

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code to facilitate the establishment of temporary housing for persons displaced by a disaster and to facilitate the replacement of uses, buildings, or structures damaged or destroyed by a disaster within a declared disaster area.

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

Section 22.14.040 - D.

...

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 that was destroyed or rendered uninhabitable by a disaster.

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

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 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:

...

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 22.246.080 is hereby deleted in its entirety.

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

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

22.254.050 - 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 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 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, for the replacement of legally established buildings or structures damaged or destroyed by a disaster, and for the reestablishment of uses 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 Section 22.256.040 (Temporary Housing), Section 22.256.050 (Replacement of Damaged or Destroyed Structures), or Section 22.256.060 (Waiver of Certain Permit Requirements) 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), or Section 22.256.060 (Waiver of Certain Permit Requirements), 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.

22.256.040 Temporary Housing.

Notwithstanding any contrary provisions in this Title 22, recreational vehicles, manufactured homes, and mobilehomes, as defined in Sections 18010, 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 dwelling unit was damaged or destroyed by a disaster, limited to a single-family residence, a caretaker's residence, or a farmworker dwelling unit..

B. Applications for temporary housing may only be filed by a displaced person that lived in a dwelling unit that was destroyed or rendered uninhabitable by the disaster within one year before such disaster occurred. 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 dwelling unit 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 dwelling unit 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 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 established in accordance with Section 22.256.030.C or Section 22.256.030.E, as applicable.

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 dwelling unit pursuant to Section 22.256.050 or new dwelling unit 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 in accordance with the following:

1. Buildings or structures damaged or destroyed by a disaster may be rebuilt as a like-for-like replacement. Where modifications to the buildings or structures are required by Title 26 (Building Code) or Title 32 (Fire Code), as determined by the Director of 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 buildings or structures by more than 10 percent; or

2. Buildings or structures damaged or destroyed by a disaster may be rebuilt smaller than like-for-like replacement where the replacement buildings or structures is smaller than the previously existing legally established buildings or structures if the replacement building or structure is in the same location; is equal to or less than the floor area, size, height, and bulk; and are within the same building footprint and building envelope as the previously existing legally established building or structure.

C. The height of any 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 the entitlement which 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 22.172 (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 where the Director has implemented regulations for a specific disaster in accordance with Section 22.256.030.B.

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 (Implementation of this Chapter).

Section 8. 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 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.I.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 22.336.060.1.5, 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 Disaster. In the instance of a disaster and where the Director has implemented Chapter 22.256 (Disaster Recovery), procedures and regulations for temporary housing for persons displaced by a disaster and for the replacement of legally established buildings and structures damaged or destroyed by a disaster shall comply with Chapter 22.256 and this Subsection O.

1. Modifications to any replacement structure shall comply with Section 22.256.060 (Waiver of Certain Permit Requirements) and shall also cause no new impacts to S1 or S2 habitat.

2. In addition to Section 22.256.060.C (Grading), grading shall comply with the following:

a. Structures to be rebuilt shall not be subject to the standards of Section 22.336.060.I.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 ministerial review.

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 review.

3. 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.

**DRAFT RESOLUTION
REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
DISASTER RECOVERY ORDINANCE
PROJECT NO. PRJ2021-002912
PLAN NO. RPPL2021007888**

WHEREAS, the Regional Planning Commission of the County of Los Angeles conducted a duly noticed public hearing on October 27, 2021 to consider the Disaster Recovery Ordinance, an amendment to Title 22 (Planning and Zoning) of the Los Angeles County Code to expand existing regulations for temporary housing for residents displaced by a disaster and to establish procedures for the replacement of buildings and structures and the reestablishment of uses damaged or destroyed by a disaster.

WHEREAS, the Regional Planning Commission finds as follows:

1. The County of Los Angeles ("County") adopted separate urgency ordinances amending Title 22 for disaster recovery after the 2018 Woolsey Fire and the 2020 Lake and Bobcat Fires because existing regulations in Title 22 did not adequately support or address recovery from disasters.
2. The Federal Emergency Management Agency's National Risk Index ranked Los Angeles County as the county highest at risk of natural disasters in the United States.
3. Los Angeles County is at risk of disasters and is vulnerable to emergencies. Thus, the County must establish procedures and regulations that support community resilience and recovery from future disasters and emergencies.
4. In accordance with Chapter 22.244 (Ordinance Amendments), the Director of the Department of Regional Planning initiated the Disaster Recovery Ordinance ("Ordinance") to modernize regulations in Title 22 for disaster recovery for the unincorporated areas of Los Angeles County.
5. The Ordinance relieves the County from initiating and adopting separate urgency ordinances in Title 22 after a disaster declared by the Governor of California or County.
6. The Ordinance expands regulations in Title 22 for temporary housing.
7. The Ordinance establishes regulations in Title 22 for the repair or replacement of buildings and structures damaged or destroyed by a disaster and the reestablishment of uses damaged or destroyed by a disaster.

8. The Ordinance streamlines approval for temporary housing and replacement of buildings and structures through a ministerial review and through waiving discretionary permit requirements for oak trees, significant ecological areas, and grading, as long as the impacts to these resources are limited to what was previously impacted by the existing building or structure before the disaster.
9. The Ordinance reorganizes, updates, and clarifies existing countywide and area specific disaster recovery regulations in Title 22.
10. At the public hearing, Department of Regional Planning staff recommended revisions to the Ordinance. The revisions include clarifications and language consistent with the Board's February 11, 2020 motion to "prepare and submit amendments to Los Angeles County Code Title 21 - Subdivisions and Title 22 - Planning and Zoning, intended to reduce damage to life and property from wildfires."
11. The Ordinance supports community resilience in Los Angeles County after a disaster. The Ordinance reduces the displacement of residents after a disaster by allowing residents to remain in their communities during the rebuilding process or while planning for alternatives to rebuilding. The Ordinance encourages the recovery of businesses and other properties after a disaster by establishing procedures and regulations that encourage the replacement of buildings and structures and the reestablishment of uses.
12. The Ordinance is consistent with and supportive of the goals, policies, and principles of the Los Angeles County General Plan, including: Policy ED 2.8, to streamline the permit review process and other entitlement processes for businesses and industries and Policy C/NR 1.2, to protect and conserve natural resources, natural areas, and available open spaces.
13. The Ordinance is consistent with and supportive of the County of Los Angeles Strategic Plan Goal II, to foster vibrant and resilient communities.
14. Approval of the Ordinance will be in the interest of the public health, safety, and general welfare and in conformity with good zoning practice.
15. The Ordinance is consistent with other applicable provisions of Title 22.
16. Pursuant to Chapter 22.244 (Ordinance Amendments), a public hearing notice was published in 14 local newspapers countywide, including the Spanish-language newspaper La Opinión. The public hearing notice and materials were posted on the Department of Regional Planning's website and promoted through social media.

17. The Ordinance is statutorily exempt from state and local California Environmental Quality Act (CEQA) guidelines pursuant to Public Resources Code section 21080(b)(3), Public Resources Code section 21080(b)(4), and CEQA Guidelines section 15269(c).

THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board hold a public hearing to consider the Disaster Recovery Ordinance;
2. That the Board find that the Disaster Recovery Ordinance is exempt from the provisions of the California Environmental Quality Act for the reasons in the record;
3. That the Board determine that the Disaster Recovery Ordinance is compatible with and supportive of the goals and policies of the Los Angeles County General Plan and County of Los Angeles Strategic Plan; and
4. That the Board adopt the Disaster Recovery Ordinance.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on the County of Los Angeles on October 27, 2021.

Elida Luna, Commission Services
County of Los Angeles
Regional Planning Commission

APPROVED AS TO FORM: OFFICE OF THE COUNTY COUNSEL

By _____
Elaine Lemke
Assistant County Counsel
County of Los Angeles

COUNTY OF LOS ANGELES

SUPERVISORIAL DISTRICTS

August 2016

LEGEND:

- 1st Supervisorial District

2nd Supervisorial District

3rd Supervisorial District

4th Supervisorial District

5th Supervisorial District
- Transit Lines

Metro

Orange Line Transitway

3rd Line Transitway

Blue Line

Greenway / LAX (Planned)

Expansion Line

Expansion Line (In Construction)

C&H Line

C&H Line (Planned)

Green Line

Purple Line (Planned)

Purple Line

Red / Purple Line

Red Line
- Base Features

Commercial Airport

General Aviation Airport

Freeway

Highway

Primary

Secondary

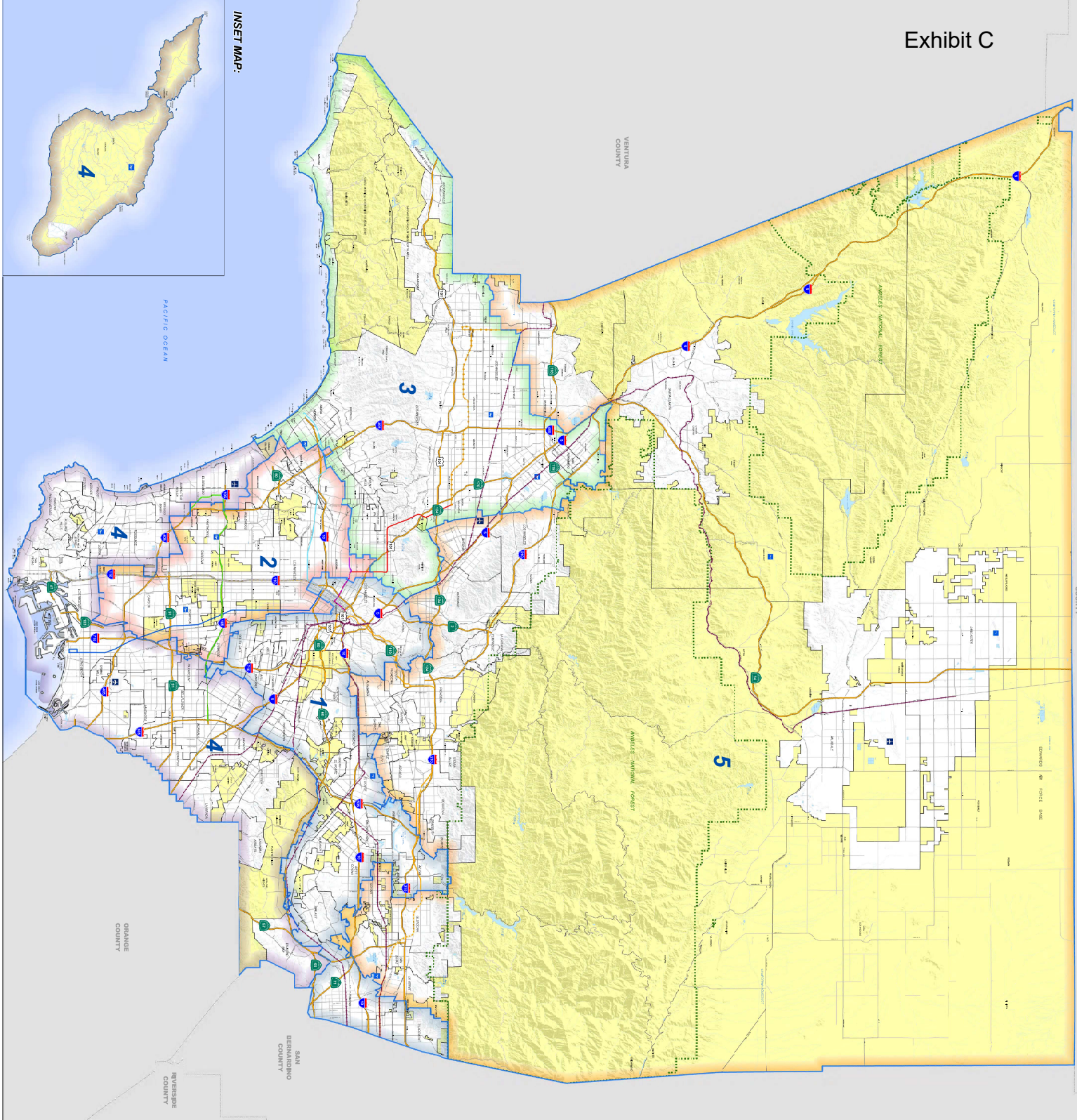
River, Channel or Stream

Significant Water Body

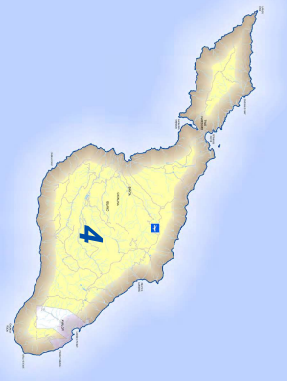
Unincorporated City

Incorporated City

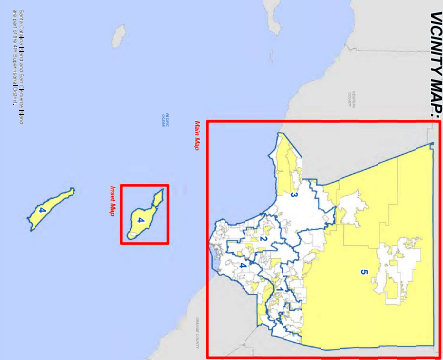
Unincorporated Area



INSET MAP:



VICINITY MAP:



Notice of Exemption

To:

- ☐ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

- ☐ County Clerk
County of: Los Angeles, Business Filings
12400 E. Imperial Hwy., #1201
Norwalk, CA 90650

From:

Public Agency: LA County Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012

Project Title: _____

Project Applicant: _____

Project Location - Specific: _____

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project: _____

Name of Public Agency Approving Project: Los Angeles County Department of Regional Planning

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☐ Statutory Exemption. State code number: _____
- ☐ Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects. State type and section number: _____

Reasons why project is exempt: _____

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: _____

☐ Signed by Lead Agency

☐ Signed by Applicant

Date Received for filing at OPR: _____

ATTACHMENT TO NOTICE OF EXEMPTION
DISASTER RECOVERY ORDINANCE

Project Location

The project location is the unincorporated areas of the County of Los Angeles. A map of the project location is attached to this document.

Description of Project

The project, the Disaster Recovery Ordinance, amends Title 22 (Planning and Zoning) of the Los Angeles County Code, for the unincorporated areas of Los Angeles County, to expand existing regulations for temporary housing for residents displaced by a disaster and to establish procedures for the replacement of buildings and structures and the reestablishment of uses damaged or destroyed by a disaster. The project can only be implemented after a state of emergency has been proclaimed by the Governor of California or after a local emergency or state of emergency is declared and ratified by the Los Angeles County Board of Supervisors.

The project includes regulations to ensure that impacts from temporary housing and replacement structures are limited to no greater than what was previously impacted by the existing structure before it was damaged or destroyed the disaster. If development does not comply with the regulations specified in the project, then the development is required to comply with all other applicable regulations in Title 22, including requirements for discretionary permits and CEQA.

Reasons Why this Project is Exempt

This project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080(b)(3), Public Resources Code section 21080(b)(4), and CEQA Guidelines section 15269(c).

Public Resources Code section 21080(b)(3)

Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

The project is an action undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code. Therefore, the

ATTACHMENT TO NOTICE OF EXEMPTION
DISASTER RECOVERY ORDINANCE

project qualifies for a statutory exemption under Public Resources Code section 21080(b)(3).

Public Resources Code section 21080(b)(4)

Specific actions necessary to prevent or mitigate an emergency.

The project is a specific action necessary to mitigate an emergency that can only be implemented after a state of emergency has been proclaimed by the Governor of California or after a local emergency or state of emergency is declared and ratified by the Los Angeles County Board of Supervisors. Therefore, the project qualifies for a statutory exemption under Public Resources Code section 21080(b)(4).

CEQA Guidelines section 15269(c)

Specific actions necessary to prevent or mitigate an emergency.

The project is a specific action necessary to mitigate an emergency that can only be implemented after a state of emergency has been proclaimed by the Governor of California or after a local emergency or state of emergency is declared and ratified by the Los Angeles County Board of Supervisors. Therefore, the project qualifies for a statutory exemption under CEQA Guidelines section 15269(c).

COUNTY OF LOS ANGELES

SUPERVISORIAL DISTRICTS

August 2016

LEGEND:

- 1st Supervisorial District

2nd Supervisorial District

3rd Supervisorial District

4th Supervisorial District

5th Supervisorial District
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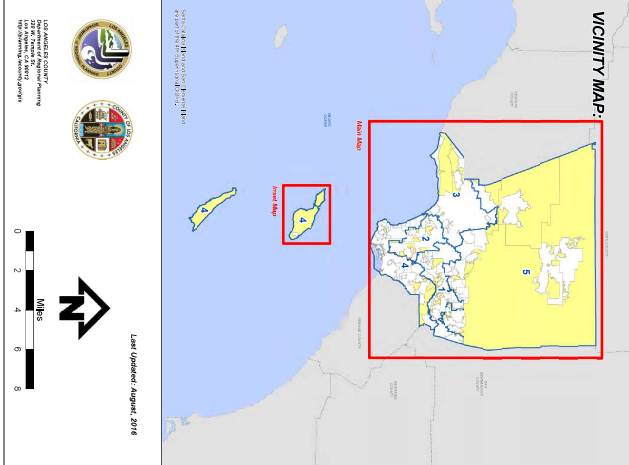
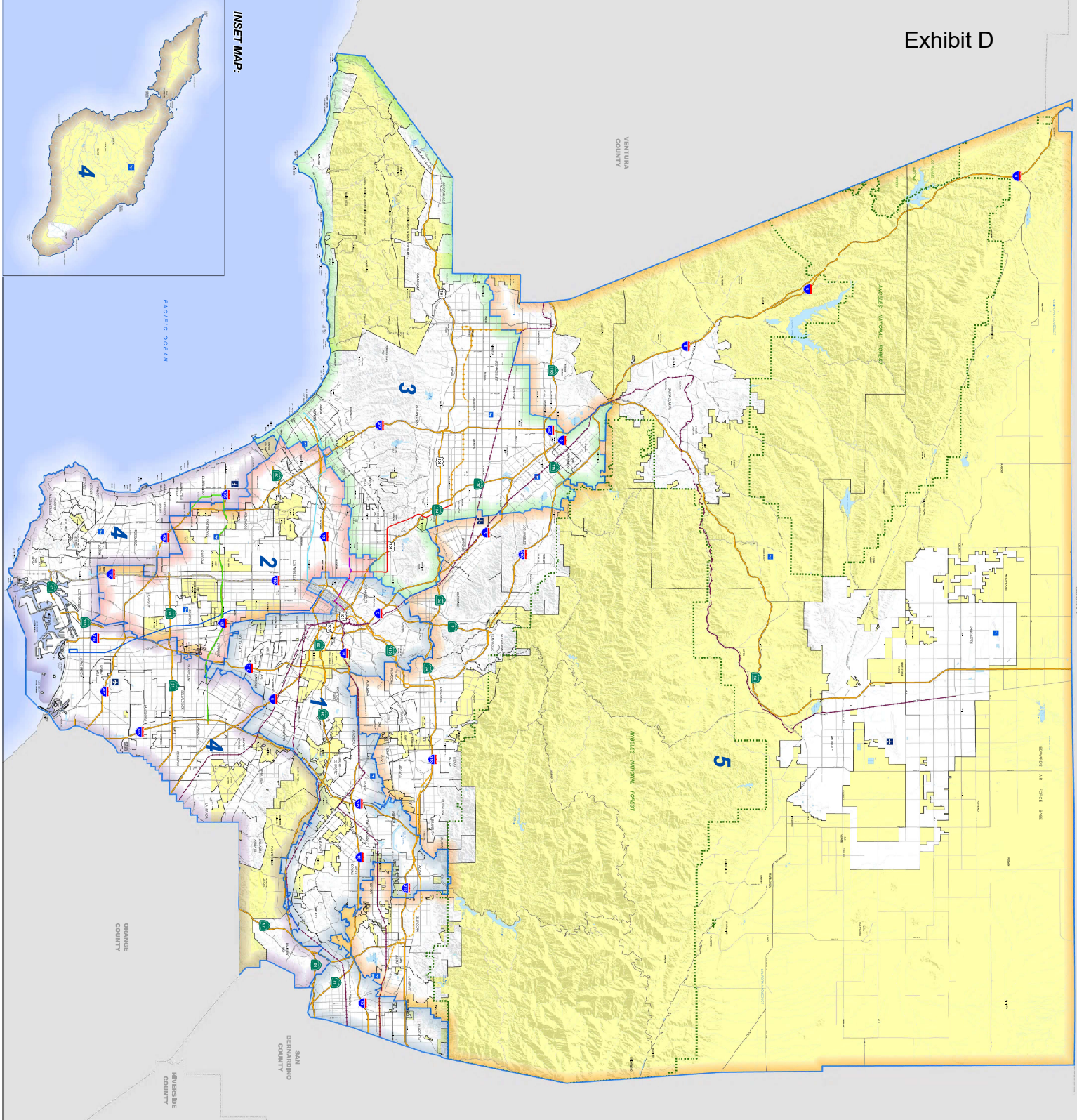
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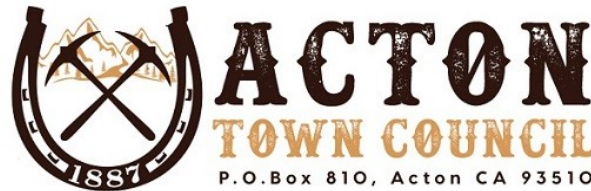
Significant Water Body

Unincorporated Area

Incorporated City

Unincorporated Area





The Regional Planning Commission
The Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012
Electronic transmission of four (4) pages to:
comment@planning.lacounty.gov

October 13, 2021

Subject: Proposed Disaster Recovery Ordinance Scheduled for Planning Commission
Hearing on October 27, 2021.

Reference: Project No PRJ2021-002912 – (1-5)

Honorable Commissioners;

The Acton Town Council appreciates this opportunity to provide comments on the September 23, 2021 version of the Disaster Recovery Ordinance now contemplated by the Regional Planning Commission ("RPC"). It is recognized that the intent of this ordinance is to support and enhance County resiliency after a disaster, and the Acton Town Council is gratified that some of the concerns which we previously raised with the Draft version of this ordinance have been addressed. However, some concerns still remain. Moreover, over the last several weeks, the ATC has become aware of the substantial difficulties that rural residents experience when they try to rebuild their homes in the wake of a disaster. These difficulties arise from unreasonably onerous and even shifting County requirements imposed by the Fire Department, the Health Department, Public Works, and Regional Planning. In some cases, these requirements make it difficult for fire victims to meet the "like for like" requirements imposed by the Disaster Recovery Ordinance. For instance, victims of the Bobcat fire are now being forced by the Fire Department to install a substantially larger water tank on their property. Furthermore, the Health Department has historically imposed substantial requirements on fire victims which entail additional infrastructure and are often so burdensome that they actually prevent fire victims from rebuilding.

The ATC raises this issue because the stated intent of the Disaster Recovery Ordinance is to achieve "resiliency after a disaster" by "allowing replacement of buildings and structures and reestablishment of uses", but in practice it will not achieve either of these objectives because it fails to address critical County processes which stifle "resiliency" and actively prevent the "replacement of buildings and structures and reestablishment of uses". In other words, because the Disaster Recovery Ordinance is artificially constrained to address only some of the issues that make it difficult for disaster victims to recover, it "misses the mark" and fails to deliver the resiliency that it promises.

If the County really wants to address "disaster resiliency", then it must roll up its sleeves and initiate a comprehensive review of County reconstruction policies across all departments and thereupon establish a legitimate disaster recovery regulation that provides true resiliency by creating a clearly defined and consistently implemented "compliance path" for fire victims to follow. For instance, instead of just creating an ordinance that allows fire victims to live on their property for up to 5 years while they rebuild, the County should be analyzing why it takes 5 years (or more) for fire victims to rebuild their homes and then amending those County policies and their inconsistent application which impede the reconstruction process. Anything less than this will fall quite short of achieving true resiliency and more importantly, will fail to properly serve the victims of disaster.

In the event that the Commission chooses to proceed with the Disaster Recovery Ordinance as it is currently written, then the ATC offers the following comments.

Section 22.256.050 (B) (1) on page 9:

This section permits modifications to proposed "like-for-like" replacement construction subject to certain restrictions if such modifications are required for compliance with Title 26 (the Building Code) or Title 32 (the Fire Code). However, the Fire Code and the Building Code are not the only regulations that can trigger modifications to "like-for-like" replacement construction; as indicated above, the Health Department can impose extensive new requirements on reconstruction projects and, in the process, has caused significant problems for rural residents. Therefore, this section should be expanded to include the Health Department requirements as well. Furthermore, the ATC objects to the 10% restriction imposed by this provision; no justification is provided for it and the Commission has no basis to conclude that such a restriction is even reasonable. Moreover, why should fire victims who want to replace their homes in a "like for like" manner be punished because of the way that the Fire Department, the Health Department, and Public Works choose to implement their policies? They should not. If a fire victim wants to re-build their home under this ordinance, but the Health Department requires a new septic system and the Fire Department requires a new or widened driveway and Public Works requires the installation of a bioswale for stormwater runoff purposes, the property owner should not be precluded from rebuilding under this ordinance simply because the cumulative area required to accommodate these demands exceeds 10% of the original development footprint.

Section 22.256.040 (I) on page 7:

Section I states "Temporary housing shall be connected to a permanent source of potable water approved by the County." In our letter to the Department of Regional Planning dated September 8, 2021, the ATC expressed great concern regarding the manner in which this provision will be implemented by the County, and our concerns have been amplified by what we have recently learned from victims of the Bobcat fire. In our previous communication, the ATC suggested that the County **not** move forward with this ordinance until the scope and extent of this provision is fully understood by the decisionmakers. This request was not acted upon, and to our knowledge, no dialogue was initiated between

Regional Planning and the Health Department to ascertain the implication of this provision for property owners. Therefore, the ATC is opposed to this provision and will remain opposed to it until the County has properly explained what it entails and shed light on how it will be implemented; this will necessarily require collaboration and cooperation between Regional Planning and the Health Department.

Section 22.256.040 (J) on page 7.

Section J states "Temporary housing shall be connected to a wastewater disposal system approved by the County." The County has not disclosed the scope and extent of the requirements that are embodied in this provision nor has it explained the implications of this provision for property owners. Furthermore, it is not clear that there is an actual need to require temporary housing to be "connected to a wastewater disposal system approved by the County" because pumping services and tank rental services are available which obviate the need for such facilities. In fact, the County itself has identified waste pumping and tank rental services as the means by which provisions of the Interim and Supportive Housing Ordinance will be implemented. Accordingly, the ATC is opposed to this provision and will remain opposed to it until the County has properly explained why it is necessary, what it entails and how it will be implemented; this will necessarily require collaboration and cooperation between Regional Planning, the Health Department, and the Department of Public Works.

Section 22.256.060 (B) (2) on page 14.

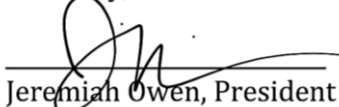
The ATC understands that the Disaster Recovery Ordinance requires property owners to rebuild all structures within the same "footprint" that existed before a fire destroyed the structures, and it allows temporary housing to be placed in the graded area of the lot where the original single-family residence was located. However, provision 22.256.060 B 2 appears to impose a more stringent requirement on the placement of temporary housing for reconstruction projects in Significant Ecological Areas which can never be met. Specifically, 22.256.060 B 2 appears to require fire victims to place temporary housing within the locations where the legally established structures existed before a fire destroyed them; if they do that, then they cannot construct their replacement structures within the same building footprint that existed before the fire (because at least some of that footprint will be occupied by the temporary housing). In other words, a home cannot be reconstructed within the original building footprint if the footprint itself is already occupied by temporary housing (as we have already pointed out in our previous communication on this ordinance). This provision will directly result in the displacement of fire victims because it forces them to remove their temporary housing facilities once construction starts. More importantly, it is completely unnecessary, *because SEA resources will never be impacted by the placement of temporary housing in a previously disturbed portion of a lot* (such as what was originally the driveway or the front or side yard which will again be used as a yard once construction is complete). Requiring fire victims to place temporary housing within the original building footprint is unnecessary, it is burdensome, it causes displacement, and it does nothing to protect SEA resources. Therefore, the ATC opposes it.

Section 22.256.030 on page 5:

This section establishes a time period of two years "for the filing of an application for temporary housing and the construction, maintenance, and occupation of temporary housing" and "for the filing of an application for the replacement of damaged or destroyed buildings or structures"; it also authorizes up to three 1-year extensions for a maximum of 5 years for such activities. The ATC is concerned that these timeframes are too limited and do not fully account for the lengthy amount of time required for individuals to recover from a disaster, secure new residential building plans, get them approved, and then complete construction in the County of Los Angeles. And, given the substantial impediments that various county agencies place in the path of fire victims (who are simply trying to replace what they lost) coupled with the almost arbitrary and capricious requirements that are imposed (as discussed above), it is not clear that 5 years is enough. The ATC has yet to see any justification for this 5-year time limit, and it does not seem that Regional Planning has given due consideration to the difficulties fire victims face as they wander their way through the County's bewildering and constantly shifting permit requirements. It is also fundamentally unclear how establishing timeframes for reconstruction will materially enhance resiliency in any way; to the contrary, it seems that such restrictions actually *reduce* resiliency and increase homeowner stress and anxiety. The ATC is substantially opposed to the time frame restrictions imposed by the Disaster Recovery Ordinance because they are not demonstrably justified and they appear to have been developed without any investigation into whether they are reasonable or even realistic.

The ATC is happy to discuss these comments with the Department of Regional Planning, the Fire Department, the Health Department, the Department of Public Works, and any other County agencies that are interested in engaging with us. If you have any questions or require further clarification regarding the concerns identified above, please do not hesitate to contact us at ATC@actontowncouncil.org.

Sincerely,


Jeremiah Owen, President
The Acton Town Council

cc: Adriane Ng, Regional Planner in the Ordinance Studies Section [ang@planning.lacounty.gov]



September 8, 2021

Adrienne Ng, Regional Planner
The Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012
Electronic transmission of four (4) pages to:
ang@planning.lacounty.gov and
ordinance@planning.lacounty.gov

Subject: Draft Disaster Recovery Ordinance Issued August 3, 2021.

Dear Ms. Ng;

The Acton Town Council appreciates this opportunity to provide comments on the Draft Disaster Recovery Ordinance ("Draft Ordinance"). It is recognized that the intent of this effort is to support and enhance County resiliency after a disaster, and the Acton Town Council is gratified to see that, by and large, the Draft Ordinance achieves these intentions. However, we have a few concerns that are set forth below.

Extreme Hazard Areas

The Draft Ordinance establishes a new tool called an "Extreme Hazard Area" which is apparently going to be a map of places declared by the County to pose such "health and safety" hazards that all buildings and uses are prohibited. Notably, the Draft Ordinance does not include any criteria or indicators or metrics with which the County will make these "health and safety" hazard determinations; it doesn't even define what a "health and safety" hazard actually is. This means that the mapping decisions themselves will be completely subjective and even arbitrary and capricious. With the "Extreme Hazard Area" provision in the Draft Ordinance, the County will be able to condemn whatever property they wish without recourse by the property owner. Its brilliant in its simplicity and in its potential brutality. Notably, these "Extreme Hazard Area" provisions do not enhance resiliency; in fact, they do just the opposite by prohibiting residential rebuilds without clear justification. The ATC stridently objects to the "Extreme Hazard Area" provisions in the Draft Ordinance and recommends they be removed because they are inappropriate in what is supposed to be a "resiliency" ordinance and will result in wrongful property seizures and other property owner abuses.

Temporary Housing

The ATC appreciates that the Draft Ordinance allows property owners to use Recreational Vehicles as temporary housing as they rebuild their homes. We also note on page 5 that the Draft Ordinance establishes a time period of two years "for the filing of an application for temporary housing and the construction, maintenance, and occupation of temporary housing" and "for the filing of an application for the replacement of damaged or destroyed buildings or structures", and page 6 authorizes up to three 1-year extensions for a maximum of 5 years for such activities. The ATC is concerned that these timeframes are too limited and do not fully account for the lengthy amount of time required for individuals to recover from a disaster, secure new residential building plans, get them approved, and then complete construction in the County of Los Angeles. For instance, on August 25, 2021, the Regional Planning Commission considered an application for a temporary residence and temporary power poles at an address where a home was destroyed by the Woolsey Fire nearly three years ago; it seems doubtful that this property owner would be able to meet the timeframes established by the Draft Ordinance by completing all construction activities and obtaining a certificate of occupancy within the next two years. It is also fundamentally unclear how establishing timeframes for reconstruction even enhances resiliency; it seems to us that such restrictions actually reduce resiliency and increase homeowner stress and anxiety. The ATC understands that, in December of 2020, DRP commissioned a report under the Community Planning for Wildfire (CPAW) Program which recommends limiting the amount of time permitted to residents to rebuild homes that are destroyed¹; the CPAW Report simply declares (without support or basis) that allowing property owners to rebuild without a time limit will somehow increase risk and "the needs for adequate evacuation routes". These statements are completely illogical and should be accorded no weight; allowing someone to rebuild a house does nothing more than maintain the status quo, and can even reduce risk by requiring improved landscaping as a condition of approval. The ATC contends that the CPAW Report wrongly attempts to draw a connection between fire risk and rebuilding that simply does not exist; therefore, we respectfully disagree with its recommendations regarding reconstruction of homes and we ask that the Draft Ordinance be revised to provide more generous time limits for property owners to rebuild their homes.

The ATC also notes that page 5 of the Draft Ordinance authorizes property owners to live in temporary housing on their property for up to 5 years, but under the "Temporary Housing in Disaster Areas" section on page 15, the Draft Ordinance states that "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." Also, page 17 of this ordinance allows property owners in the Santa Monica Mountains to live on their property for one year and allows them to apply for three one-year extensions (which allows them up to four years). It is not clear from these provisions why some people can have 5 years, others can have 4 years, and still others (specifically, those that establish their temporary residence in a mobile home) can only have 1 year. Perhaps we are mis-reading this language, but these provisions appear inconsistent and perhaps even somewhat contradictory.

¹ For example, page 2 of the CPAW report states that the County should "Require that any rebuilding of structures in the FHSZ begin within three years after the damage".

Permanent Source of Potable Water Required for Temporary Housing

According to page 7 of the Draft Ordinance, temporary housing will be required to connect to a permanent source of potable water approved by the County; the ATC would like to understand precisely how this provision will be implemented by the County. For instance, what if the property is served by a domestic well, and the property owner wants to use the same well that it had used before the fire - will the County require the well to comply with its current well-yield "policy"? If so, why? To be clear, the County's current well yield "policy" has never been subject to public review or board approval, it is based on large (15 connection) public water system standards, and it imposes absurdly excessive well yield requirements that are wholly inappropriate for individual residences. The ATC is very concerned that, under this provision of the Draft Ordinance, property owners will not be permitted to simply use the existing well facilities that were relied upon before the fire (provided of course that the water produced does meet water quality standards). The ATC respectfully requests that these matters be clarified and that the public be provided with a better understanding of the broad implications of this particular provision before the resiliency ordinance moves forward.

"Like-for-Like" Construction.

Page 8 of the Draft Ordinance requires "like-for-like" replacement, which means that the new structure must be the same size and bulk as what was destroyed. The ATC would like to understand whether a property owner who wants to rebuild with a smaller footprint would be permitted to do so under this ordinance; it seems reasonable to allow a smaller footprint, but it is not clear whether this would be allowed given the plain language of the "like-for-like" requirements.

Location of Temporary housing and storage structures.

Section G on Page 7 of the Draft Ordinance says that temporary housing and 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". It sounds like the temporary home and storage structures must be placed in area on which the damaged or destroyed residence was located (i.e. the original building footprint), but if this is the case, then the property owner will be unable to rebuild their home within the original footprint. In other words, a property owner cannot rebuild a home within the original footprint if the original footprint is already occupied by the temporary housing and storage structures. Perhaps we are mis-reading this provision, but it seems to warrant clarification to indicate that the temporary housing and storage structures must be located outside of the original footprint of the home that was destroyed.

Removal of Temporary Housing and Storage Structures.

Section M on Page 8 of the Draft Ordinance says "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." However, Section 22.256.030.B. makes no reference to expiration dates or timeframes, so it is not clear when Section M is triggered or what the actual deadlines are supposed to represent.

Site Activity Impacts.


Item 3 on Page 13 of the Draft Ordinance specifies that " 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." It is not clear what the comparison is that this provision refers to; is it saying that temporary housing, building replacement, and site activities must result in "fewer impacts" than if no temporary housing or building replacement or site activities occurred? If so, then this condition will never be met because "site activities" are always more impactful than "no site activities". If this is the intent, then the proposed resiliency ordinance will actually *prevent* all rebuilds in all SEA areas. The ATC respectfully requests that this provision be revised and clarified to provide a better understanding of its purpose and intent.

Nonconforming Structures.

Item K on page 16 of the Draft Ordinance says that the ordinance should not be construed to extend the termination date of nonconforming structures. This raises some questions: for instance, if a nonconforming residence is destroyed, and the property owner wants to rebuild in a way that makes the structure conforming, will this not be precluded by the ordinance because it will not be precisely "like-for-like"? Also, will the "like-for-like" requirement imposed by the Draft Ordinance force a property owner to replace a non-conforming structure with an identical non-conforming structure (which will eventually have to be removed anyway under the sunset provisions of the County's non-conforming use code provisions)? If so, is it possible to revise the "like-for-like" provisions of the Ordinance in a manner that will allow a property owner to replace a non-conforming residence with a conforming residence?

The ATC appreciates the time and effort that went into preparing this Draft Ordinance and we are grateful for the "resiliency objectives" that it seeks to achieve. If you have any questions or require further clarification regarding the concerns identified above, please do not hesitate to contact us at ATC@actontowncouncil.org.

Sincerely,



Jeremiah Owen, President
The Acton Town Council