

**ORDINANCE NO. \_\_\_\_\_**

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

**Section 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):

Disaster. A wildfire, flood, earthquake, or other natural or human caused event, which damages or destroys buildings, structures, or property and which displaces persons, that forms the basis for a State of Emergency declared by the Governor of the State of California or a local emergency or state of emergency declared and ratified by the Board.

Displaced person. A person whose dwelling unit is destroyed or rendered uninhabitable by a disaster.

Evidence of displacement. A driver's license or other government-issued identification card, property tax bill, utility bill, or similar document that demonstrates that a person lived in a dwelling unit destroyed or rendered uninhabitable by a disaster within one year before such disaster occurred.

Extreme hazard area. A mapped area established by an action of the Board or other authorized official as a moratorium area, which contains hazards to health and safety caused by a disaster and requires in-depth study before allowing the replacement of buildings or structures of any kind.

Like-for-like replacement. Rebuild, repair, or replacement of buildings or structures that are in the same location, floor area, size, height, and bulk, and are covering the same building footprint as the previously existing legally established buildings or structures.

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

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

**22.102.040 - Exemptions.**

...

Q. Temporary housing or the replacement of buildings or structures damaged or destroyed by a disaster, in accordance with Chapter 22.256 (Disaster Recovery), Chapter 22.252 (Woolsey Fire Disaster Recovery), Chapter 22.254 (Lake and Bobcat Fires Disaster Recovery), Section 22.336.070.O (Rebuilding after Disaster), or other

such ordinance adopted by the County for the replacement of legally established buildings or structures damaged or destroyed by a 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:

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7. Temporary housing or the replacement of buildings or structures damaged or destroyed by a disaster, in accordance with Chapter 22.256 (Disaster Recovery), Chapter 22.252 (Woolsey Fire Disaster Recovery), Chapter 22.254 (Lake and Bobcat Fires Disaster Recovery), Section 22.336.070.O (Rebuilding after Disaster), or other such ordinance adopted by the County for the replacement of legally established buildings or structures damaged or destroyed by a disaster.

**SECTION 4.** Section 22.252.060 is hereby amended to read as follows:

**22.252.060 - Rebuilding Damaged or Destroyed Structures.**

...

L. In addition to the one-year length of temporary housing allowed, pursuant to Section 22.256.070 (Temporary Housing in Disaster Areas)~~46.080 of the County Code~~, 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 5.** Section 22.254.060 is hereby amended to read as follows:

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

...

L. In addition to the one-year length of temporary housing allowed, pursuant to Section 22.256.070 (Temporary Housing in Disaster Areas)~~46.080~~, 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

...

**Section 6.** 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 of this Chapter.**

**22.256.040 Temporary Housing.**

**22.256.050 Replacement of Damaged or Destroyed Structures.**

**22.256.060 Waiver of Certain Permit Requirements.**

**22.256.070 Temporary Housing in Disaster Areas.**

**22.256.010 Purpose.**

This Chapter establishes procedures and regulations for temporary housing for persons displaced by a disaster and for the replacement of legally established buildings or structures damaged or destroyed by 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 of this Chapter.**

- A. The Director may implement this Chapter only after a disaster in which a State of Emergency is declared by the Governor of the State of California or a local emergency or state of emergency is declared and ratified by the Board.
- B. To implement Section 22.256.040 (Temporary Housing), Section 22.256.050 (Replacement of Damaged or Destroyed Structures), and Section 22.256.060 (Waiver of Certain Permit Requirements) of this Chapter, the Director shall issue a written interpretation in compliance with Chapter 22.234 (Interpretations) and identify the area affected by the disaster on a map or by description.
- C. The time period established for the filing of an application for temporary housing and the construction, maintenance, and occupation of temporary housing shall be two years following the declaration of each disaster for which a local emergency has been declared by the Governor of the State of California or a local emergency or state of emergency is declared and ratified by the Board.
- D. The time period established for the filing of an application for the replacement of damaged or destroyed buildings or structures shall be two years following the declaration of each disaster for which a local emergency has been

declared by the Governor of the State of California or a local emergency or state of emergency is declared and ratified by the Board.

- E. The Director may grant up to three one-year extensions to the time periods specified in Subsections C and D, for a maximum duration of five years, if the Director determines that additional time is necessary to reduce the displacement of persons due to a disaster because systemic delays beyond the control of the property owner have occurred affecting financing or construction or that the property owner has made substantial progress toward the replacement of damaged or destroyed buildings or structures.
- F. This Chapter shall not apply in extreme hazard areas.

**22.256.040 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 manufactured homes and mobilehomes, as defined in Sections 18007 and 18008 of the California Health and Safety Code, respectively, may be permitted as temporary housing subject to the following standards:

A. Temporary housing shall be permitted only on a lot where a legally established single-family residence was damaged or destroyed by a disaster.

B. Applications for temporary housing may only be filed by displaced persons. Displaced persons may be required to provide evidence of displacement, to the satisfaction of the Director, to substantiate their eligibility to file an application under this Section.

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

D. Temporary housing shall be limited to one unit per single-family residence that was damaged or destroyed by a disaster.

E. The structure used as temporary housing shall not exceed a maximum floor area of 1,500 square feet or the floor area of the legally established single-family residence that was damaged or destroyed by a disaster, whichever is smaller.

F. One temporary storage structure, not to exceed 450 square feet and 10 feet in height, shall be permitted where temporary housing is permitted.

G. Temporary housing and temporary storage structures shall be located on the existing building site or graded area of the lot on which the damaged or destroyed single-family residence, caretaker's residence, or farmworker dwelling unit was located.

H. All structures used for temporary housing shall contain sleeping, cooking, bathing, and sanitary facilities.

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

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

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

L. 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.

M. All temporary housing and temporary storage structures authorized pursuant to this Section shall be removed within 24 hours of the expiration date as determined by Section 22.256.030.B.

N. 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 the replacement single-family residence pursuant to Section 22.256.050 or new single-family residence pursuant to this Title 22.

**22.256.050 Replacement of Damaged or Destroyed Buildings or Structures.**

Notwithstanding any community standards district, specific plan, or any other applicable regulation in this Title 22, buildings or structures damaged or destroyed by a disaster may be permitted and replaced subject to the following standards:

A. Replacement of buildings or structures damaged or destroyed by a disaster and waiver of development standards and regulations as specified in Section 22.256.060 (Waiver of Certain Permit Requirements) apply only to the replacement of buildings or structures that were legally established prior to the disaster.

B. Buildings or structures damaged or destroyed by a disaster shall be rebuilt as a like-for-like replacement. Where modifications to the buildings or structures are



required by the Director of Public Works or the Fire Department in order to comply with requirements in Title 26 (Building Code) or Title 32 (Fire Code), 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 buildings or structures by more than 10 percent.

C. The height of a replacement building or structure shall not exceed the maximum height limit of this Title 22 or condition of approval, as applicable.

D. Any replacement building or structure located within a required yard or setback shall not encroach further into any required yard requirement or setback.

E. Any replacement building or structure located within a significant ridgeline protection area shall not encroach further into the protected zone of the significant ridgeline.

F. Minor relocation of any replacement building or structure may be approved by the Director:

1. Due to changes in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) resulting from mudslides or other forms of debris flows caused by a disaster;

2. Where the legally established building or structure damaged or destroyed by a disaster was nonconforming due to standards, and such minor relocation of the replacement building or structure will result in compliance with current Title 22 standards; or

3. Where such minor relocation of the replacement building or structure will result in equal to or fewer impacts to protected oak trees, significant ridgelines, SEAs, or SEA Resources; and

4. Such minor relocations shall be consistent with all other applicable standards and regulations of this Section and this Title 22.

G. Where an entitlement(s) that established the use occupying the damaged or destroyed building or structure remains valid and in full force and effect, the replacement building or structure shall comply with all previous conditions of approval.

H. For a use that required a Conditional Use Permit (Chapter 22.158) at the time that such use was established, and no such Conditional Use Permit exists or has expired, this Section shall not apply and a Conditional Use Permit must be obtained for the use prior to replacement of buildings or structures or to resuming operations.

I. Accessory structures that are necessary to prevent further damage or destruction to the lot or remaining structures may be permitted. Such accessory structures, such as fences, retaining walls, utilities, or poles for temporary power, shall comply with all applicable standards of this Section and this Title 22.

J. After the completion of replacement buildings or structures in accordance with this Section, all future development on the lot shall be subject to all applicable requirements of this Title 22.

K. Notwithstanding Section 22.172.020.G.2, nonconforming uses, buildings, or structures may be replaced in accordance with this Section. This Section shall not be interpreted as authorizing the continuation of a nonconforming use, building, or structure

beyond the time limits set forth in Chapter 22.170 (Nonconforming Uses, Buildings and Structures) that were applicable to the use, building, or structure prior to the disaster that necessitated the declaration of the emergency.

**22.256.060 Waiver of Certain Permit Requirements.**

A. Oak Tree Permits. Notwithstanding Chapter 22.174 (Oak Tree Permits), activities related to temporary housing, in accordance with Section 22.256.040, and replacement of buildings or structures, in accordance with Section 22.256.050, are not subject to Chapter 22.174, subject to and except for the following:

1. Waiver of applicability of Chapter 22.174 applies only to oak trees where a legally established building or structure was located within the protected zone of a protected oak tree on the day that it was damaged or destroyed by a disaster.

2. Temporary housing and replacement buildings or structures may be placed in the protected zone of a protected oak tree in the location described in Subsection A.1.

3. Temporary housing, replacement buildings or structures, and related site activities shall not result in the encroachment into the protected zone of a protected oak tree not otherwise described in Subsection A.1.

4. Temporary housing, replacement buildings or structures, and related site activities shall not result in the removal of any protected oak tree.

5. Protected oak trees within 200 feet of proposed construction, grading, landfill, or other activity shall be fenced and protected during the replacement of buildings or structures and site activities to the satisfaction of the Director, including:

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 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 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 a 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.5.a; and

ii. Where the canopy has been lost, as measured in accordance with Subsection A.5.b.

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 replacement activities. Said fencing shall be in place prior to commencement of any activity on the subject property. Said fencing shall remain in place throughout the entire period of development and shall not be removed until replacement 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.

6. 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 may 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.

7. Activities that damage, encroach, or remove protected oak trees not otherwise authorized by this Subsection A 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 Review Authority.

B. Significant Ecological Areas. Notwithstanding Chapter 22.102 (Significant Ecological Areas), activities related to temporary housing, in accordance with Section

22.256.040, and replacement of buildings or structures, in accordance with Section 22.256.050, 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 significant ecological areas and SEA Resources where a legally established building or structure was located in a significant ecological area on the day the building or structure was damaged or destroyed by a disaster.

2. Temporary housing and replacement use, buildings, or structures may be placed in the location described in Subsection B.1.

3. Temporary housing, replacement of buildings or structures, and site activities shall result in equal to or fewer impacts to the significant ecological area or SEA Resources.

4. All priority biological resources shall be avoided and protected during site activities.

5. Activities that impact the significant ecological area or damage or remove SEA resources not otherwise authorized by this Subsection B shall be subject to Chapter 22.102, including, but not limited to, requiring a retroactive SEA review or permit.

C. Grading.

1. Notwithstanding any requirement in this Title 22 where a Conditional Use Permit (Chapter 22.158) is required for grading, the Director may establish the amount of grading that may be permitted related to the replacement of buildings or structures 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 the replacement building or structure. 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 the Director of Public Works.

**22.256.070 Temporary Housing in Disaster Areas.**

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 mobile home 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. This Section shall not apply where the Director has implemented regulations for a specific disaster in accordance with Section 22.256.030.B.

**Section 7.** Section 22.172.020 is hereby amended to read as follows:

**22.172.020 - Regulations Applicable.**

...

K. The provisions of Chapter 22.256 (Disaster Recovery), Chapter 22.252 (Woolsey Fire Disaster Recovery), Chapter 22.254 (Lake and Bobcat Fires Disaster Recovery), Section 22.336.070.O (Rebuilding after Disaster), or other such ordinance adopted by the County for the replacement of legally established buildings or structures damaged or destroyed by a disaster shall not be construed to extend the termination date of such nonconforming uses, buildings, and structures.

L. The provisions of this Section shall not be construed to extend the termination date of such nonconforming uses, buildings, and structures.

**Section 8.** Section 22.336.070 is hereby amended to read as follows:

**22.336.070 - Community-Wide Development Standards.**

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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:

...

I. In addition to the one-year length of temporary housing allowed, pursuant to Section 22.256.070 (Temporary Housing in Disaster Areas)~~46.080 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

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