



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



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## REPORT TO THE REGIONAL PLANNING COMMISSION

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DATE ISSUED:	10/14/2021	
MEETING DATE:	10/27/2021	AGENDA 6 ITEM:
PROJECT NUMBER:	PRJ2021-002912	
PROJECT NAME:	Disaster Recovery Ordinance	
PLAN NUMBER(S):	RPPL2021007888	
SUPERVISORIAL DISTRICT:	1-5	
PROJECT LOCATION:	Countywide	
PROJECT PLANNER:	Adrienne Ng, Regional Planner ang@planning.lacounty.gov	

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### **RECOMMENDATION**

The Department of Regional Planning staff (“staff”) recommends that the Regional Planning Commission adopt the attached resolution recommending to the County of Los Angeles Board of Supervisors approval of the Disaster Recovery Ordinance, Plan No. RPPL2021007888, with the revisions recommended by staff.

Staff recommends the following motion:

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE STATUTORY EXEMPTIONS QUALIFY PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.**

**I ALSO MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION RECOMMENDING APPROVAL TO THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS OF THE DISASTER RECOVERY ORDINANCE, PLAN NO. RPPL2021007888, WITH THE REVISIONS RECOMMENDED BY STAFF.**

**PROJECT DESCRIPTION****A. Project**

Plan Number RPPL2021007888 is the Disaster Recovery Ordinance, a project that amends 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. The project applies to the unincorporated areas of Los Angeles County.

Los Angeles County has experienced major emergencies caused by earthquakes and wildfires. Major earthquakes with magnitudes of 5.0 or greater which have caused widespread damage to Los Angeles County include: Long Beach Earthquake (1933), San Fernando Earthquake (1971), Whittier Narrows Earthquake (1987), and Northridge Earthquake (1994). Over a span of 12 years, major wildfires in Los Angeles County, including the Station Fire (2009), Woolsey Fire (2018), and Lake and Bobcat Fires (2020), have burned a total of ~400,000+ acres, destroyed homes and communities, and displaced residents.

In August 2021, the Federal Emergency Management Agency published the National Risk Index. The National Risk Index calculates risk from natural hazards for every county in the United States. The National Risk Index measures risk as the likelihood of a natural disaster to happen, how much damage it is likely to cause, and the ability of the community to recover from the disaster. Out of 3,006 counties, Los Angeles County ranked number one as the county most at risk to natural hazards. According to the National Risk Index, Los Angeles County has moderate, relatively high, or very high risk for nine types of natural hazards: earthquakes, heat waves, wildfires, landslides, tsunamis, and tornados. Los Angeles County is at risk of disasters and is vulnerable to emergencies. Thus, the County of Los Angeles must establish procedures and regulations that support community resilience and recovery from future disasters and emergencies.

**B. Project Background**

In today's Title 22, Section 22.246.080 (Temporary Housing in Disaster Areas) applies when the Governor of California declares a state of emergency for a disaster. It allows a mobilehome to be placed on a property and to be inhabited for up to six months after a major disaster. As Section 22.246.080 is silent on the rebuilding process after a disaster, any rebuilding of structures damaged or destroyed by a disaster must comply with all current regulations in Title 22. Section 22.246.080 was added to Title 22 in 1971 and has not been amended since then.

Because of the limited scope of Section 22.246.080, the County of Los Angeles adopted separate urgency ordinances amending Title 22 for disaster recovery for the Woolsey Fire and the Lake and Bobcat Fires. Both urgency ordinances included expanded regulations for temporary housing for residents displaced by a disaster, established procedures for the replacement of buildings and structures and the reestablishment of uses damaged or

destroyed by a disaster, and established procedures that waived permit requirements for protected oak trees, significant ecological areas, and grading.

In accordance with Chapter 22.224 (Ordinance Amendments), the Director of the Department of Regional Planning initiated the project to modernize regulations for disaster recovery in Title 22. The project relieves the County of Los Angeles from initiating and adopting separate urgency ordinances for Title 22 after each disaster. The project establishes a consistent set of regulations in Title 22 for disaster recovery for any future disaster in the unincorporated areas of Los Angeles County. The project enables the County of Los Angeles and the Department of Regional Planning (“Department”) to be proactive after a disaster.

The project supports community resilience in Los Angeles County after a disaster. The project 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 project encourages the recovery of businesses and properties after a disaster by establishing procedures and regulations that encourage the replacement of buildings and structures and the reestablishment of uses.

### **C. Major Elements and Key Components**

#### Implementation

The Department may implement the project only after the Governor of California or the Board of Supervisors has formally declared an emergency for a disaster. Once a declaration of emergency is made, the Director of the Department can implement the project by issuing a memo and a description of the area where the regulations apply, specific to the disaster. Once implemented, regulations are valid for two years and can be extended for up to five years total, if there are systemic delays to the rebuilding process that are beyond the control of the property owner. The project includes the option to extend the time period to up to five years to allow flexibility in the regulations so that residents have enough time to rebuild and remain on their properties in temporary housing during the rebuilding process.

#### Temporary Housing

The project expands existing regulations in Title 22 for temporary housing, including permissible types of temporary housing, time period, and accessory structures. The project allows temporary housing on properties that contained a legally established single-family residence, a caretaker’s residence, or a farmworker dwelling unit. The application for temporary housing is a ministerial review. In addition to mobilehomes, the project allows recreational vehicles and manufactured homes as temporary housing. One temporary housing unit, up to 1,500 square feet, is allowed per legally established dwelling unit. The time period for temporary housing is lengthened from six months to two years, and up to five years if extended according to the regulations in the project. Temporary housing must be served by potable water and electricity and must have a way to dispose of wastewater, subject to review and approval by the Departments of Public Health and Public Works. The project also allows accessory structures on the property,

such as a storage unit for personal belongings and retaining walls to protect a property from erosion.

#### Replacement of Buildings and Structures

The project establishes regulations for the repair or replacement of buildings or structures damaged or destroyed by a disaster. If a property owner decides to replace a legally established building or structure, in accordance with the regulations of the project, it requires a ministerial review. Buildings and structures may be replaced as like-for-like or smaller than like-for-like. Requiring replacement structures to be like-for-like or smaller than like-for-like ensures that impacts on protected resources, such as oak trees, ridgelines, and other resources within significant ecological areas, are limited to what was already impacted by the structure before the disaster. The project allows up to a 10% expansion for changes to the building or structure where required by current building or fire codes. The regulations in the project allow the replacement building or structure to be moved if impacts on protected resources are reduced or if a nonconformity with Title 22 is reduced or eliminated. If a replacement building or structure does not comply with the regulations in the project, then such building or structure is required to comply with all existing Title 22 application requirements and development standards.

#### Reestablishment of Uses with Discretionary Entitlements

The project establishes regulations that clarify requirements for uses that had or required discretionary entitlements. Any use with a valid discretionary entitlement may reestablish after a disaster under the same entitlement and operate in compliance with all previous conditions of approval. For any use that required a Conditional Use Permit (Chapter 22.158) for initial establishment and no such permit exists or has since expired and was destroyed by a disaster, such use requires a new Conditional Use Permit in order to reestablish the use.

#### Waiver of Permit Requirements

The project waives discretionary permit requirements for oak trees, significant ecological areas, and grading for temporary housing and replacement of buildings or structures that comply with the regulations in the project. The regulations are expanded from the both the Woolsey Fire Disaster Recovery Ordinance and the Lake and Bobcat Fire Disaster Recovery Ordinance and further ensure that protected oak trees and resources within significant ecological areas are not negatively impacted during the disaster recovery process.

#### Other Amendments to Title 22

The project reorganizes, updates, and clarifies existing countywide and area specific disaster recovery regulations in Title 22. The project moves Section 22.246.080 (Temporary Housing in Disaster Areas) to Chapter 22.256 (Disaster Recovery) and updates corresponding references in Title 22. In addition, the project updates the Santa Monica Mountains North Area Community Standards District so that disaster recovery regulations are consistent across the unincorporated areas for future disasters. The Santa Monica Mountains North Area Community Standards District retains disaster recovery regulations specific to grading and vineyards. The project also clarifies regulations for

legally established nonconforming buildings and structures that are repaired or rebuilt after a disaster.

#### **D. General Plan and Strategic Plan Consistency**

The project is consistent with and supportive of the goals, policies, and principles of the Los Angeles County General Plan, including:

- Policy ED 2.8: Streamline the permit review process and other entitlement processes for businesses and industries.
- Policy C/NR 1.2: Protect and conserve natural resources, natural areas, and available open spaces.

#### **ENVIRONMENTAL ANALYSIS**

Staff recommends that this project be found 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). A Notice of Exemption (Exhibit D – Environmental Determination) was issued for the project.

#### **OUTREACH AND ENGAGEMENT**

##### **A. County Department Comments and Recommendations**

The Departments of Public Health, Public Works, Fire, and Parks and Recreation have reviewed the project and do not have any comments.

##### **B. Project Outreach and Engagement**

On August 9, 2021, staff emailed 460 stakeholders to announce that the project's preliminary draft ordinance, dated August 5, 2021, was available for review online. On August 25, 2021, staff provided an overview of the project to the Association of Rural Town Councils. Staff received two letters regarding the preliminary draft ordinance for the project. One letter from the Acton Town Council, dated September 8, 2021, included comments, questions, and suggestions for the project. One letter from a stakeholder, dated September 10, 2021, requested information on how the project would affect new buildings and structures in the Santa Monica Mountains North Area Community Standards District. Staff responded to both letters.

On September 23, 2021, staff emailed 460 stakeholders to announce that a public hearing before the Regional Planning Commission is scheduled for October 27, 2021. Pursuant to Chapter 22.244 (Ordinance Amendments), the notice of public hearing was published in 14 local newspapers, including the Spanish-language newspaper La Opinión. The notice of public hearing and materials were posted on the Department's website and promoted through social media. The announcement also stated that an updated draft ordinance, dated September 23, 2021, was available for review. One letter from the Acton Town Council, dated October 13, 2021, included comments, questions, and suggestions for the project.

**C. Public Comments**

Two letters were received from the Acton Town Council. Both letters are attached to this report (Exhibit E).

The letter from the Acton Town Council, dated October 13, 2021, includes comments on the September 23, 2021 updated draft ordinance. Comments included the following topics: delete the 10% expansion limit for replacement structures where expansion required by the Building Code or Fire Code, include the Health Code in the 10% expansion limit for replacement structures, requirements for potable water and wastewater disposal, placement of temporary housing, and the time period for filing for temporary housing and replacement structures.

The letter from the Acton Town Council, dated September 8, 2021, includes comments, questions, and suggestions on the preliminary draft ordinance for the following topics: extreme hazard areas, temporary housing, permanent source of potable water required for temporary housing, like-for-like construction, location and removal of temporary housing and storage structures, site activity impacts, and nonconforming structures. Staff updated the draft ordinance as appropriate, including deleting references to extreme hazard areas and adding language to Section 22.256.050 (Replacement of Damaged or Destroyed Buildings or Structures) to allow structures that are smaller than like-for-like as replacement structures. The updates were included in the September 23, 2021 draft ordinance, attached to this report. Staff provided a response to this letter including a summary of the updates and answered remaining questions and comments.

**ADDITIONAL STAFF RECOMMENDATION**

Staff recommends the following revisions to the draft ordinance, as shown below in *highlight and italics*.

The following revisions are 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."

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

...  
22.256.040                      Temporary Housing.

...  
 L. *Prior to approval of an application to repair or replace a structure damaged or destroyed by a disaster in conformance with this Section, the property owner shall be required to submit a signed document that shall indemnify and hold harmless the County, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in a Very High Fire Hazard Severity Zone.*

M. 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.

MN. 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.

NO. 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.

The following revisions are for clarification purposes.

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

**22.102.040 - Exemptions.**

...

Q. Temporary housing *for persons displaced by a disaster* 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 *disaster recovery that includes temporary housing for persons displaced by a disaster or 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 *for persons displaced by a disaster* 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 *disaster recovery that includes temporary housing for persons displaced by a disaster or for* the replacement of legally established buildings or structures damaged or destroyed by a disaster.

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

...

22.256.050 Replacement of Damaged or Destroyed Buildings or Structures.

...

B. Applications for temporary housing may only be filed by a displaced person that lived in a dwelling unit *within the previous 12 months before such dwelling unit was destroyed or rendered uninhabitable by a disaster 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.

Report

Reviewed By: \_\_\_\_\_  
 A. Bruce Durbin, Supervising Regional Planner

Report

Approved By: \_\_\_\_\_  
 Connie Chung, Assistant Administrator

LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Ordinance
EXHIBIT B	Draft Resolution
EXHIBIT C	GIS Map
EXHIBIT D	Environmental Determination
EXHIBIT E	Public Correspondence