

## 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 Lake Fire or the Bobcat 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 lot or parcel of land where a legally-established single-family residence or legally-established employee housing was irreparably damaged or destroyed by the Lake Fire or the Bobcat Fire, waives applicable development standards or regulations that prevent or delay the like-for-like replacement of legally-established structures destroyed by the Lake Fire or the Bobcat Fire, and provides limited exemptions 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:ss

Requested: 9/24/20

Revised: 9/24/20

**ORDINANCE NO. 2020-0058U**

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 Lake Fire or the Bobcat 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 lot or parcel of land where a legally-established single-family residence or legally-established employee housing was irreparably damaged or destroyed by the Lake Fire or the Bobcat Fire, waives applicable development standards or regulations that prevent or delay the like-for-like replacement of legally-established structures destroyed by the Lake Fire or the Bobcat Fire, and provides limited exemptions 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 22.254 is hereby added to read as follows:

**Chapter 22.254 Lake and Bobcat Fires Disaster Recovery**

**22.254.010 Intent and Purpose.**

**22.254.020 Authority.**

**22.254.030 Duration of Urgency Ordinance.**

**22.254.040 Definitions.**

**22.254.050 Temporary Housing.**

**22.254.060 Rebuilding Damaged or Destroyed Structures.**

**22.254.070**            **Waiver of Certain Permitting Requirements.**

**22.254.080**            **Grading Standards.**

**22.254.090**            **Area of Applicability.**

**22.254.010**            **Intent and Purpose.**

The Lake Fire and the Bobcat Fire destroyed over one hundred thousand acres of land in Los Angeles County in 2020. Dozens of structures were damaged or destroyed throughout the unincorporated areas of Los Angeles County. The regulations and standards herein will facilitate the establishment of temporary housing for residents affected by the Lake Fire or the Bobcat Fire and facilitate the process for rebuilding structures damaged or destroyed by the fires while protecting the public health and safety of the residents within the declared disaster areas.

**22.254.020**            **Authority.**

This Chapter 22.254 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.

**22.254.030**            **Duration of Urgency Ordinance.**

The provisions in this Chapter shall remain in effect until December 31, 2024, unless extended or modified by the Board. If not extended or modified, this Chapter shall expire on December 31, 2024, 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.

**22.254.040 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.

**22.254.050 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:

A. 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 Lake Fire or the Bobcat Fire;

B. Within Significant Ecological Areas, temporary housing units shall be exempt from the permitting requirements listed in Chapter 22.102;

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

D. 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;

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



- F. Temporary housing to replace employee housing shall be limited to employees who work on-site;
- G. All structures used for temporary housing must contain sleeping, cooking, bathing, and sanitary facilities;
- H. Temporary housing must be connected to a permanent source of potable water approved by the County;
- I. Temporary housing must be connected to a wastewater disposal system approved by the County;
- J. Temporary housing must be connected to an electrical source approved by the County;
- K. 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 Lake Fire or the Bobcat Fire;
- L. In addition to the one-year length of temporary housing allowed, pursuant to Section 22.246.080, the Director may grant up to 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.

**22.254.060****Rebuilding Damaged or Destroyed Structures.**

Notwithstanding any applicable Community Standards District standards in Division 10 of this Title 22, structures destroyed by the Lake Fire or the Bobcat 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 Lake Fire or the Bobcat Fire;
- B. Structures irreparably damaged or destroyed by the Lake Fire or the Bobcat 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, Community Standards District standard, or condition of approval, as applicable;
- D. Notwithstanding any applicable Community Standards District significant ridgeline protection standards in Division 10 of this Title 22, 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 Lake Fire or the Bobcat Fire, all future development on-site will be subject to all applicable requirements within this Title 22.

#### **22.254.070 Waiver of Certain Permitting Requirements.**

A. Oak Tree Permits. Notwithstanding Chapter 22.174, 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 Chapter 22.174 applies only to legally-established structures located within the protected zone of a protected oak tree on the day the structure was irreparably damaged or destroyed by the Lake Fire or the Bobcat Fire;

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

3. Reconstruction does not result in new encroachments into the protected zone of a protected 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 Chapter 22.174, 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, 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:

a. Structures legally established on the day the structure was irreparably damaged or destroyed by the Lake Fire or the Bobcat Fire; and



b. Fuel modification and brush clearance activities that are legally required for such structures at the time such structures are reconstructed, with the exception of tilling and discing, as approved by the Fire Department;

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 Lake Fire or the Bobcat Fire; except, relocation of reconstructed structures may be approved by the Director pursuant to Section 22.254.060.G if no new impacts to the significant ecological area, other than new impacts related to activities listed in subsection B.1.b above, will occur as a result of the relocation;

3. Reconstruction does not result in new impacts to the significant ecological area other than new impacts related to activities listed in subsection B.1.b above; and

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

#### **22.254.080 Grading Standards.**

Notwithstanding any applicable Community Standards District grading standards in Division 10 of this Title 22, 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 and shall instead be processed with a site plan review. Only the minimum amount of grading required to prepare the lot or parcel of land 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.

**22.254.090                    Area of Applicability.**

This Chapter applies to lots or parcels of land located in the unincorporated areas of Los Angeles County affected by the Lake Fire or the Bobcat Fire, as identified on Maps 1 and 2, 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 Los Angeles County were caused by fast-moving and widespread fires, referred to as the Lake Fire and the Bobcat Fire, in 2020.
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.

3. On August 18, 2020, the Governor of the State of California declared a statewide emergency to help ensure the availability of vital resources to combat fires burning across the State, including in Los Angeles County, which have been exacerbated by the effects of the historic West Coast heat wave and sustained high winds, and the Federal Emergency Management Agency approved a Fire Management Assistance Grant to assist with the mitigation, management and control of the fire events throughout the State.

4. On August 18, 2010, the Board ratified the proclamation of local emergency made on August 13, 2020 for the Lake Fire in Los Angeles County, with the proclamation to remain in effect until its termination is proclaimed.

5. On August 22, 2020, the President of the United States declared the existence of a major disaster in the State of California and ordered federal aid to supplement State, tribal and local recovery efforts in the areas affected by wildfires, including the Lake Fire and the Bobcat Fire.

6. On August 15, 2020 and September 8, 2020, the Local Health Officer declared an unhealthy air quality condition caused by the Lake Fire, the Bobcat Fire, and other concurrent fire events.

7. On September 14, 2020, the Federal Emergency Management Agency authorized the use of federal funds to assist the State of California in combating the Bobcat Fire burning in Los Angeles County.

8. On September 15, 2020, the Board ratified the proclamation of local emergency made on September 13, 2020 for the Bobcat Fire, which ignited on

September 6, 2020 in the Angeles National Forest in Los Angeles County, with the proclamation to remain in effect until its termination is proclaimed.

9. The Lake Fire and the Bobcat Fire destroyed over one hundred thousand acres of land in Los Angeles County in 2020. Dozens of structures were damaged or destroyed throughout the unincorporated areas of Los Angeles County.

10. It is essential that the changes made by this ordinance to the Los Angeles County Code and various Los Angeles 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.

[URGORDLAKEBOBCATFIRESELCC]

SECTION 6 This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



*Kathryn Barger*

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 13, 2020 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Noes

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

Supervisors None

Effective Date: October 13, 2020

~~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]*  
Lawrence L. Hafetz  
Chief Deputy County Counsel