

This is the third in a series of four blog posts discussing the issue of development in the wildland-urban interface in California, the current legal structures addressing the issue, and our research on how those legal frameworks are being applied on the ground in key counties in the state. In this blog post, we summarize our research on how some local governments in California are regulating development in high fire areas. These blog posts summarize [our recent article in Ecology Law Quarterly](#), coauthored with my collaborator [Moirra O'Neill](#). The first blog post (providing an overview of the issue) is [here](#). The second blog post (summarizing the relevant law) is [here](#).

What is happening on the ground

So how are local governments using their regulatory powers, and the environmental review provided under the California Environmental Quality Act (CEQA) to manage development in the wildland-urban interface (WUI), the area with the highest fire risks for development? Given the central role that local governments play in approving development, and given that local governments widely vary in whether and how they approve development, gathering data on approval processes for development by local governments is an important tool to answer that question. We collected data on how three counties—Placer, Los Angeles, and San Diego—and two cities—San Diego and Los Angeles—that have large amounts of land in high fire hazard areas approved residential development in 2014-17.

Perhaps unsurprisingly, the results varied widely by jurisdiction. Placer County and Los Angeles County only approved limited amounts of housing units in Very High Fire Hazard Severity Areas. The cities of Los Angeles and San Diego approved more housing in Very High Fire Hazard Severity Areas, but still only a minority of their overall approved number of housing units were in these zones. But a majority of the housing units that San Diego County approved in 2014-17 were in those areas. Moreover, the county generally approved those projects using minimal CEQA review, often invoking exemptions for streamlined review.

Given the striking patterns we found, we followed up with additional data collection in 2018-20 to understand whether the patterns continued - we found that again, most of the housing that San Diego County approved was in Very High Fire Hazard Severity Areas, albeit with more substantial CEQA review (using environmental impact reports, or EIRs, the most stringent form of environmental review under CEQA).

What might be driving these development patterns in San Diego County? First, the county is an extreme example of a dynamic across the state - most of the county is in a Very High Fire Hazard Severity Area. As the County itself has argued, putting all this land off limits to

development would make producing housing very difficult in the County.

But another explanation is more disturbing – we conducted interviews with participants in the land-use regulatory process in the County, and all indicated that they believed that the County approved development in high fire hazard areas in response to pressure from developers, developers who in turn could earn large returns from pushing to develop in areas currently zoned for agricultural purposes.

In either case, the nature of CEQA review is also problematic – streamlined environmental review for projects that may pose high risks to residents and others does not advance the goals of making sure that development in the WUI does not make California’s fire problem worse. Even where more substantial CEQA review occurred, we found that the review focused mostly on ensuring that a particular development project was relatively safe, and generally glossed over the possibility that projects might contribute to landscape-level fire risks, risks that might affect other neighborhoods or communities.

Overall, our results from San Diego County indicate that there are serious gaps in state fire policy – in particular, it does not appear to be significantly constraining the ability of local governments to approve development in high fire hazard areas. In our next blog post, we’ll talk about the implications of our research and possible policy steps to address the issues we uncovered.