

DRAFT COMMUNITY WILDFIRE PROTECTION ORDINANCE

(PREVIOUSLY NAMED THE REDUCE DAMAGE FROM WILDFIRE ORDINANCE) - TITLE 21 AMENDMENTS

ORDINANCE NO. _____

An ordinance amending Title 21 (Subdivision Ordinance) and Title 22 (Zoning Ordinance) of the Los Angeles County Code to reduce the risk of personal injury and property damage due to wildfire in development located in the Very High Fire Hazard Severity Zone (VHFHSZ). Amendments to Title 21 and 22 require that development in the VHFHSZ provides adequate and safe emergency evacuation routes, does not increase development density or intensity, and does not increase wildfire risk for existing communities.

SECTION 1. Section 22.08.080 is hereby amended to read as follows:

Chapter 21.08 - Definitions

...

21.08.200 - Very High Fire Hazard Severity Zone (VHFHSZ)

“Very High Fire Hazard Severity Zone (VHFHSZ)” refers to all geographical areas classified as a VHFHSZ pursuant to California Public Resources Codes Sections 4201 through 4204 in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code Sections 51175 through 51189. See Title 32 - Fire Code - of the Los Angeles County Code, Chapter 49.

SECTION 2. Section 21.16.015 is hereby amended to read as follows:

Section 21.16.015 - Building location and access restrictions—exhibit map

A tentative map submitted pursuant to Section 21.40 for any portion of a condominium project, a community apartment project, or a lease project shall be accompanied by an exhibit map, unless the project requires a conditional use permit which is processed prior to or concurrently with the tentative map and which addresses the location of buildings and access thereto on the project site. An exhibit map shall be subject to the following requirements:

A. The exhibit map shall be submitted to the satisfaction of the Director of Regional Planning and shall depict, but shall not be limited to, the location and dimensions of all structures, buildings, yards, walls, fences, vehicle and bicycle parking and loading facilities, the vehicular, bicycle, and pedestrian access to the proposed structures, buildings, and parking and loading facilities, ~~and~~ the location and design of pedestrian roadway crossings (i.e., crosswalks), emergency vehicle access and turnarounds, and fuel modification zones.

B. The exhibit map shall depict any required cross-section or sections shown to scale, with dimensions for all existing and proposed highways...

SECTION 3. Section 21.24.010 is hereby amended to read as follows:

Section 21.24.010 - General requirements – determination of adequacy

A. Each street providing access to lots within a division of land shall connect directly or through one or more other streets to a highway which is shown on the Highways Plan and which is maintained and open to public travel. Each route of access to a highway which is shown on the Highway Plan shall be adequate to accommodate the composition and volume of vehicular traffic generated by the land uses which it serves.

B. In determining the adequacy of a route of access, the advisory agency shall consider the potential for blockage of the route by flood, fire or landslide and the effect of such blockage on the safe evacuation of future users and occupants of the division and on the deployment of fire equipment or other services under emergency conditions. The advisory agency may disapprove a design which makes use of a residential street as a route of access to industrial, commercial or other divisions of land generating traffic which would conflict with the residential character of the street.

C. Each route of access to a highway from or through a VHFHSZ shall be adequate to accommodate emergency egress and access by fire apparatus and other emergency equipment.

SECTION 4. Section 21.24.020 is hereby amended to read as follows:

Section 21.24.020 - Restricted residential access

A. If a street or street system is restricted to a single access route to a highway shown on the Highway Plan (except for a limited secondary highway), which is maintained and open to public travel, whether at the point of intersection with the highway or at some point distant from the highway, the street or street system shall serve not more than:

1. 150 dwelling units or 50 residential lots, whichever is less, where the restriction is designed to be permanent, and the street or street system ~~does not traverse a wildland area which is subject to hazard from brush or forest fire~~ is not located in and does not pass through a VHFHSZ.

2. 75 dwelling units or 25 residential lots, whichever is less, where the restriction is designed to be permanent, and the street or street system ~~traverses a~~

~~wildland area which is subject to hazard from brush or forest fire~~ is located in or passes through a VHFHSZ.

3. 300 dwelling units or 100 residential lots, whichever is less, where the restriction is subject to removal through future development of a second means of access, and is not located in or pass through a VHFHSZ.

B. If the roadway paving on that portion of the street or street system forming the restriction is 64 feet or more in width, is not located in and does not pass through a VHFHSZ, and the restriction is subject to removal through future development of a second means of access, the permitted number of dwelling units may be increased to 600 or the permitted number of residential lots may be increased to 200, whichever is less. In no event shall the pavement width be less than 20 feet. The provisions of this section shall not apply to divisions of land referred to in Section 21.32.040 to divisions of land approved pursuant to Section 21.32.080, or to minor land divisions.

SECTION 5. Section 21.24.030 is hereby amended to read as follows:

Section 21.24.030 - Wildland access

Notwithstanding the provisions of Sections 21.24.020 and 21.24.190, the advisory agency ~~may~~ shall disapprove a design of a division of land which utilizes a cul-de-sac or branching street system or other single-access street or street system as the sole or principal means of access to lots within the division, where the forester and fire warden advises:

A. That the street or street system ~~will traverse a wildland area which is subject to extreme hazard from brush or forest fires~~ is located in or passes through a VHFHSZ; and

B. That the lack of a second route of access would unduly hinder public evacuation and the deployment of fire-fighting and other emergency equipment in the event of a brush or forest fire.

SECTION 6. Section 21.24.0040 is hereby amended to read as follows:

Section 21.24.040 - Modifications to access and frontage requirements

The advisory agency may modify the requirements of Sections 21.24.010, 21.24.020, 21.24.190 and 21.24.290 where it finds that topographic conditions, title limitations, or the pattern of ownership or the state of development of parcels in the immediate vicinity of a division of land make the strict application of the provisions of these sections impossible or impractical and that the public health, safety and general welfare will not be adversely affected thereby. No modification to access or frontage requirements in a VHFHSZ shall be approved.

SECTION 7. Section 21.24.090 is hereby amended to read as follows:

Section 21.24.090 - Right-of-way and roadway width requirements—cross-section diagrams

...

C. The cross-sections designated as "alternate" in the diagrams following this section shall apply to existing improved streets only if the advisory agency finds that:

...

4. The alternate cross-section will not impact either existing or proposed bicycle facilities that are required by and/or consistent with, the County Bicycle Master Plan; and

5. That the use of such alternate cross-section would be in keeping with the design and improvement of adjoining highways or streets; and

6. The alternate cross-section will not be located in or pass through a VHFHSZ.

SECTION 8. Section 21.24.100 is hereby amended to read as follows:

Section 21.24.100 - Street grades

No highway or street shall have a grade of more than six percent, except for short stretches where the topography makes it impracticable to keep within such grade, and in no event shall the grade of a highway or street that is located in or passes through a VHFHSZ exceed eight percent, except where evidence, which is satisfactory to the advisory agency, is given that a lower grade is not possible., ~~and in~~ In no event shall the grade of a highway or street exceed 10 percent except where evidence, which is satisfactory to the advisory agency, is given that a lower grade is not possible.

SECTION 9. Section 21.24.220 is hereby amended to read as follows:

Section 21.24.220 Fire-fighting access easements.

In areas where, in the opinion of the forester and fire warden, there will be fire hazard to the watershed or any other properties, unobstructed fire-protection access easements, not less than 15 feet wide, shall be dedicated from the public highway to the boundary of the division of land. Where the design of a division of land will cause an existing fire road or fire break to be severed, and the forester and fire warden advises that this condition will impair the provision of adequate fire protection, ~~the advisory agency may require that~~ the subdivider shall either revise the design of the division of land so that the fire road or fire break will not be severed or provide an alternate easement. The

forester and fire warden shall recommend to the advisory agency regarding the location, design and grading of easements required pursuant to the provisions of this section. Such location, design and grading shall be as found necessary by the advisory agency.

SECTION 10. Section 21.24.250 is hereby amended to read as follows:

Section 21.24.250 - Area and width—Sloping terrain

A. In lieu of compliance with subsection A of Section 21.24.240, the plan of subdivision may comply with the requirements of Section 21.24.260 if the advisory agency determines:

...

4. That all lots which are not reduced in area shall comply with subsection A of Section 21.24.240;

5. That each lot having a reduced area and being located in or abutting a VHFHSZ shall have adequate area to comply with Fire Department requirements.

B. Lots which have been averaged in area with one or more other lots on a final map or parcel map...

SECTION 11. Section 21.24.320 is hereby amended to read as follows:

Section 21.24.320 - Flag lots

A. The advisory agency may disapprove the platting of flag lots where this design is not justified by topographic conditions or the size and shape of the division of land, ~~or~~ where this design is in conflict with the pattern of neighborhood development, or where any portion of the proposed flag lot is located in a VHFHSZ. If flag lots are approved, the access strip shall be provided as follows, unless the subdivision

committee recommends the approval of lesser widths because of topographic conditions or the size and shape of a division of land:

...

B. Each vehicular access strip shall be located so that, when improved as a driveway, the finished grade will not exceed 20 percent, and shall comply with all applicable requirements of Title 32 of this Code. The advisory agency may require that easements for ingress and egress be provided over common driveways for the benefit of the lots served.

SECTION 12. Section 21.24.350 is hereby amended to read as follows:

Section 21.24.350 - Residential subdivisions—Provision of local park sites

...

E. ~~4. Each park site shall be physically suited for the use intended. Land which is made a part of a park site for subdivision design purposes, but which is physically unsuited for park use, shall be discounted when calculating the area of the park site provided pursuant to this section. The park space provided shall be calculated from the road right-of-way line and not from the centerline of an abutting street.~~

1. Land which is made a part of a park site for subdivision design purposes, but which is physically unsuited for park use, shall be discounted when calculating the area of the park site provided pursuant to this section. The park space provided shall be calculated from the road right-of-way line and not from the centerline of an abutting street.

2. If located in a VHFHSZ, park spaces shall be located between development and wildlands to serve as a fuel break, where feasible. Continuous routine vegetation management and long-term maintenance shall be provided by the applicant.

23. Land intended for other than trail use shall have a maximum slope of three percent. If necessary, the site shall be graded by the subdivider to achieve this slope...

SECTION 13. Section 21.24.370 is hereby amended to read as follows:

Section 21.24.370 - Divisions of land for purpose of lease only

A. The advisory agency may approve a tentative map of a division of land which does not comply in all respects with the requirements of Parts 1, 2 and 3 of this Title 21 if:

1. The advisory agency finds:

a. The division of land is for lease only,

b. Because the lots are to be leased only and because of the situation and development or proposed development of the division of land and surrounding property, approval of the tentative map would not be detrimental to the public welfare or property of other persons in the vicinity thereof;

c. The proposed design and access to the proposed development provides at least the same level of protection against wildfire risk as Parts 1, 2, and 3 of this chapter.

2. On such tentative map, and on the final map or parcel map, there appear, in letters not less than one-fourth inch in height, the words: "DIVISION OF LAND FOR PURPOSE OF LEASE ONLY."

...

SECTION 14. Section 21.24.390 is hereby amended to read as follows:

Section 21.24.390 – Mobile home divisions of land

A. The advisory agency may approve a tentative map of a division of land which does not comply in all respects with the requirements of Parts 1, 2 and 3 of this chapter if:

1. The advisory agency finds:

...

b. The units of space proposed on the tentative map are for mobilehomes and related facilities only and the development of a mobilehome park on the property included within the division of land is in conformance with the Zoning Ordinance set out at Title 22;

c. The proposed design and access to the proposed development provides at least the same level of protection against wildfire risk as if the application complied with Parts 1, 2, and 3 of this Chapter.

2. On such tentative map and on the final map or parcel map, there appear, in letters no less than one-fourth-inch in height, the words: "DIVISION OF LAND FOR MOBILE HOME PURPOSES ONLY."

...

SECTION 15. Section 21.24.400 is hereby amended to read as follows:

Section 21.24.400 - Division of land adjacent to existing roads

A. If the advisory agency finds that the proposed division of land abuts an existing road which has improvements insufficient for the general use of the lot owners in the division of land and local neighborhood and drainage needs, it may disapprove the design of the division unless the subdivider improves or agrees to improve such road to the same standards required of roads within all divisions of land by Chapter 21.32. If the advisory

agency finds that the proposed division of land is located in a VHFHSZ, it shall deny the proposed subdivision, unless the subdivider improves such road to the same standards required of roads within all divisions of land by Chapter 21.32.

B. Where a subdivider proposes to connect to an existing dead-end or cul-de-sac street in which a turnaround has been installed, the advisory agency may require the reconstruction of existing street improvements as a condition of such connection. If the subdivider makes or agrees to make the required improvements, all of the provisions of this Title 21 which apply to improvements and agreements to improve within a division of land shall apply.

SECTION 16. Section 21.28.060 is hereby amended to read as follows:

Section 21.28.060 - Private and future streets

Except as set out hereinafter, all parcels of land intended for public use in a division of land shown on the final map or parcel map thereof, shall be offered for dedication for public use. However, with the approval of the advisory agency, any road that is not located in and does not pass through a VHFHSZ and which is intended to be kept physically closed to public travel or posted as a private street at all times may be shown as a private and future street; but in any such case, the final map or parcel map shall contain a conditional offer of dedication, or the map may be accompanied by a conditional offer of dedication by separate instrument, either of which may be accepted by the board of supervisors. Any such private and future street shall be shown on such map by heavy dashed lines. Sufficient data shall be shown on each private and future street to define its boundaries, as is required for a public street, and also sufficient mathematical data to show clearly the portion of each lot within such street. The design and improvement of

any such private and future street shall be subject to all of the requirements prescribed by this Title 21 for public streets.

SECTION 17. Section 21.32.040 is hereby amended to read as follows:

Section 21.32.040 - Lot sizes in excess of 10 acres—Requirements

A. Where each parcel resulting from a division of land has a minimum gross area of 20 acres or is one-half part of a quarter-quarter section resulting from the normal division of an undersized section of land, no improvements shall be required.

B. Where each parcel resulting from a division of land has a minimum gross area of 10 acres or is a quarter-quarter-quarter section, resulting from the normal division of an undersized section of land and having a minimum gross area of nine acres, and the entire division of land is zoned A-1, A-2 or D-2 by Title 22 of this code, streets or highways which traverse sloping terrain shall be graded in accordance with engineering plans approved by the road commissioner, and approved by the fire warden if the property or access to the lot is located in or passes through a VHFHSZ, unless all lots abutting any such street or highway are within an area zoned to have a required area of 10 acres or more by the Zoning Ordinance as set out at Title 22 of this code. No other improvements shall be required.

C. As used in this section, the term "improvements" does not refer to required monuments. The provisions of this section shall apply notwithstanding the provisions of any other section.

SECTION 18. Section 21.32.050 is hereby amended to read as follows:

Section 21.32.050 - Minor land divisions—Requirements

Improvements shall not be required as a condition precedent to filing a parcel map on a minor land division where the advisory agency finds that the existing systems and improvements adequately serve adjacent developed parcels, unless such improvements are necessary for the development of parcels within the division of land, are necessary for the prevention of increased wildfire risk to the subject property or neighboring properties, or are necessary to be consistent with the general plan.

SECTION 19. Section 21.32.060 is hereby amended to read as follows:

Section 21.32.060 - Minor land divisions—Five-acre minimum lot size requirement

...

B. As used in this section, the term "improvement" does not refer to required monuments.

C. On all parcel maps of five-acre lot size or more, the following note shall be placed: "Further division of this property to lot sizes below five acres will require standard improvements be completed as a condition of approval. The improvements will include but not be limited to providing access sufficient for fire-fighting apparatus and other public safety equipment, installation of water mains, appurtenances and fire hydrants, and conformance to standard Los Angeles County development standards."

SECTION 20. Section 21.32.160 is hereby amended to read as follows:

Section 21.32.160 - Street tree planting

Except as otherwise provided in this section, a subdivider shall plant trees along the frontage of all lots shown on a final map or parcel map. The number, species, and location of such trees shall be as specified by the Director of Public Works, or if the property is located in a VHFHSZ, then by the Director of Public Works in consultation with

the Fire Marshal. Tree planting is not required unless it is determined by the advisory agency to be in the public interest:

- i. Along a segment of a street or highway to which the right of direct access from abutting lots has been relinquished; and
- ii. Along streets and highways which are not improved with curbs.

SECTION 21. Section 21.32.195 is hereby amended to read as follows:

Section 21.32.195 - On-site trees

A. Planting Requirement. In addition to the requirements of Section 21.32.160 (Street Tree Planting), the subdivider shall plant or cause to be planted within the front yard one tree for each 25 feet of street frontage for each parcel created by a residential division of land, as a condition of approval, except that: ~~a compact lot subdivision and the development of single-family residences therein shall be subject to the on-site tree planting requirements set forth in Section 22.140.585 (Single-Family Residences on Compact Lots).~~

1. For lots located in the VHFHSZ, tree type, location, and quantity shall be subject to review by the advisory agency in consultation with the forester and fire warden; and

2. A compact lot subdivision and the development of single-family residences therein shall be subject to the on-site tree planting requirements set forth in Section 22.140.585 (Single-Family Residences on Compact Lots).

B. Location. The tree(s) planted pursuant to this section shall comply with the following location requirements:

...

SECTION 22. Section 21.40.040 is hereby amended to read as follows:

Section 21.40.040 - Contents—Information and documents required

A. The tentative map shall show and contain, or be accompanied by, the following as an aid to the advisory agency in its consideration of the design of the division of land:

...

26. A cross-section or sections shown to scale with dimensions for all existing and proposed highways, parkways, streets, drives, fire lanes, alleys, and ways, within and adjoining the subdivision. This cross-section or sections shall depict, at a minimum, the existing and proposed pedestrian, bicycle, vehicle, and transit improvements, and other proposed and/or required features such as street trees, street lights, bicycle lanes, traffic-calming devices, signs and utility poles, walls, fences, and adjacent building facades. Additional cross-sections shall be required to depict any proposed variation from the standard street design described in this Title 21, including a variation in approaches to, and/or departures from, intersections; and

27. A vicinity map showing the location of the division in relating to the nearest Fire Hazard Severity Zones (FHSZ);

28. If located in a VHFHSZ, an evacuation analysis shall be provided for review by Subdivision Committee and Regional Planning that includes the following:

i. Roadway plan demonstrating adequate emergency vehicle access to and from the proposed division, on public and private roads, consistent with [Section 32.503](#) and [Section 21.24](#);

ii. Mapped evacuation routes from the proposed division to nearest highway shown on the Highway Plan, consistent with [Section 21.24.010](#);

iii. Evaluations of mapped evacuation routes for traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end, one-way, gated, or single lane conditions;

279_ Such other information as the Director of Regional Planning determines is necessary.

SECTION 23. Section 21.40.120 is hereby amended to read as follows:

21.40.120 - Access to property

The advisory agency may require as a condition of approval of a tentative map that the subdivider produce evidence that the property as divided will have access to a public street or highway, including adequate access for fire-fighting equipment.

SECTION 24. Section 21.44.320 is hereby amended to read as follows:

Section 21.44.320 - Land subject to flood hazard, inundation, ~~or~~ geological hazard, or wildfire hazard.

A. If any portion of the land within the boundaries shown on a tentative map of a division of land is subject to flood hazard, inundation, or geological hazard, or is located within a VHFHSZ, and the probable use of the property will require structures thereon, the advisory agency may disapprove the map or that portion of the map so affected and require protective improvements to be constructed as a condition precedent to approval of the map.

...

C. If any portion of a lot or parcel of a division of land is subject to flood hazard, inundation, or geological hazard, or is located within a VHFHSZ, such fact and portion shall be clearly shown on the final map or parcel map by a prominent note on each sheet of such map whereon any such portion is shown. A dedication of building restriction rights over the flood hazard, inundation, geological hazard area, or VHFHSZ may be required.

D. The provisions of this section shall not apply to divisions of land in which each resultant parcel has a gross area of 40 acres or more or is a quarter-quarter section of a government plat or larger.

SECTION 25. Section 21.48.040 is hereby amended to read as follows:

Section 21.48.040 - Information required — format

...

P. A cross-section or sections shown to scale with dimensions for all existing and proposed highways, parkways, streets, drives, fire lanes, and alleys, within and adjoining the subdivision. This cross-section or sections shall depict, at a minimum, the existing and proposed pedestrian, bicycle, vehicle, and transit improvements, and other proposed and/or required features such as street trees, streetlights, bicycle lanes, traffic-calming devices, signs and utility poles, walls, fences, and adjacent building facades. Additional cross-sections shall be required to depict any proposed variation from the standard street design described in this Title 21, including any variation in approaches to, and/or departures from, intersections.

Q. The boundaries of any VHFHSZ on or adjacent to the property.

R. Such other information as the Director of the Regional Planning determines is necessary.

SECTION 26. Section 21.48.100 is hereby amended to read as follows:

Section 21.48.100 - Access to property

The advisory agency may require as a condition of approval of a tentative minor land division map that the subdivider produce evidence that the property as divided will have access to a public street or highway, including but not limited to adequate access for fire-fighting apparatus and other public safety equipment.

SECTION 27. Section 21.48.110 is hereby amended to read as follows:

Section 21.48.110 - Criteria for rejection

The advisory agency may reject a tentative minor land division map if the only practical use which can be made of the division, as proposed, is a use prohibited by any ordinance, statute, law or other valid regulation, or would increase risks of injury or property on the subject property, or abutting properties, in a VHFHSZ.

SECTION 28. Section 21.48.140 is hereby amended to read as follows:

Section 21.48.140 - Eligibility for waiver—Certain uses or conditions of property

A. The following minor land divisions shall be eligible for waiver of the requirement that a parcel map be filed:

1. Those in which each resultant parcel is a part of one or more lots shown on a final map, parcel map or approved record of survey map, and the area of each resultant parcel is more than 20 percent of the total area of the lot or lots of which it is a part, except where the tentative map of any such division, the conditions of approval thereof or the requirements of the Subdivision Map Act or of this Title 21 provide for or require the delineation of flood or geological hazard, VHFHSZ areas, or building restrictions;

...

3. Those of a lease-project, except where the tentative map of any such division, the conditions of approval thereof or the requirements of the Subdivision Map Act or of this title provide for or require the delineation of flood or geological hazards, VHFHSZ areas, or building restrictions;

4. Those in which each resultant parcel has a gross area of two and one-quarter acres or more or is a quarter-quarter-quarter-quarter section...

SECTION 29. Section 21.48.170 is hereby amended to read as follows:

Section 21.48.170 - Procedures—Action by advisory agency

A. Within 20 days after acceptance of a request for waiver, or within such additional time as may be necessary, the advisory agency shall waive the requirement that a parcel map be filed as provided in Sections 21.48.130ard and 21.48.140, if it finds:

...

3. That the proposed minor land division complies with all applicable requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, avoidance or mitigation of wildfire risk, and other requirements of the Subdivision Map Act and of this Title 21.

B. When a waiver is granted pursuant to this section, the advisory agency shall, within 10 working days...

SECTION 30. Section 21.52.010 is hereby amended to read as follows:

Section 21.52.010 - Modification or waiver of provisions authorized when.

...

E. Notwithstanding any contrary provisions of this Section:

1. In no event shall the regulations listed in Sections 21.24.375.A (Prohibited Areas), 21.24.375.B (Additional Map Contents), and 21.24.375.F (Covenant Required) be modified or waived.
2. The regulation in Section 21.24.375.C (Maximum Number of Compact Lots) may only be modified by the advisory agency or the Board of Supervisors pursuant to Subsection C, above.
3. In no event shall provisions of Title 21 regulating development in VHFHSZ be modified or waived.

SECTION 31. Section 21.60.030 is hereby amended to read as follows:

Section 21.60.030 - Certificate of compliance—For Undersized Parcels

Where a certificate of compliance has been issued for a parcel of less than required area that was created prior to March 4, 1972, the owner may request:

A. A review by the director, pursuant to the provisions of Part 12 of Chapter 22.56, to determine satisfaction of the following criteria:

...

5. There is sufficient area available on the parcel of land to provide automobile storage for the land use intended, as required by Part 11 of Chapter 22.52, and

6. The parcel of land has sufficient access for fire-fighting equipment and adequate fire flow and hydrant spacing as required by Section 20.16.060; and

7. The owner of the parcel of land does not own any contiguous lots or parcels of land; or

