



Because life is good.



CALIFORNIA
NATIVE PLANT SOCIETY

February 11, 2019

Sent via email and FedEx

Los Angeles County Board of Supervisors
c/o Ms. Celia Zavala
Executive Officer
500 West Temple Street
Los Angeles, CA 90012
executiveoffice@bos.lacounty.gov

Re: Changed Circumstances Regarding The Centennial Specific Plan

Dear Los Angeles County Board of Supervisors:

These comments are submitted on behalf of the California Native Plant Society (“CNPS”) and the Center for Biological Diversity (“Center”) on the Centennial Specific Plan (“Centennial”). This letter highlights new information on wildfire risk that is relevant to informed decision-making and public participation regarding Centennial and its Environmental Impact Report (“EIR”). As a result of this new information, we believe that the final approval of Centennial should be delayed and the EIR should be revised and recirculated for additional public comment. As discussed in more detail in section III below, the California Environmental Quality Act (“CEQA”) requires that an EIR be recirculated for public comment when new data or information relevant to the decision-making process arises.

The California Native Plant Society (“CNPS”) is a non-profit environmental organization with 10,000 members in 35 Chapters across California and Baja California, Mexico. CNPS’s mission is to protect California’s native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over one million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Los Angeles County.

I. The County’s Wildfire Analysis Motion Recognizes The “New Normal” Of Destructive Wildfires In Southern California.

The Woolsey Fire started on November 8, 2018, and grew to become the most destructive fire in Los Angeles County history. By the time this blaze was extinguished, more than 2,000 structures were either damaged or destroyed and three people lost their lives. The fire—fanned by winds upwards of 70 mph and fueled by consecutive years of drought—scorched 96,000 acres, including 88% of the Santa Monica Mountains. This tragedy was stacked upon similar recent disasters including the Tubbs and Thomas Fires in 2017, and the Carr and Camp fires of 2018. All told, 16 out of 20 of the most destructive fires in California’s history, in terms of structures destroyed and lives lost, have occurred within the past two decades.¹

The role that land use planning decisions play in placing homes in the path of wildfires has become increasingly clear. In December 2018, now-retired CalFire Chief Ken Pimlott urged local land use authorities to consider prohibiting development in fire hazard areas so that homeowners, firefighters, and communities “don’t have to keep going through what we’re going through.”²

On the heels of the Woolsey Fire, on December 18, 2018, the Los Angeles County Board of Supervisors unanimously adopted a Motion called “Analysis of the Woolsey Fire,” which is enclosed herein as Attachment 1 (hereinafter referred to as the “Wildfire Analysis Motion”). In adopting the Wildfire Analysis Motion, the Board recognized the role that it and the County must play in ensuring the safety of communities under its jurisdiction. The Wildfire Analysis Motion specifically acknowledges the role that climate change has in creating hotter and drier conditions more conducive to wildfire and that residential development in the urban wildland interface increases the likelihood of wildfire ignitions and the property damage they cause:

Our success in protecting human life should not disguise the fact that the County has entered a new era of threat from wildfires. Prolonged drought, coupled with other effects of climate change, has created an environment of explosive brush fire development, making firefighting more difficult than ever. **We increasingly see residential housing growth at the urban wild land interface which poses greater danger to firefighters and to the residents who live in these extremely high fire severity zones.**

(Wildfire Analysis Motion at p. 2, emphasis added.) The Wildfire Analysis Motion therefore calls for recognition of a “new normal” given these “new realities and the attendant dangers.” (*Id.*)

¹ [Top 20 Most Destructive Fires in California History](#)

² [Interview with Ken Pimlott; Capitol Public Radio, 11-December-2018](#)

The County therefore must “review existing prevention regulations and emergency notification systems, and look to lessons learned and what we can do better moving forward.” (Wildfire Analysis Motion at p. 2.) The Wildfire Analysis Motion calls for a collaborative effort between all stakeholders, including fire departments, local land use jurisdictions, and community organizations.

The goal of the Wildfire Analysis Motion is to “determine[] whether changes are needed in order for the County to be best prepared to respond to another catastrophic event such as a wildfire of Woolsey’s magnitude.” (*Id.* at p. 4.) The motion further requires the County’s Chief Executive Officer to report back to the Board in 90 days and every 90 days thereafter until the report is completed. (*Id.* at p. 3.)

II. The Board Cannot Make An Informed Decision On Centennial Until After Completion Of The Report Called For By The Wildfire Analysis Motion.

While we support the Board’s efforts to mitigate the threat of future wildfires in the urban wildland interface and to learn from recent disasters, the Board’s stated intention of December 11, 2018 to imminently approve the Centennial development is fundamentally contradictory to the intention announced on December 18, 2018 in the Wildfire Analysis Motion. Indeed, the EIR for Centennial does not acknowledge this “new normal” of more frequent wildfires in Southern California which are fueled by human ignitions from development in wildfire hazard areas, increased drought, and hotter and drier conditions due to climate change.

Located in the far northwest corner of the County, Centennial would place more than 19,000 homes in an area designated by CalFire as either a high or very high fire hazard severity zone. Conditions on this site, including frequent high wind events, vegetation and topography mean that wildfires that are ignited on or adjacent to the site could pose a severe risk to future residents and their property. Centennial is exactly the type of “residential housing growth at the urban wild land interface” that the Wildfire Analysis Motion concludes is a direct cause of the destructive wildfires that are repeatedly occurring.

In announcing its intent to approve Centennial on December 11, 2018, the Board included a condition that “the fire mitigation strategies associated with the Centennial Specific Plan be peer reviewed by, or in coordination with the California Department of Forestry and Fire Protection.” While that is a step in the right direction, the public and applicable agencies have a right under CEQA to review these mitigation strategies *prior* to project approval. (See CEQA Guidelines § 15126.4(a).) Deferring development of such measures until after project approval violates CEQA and undermines informed decision-making and public participation. (See *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.) The public is also entitled to review and comment upon such measures because they in themselves might have environmental impacts. (CEQA Guidelines § 15126.4(a)(1)(D).)

In addition, the Board (as the decision-makers) needs to base its decision upon an EIR that accurately describes the clear, present, and future threat of wildfire surrounding the Centennial site, including the risks to residents, the environmental and economic costs to the County, and the potential that development in high fire-prone areas will result in more frequent wildfires caused by humans, which will degrade the surrounding environment. The science is clear that development in wildfire areas causes them to burn more frequently than they would naturally, which can prevent native vegetation from re-growing, thereby leading to erosion, loss of biodiversity, and more wildfires.³

Delaying a vote on Centennial is also necessary because the Draft Development Agreement negotiated by Tejon Ranch Company and County staff will “lock in” regulations in existence *at the time of execution*. This means that even if the County develops more robust regulations or plans to combat wildfire in the near future, those regulations or plans will not necessarily apply to Centennial, which is likely the largest development proposed in County history. The Draft Development Agreement also improperly constrains the County’s discretionary authority to require further supplemental environmental analysis if circumstances warrant it, such as additional regulations or studies on wildfire risk.

In particular, section 3.2 only allows new or modified laws to apply to Tejon or future entitlement holders if such laws do “not delay, modify, prevent, or impede development or operation of the Project on the Property or conflict with any of the vested rights granted to Property Owner under this Agreement.” (Development Agreement at page 17.)

Section 3.2 further suggests that even future state or federal laws or regulations will not apply to Centennial unless the County undergoes a burdensome “meet and confer” process with Tejon. Even then, section 3.2 states that Tejon still gets to decide whether to comply with such rules: “A Property Owner may, in its sole and absolute discretion, consent to the application to the Project of any Future Rules.” (Development Agreement at page 17.)

Section 3.12 also contains an “override” provision that states that if there are inconsistencies between “Applicable Rules” and the Development Agreement, then the Development Agreement shall control. (Development Agreement at page 22.)⁴ Likewise, the County’s ability to conduct further environmental review or require further mitigation will be constrained or be subject to claims of “breach of contract” from Tejon.

³ [Wildfire, Drought, and Climate Change: Los Angeles Times, 12-Jan-2019](#)

⁴ This is also explained in the Center and CNPS’s comment letter of December 6, 2018 (the “December 6 Letter”) on pages 23 & 38-41.

III. The County Must Revise And Recirculate The EIR After Completion Of The Report Called For By The Wildfire Analysis Motion.

Based upon the above, the Board should decline to make a final decision on Centennial until after the report required by the Wildfire Analysis Motion is completed. After this report is completed, County Planning can decide whether to recirculate an EIR that fully appraises the public and the Board of the environmental costs of approving Centennial. Such a revised EIR would be informed by the lessons learned by the collaborative process and report called for by the Wildfire Analysis Motion.

Indeed, state law requires nothing less. An EIR must be recirculated for public comment when new data or information relevant to the decision-making process comes to light. CEQA provides:

When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report.

(Cal. Pub. Res. Code § 21092.1.) The EIR for Centennial needs to include “a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (CEQA Guidelines, § 15151; see also *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344, 1356 [the EIR must set forth sufficient information to “foster informed public participation and to enable the decision makers to consider the environmental factors necessary to make a reasoned decision.”].)

The Wildfire Analysis Motion acknowledges that the conditions relevant to the approval of Centennial have significantly changed—the Board has now formally recognized the link between residential development in the urban wildland interface, climate change, and the increased frequency of human-ignited wildfires County residents are enduring.

With the backdrop of this “new normal,” the Board cannot hold a final vote on Centennial until it takes a hard look at whether the construction of a city in remote wildlands is still in the best interest of the County and whether the environmental review for the project adequately complies with CEQA.

Thank you once again for the opportunity to comment on the Centennial Specific Plan.
Please feel free to contact us with any questions.

Sincerely,



J.P. Rose, Staff Attorney
Center for Biological Diversity
660 S. Figueroa Street, Suite 1000
Los Angeles, California, 90017
jrose@biologicaldiversity.org



Tiffany Yap, D.Env/PhD
Scientist, Wildlife Corridor Advocate
Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, California 94612
tyap@biologicaldiversity.org



Nicholas Jensen, PhD
Southern California Conservation Analyst
California Native Plant Society
2707 K Street, Suite 1
Sacramento, California 95816
njensen@cnps.org

Cc (email only): Mr. Jodie Sackett
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012
jsackett@planning.lacounty.gov

Ms. Hilda Solis
LA County Supervisor, First District
856 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
<mailto:firstdistrict@bos.lacounty.gov>

Mr. Mark Ridley-Thomas
LA County Supervisor, Second District
500 W. Temple Street, Room 866
Los Angeles, CA 90012
SecondDistrict@bos.lacounty.gov

Ms. Sheila Kuehl
LA County Supervisor, Third District
500 W. Temple Street
Los Angeles, CA 90012
Sheila@bos.lacounty.gov

Ms. Janice Hahn
LA County Supervisor, Fourth District
500 W. Temple Street, Room 822
Los Angeles, CA 90012
FourthDistrict@bos.lacounty.gov

Ms. Kathryn Barger
LA County Supervisor, Fifth District
500 W. Temple Street, Room 869
Los Angeles, CA 90012
Kathryn@bos.lacounty.gov

Attachment 1

MOTION BY SUPERVISOR SHEILA KUEHL

December 18, 2018

Analysis of the Woolsey Fire

The Woolsey Fire began on November 8, 2018 and burned for thirteen days before it was contained. It was an unprecedented, fast-moving brush fire that was 14 miles wide, with a footprint of 150 square miles, and driven by gusts of up to 70 mph — ultimately moving from the 101 freeway corridor to the ocean in just five hours. 70,000 homes, businesses and other structures lay in the fire’s path. A quarter of a million people were evacuated, approximately 2,000 residential and commercial buildings, and other structures were damaged or destroyed. This was the most destructive fire Los Angeles County (“County”) has ever seen.

Habitat and open space were also affected. Approximately 88% of the land in the Santa Monica National Recreation Area, owned by the National Park Service, burned, blackening more acres within that National Recreation Area than any other fire in recorded history.

As first responders fought the blaze, their first priority was to protect life through evacuations. County Departments worked together to constantly assess the trajectory of

MOTION

Solis _____

Ridley-Thomas _____

Kuehl _____

Barger _____

Hahn _____

the fire, weather conditions, and topography in order to identify threatened areas in order to effectively fight the fire, ensure the safety of residents, and provide for structure defense where possible. As a result of their strategic deployment of resources, there was minimal loss of life and thousands of homes were saved. Nonetheless, the public has many questions about the procedures used for evacuations, firefighting processes and the decisions made regarding repopulation.

Our success in protecting human life should not disguise the fact that the County has entered a new era of threat from wildfires. Prolonged drought, coupled with other effects of climate change, has created an environment of explosive brush fire development, making firefighting more difficult than ever. We increasingly see residential housing growth at the urban wild land interface which poses greater danger to firefighters and to the residents who live in these extremely high fire severity zones.

Given these new realities and the attendant dangers, the County must prepare for a "new normal." The County needs to review existing prevention regulations and emergency notification systems, and look to lessons learned and what we can do better moving forward. All entities must be involved in this planning process including local law enforcement agencies, fire departments, emergency management agencies, city, state and federal agencies involved in emergency response efforts, residents, city officials and community organizations.

I, THEREFORE, MOVE that the Board of Supervisors direct the Chief Executive Officer to convene a Working Group to review the response to and recovery from the Woolsey fire and to identify best practices for evacuation and repopulation procedures, including the need for a uniform mass notification system for use throughout the Santa

Monica Mountains and the County of Los Angeles. The task force shall be comprised of all County Departments and other agencies involved in the Woolsey fire and its aftermath, including but not limited to County representatives from emergency response agencies, such as the Los Angeles County Sheriff's Department, the Los Angeles County Fire Department, Animal Care and Control, Public Health, Public Works, as well as the Los Angeles Police Department, the California Highway Patrol, Ventura County Fire, the Ventura County Sheriff's Department, Cal-OES, Cal-Fire, the National Parks, as well as representatives from the unincorporated Santa Monica Mountains, the City of Los Angeles, the cities of Calabasas, Agoura Hills, Hidden Hills, Malibu, and Westlake Village and the County of Ventura. The Working Group shall provide a progress report back to the Board in 90 days and every 90 days thereafter until such time as a final report is prepared and presented to the Board of Supervisors.

I FURTHER MOVE that the Board of Supervisors direct the Chief Executive Officer to engage the Working Group referenced above, and to retain a consultant with subject matter expertise, to review the County, City, State and other involved agencies efforts in responding to the Woolsey fire, and prepare and present a progress report back to the Board in 90 days, and every 90 days thereafter until completed, with an emphasis on the following:

1. The cause and origin of the Woolsey fire;
2. The deployment of firefighting resources as the fire progressed;
3. The distribution and adequacy of firefighting resources, including the availability of mutual aid resources;

4. Evacuation notification and procedures, including the implementation of public alert procedures and the use of mass notification systems;
5. Strategic communications during the fire and its aftermath between first responders, law enforcement, and municipal governments and the communities impacted by the fire; and
6. Community repopulation notification and procedures, including any conflicts in information between and among fire and law enforcement agencies.

The consultant's report shall detail lessons learned and the strengths of the response and recovery efforts and shall also identify areas of improvement to assist the Board in determining whether changes are needed in order for the County to be best prepared to respond to another catastrophic event such as a wildfire of Woolsey's magnitude.

S: LM/Analysis of the Woolsey Fire

18. Analysis of the Woolsey Fire

Recommendation as submitted by Supervisor Kuehl: Direct the Chief Executive Officer to convene a working group to review the response to and recovery from the Woolsey fire and identify best practices for evacuation and repopulation procedures, including the need for a uniform mass notification system for use throughout the Santa Monica Mountains and the County, comprised of all County Departments and other agencies involved in the Woolsey fire and its aftermath, including, but not limited to, County representatives from emergency response agencies such as the Sheriff's Department, the Fire Department, Departments of Animal Care and Control, Public Health, Public Works, as well as the Los Angeles Police Department, the California Highway Patrol, Ventura County Fire, the Ventura County Sheriff's Department, California Office of Emergency Services, California Fire Department, the National Parks, as well as representatives from the unincorporated Santa Monica Mountains, the Cities of Los Angeles, Calabasas, Agoura Hills, Hidden Hills, Malibu and Westlake Village and the County of Ventura, and provide a progress report back to the Board in 90 days, and every 90 days thereafter, until such time as a final report is prepared and presented to the Board; direct the Chief Executive Officer to engage the working group and retain a consultant, with subject matter expertise to review the County, City, State and other involved agencies efforts in responding to the Woolsey fire and prepare and present a progress report back to the Board in 90 days and every 90 days thereafter until completed, detailing lessons learned and the strengths of the response and recovery efforts and shall also identify areas of improvement to assist the Board in determining whether changes are needed in order for the County to be best prepared to respond to another catastrophic event such as a wildfire of Woolsey's magnitude, with an emphasis on the following:

The cause and origin of the Woolsey fire;

The deployment of firefighting resources as the fire progressed;

The distribution and adequacy of firefighting resources, including the availability of mutual aid resources;

Evacuation notification and procedures, including the implementation of public alert procedures and the use of mass notification systems;

Strategic communications during the fire and its aftermath between first responders, law enforcement and municipal governments and the communities impacted by the fire; and

Community repopulation notification and procedures, including any conflicts

in information between and among fire and law enforcement agencies.
(18-7650)

Victor Trujillo addressed the Board.

On motion of Supervisor Ridley-Thomas, seconded by Supervisor Barger, this item was approved.

Ayes: 5 - Supervisor Solis, Supervisor Ridley-Thomas, Supervisor Kuehl, Supervisor Barger and Supervisor Hahn

Attachments: [Motion by Supervisor Kuehl Report Video](#)

19. Employee Relations Commission Hearing Officer Services Master Agreement

Executive Officer of the Board's recommendation: Authorize the Executive Officer of the Board to execute a new non-exclusive Master Agreement (MA) for Employee Relations Commission (ERCOM) Hearing Officer Services with 22 qualified contractors effective February 1, 2019 for a three-year term with two one-year and six month-to-month extension options; execute agreements for ERCOM Hearing Officer Services with additional contractors throughout the MA term upon the recommendation of the Executive Director of ERCOM, provided these contractors meet the minimum requirements and qualifications as outlined in the initial Request for Statement of Qualifications dated August 10, 2018 and Addendum dated September 11, 2018; and execute amendments to the MA for ERCOM Hearing Officer Services, as long as the amendments do not exceed the maximum contract term or the rates approved by the Board. (18-7845)

On motion of Supervisor Kuehl, seconded by Supervisor Ridley-Thomas, this item was approved.

Ayes: 5 - Supervisor Solis, Supervisor Ridley-Thomas, Supervisor Kuehl, Supervisor Barger and Supervisor Hahn

Attachments: [Board Letter](#)