated November 28, 2017 (“Comments on PD”) the City’s Fire Chief was intimately involved in the Fire Map 2 preparation, which required a

significant and costly time-commitment. Although he served on the Peer Development Panel (“PDP”), the overwhelming representation of utilities and their interests on the PDP, prevented equal consideration of the City and its views, even though the issues raised by the City are vital to the safety of its residents. The dismissal of the City’s genuine concerns, despite its active participation at the specific request of the Commission, will surely discourage municipalities from participating in Commission proceedings in the future.

II. THE AREAS OF LAGUNA BEACH CLASSIFIED AS TIER 2 SHOULD BE EXPANDED

The City of Laguna Beach strongly disagrees with the classification of the “Tier 2” boundary in the City. Attached to these Comments as Exhibit A is an overlay of Tiers 2 and 3 on the City boundaries and immediate vicinity, and it is clear from reviewing this map that key portions of the City—even those with extremely limited egress in case of fire—were not included in either Tier. The City’s position is that the boundary for the current “Tier 2” should be extended west to North and South Coast Highway from the north City limits to approximately Diamond Street. The City appealed this classification to both the PDP and the Independent Review Team (“IRT”) without success.

According to the IRT Report, Tier 2 areas are those of “elevated risk (including likelihood and potential impacts of occurrence) from wildfires associated with overhead utility powerlines or overhead utility powerlines.”¹ The City’s special local conditions, which it believes have been ignored during the process, require a revision to the Fire Map.

A. Fire History:

On October 27, 1993, the City experienced the seventh costliest wildland fire in California’s history. In a matter of hours over 400 homes were destroyed or severely damaged, and the estimated cost of the damage exceeded \$500 million. The only reason the downtown area of the City did not burn was that the City and Fire Ground Commanders made a decision that day

¹ IRT Report, p. 10.

to relocate firefighting resources to protect the downtown area.

The downtown area was unfortunately and inexplicably excluded from Tier 2 in the IRT Report. Laguna Beach should not, however, be penalized for taking proactive steps to protect an area that truly is in a hazardous region with limited access. The true "fire scar" should appropriately include this section of the City.

B. Access:

The City is also constrained by very limited pathways of ingress and egress. As noted above, there are only two roads leading into the City; Laguna Canyon Road (one lane in each direction) and Pacific Coast Highway, from the north and south. These roadways on a good day experience significant congestion. A wildland fire anywhere in the City will limit both ingress of emergency responders and egress of the public during evacuation. During the 1993 fire the entire City was evacuated.

Power lines and poles that have fallen across Laguna Canyon Road create not only a fire hazard and public safety risk, but they will further block a future successful evacuation along this very narrow artery.

C. Street Configuration:

The City is an older community with many substandard streets that impede emergency responder access. Many of the streets are less than 16' wide and are long cul-de-sacs with no emergency turnarounds. This feature delays firefighting efforts and could thus allow a wildland fire to spread into the residential areas and create an even more catastrophic event.

D. Population Density:

Laguna Beach has a population of just under 25,000 residents; however, the City is a major tourist destination location, attracting over six million visitors each year. On any given day the population can swell to over 100,000, creating additional difficulties with evacuation, access and emergency response.

While approximately 85% of the City has been designated as "Tier 3" and 23% of the City has been designated as "Tier 2" the City still strongly believes that the areas identified

above should be included in the "Tier 2" boundary and will continue to argue for the change.

III. THE REPORT INCLUDES MATTERS WHICH WERE NOT DISCUSSED WITH STAKEHOLDERS

Table 1 of the IRT Report purports to be a list of “decision rules governing situations that arose during the review of TL and PDP map change proposals.” On the first row of the Chart, on page 16 of the report, is found “Filling Operational Holes—(e.g., Tier 1 to Tier 2)” with the IRT “Call on Decision” reading,

In situation where there are patches of Tier 1 interspersed across a larger area of Tier 2, the IRT will support the filling in and reclassification of holes to Tier 2 to improve implementation of regulations (i.e., management by local jurisdictions may dictate inclusion of fire-safe areas as Tier 2).

The City does not necessarily oppose the IRT’s Call on this issue, but the issue was not addressed in ticket review or in responses from the reviewers. Since the issue was not previously addressed with Stakeholders, the City would like the matter to be vetted with all concerned before becoming a part of the report.

IV. CONCLUSION

For the foregoing reasons, Laguna Beach respectfully urges the Commission to (1) extend the boundary for the current "Tier 2" west to North and South Pacific Coast Highway from the north City limits to approximately Diamond Street; and (2) order the IRT to vet its Decision Rule on Filling Operational Holes with all Stakeholders before the report becomes final.

November 29, 2017

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

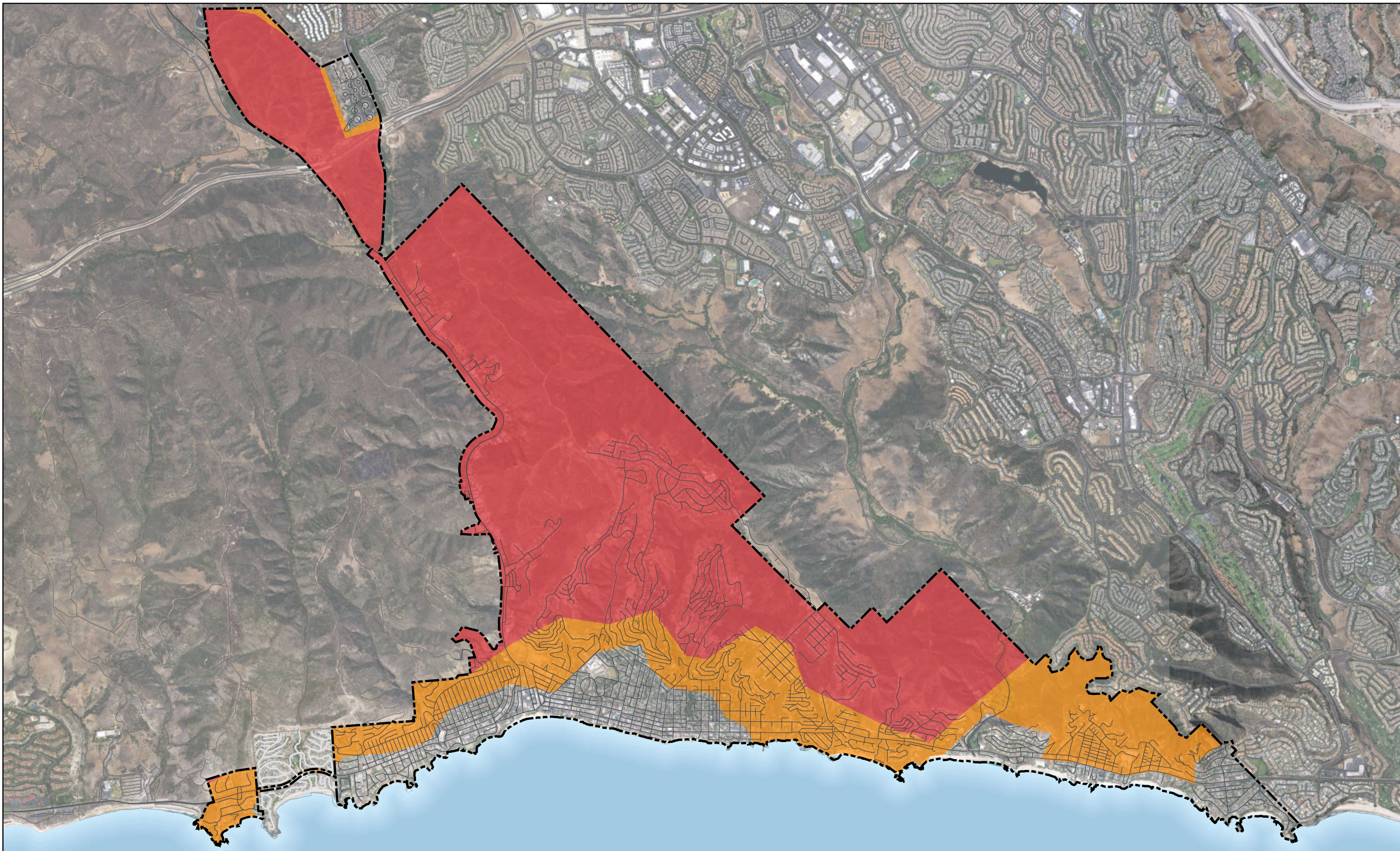
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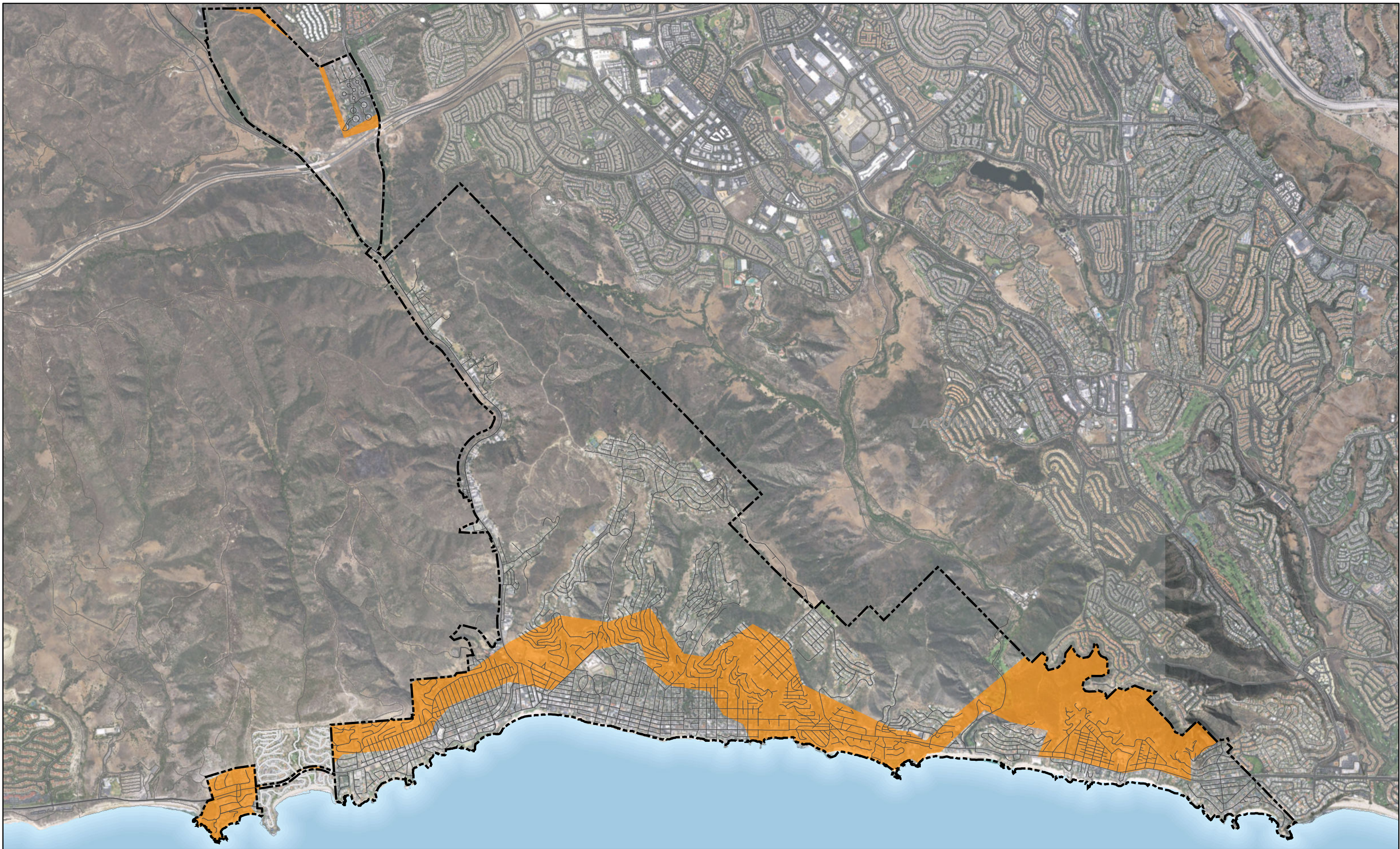
EXHIBIT A



Tier 2 & 3 = 4,803 Acres

0 500 1,000 2,000 Feet
Modified: November 17, 2017

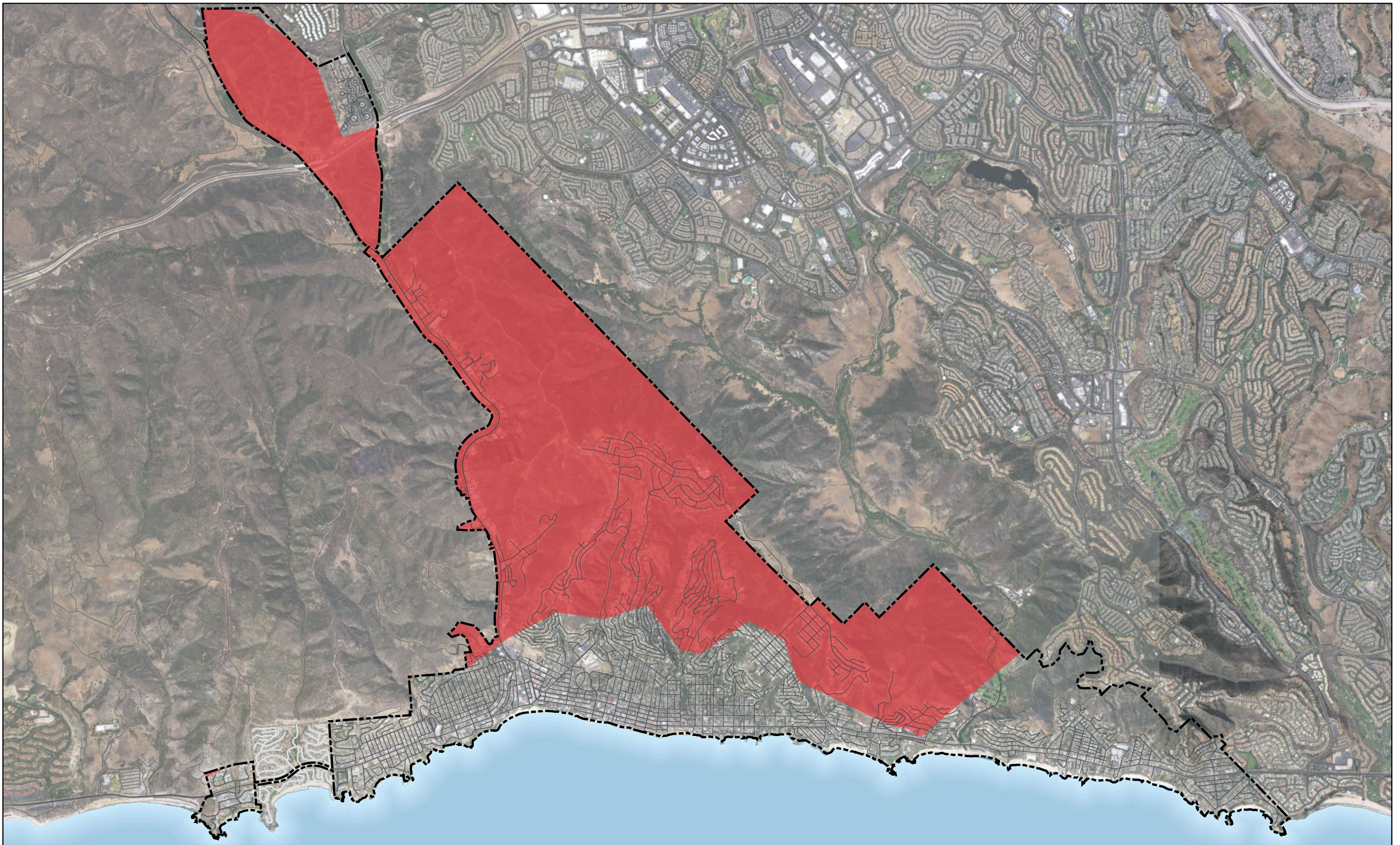




Tier 2 = 1,299 Acres

0 500 1,000 2,000 Feet
Modified: November 17, 2017





Tier 3 = 3,504 Acres

0 500 1,000 2,000 Feet
Modified: November 17, 2017

