

LA County Recovers

Los Angeles County Building Code Section 110.2.3.6

Interpretations for Eaton and Palisades Fire Rebuild Projects

Building Code: Section 110.2.3.6

Section 110.2.3.6 allows structures in geotechnical hazard areas destroyed by causes other than landslide, settlement, and slippage to be replaced in-kind, if the permit applicant was owner at the time of the loss, their immediate heir(s), or authorized representative and meets all the criteria in Section 110.2.3.6 of the Building Code. These criteria are summarized below but must be complied with as written in the Code:

1. No increase in effluent load added to the subsurface to accelerate geotechnical hazards. Seepage and landscaping water will not result in a greater amount of groundwater infiltration.
2. A geotechnical report establishes site conditions and shows the rebuild will not accelerate geotechnical hazards that affect adjacent properties (Section 110.2.1), and provides recommendations to enhance the stability of the site.
3. Property owner must record with the Department of Registrar-Recorder an acknowledgement/agreement that the owner is aware that the property is potentially subject to a hazard from landslide, settlement, or slippage.
4. Property owner must record with the Department of Registrar-Recorder an acknowledgement/agreement that relieves the County and all officers and employees of any liability for damages resulting from permit issuance.
5. Application for permit must be filed within 10 years following the date of loss (filed by January 7, 2035 for these fire rebuilds).

Building Code Section 110.2.3.6: Eaton and Palisades Fire Rebuilds

Los Angeles County Public Works provides the following interpretations of Section 110.2.3.6 for how it can be applied to applicable rebuild projects resulting from the Eaton and Palisades fires:

1. [California Executive Order No. N-20-25](#), related Executive Orders, Government Code 8634, and other applicable laws provide for certain streamlining of permit requirements to Eaton and Palisades Fire rebuild properties. "Area" as stated in section 110.2.3.6 shall allow "replacement in-kind" to include "like-for-like" 110% increases in square footage and/or additional stories, bedrooms, and fixtures, in accordance with the Executive Order and Regional Planning Zoning Ordinances, provided the replacement structure does not exceed the loading of the structure that was destroyed when additional loading would elevate the risk of landslide, settlement, or slippage.

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2. Historical data must be considered when establishing existing site conditions. This includes published maps and existing geotechnical reports, which can be made available by contacting Geotechnical and Materials Engineering Division. If there is insufficient subsurface data, the Building Official may require additional site-specific subsurface exploration.
3. Property owners proposing to rebuild under Section 110.2.3.6 will have their plans reviewed on a case-by-case basis and final determination for allowance will be determined by the Building Official.

