

ANALYSIS

This ordinance is an urgency ordinance to amend Ordinance No. 2018-0057U, the Woolsey Fire Disaster Recovery Urgency Ordinance that eased certain development restrictions to allow for disaster recovery. This amendment to the original urgency ordinance waives applicable development standards or regulations in Title 22 – Planning and Zoning – of the Los Angeles County Code, that prevent or delay the like-for-like replacement of legally-established structures destroyed by the fire and will allow, without requiring a conditional use permit, the like-for-like replacement of legally-established structures that are located within a significant ecological area ("SEA"), if replaced at the same location as the former structure and if the rebuilding will not result in new impacts to the SEA, or may be relocated if necessary so long as there are no new impacts to the SEA.

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 

ELAINE M. LEMKE
Assistant County Counsel
Property Division

EML:II

Requested: 06-24-2019

Revised: 09-09-2019

ORDINANCE NO. 2019-0048U

This ordinance is an urgency ordinance to amend Ordinance No. 2018-0057U, the Woolsey Fire Disaster Recovery Urgency Ordinance that eased certain development restrictions to allow for disaster recovery. This amendment to the original urgency ordinance waives applicable development standards or regulations in Title 22 – Planning and Zoning – of the Los Angeles County Code, that prevent or delay the like-for-like replacement of legally-established structures destroyed by the fire and will allow, without requiring a conditional use permit, the like-for-like replacement of legally-established structures that are located within a significant ecological area ("SEA"), if replaced at the same location as the former structure and if the rebuilding will not result in new impacts to the SEA, or may be relocated if necessary so long as there are no new impacts to the SEA.

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

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

SECTION 1. Chapter 22.252 hereby amends and adds to Ordinance No. 2018-0057U, previously located in Chapter 22.76 of Title 22, but renumbered here as 22.252 et seq. of Title 22 to read as follows:

Chapter ~~22.76~~2252 Woolsey Fire Disaster Recovery.

~~22.76~~2252.010 Intent and Purpose.

~~22.76~~2252.020 Authority.

~~22.76~~2252.030 Duration of EmergencyUrgency Ordinance.

22.76252.040 **Definitions.**

22.76252.050 **Temporary Housing.**

22.252.060 **Rebuilding Damaged or Destroyed Structures.**

22.76252.070 **Waiver of Oak Tree Permitting Requirements.**

22.252.080 **Grading Standards.**

22.252.090 **Vineyard Standards.**

22.252.100 **Area of Applicability.**

SECTION 2. Section 22.252.010 (identified as 22.76.010 in the initial urgency ordinance) is hereby renumbered to read as follows:

22.76252.010 **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.

SECTION 3. Section 22.252.020 (identified as 22.76.020 in the initial urgency ordinance) is hereby renumbered and amended to read as follows:

22.76252.020 Authority.

This Chapter 22.76252 is approved and amended, 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.

SECTION 4. Section 22.252.030 (identified as 22.76.030 in the initial urgency ordinance) is hereby renumbered and amended to read as follows:

22.76252.030 Duration of EmergencyUrgency Ordinance.

The provisions in this Chapter shall remain in effect until December 31, 20202, unless extended or modified by the Board. If not extended or modified, this Chapter shall expire on December 31, 20202, 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.

SECTION 5. Section 22.252.040 (identified as 22.76.040 in the initial urgency ordinance) is hereby renumbered to read as follows:

22.76252.040 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.

SECTION 6. Section 22.252.050 (identified as 22.76.050 in the initial urgency ordinance) is hereby renumbered and amended to read as follows:

22.76252.050 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:

4A. 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;

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

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

4D. 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;

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

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

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

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

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

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

14K. 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~~

12L. In addition to the one-year length of temporary housing allowed, pursuant to Section 22.52246.080 of the County Code, the Director may grant ~~a time extension~~ for up to an additional three one-year time extensions for a maximum duration of four years, not to exceed the life of this urgency ordinance; and

M. All temporary housing structures shall be removed within 24 hours of the expiration date listed on the temporary housing approval or the expiration of this urgency ordinance.

SECTION 7. Section 22.252.060 is hereby added to read as follows:

22.252.060 Rebuilding Damaged or Destroyed Structures.

Notwithstanding Section 22.336 of the County Code, structures destroyed by the Woolsey Fire may be replaced, and any development standard or regulation that prohibits or delays said reconstruction may be waived by the Director, subject to a ministerial site plan review and the following:

A. Replacement of a destroyed structure and waiver of development standards and regulations applies only to the reconstruction of structures that were legally established prior to the Woolsey Fire;

B. Structures irreparably damaged or destroyed by the Woolsey Fire will be reconstructed as a like-for-like replacement and shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent;

C. The height of a rebuilt structure shall not exceed the height maximum outlined by the underlying zone, CSD standard, or condition of approval, as applicable;

D. Notwithstanding Section 22.336.040.B, structures located within the significant ridgeline protection area shall not be expanded, shall only be constructed as a like-for-like replacement, and shall not encroach further into the protected zone of the significant ridgeline;

E. Where a previous entitlement(s) that established the use occupying the destroyed structure remains valid and in full effect, the rebuilt structure(s) shall comply with any previous conditions of approval;

F. For uses that require a conditional use permit and no such conditional use permit exists or has previously expired:

1. Non-residential uses must obtain a conditional use permit prior to reconstruction or resuming operations.

2. Residential land uses may be re-established with a site plan review, so long as an application for a conditional use permit is, or has been filed, and is under review by the Department.

G. Minor relocations of structures to be replaced may be authorized due to changes in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) resulting from mudslides and other forms of debris flows, and consistent with other applicable standards and regulations in this urgency ordinance.

H. After completion of like-for-like reconstruction of structures destroyed in the Woolsey Fire, all future development on-site will be subject to all applicable requirements within Title 22 of the County Code.

SECTION 8. Section 22.252.070 (identified as 22.76.060 in the initial urgency ordinance) is hereby renumbered and amended to read as follows:

22.76.060~~252.070~~ Waiver of Oak Tree Certain Permitting Requirements.

A. Oak Tree Permits. Notwithstanding ~~Section~~Chapter ~~22.56.2060~~22.76.0174 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~~Chapter 22.56-2060174 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~~Chapter 22.56-2060174, 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.

B. Significant Ecological Areas. Notwithstanding Chapter 22.102 of the County Code, activities related to demolition and reconstruction of structures eligible under this urgency ordinance are not subject to Chapter 22.102, subject to and except for, the following:

1. Waiver of applicability of Chapter 22.102 applies only to structures legally established on the day the structure was destroyed by the Woolsey Fire;

2. Structures to be reconstructed within a significant ecological area must be a like-for-like replacement of legally-established structures irreparably

damaged or destroyed by the Woolsey Fire; except, relocation of reconstructed structures may be approved by the Director pursuant to Section 22.252.060.G if no new impacts to the significant ecological area will occur as a result of the relocation;

3. Reconstruction does not result in new impacts to the significant ecological area; and

4. Any sensitive biological resources shall be avoided and protected during construction activities.

SECTION 9. Section 22.252.080 is hereby added to read as follows:

22.252.080 Grading Standards.

A. Structures to be rebuilt shall not be subject to the standards of Section 22.336.060.D.4, which prohibit the commencement of grading operations during the rainy season (from October 15 through April 15). Said grading activities shall provide erosion control to the satisfaction of Public Works;

B. Notwithstanding Section 22.336.060.D, grading projects related to the rebuilding of structures destroyed in the Woolsey Fire shall abide by the following permitting requirements:

1. Grading required for a like-for-like rebuild, that exceeds 5,000 cubic yards of total cut plus total fill material, shall not require a conditional use permit (Chapter 22.158) and shall instead be processed with a site plan review. Only the minimum amount of grading required to prepare the lot for rebuilding the fire-damaged structures will be allowed. For purposes of determining the minimum amount of grading, justification by the project Soils Engineer, Geologist, and/or Civil Engineer will

be required and be subject to verification by the Department of Public Works, Building and Safety Division.

C. Notwithstanding Section 22.336.060.D.3, a haul route for off-site transport of 1,000 or more cubic yards of cut or fill shall be permitted with a site plan review.

SECTION 10. Section 22.252.090 is hereby added to read as follows:

22.252.090 Vineyard Standards.

Applications requesting to re-establish vineyards destroyed by the Woolsey Fire shall comply with all applicable standards for new vineyards in Section 22.336.060.H.

SECTION 11. Section 22.252.100 (identified as 22.76.070 in the initial urgency ordinance) is hereby renumbered to read as follows:

22.76.06022.252.100 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 12. 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 four-fifths vote of the Board of Supervisors ("Board"). The Board finds that this ordinance is necessary for the immediate preservation of 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 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 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 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 continued fastest possible transition of homeless and displaced residents to interim and long-term shelter.

SECTION 13. 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 14. Severability.

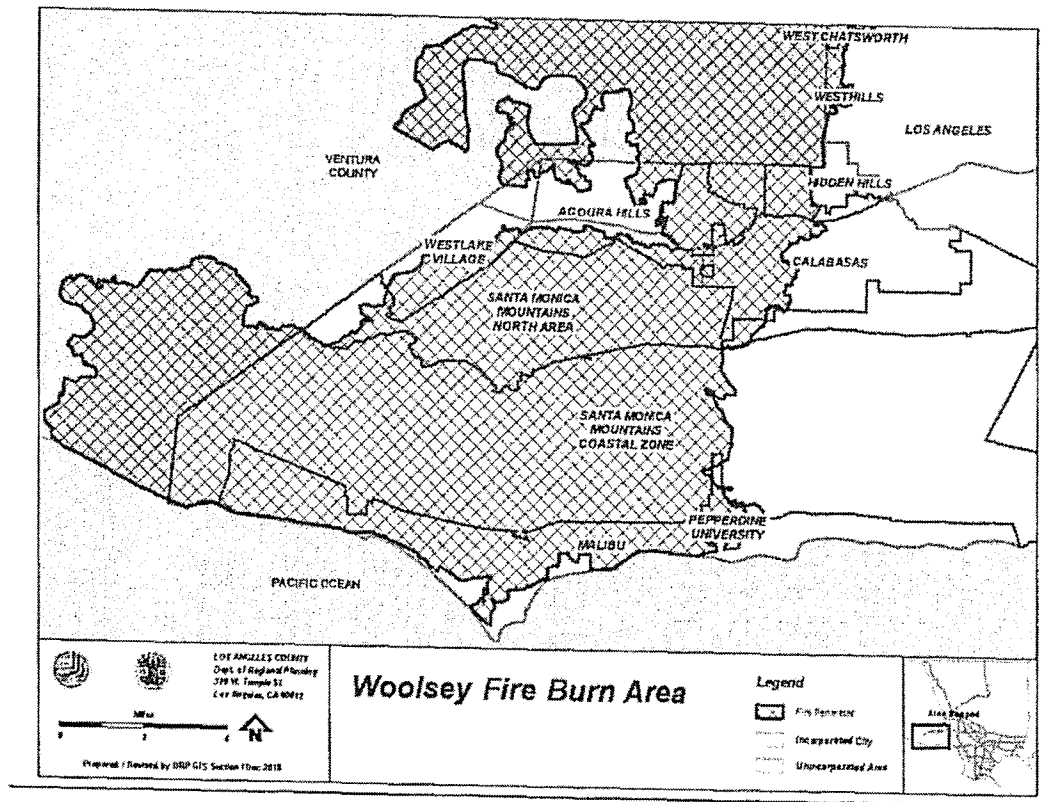
If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board hereby declares that it would have passed this ordinance and every section, 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 15. 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.

Map 1: Woolsey Fire Perimeter



[URGORDWOOLSEYRECOV]

SECTION 16 This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Janice Hahn
Chair

ATTEST:

Celia Zavala

Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of October 1, 2019 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Hilda Solis
Mark Ridley-Thomas
Sheila Kuehl
Janice Hahn
Kathryn Barger

Noes

Supervisors None

Effective Date: October 1, 2019

~~Operative Date:~~

Celia Zavala

Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

CELIA ZAVALA
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By [Signature]
Lester J. Tolnai
Chief Deputy County Counsel