

ANALYSIS

This ordinance amends Title 22 – Planning and Zoning of the Los Angeles County Code to modernize regulations for disaster recovery in the unincorporated areas of Los Angeles County.

DAWYN R. HARRISON
County Counsel

By 
CASEY YOURN
Senior Deputy County Counsel
Property Division

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Requested: 10-12-2022

Revised: 03-29-2023

ORDINANCE NO. 2023-0025

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code to modernize regulations in Title 22 for disaster recovery in the unincorporated areas of Los Angeles County.

SECTION 1. Section 22.14.040 is hereby amended to read as follows:

22.14.040 D.

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Disability rehabilitation and training center. A facility that provides specialized services for a person with a disability such as, but not limited to, developmental, orthopedic, or sensory motor disability, or for the social, personal, or economic habilitation or rehabilitation of a person with such disability. Such services may include, but are not limited to: day and residential care facilities, personal, psychological, and socio-legal counseling, physical and special education, employment, job placement, speech therapy, vocational training, and transportation.

Disaster Recovery. The following terms are defined solely for Chapter 22.256 (Disaster Recovery) and Chapter 22.258 (Temporary Housing After a Disaster):

Declaration of emergency. A proclamation of local emergency by the Board, or by a designated official and ratified by the Board; a proclamation of a state of emergency by the Governor of the State of California; or a major disaster or emergency declaration by the President of the United States.

Disaster. A wildfire, flood, earthquake, or other natural or human-caused event, which damages, destroys, or renders uninhabitable structures or property, and where a declaration of emergency has been made.

Like-for-like replacement. The rebuild, repair, or replacement of a legally-established structure that was damaged or destroyed. Such like-for-like replacement structure shall be in the same location; have the same or smaller floor area, size, height, and bulk; and cover the same footprint as the prior legally-established structure.

Temporary housing. Recreational vehicles, manufactured homes, and mobilehomes, as defined in sections 18010, 18007, and 18008 of the California Health and Safety Code utilized for a legally-established dwelling unit that was destroyed or rendered uninhabitable by a disaster.

Domestic animal. An animal which is commonly maintained in residence with humans.

...

SECTION 2. Section 22.102.040 is hereby amended to read as follows:

22.102.040 Exemptions.

...

Q. Temporary housing, in accordance with Chapter 22.252 (Woolsey Fire Disaster Recovery), Chapter 22.254 (Lake and Bobcat Fires Disaster Recovery), Chapter 22.256 (Disaster Recovery), Chapter 22.258 (Temporary Housing After a Disaster), or Section 22.336.070.O (Rebuilding after Disaster).

SECTION 3. Section 22.174.030 is hereby amended to read as follows:

22.174.030 Applicability.

...

B. Exemptions. This Chapter shall not apply to:

...

7. Temporary housing, in accordance with Chapter 22.252 (Woolsey Fire Disaster Recovery), Chapter 22.254 (Lake and Bobcat Fires Disaster Recovery), Chapter 22.256 (Disaster Recovery), Chapter 22.258 (Temporary Housing After a Disaster), or Section 22.336.070.O (Rebuilding after Disaster).

SECTION 4. Section 22.246.080 is hereby amended to read as follows:

22.246.080 ~~Temporary Housing in Disaster Areas~~ RESERVED.

~~Notwithstanding any other provision of this Title 22, where an existing residence is damaged or destroyed by a major disaster, such as fire, flood or earthquake, so declared by the Governor of the state of California during the previous six months, a mobilehome may be used as a residence on the same lot or parcel of land by the owner and his family for a period not to exceed one year. This Section authorizes only the temporary replacement of a damaged or destroyed residence and not an increase in the number of living quarters permitted on the property.~~

SECTION 5. Section 22.252.050 is hereby amended to read as follows:

22.252.050 Temporary Housing.

...

L. In addition to the one-year length of temporary housing allowed, pursuant to ~~Section 22.46.080 of the County Code~~Chapter 22.258 (Temporary Housing After a Disaster), 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

...

SECTION 6. Section 22.254.050 is hereby amended to read as follows:

22.254.050 Temporary Housing.

...

L. In addition to the one-year length of temporary housing allowed, pursuant to ~~Section 22.246.080~~Chapter 22.258 (Temporary Housing After a Disaster), 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

...

Section 7. Chapter 22.256 is hereby added to read as follows:

Chapter 22.256 DISASTER RECOVERY

22.256.010 Purpose.

22.256.020 Definitions.

22.256.030 Implementation.

22.256.040 Temporary Housing.

22.256.050 Like-For-Like Replacement.

22.256.060 Accessory Structures.

22.256.070 Waiver of Certain Permit Requirements.

22.256.010 Purpose.

This Chapter establishes procedures and regulations for temporary housing, like-for-like replacements, and accessory structures necessary, to prevent further damage or destruction to the lot or remaining structures, subsequent to a disaster.

22.256.020 Definitions.

Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Disaster Recovery."

22.256.030 Implementation.

A. Applicability.

1. The Director may implement this Chapter following a disaster. Implementation shall require a written statement and shall include a map that identifies the area of applicability. The area of applicability shall be limited to within the boundary of the disaster. Such statement and map shall be kept on file with the Department, made available to the public, and provided to the Board.

2. Following a disaster, where the Director has not implemented this Chapter in accordance with Section A.1, Chapter 22.258 (Temporary Housing After a Disaster) shall apply.

3. This Chapter shall not apply in the Coastal Zone.

B. Application Requirements, Permit Duration, and Extension.

1. Notwithstanding any contrary provisions in this Title 22, a Ministerial Site Plan Review (Chapter 22.186) application is required for Section 22.256.040 (Temporary Housing), Section 22.256.050 (Like-For-Like Replacement of Structures), and Section 22.256.060 (Accessory Structures).

2. Any application filed in accordance with this Chapter shall be filed within two years of a declaration of emergency being first declared.

3. Any permit approved for temporary housing shall expire two years following a declaration of emergency being first declared.

4. The Director may grant up to three one-year extensions of the time periods specified in Subsections B.2 and B.3, above, for a maximum cumulative duration of five years, if the Director determines that additional time is necessary because systemic delays beyond the control of the property owner have occurred affecting financing or construction.

22.256.040 Temporary Housing.

Notwithstanding any contrary provisions in this Title 22, temporary housing shall be permitted, subject to the following standards:

A. Temporary housing shall be limited to the following eligible dwelling units: a single-family residence, an accessory dwelling unit, a caretaker's residence, or a farmworker dwelling unit.

B. The Director shall not accept an application for temporary housing, unless the applicant lived in the dwelling unit on the lot within 12 months of a declaration of

emergency being first declared. The applicant shall substantiate their eligibility to file such an application by providing, to the satisfaction of the Director, a driver's license or other government-issued identification card, property tax bill, utility bill, or similar document.

C. The Director shall not accept an application for temporary housing until, to the satisfaction of the County, the lot has been cleared of disaster-related debris, rubble, ash, hazardous waste, or other items that otherwise constitute a threat to the public health, safety, or general welfare.

D. Temporary housing shall be limited to one unit per eligible dwelling unit. A maximum of two units of temporary housing may be placed on any lot.

E. Temporary housing shall not exceed a maximum floor area of 1,500 square feet or the floor area of the eligible dwelling unit, whichever is smaller.

F. One temporary storage structure, not to exceed 450 square feet and 10 feet in height, shall be permitted with each permitted unit of temporary housing.

G. Temporary housing and temporary storage structures shall be located on any developed portion of the lot, including the building pad and all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas.

H. A minimum distance of six feet shall be required between temporary housing and any other structure on the same lot.

I. Temporary housing shall contain sleeping, cooking, bathing, and sanitary facilities.

J. Temporary housing shall be connected to a permanent source of potable water approved by the County.

K. Temporary housing shall be connected to a wastewater disposal system approved by the County.

L. Temporary housing shall be connected to an electrical source approved by the County.

M. Except as otherwise authorized by this Section, temporary housing shall comply with all other applicable requirements of this Title 22.

N. For the purposes of Section 22.140.670 (Occupied Recreational Vehicle Parking During a County Declared Shelter Crisis), temporary housing authorized pursuant to this Section shall not be considered a legally-established single-family residence.

O. Temporary housing and temporary storage structures authorized pursuant to this Section shall be removed within 24 hours of the expiration date established in accordance with Section 22.256.030.B.

P. Temporary housing and temporary storage structures authorized pursuant to this Section shall be removed within 30 days after the issuance of the certificate of occupancy for like-for-like replacement of an eligible dwelling unit, in accordance with Section 22.256.050.

22.256.050 Like-For-Like Replacement.

Notwithstanding any community standards district, specific plan, or any other applicable regulation in this Title 22, like-for-like replacement shall be permitted, subject to the following standards:

A. Where modifications to any like-for-like replacement are required by Title 26 (Building Code) or Title 32 (Fire Code), as determined by Public Works or the Fire Department, such modifications shall be no greater than necessary to accommodate such modification, and in any case, such modification shall not exceed either the floor area, size, height, or bulk of the damaged or destroyed structure by more than 10 percent.

B. The height of any like-for-like replacement shall not exceed the maximum height limit of this Title 22 or the damaged or destroyed structure, whichever is smaller.

C. Any like-for-like replacement located within a required yard or setback shall not encroach further into any required yard requirement or setback.

D. Any like-for-like replacement located within a significant ridgeline protection area shall not encroach further into the protected zone of the significant ridgeline.

E. Minor relocation of any like-for-like replacement shall be approved by the Director when the like-for-like replacement is within the same general area of the damaged or destroyed structure and:

1. There are changes in topography or alteration of drainage features, including, but not limited to, creeks, streams, and waterways, resulting from mudslides or other forms of debris flows caused by a disaster; or

2. The structure damaged or destroyed by a disaster was nonconforming due to standards, and a minor relocation of the like-for-like-replacement will result in compliance with current Title 22 standards; or

3. The minor relocation of the like-for-like replacement will result in equal to or fewer impacts to protected oak trees, significant ridgelines, SEAs, or SEA Resources.

F. Where a use entitlement, which established the use for the structure damaged or destroyed by a disaster, remains valid and in full force and effect, the like-for-like replacement shall comply with all previous conditions of approval.

G. This Section shall not be construed to extend any termination date set forth in Chapter 22.172 (Nonconforming Uses, Buildings, and Structures).

H. After structures are rebuilt in accordance with this Section, all future development on the lot shall be subject to all applicable requirements of this Title 22.

22.256.060 Accessory Structures.

Accessory structures that are necessary to prevent damage to temporary housing or like-for-like replacements, or to prevent further damage to the lot or to remaining structures shall be permitted. Accessory structures, such as fences, retaining walls, utilities, or poles for temporary power, shall comply with all applicable standards of Title 22.

22.256.070 Waiver of Certain Permit Requirements.

A. Oak Tree Permits. Temporary housing, like-for-like replacements, accessory structures, and related development activities eligible under this Chapter are not subject to Chapter 22.174 (Oak Tree Permits), subject to and except for the following:

1. Waiver of applicability of Chapter 22.174 (Oak Tree Permits) applies only to oak trees where a legally-established structure was located within the protected zone of a protected oak tree on the day the structure was damaged or destroyed by a disaster.
2. Temporary housing, like-for-like replacement, accessory structures, and related development activities shall not result in the encroachment into the protected zone of a protected oak tree not otherwise described in Subsection A.1.
3. Temporary housing, like-for-like replacement, accessory structures, and related development activities shall not result in the removal of any protected oak tree.
4. Protected oak trees within 200 feet of proposed construction, grading, landfill, or other development activity shall be fenced and protected during site activities to the satisfaction of the Director and in accordance with the following:
 - a. For protected oak trees that have retained their canopy after a disaster, the protected zone is established according to whichever has the greatest area:

i. The area within the dripline of a protected oak tree extending therefrom to a point at least five feet outside of the dripline; or

ii. The area within 15 feet from the trunk of a protected oak tree.

b. For protected oak trees that have lost all their canopy due to the disaster, the County shall presume that such trees are alive for at least two years following the disaster. For such trees, the protected zone is established as the area within the radius extending 18 inches per one inch of trunk diameter. Trunk diameter shall be measured four and one-half feet above the natural grade.

c. For protected oak trees that have lost part of their canopy due to the disaster, the County shall presume that such trees are alive for at least two years following the disaster. For such trees, the protected zone is established according to the following:

i. Where the canopy remains, as measured by Subsection A.4.a, above; and

ii. Where the canopy has been lost, as measured in accordance with Subsection A.4.b, above.

d. Chain link fencing not less than four feet in height shall be installed around the protected zone of protected oak trees in order to restrict storage, machinery storage, and access during rebuilding activities. Said fencing shall be in place prior to commencement of any development activity on the lot. Said fencing shall

remain in place throughout the entire period of development and shall not be removed until development activities have concluded.

e. Any excavation or grading allowed within the protected zone of a protected oak tree shall be limited to hand tools or small hand-power equipment; and

f. Utility trenching shall avoid encroaching into the protected zone of a protected oak tree on its path to and from any structure.

5. Removal of any protected oak tree damaged by a disaster is prohibited for two years following the disaster, unless such tree poses a danger to people or property as determined by the County Forester or unless an Oak Tree Permit (Chapter 22.174) is obtained. The Director shall reduce the two-year time period, to not less than one year, if the rainfall in the disaster area in the winter or spring following the disaster is greater than the average rainfall for such winter or spring, and the Department Biologist or County Forester determines that the protected oak tree is dead.

6. Activities that damage, encroach, or remove protected oak trees not otherwise authorized by this Subsection A shall be subject to Chapter 22.174 (Oak Tree Permits), including, but not limited to, requiring a retroactive Oak Tree Permit and requirements to plant replacement oak trees at a ratio determined by the Review Authority.

B. Significant Ecological Areas. Temporary housing, like-for-like replacement, accessory structures, and related development activities eligible under this

Chapter are not subject to Chapter 22.102 (Significant Ecological Areas), subject to and except for the following:

1. Waiver of applicability of Chapter 22.102 (Significant Ecological Areas) applies only to significant ecological areas and SEA Resources where a legally-established structure was located in a significant ecological area on the day the structure was damaged or destroyed by a disaster.
2. Temporary housing, like-for-like replacements, accessory structures, and related development activities shall result in equal to or fewer impacts to the significant ecological area or SEA Resources.
3. All priority biological resources shall be avoided and protected during development activities.
4. Activities that impact the significant ecological area, by damaging or removing SEA resources not otherwise authorized by this Subsection B, shall be subject to Chapter 22.102 (Significant Ecological Areas), including, but not limited to, requiring a retroactive SEA review or permit.

C. Grading. Temporary housing, like-for-like replacement, and accessory structures eligible under this Chapter are not subject to Chapter 22.158 (Conditional Use Permit) for grading and a haul route, subject to and except for the following:

1. Waiver of applicability of any requirement in this Title 22 where a Conditional Use Permit (Chapter 22.158) is required for grading or haul route applies only to where a legally-established structure was damaged or destroyed by a disaster.

2. The Director shall approve only the minimum amount of grading required to restore the lot to a pre-disaster state or prepare the lot for like-for-like replacement. For purposes of determining the minimum amount of grading, justification by the project soils engineer, geologist, or civil engineer may be required by the Director and may be subject to verification by Public Works, Building and Safety Division.

3. Any such grading activities shall provide erosion control best management practices to the satisfaction of Public Works.

4. Any requirement in this Title 22 that prohibits the commencement of grading operations during the rainy season (from October 15 through April 15) shall not apply.

Section 8. Chapter 22.258 is hereby added to read as follows:

Chapter 22.258 TEMPORARY HOUSING AFTER A DISASTER.

22.258.010 Implementation.

22.258.020 General Provisions.

22.258.010 Implementation.

A. This Chapter shall not apply where the Director has implemented Chapter 22.256 (Disaster Recovery).

B. A Ministerial Site Plan Review (Chapter 22.186) application is required for temporary housing in accordance with this Chapter.

22.258.020 General Provisions.

Notwithstanding any other provision of this Title 22, where an existing residence is damaged or destroyed by a disaster, as defined by Section 22.14.040 (D), a

mobilehome may be used as a residence on the same lot or parcel of land by the owner and his family for a period not to exceed one year. This Section authorizes only the temporary replacement of a damaged or destroyed residence and not an increase in the number of living quarters permitted on the property.

Section 9. Section 22.336.070 is hereby amended to read as follows:

22.336.070 Community-Wide Development Standards.

...

~~O. Rebuilding after Disaster. In the instance of a catastrophic event(s) destroying structures throughout the Santa Monica Mountains, resulting in the declaration of a State of Emergency or Declaration of Disaster by the County or other relevant government entities, the following standards will facilitate the establishment of temporary housing for residents affected by the disaster and facilitate the process for rebuilding structures damaged or destroyed by the disaster, while protecting the public health and safety of the residents within the declared emergency or disaster area.~~

~~1. 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 disaster;~~

~~b. Temporary housing units shall be exempt from the permitting requirements listed in Section 22.102;~~

~~c. Any structure used as temporary housing may not exceed a maximum floor area of 2,200 square feet;~~

~~d. Temporary housing shall be located on the existing building site 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 disaster;~~

~~l. In addition to the one-year length of temporary housing allowed, pursuant to Section 22.246.080 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; and~~

~~m. All temporary housing structures shall be removed within 24 hours of the expiration date listed on the temporary housing approval.~~

~~2. Rebuilding Damaged or Destroyed Structures. Notwithstanding Chapter 22.336 of the County Code, structures destroyed by disaster 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 disaster;~~

~~b. Structures irreparably damaged or destroyed by the disaster 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 to accommodate building code compliance and where there are no new impacts to S1 or S2 habitat;~~

~~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. 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 use(s) that required a Conditional Use Permit at the time it was originally legally established, and no such Conditional Use Permit exists or has previously expired, then the use(s) must obtain a Conditional Use Permit prior to reconstruction or resuming operations;~~

~~g. Minor relocations of replacement structures 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; and~~

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

~~3. Waiver of Permitting Requirements. Notwithstanding Chapter 22.174 (Oak Tree Permits) of the County Code, activities related to demolition and~~

~~reconstruction of structures eligible under this Subsection are not subject to the County's Oak Tree Permit requirements, subject to and except for, the following:~~

~~a.——Waiver of applicability of Chapter 22.174 applies only to legally established structures located within the protected zone of an oak tree on the day the structure was destroyed by disaster;~~

~~b.——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 disaster;~~

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

~~d.——Subject oak trees shall be fenced off and protected during construction activities; and~~

~~e.——Reconstruction activities that irreparably harmed oak trees shall be subject to Section 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.~~

~~4.——Grading Standards.~~

~~a.——Structures to be rebuilt shall not be subject to the standards of Section 22.336.060.1.6, 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.I, grading projects related to the rebuilding of structures destroyed by disaster shall abide by the following permitting requirement: 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 (Chapter 22.186). 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 Public Works, Building and Safety Division; and~~

~~c. Notwithstanding Section 22.336.060.I.5, a haul route for off-site transport of 1,000 or more cubic yards of cut or fill shall be permitted with a Ministerial Site Plan Review (Chapter 22.186).~~

~~5. Vineyard Standards. Applications requesting to re-establish vineyards destroyed by the 2018 Woolsey Fire shall comply with all applicable standards for new vineyards in Subsection Y, below:~~

O. Rebuilding after a Disaster. Where the Director has implemented Chapter 22.256 (Disaster Recovery), the following shall also apply:

1. Modifications to any like-for-like replacement shall comply with Section 22.256.070 (Waiver of Certain Permit Requirements) and shall also cause no new impacts to S1 or S2 habitat.

2. Vineyard Standards. Applications requesting to re-establish vineyards destroyed by the 2018 Woolsey Fire or destroyed by any future disaster shall comply with all applicable standards for new vineyards in Subsection Y, below.

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[22102040CYCC]

SECTION 9. 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 April 18, 2023 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 L. Solis
Holly J. Mitchell
Lindsey P. Horvath
Janice Hahn
Kathryn Barger

Noes
Supervisors None

Effective Date: May 18, 2023

Operative Date:

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

Delivery of this document has been made



CELIA ZAVALA
Executive Officer
Clerk of the Board of Supervisors
By Celia Zavala
Deputy

APPROVED AS TO FORM:
DAWYN R. HARRISON
County Counsel

By Nicole Davis Tinkham
Nicole Davis Tinkham
Chief Deputy County Counsel