



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1930
FACSIMILE
(213) 613-4751
TDD
(213) 633-0901

MARY C. WICKHAM
County Counsel

December 18, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Agenda No. 1
12/11/18

Re: Woolsey Fire Urgency Ordinance re RVs, Oak Trees


Dear Supervisors:

Your Board directed our office, in consultation with the Department of Regional Planning ("Planning"), to prepare an urgency ordinance that does the following: (1) allows use of recreational vehicles ("RVs") on fire-destroyed sites in the Santa Monica Mountains North Area ("North Area") for displaced residents, subject to standards related to electrical connections, water and sewage, while homes are being rebuilt, for up to one year and allowing for a one year extension by the Director of Planning; (2) allows, without requiring an oak tree permit, rebuilding of legally-established structures in the North Area that, if rebuilt in the same location and size, now would be within the protected zone of an ordinance-protected oak tree subject to certain restrictions; and (3) allows temporary housing, including RVs, in the North Area where workforce housing was destroyed and is being replaced.

An urgency ordinance is enclosed for your consideration. Approval of the ordinance will require a four-fifths vote by the Board of Supervisors. If approved, it will take immediate effect.

Very truly yours,

MARY C. WICKHAM
County Counsel

By 
ELAINE M. LEMKE
Assistant County Counsel
Property Division

APPROVED AND RELEASED:


THOMAS J. FAUGHNAN
Senior Assistant County Counsel

EML:ph
Enclosure

ANALYSIS

This ordinance is an urgency ordinance to ease development restrictions and allow for disaster recovery, including temporary housing, reconstruction, and permitting for properties that suffered irreparable damage or destruction in the Woolsey Fire. Among other things, this ordinance amends Title 22 – Planning and Zoning of the Los Angeles County Code to add regulations allowing use of recreational vehicles, as defined in the California Health and Safety Code, for temporary housing on a parcel where a legally-established single-family residence or legally-established employee housing was irreparably damaged or destroyed by the Woolsey Fire and provides a limited exemption for obtaining an oak tree permit when replacing such destroyed structures, subject to various restrictions.

This ordinance will take immediate effect upon its approval by at least a four-fifths vote of the Board of Supervisors.

MARY C. WICKHAM
County Counsel

By  for

ELAINE M. LEMKE
Assistant County Counsel
Property Division

EML:ph

Requested: 12-13-2018

Revised: 12-13-2018

ORDINANCE NO. _____

An urgency ordinance to ease development restrictions and allow for disaster recovery, including temporary housing, reconstruction, and permitting for properties that suffered damage in the Woolsey Fire. Among other things, this ordinance amends Title 22 – Planning and Zoning of the Los Angeles County Code to add regulations allowing use of recreational vehicles, as defined in the California Health and Safety Code, for temporary housing on a parcel where a legally-established single-family residence or legally-established employee housing was irreparably damaged or destroyed by the Woolsey Fire and provides a limited exemption for obtaining an oak tree permit when replacing such destroyed structures, subject to various restrictions.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 22.76 is hereby added to read as follows:

Chapter 22.76 Woolsey Fire Disaster Recovery

22.76.010 Intent and Purpose.

22.76.020 Authority.

22.76.030 Duration of Emergency Ordinance.

22.76.040 Definitions.

22.76.050 Temporary Housing.

22.76.060 Waiver of Oak Tree Permit Requirements.

22.76.070 Area of Applicability.

22.76.010 Intent and Purpose.

The Woolsey Fire destroyed tens of thousands of acres of land in Los Angeles County in November 2018. More than 1,700 structures were damaged or destroyed

throughout Los Angeles County, including more than 850 structures in unincorporated areas. The regulations and standards herein will facilitate the establishment of temporary housing for residents affected by the Woolsey Fire and facilitate the process for rebuilding structures damaged or destroyed by the fire while protecting the public health and safety of the residents within the declared disaster area.

22.76.020 Authority.

This Chapter 22.76, is approved pursuant to sections 25123(d) and 25131 of the California Government Code, allowing for ordinances for the immediate preservation of the public peace, health, or safety.

22.76.030 Duration of Emergency Ordinance.

The provisions in this Chapter shall remain in effect until December 31, 2020, unless extended or modified by the Board. If not extended or modified, this Chapter shall expire on December 31, 2020, and be of no further force or effect. No residential recreational vehicle use or other temporary housing authorized, pursuant to this Chapter, shall be used for permanent housing after the expiration date of this Chapter.

22.76.040 Definitions.

"Like-for-like replacement." Replacement of structures that are in the same location, are the same size, and are covering the same building footprint as previously existing legally-established structures.

22.76.050 Temporary Housing.

Notwithstanding any contrary provisions in this Title 22, recreational vehicles as defined in section 18010 of the California Health and Safety Code, in addition to mobile

homes and manufactured homes as defined in sections 18007 and 18008 of the California Health and Safety Code, respectively, shall be permitted as temporary housing subject to the following standards:

1. Temporary housing shall be permitted only on a lot or parcel of land where a legally-established single-family residence or legally-established employee housing was irreparably damaged or destroyed by the Woolsey Fire;

2. Within Significant Ecological Areas, temporary housing units shall be exempt from the permitting requirements listed in Section 22.56.215;

3. Any structure used as temporary housing may not exceed a maximum floor area of 1,000 square feet;

4. Temporary housing shall be located on the existing building pad or graded area of the parcel on which the destroyed or damaged home or employee housing was located;

5. Temporary housing may only be occupied by the property owner(s) and household members who reside with them;

6. Temporary housing to replace employee housing shall be limited to employees who work on-site;

7. All structures used for temporary housing must contain sleeping, cooking, bathing, and sanitary facilities;

8. Temporary housing must be connected to a permanent source of potable water approved by the County;

9. Temporary housing must be connected to a wastewater disposal system approved by the County;

10. Temporary housing must be connected to an electrical source approved by the County;

11. Where temporary housing is used to replace legally-established employee housing, more than one structure may be used. The temporary housing shall be designed to accommodate no more than the number of employees who lived on-site before the Woolsey Fire; and

12. In addition to the one-year length of temporary housing allowed pursuant to Section 22.52.080 of the County Code, the Director may grant a time extension for up to an additional one year, not to exceed the life of this urgency ordinance. All temporary housing structures shall be removed within 24 hours of the expiration date listed on the temporary housing approval.

22.76.060 Waiver of Oak Tree Permit Requirements.

Notwithstanding Section 22.56.2060 of the County Code, activities related to demolition and reconstruction of structures eligible under this urgency ordinance are not subject to the County's Oak Tree Permit requirements, subject to and except for, the following:

1. Waiver of applicability of Section 22.56.2060 applies only to legally established structures located within the protected zone of an oak tree on the day the structure was destroyed by the Woolsey Fire;

2. Structures to be reconstructed within the protected zone of a protected oak tree will be a "like-for-like replacement" of legally-established structures irreparably damaged or destroyed by the Woolsey Fire;

3. Reconstruction does not result in new encroachments into the protected zone of subject oak tree or the removal of said tree;

4. Subject oak trees shall be fenced off and protected during construction activities; and

5. Reconstruction activities that irreparably harmed oak trees shall be subject to Section 22.56.2060, including, but not limited to, requiring a retroactive Oak Tree Permit and requirements to plant replacement oak trees at a ratio determined by the Hearing Officer.

22.76.070 Area of Applicability.

This Chapter applies to parcels located in the unincorporated area affected by the Woolsey Fire, as identified on Map 1, below.

SECTION 2. Emergency Findings.

This urgency ordinance is adopted pursuant to California Government Code sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors ("Board"). The Board finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

1. Conditions of extreme peril to the safety of persons and property within the County were caused by fast-moving and widespread fires, referred to as the Woolsey Fire, commencing on the 8th day of November, 2018.

2. California Government Code section 8630 and Los Angeles County Code Section 2.68.110 empower the Board, or if the Board is not in session, in the following priority order, the chair, the chief executive officer, or the sheriff, to proclaim the existence of a local emergency when the County is affected or likely to be affected by a public calamity, subject to ratification by the Board at the earliest practicable time.

3. On November 9, 2018, the Governor of the State of California proclaimed a State of Emergency for Los Angeles and Ventura counties and the Federal Emergency Management Agency approved a Fire Management Assistance Grant to assist with the mitigation, management and control of the Hill Fire and Woolsey Fire.

4. On November 12, 2018, the Local Health Officer declared a health emergency caused by the Woolsey Fire and other concurrent fire events.

5. On November 13, 2018, the Board ratified the Local Health Officer's declaration via Resolution 18-7194 and proclaimed the existence of conditions of disaster and extreme peril to the safety of persons and property arising as a result of the Woolsey Fire that began in Ventura County that started on or about November 8, 2018 and quickly spread into the County of Los Angeles.

6. On November 12, 2018, the President declared the existence of a major disaster in the State of California and ordered federal aid to supplement State and local recovery efforts in the areas affected by wildfires, including the Woolsey Fire.

7. The Woolsey Fire consumed more than 97,000 acres and has led to the destruction of more than 1,750 structures in Los Angeles County, including more than 850 structures in unincorporated Los Angeles County.

8. It is essential that the changes made by this ordinance to the Los Angeles County Code and various County housing, permitting, and health and safety policies related to use and occupancy of residential dwellings be implemented immediately to allow the fastest possible transition of homeless and displaced residents to interim and long term shelter.

SECTION 3. Environmental Determination.

Adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to California Public Resources Code section 21080(b)(3), regarding projects undertaken, carried out by, or approved by a public agency to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a Governor-declared emergency and section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor, pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code.

SECTION 4. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 5. Immediate Effect.

This ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote.

[WOOLSEYFIREURGORDELCC]

Map 1: Woolsey Fire Perimeter

